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Slipping Through the Cracks: Expanding Re-Identification Procedures to Help Yazidi Sex Trafficking Survivors

Christine Dickson

I. INTRODUCTION

Yazidism is an ancient religion of unknown origin that combines a variety of centuries-old philosophies, as well as elements of Christianity and Islam.¹ The Yazidis' beliefs have long made them a target of persecution; for centuries, they have suffered killings and displacement at the hands of various groups.² In the present day, Yazidis in the Sinjar region of northern Iraq are under attack yet again, this time from the Islamic State (ISIS or IS), which has been subjecting Yazidi (sometimes spelled "Yezidi") communities to killings, displacement, and slavery.³ The United Nations (UN) has stated that ISIS' actions against the Yazidis are probably genocidal.⁴ Among its genocidal acts is the trafficking and sexual abuse of women,⁵ whom it is kidnapping and selling as sex slaves or wives to Muslim men.⁶

Many women who have managed to escape ISIS captivity find themselves unable to gain access to state-sponsored services—such as food rations, education, employment, and shelter—because they lack legal identification

¹ Arielle Mullaney, *Wiping Out an Entire Religion: How ISIS will Inevitably Eliminate an Ancient Culture Unless the United States Employs Military and Diplomatic Intervention*, 39 SUFFOLK TRANSNAT'L L. REV. 107, 110, 115 (2016).

² *Id.* at 113.

³ "They Came to Destroy": ISIS Crimes Against the Yazidis, UN COMMISSION OF INQUIRY ON SYRIA 1 (June 15, 2016), http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf [perma.cc/ACY6-7G79].

⁴ *Id.*

⁵ Mullaney, *supra* note 1, at 123.

⁶ "They Came to Destroy": ISIS Crimes Against the Yazidis, *supra* note 3, at 12.

documents identifying them as Iraqi citizens; most women left their documentation behind when they fled their homes hoping to escape ISIS.⁷ Lack of documentation also severely restricts women's freedom of movement, preventing them from crossing military checkpoints and being able to reach places of safety.⁸

The Kurdistan Regional Government governs the Kurdistan autonomous region in northeastern Iraq, including the Sinjar region, in which the Yazidi people have their roots.⁹ It currently employs a program that issues new identification to refugees according to less stringent security standards than those typically required by the Iraqi government.¹⁰ The Kurdistan Regional Government issues temporary identification cards to those who can prove their identity using one of three methods: (1) letters of support from refugee camps; (2) a family member or friend vouching for the applicant's identity; or (3) lesser documentation, such as food assistance forms.¹¹ The identification cards become permanent after three years if there has been no challenge to the holder's identity.¹² However, the program is limited to the Kurdish region of Iraq, which protects only a portion of Iraqi citizens who have been displaced.¹³ Those who are displaced outside of the region, including Yazidi women who have been trafficked away from their homes in the Sinjar region, are therefore unable to access this program.

⁷ *Seeking Accountability and Demanding Change: A Report on Women's Rights Violations in Iraq*, UNHRC INT'L COVENANT ON CIV. & POL. RIGHTS 12 (Oct. 2015), <http://www.law.cuny.edu/academics/clinics/iwhr/publications/ICCPR-Iraq-Shadow-Report-GBV-ENG-PDF.pdf> [perma.cc/52WY-EJAJ].

⁸ *Protecting Internally Displaced Persons—A Manual for Law and Policymakers*, UNHCR 82 (Oct. 2008), <http://www.unhcr.org/50f955599.pdf> [perma.cc/WJ3C-JEK6].

⁹ *Kurdistan's geography and climate*, KURDISTAN REGIONAL GOV'T (2017), <http://cabinet.gov.krd/p/page.aspx?l=12&s=050000&r=303&p=213> [https://perma.cc/D8CF-H3ZF].

¹⁰ Lisa Davis, *Iraqi Women Confronting ISIL*, 22 SW. J. INT'L L. 27, 68 (2016).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

The Iraqi government has, commendably, taken steps to create easier access to identification for those who have been displaced by war, but these steps have largely failed; temporary offices set up to decrease travel distances are inconsistent and confusing in their procedures, do not accept powers of attorney, and are only located in some parts of the country.¹⁴ In order to increase women's ability to obtain identification and access much-needed services, the Kurdistan Regional Government's program should be expanded, first to cover the entirety of Iraq, and then into areas of bordering countries, particularly Syria, where ISIS traffics many Yazidi women.¹⁵ By targeting Yazidi women in particular and ensuring that they gain access to their legal rights and services through identification, such a program will ensure that these women and their particularized needs are not forgotten in the midst of a much larger refugee crisis.

The history of the Yazidi culture is unclear, but the unique, bloodline-based nature of the religion and its people's long history of persecution by other groups makes their existence precarious.¹⁶ A campaign of violence orchestrated by ISIS, centered on the Yazidis' ancestral homelands in the Sinjar region of northern Iraq, has left many men dead and many women enslaved.¹⁷ Upon their escape, women find themselves unable to access state services because they lack identification, and Iraqi identification laws are complex and lengthy, leaving women vulnerable during a time when they need state services the most.¹⁸

¹⁴ *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative in Baghdad for Sunni Arabs from ISIS-Held Areas*, UNHCR 28 (May 3, 2016), http://www.ecoi.net/file_upload/1930_1465288084_575537dd4.pdf [perma.cc/U6E9-MG8B].

¹⁵ *"They Came to Destroy": ISIS Crimes Against the Yazidis*, *supra* note 3, at 10.

¹⁶ Mullaney, *supra* note 1, at 113, 115.

¹⁷ See *"They Came to Destroy": ISIS Crimes Against the Yazidis*, *supra* note 3, at 7.

¹⁸ See *Iraq: Civil Status Identification Card*, IMMIGRATION AND REFUGEE BOARD OF CANADA (Nov. 25, 2013), <http://www.refworld.org/docid/52cd0a934.html> [perma.cc/JH89-699F].

To remedy the problem, the Kurdistan Regional Government's solution, allowing women to gain temporary identification when they can present any existing documents or letters of support or have family members or friends vouch for them, should be implemented nation-wide and then in surrounding countries to which women may have been trafficked, particularly Syria. It should be offered at all refugee camps in the country, ensure that application processing times are short, and offer identification to children whose mothers obtain identification through the program. The United Nations High Commissioner for Refugees' (UNHCR) Asylum and Migration Unit (AMU) should assist, both with funding and with the administration of offices, and the UN should mandate that Iraq implement the program. By giving Yazidi women, who are even more vulnerable than other refugees due to the sustained trauma they have endured in ISIS captivity,¹⁹ an easier way to obtain new identification, they can be helped during their most vulnerable hour and given a head start on rehabilitating their lives.

II. YAZIDI CULTURE AND HISTORY

The origins of Yazidism are foggy, but it descended from an ancient religion known as the "Cult of the Angels"²⁰ and has been in practice for an estimated 4,000 years.²¹ Ethnically, the Yazidis are a subset of the Kurdish people and live in traditionally Kurdish areas—primarily northern Iraq, northeast Syria, and southeast Turkey.²² The Yazidis' deity is the fallen angel known as Melek Tawwus ("Peacock Angel"); though his background provokes many to compare him to Satan, his narrative diverges from that of

¹⁹ See Skye Wheeler, *Yezidi Women After Slavery: Trauma*, HUMAN RIGHTS WATCH (Apr. 18, 2016), <https://www.hrw.org/news/2016/04/18/yezidi-women-after-slavery-trauma> [perma.cc/BCW2-8XR6].

²⁰ Reid C. Pixler, *Peace is not the Absence of Conflict, but the Presence of Justice*, 29 N. ILL. U. L. REV. 335, 361 (2009).

²¹ Mullaney, *supra* note 1, at 115.

²² Pixler, *supra* note 20, at 361.

Satan in Judeo-Christian religions in that God forgave Melek Tawwus, allowing him back into heaven.²³

The Yazidis' beliefs have long made them a target of persecution by other religious groups.²⁴ Because they worship a once-fallen angel, non-Yazidi groups throughout history have believed that Yazidism is a devil-worshipping religion, erroneously equating Melek Tawwus with Satan.²⁵ This mistaken understanding of the religion has exposed the Yazidis to extensive persecution for centuries,²⁶ including 72 alleged genocidal massacres between the 18th and 19th centuries, during the time of the Ottoman Empire.²⁷ Most recently, ISIS has taken umbrage with the Yazidis' perceived devil-worshipping, launching an attack against them in 2014 with the aid of the Yazidis' neighbors, with whom they had formerly had long-standing and positive relationships.²⁸

The effects of persecution against the Yazidis are stark. The religion is isolated by nature, making its people particularly vulnerable to the effects of killings and displacement.²⁹ They have no single "Holy Book;" instead, they pass their faith and traditions down orally, a method that is hindered by killings and displacements that separate the Yazidi people, preventing them from passing down their faith.³⁰ Additionally, the Yazidis, believing that a person who does not respect his own religion will not respect any other, neither seek nor accept converts, requiring that their members only marry other Yazidis.³¹ The result is a self-contained religion based off ancient

²³ Raya Jalabi, *Who Are the Yazidis and Why is ISIS Hunting Them?*, THE GUARDIAN (Aug. 11, 2014), <https://www.theguardian.com/world/2014/aug/07/who-yazidi-isis-iraq-religion-ethnicity-mountains> [perma.cc/S8XD-LGXH].

²⁴ Mullaney, *supra* note 1, at 112.

²⁵ *Id.* at 111. This confusion may be partially due to an association between the words *melek* and *Shaytan*, which is the name used for Satan in the Quran. *Id.*

²⁶ Pixler, *supra* note 19, at 361.

²⁷ Jalabi, *supra* note 23.

²⁸ Mullaney, *supra* note 1, at 120, 124.

²⁹ *Id.* at 113.

³⁰ *Id.* at 113; Pixler, *supra* note 20, at 365.

³¹ Mullaney, *supra* note 1, at 113, 120.

bloodlines, so members' deaths and displacements force their numbers to dwindle further and "jeopardiz[e] the maintenance and existence of their entire religion."³²

The precarious situation in which ISIS' persecution puts the existence of the Yazidi people makes it all the more important to ensure that women are able to obtain identification—their bloodlines and culture are partially dependent on their reintegration with the Yazidi people. Making it easier for them to obtain identification will help ensure their safety and survival by allowing them to travel to safe places and access important services that will aid their rehabilitation.³³

III. THE CURRENT CONFLICT: ISIS PERSECUTION OF THE YAZIDI PEOPLE

In August 2014, ISIS attacked the Yazidi people in their ancestral homelands in the Sinjar region of northern Iraq, leaving thousands dead and trapping survivors in the harsh terrain of the Sinjar mountains.³⁴ However, instead of killing women, ISIS fighters captured and enslaved them, selling them as sex slaves and subjecting them to horrific physical and mental violence.³⁵ Many women were captured during the Sinjar massacre, more have been captured in the time since then, and enslavement is ongoing.³⁶

³² *Id.* at 113.

³³ *Iraq: Civil Status Identification Card*, *supra* note 18.

³⁴ See "They Came to Destroy": ISIS Crimes Against the Yazidis, *supra* note 3.

³⁵ Steve Hopkins, *Full Horror of the Yazidis Who Didn't Escape Mount Sinjar: UN Confirms 5,000 Men Were Executed and 7,000 Women Are Now Kept as Sex Slaves*, DAILY MAIL (Oct. 14, 2014), <http://www.dailymail.co.uk/news/article-2792552/full-horror-yazidis-didn-t-escape-mount-sinjar-confirms-5-000-men-executed-7-000-women-kept-sex-slaves.html> [perma.cc/7GNU-YZQC]; *Iraq: Yazidi Women and Girls Face Harrowing Sexual Violence*, AMNESTY INT'L (Dec. 23, 2014), <https://www.amnesty.org/en/latest/news/2014/12/iraq-yezidi-women-and-girls-face-harrowing-sexual-violence/> [perma.cc/XC9Q-ADUN].

³⁶ Raymond Ibrahim, *Yazidi Girl Exposes ISIS Rape Hellhole*, GATESTONE INST. (May 16, 2016), <https://www.gatestoneinstitute.org/8015/isis-rape-yazidi> [perma.cc/8E8F-KZNR].

A. The Sinjar Massacre

At the height of its power and contrary to typical Islamic beliefs, Al-Qaeda denounced the Yazidis as infidels due to their worship of Melek Tawwus and sanctioned their killing.³⁷ Years later, for the same reasons, ISIS followed in Al-Qaeda's footsteps, again acting outside of majority Islamic views.³⁸

ISIS staged its most devastating assault on the Yazidis in August of 2014, when it advanced on the Sinjar region of northern Iraq, a predominantly Yazidi community.³⁹ At the time of the attack, ISIS had no military objectives in the region—its fighters entered with the purpose of capturing and killing Yazidis.⁴⁰ As the Peshmerga, Kurdish forces who had been protecting the area, withdrew haphazardly, thousands of Yazidi families were left defenseless and began fleeing the region.⁴¹ In a matter of hours, ISIS had set up checkpoints at all strategic junctions in the region, catching fleeing Yazidis and preventing those still in the region from escaping.⁴² ISIS cut a swath of violence through the area, “slaughter[ing] entire villages” with systematic acts of rape, murder, and enslavement.⁴³ What the United Nations described as “unimaginable atrocities” committed against men, women, and children⁴⁴ left approximately 5,000 dead.⁴⁵ The rampage forced up to 50,000 survivors of the initial massacre to flee into the heights of the Sinjar Mountains, where they believe Noah's ark landed after the flood.⁴⁶ ISIS hemmed in those who fled, trapping tens of thousands of Yazidis in their

³⁷ Jalabi, *supra* note 23.

³⁸ Mullaney, *supra* note 1, at 107.

³⁹ See “*They Came to Destroy*”: ISIS Crimes Against the Yazidis, *supra* note 3.

⁴⁰ *Id.* at 7.

⁴¹ *Id.*

⁴² *Id.*

⁴³ John Beck, *Iraq's Yazidis Living in Fear on Mount Sinjar*, AL JAZEERA (July 26, 2016), <http://www.aljazeera.com/news/2016/07/iraq-yazidis-living-fear-mount-sinjar-160726063155982.html> [perma.cc/3QT9-X8PJ].

⁴⁴ “*They Came to Destroy*”: ISIS Crimes Against the Yazidis, *supra* note 3, at 1.

⁴⁵ Hopkins, *supra* note 35.

⁴⁶ Olivier Laurent, *Tragedy on Mount Sinjar*, TIME (Aug. 13, 2014), <http://time.com/3598353/tragedy-on-mount-sinjar/> [perma.cc/3XCT-CK8K].

holiest place of worship and preventing their access to food, water, shelter, and medical care.⁴⁷ When the dust settled, the entirety of the 400,000-member Sinjar Yazidi community had been displaced, captured, or killed.⁴⁸

In the wake of the Sinjar massacre and other ongoing acts against the Yazidis, the UN Commission of Inquiry on Syria recommended in June 2016 that the Security Council refer the situation to the International Criminal Court.⁴⁹ The UN further denounced ISIS' actions as likely constituting genocide, crimes against humanity, and war crimes, stating that the group "sought to destroy the Yazidis" by way of killings, torture, and the "infliction of conditions of life that bring about a slow death."⁵⁰

B. ISIS Enslavement of Yazidi Women

In addition to the numerous killings and displacements during the Sinjar massacre, ISIS kidnapped and enslaved 5,000 to 7,000 women, many of whom were teenagers, with the intent of forcing them into sexual slavery.⁵¹ In the initial attack on Sinjar, men and women were separated, and the men killed.⁵² Some women were also killed—in November 2015, Iraqi authorities discovered two mass graves in the Sinjar region, one containing the bodies of 120 women and the other containing the bodies of approximately 80 women.⁵³ Authorities believe that ISIS executed the women because they had been "deemed too old to enslave or rape."⁵⁴

⁴⁷ *Id.*; "They Came to Destroy": ISIS Crimes Against the Yazidis, *supra* note 3, at 7.

⁴⁸ "They Came to Destroy": ISIS Crimes Against the Yazidis, *supra* note 3, at 33.

⁴⁹ *Id.* at 37.

⁵⁰ *Id.* at 1.

⁵¹ Hopkins, *supra* note 35; Iraq: Yazidi Women and Girls Face Harrowing Sexual Violence, *supra* note 35.

⁵² Ibrahim, *supra* note 36.

⁵³ Mass Grave of Yazidis Killed by ISIL Discovered in Iraq, AL JAZEERA (Nov.28, 2014), <http://www.aljazeera.com/news/2015/11/mass-grave-yazidis-killed-isil-discovered-iraq-151128155706194.html> [perma.cc/83DZ-XSAX].

⁵⁴ *Id.*

Upon their capture, the remaining women and girls become the property of ISIS, which openly calls them *sabaya*—slaves.⁵⁵ They were taken away from the Sinjar region to one of any number of ISIS slavery hubs located elsewhere in Iraq, including Tel Afar, Mosul, and Baaj, or to ISIS strongholds in Syria, including Al-Houl and Hasakah.⁵⁶ Women are usually held in underground prisons, security bases, or, in Raqqah, an isolated complex of buildings surrounded by forest—a complex ISIS terms “the farm.”⁵⁷ These prisons hold hundreds or thousands of women in overcrowded and unsanitary conditions.⁵⁸ Women who have escaped ISIS slavery have pointed to insect-infested food and unclean water as major contributors to widespread illness.⁵⁹ Further, women kept in holding prisons experience rape and sexual assault on a daily basis.⁶⁰ In desperate attempts to avoid being purchased, escapees have reported that they used self-injury to make themselves less attractive, “scratching and bloodying themselves” in hopes that potential buyers would pass them by.⁶¹ Other women committed suicide.⁶²

After being captured, Yazidi women are sold to ISIS buyers directly from prison or through online slave auctions or slave markets, the largest being in Raqqah, Syria.⁶³ They are sold for prices estimated to be between 200 and 1,500 USD.⁶⁴ Once purchased, the purchaser holds complete rights of ownership of the woman sold to him and can resell or gift her; upon the death of an intestate owner, the woman reverts to being the collective property of

⁵⁵ “*They Came to Destroy*”: *ISIS Crimes Against the Yazidis*, *supra* note 3, at 12.

⁵⁶ *Id.* at 10.

⁵⁷ *Id.* at 12.

⁵⁸ *Id.* at 10.

⁵⁹ *Id.*

⁶⁰ *Iraq: ISIS Escapees Describe Systematic Rape*, HUMAN RIGHTS WATCH (Apr. 14, 2014), <https://www.hrw.org/news/2015/04/14/iraq-isis-escapees-describe-systematic-rape> [perma.cc/ACY6-7G79].

⁶¹ “*They Came to Destroy*”: *ISIS Crimes Against the Yazidis*, *supra* note 3, at 12.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.* at 12–13.

ISIS, which resells her locally.⁶⁵ Often, women are bought by Muslim men who intend to force them into marriage.⁶⁶ However, there are a number of restrictions on the resale of women and girls; they cannot be sold until the end of their menstrual cycle, to ensure that they are not pregnant, and they cannot be sold between brothers.⁶⁷ Additionally, women cannot be sold to men that are not members of ISIS, ostensibly because they are “spoils of war,” but realistically this also prevented Yazidis from being sold back to their families.⁶⁸ Notwithstanding these restrictions, women report being sold as few as one or two and as many as 15 times.⁶⁹

Throughout their captivity in the prisons and with their ISIS owners, women and girls as young as nine suffer “brutal sexual violence.”⁷⁰ Survivors have reported being violently raped while handcuffed or tied to beds.⁷¹ ISIS fighters punish escape attempts with heavy beatings; some women say that their owners killed their children in retaliation for attempting to flee.⁷² Threats and actual incidents of gang rapes are frequent, and starvation is rampant, both as punishment and as a regular living condition.⁷³ Some women are forced to take birth control, while others are given no birth control, leading to pregnancies; survivors are reluctant to discuss the reproductive consequences of being raped, so little is known about the subjects of birth control and pregnancy.⁷⁴ Owners do not allow Yazidi slaves access to medical care.⁷⁵ Retaliation for insubordination is severe—in a June

⁶⁵ *Id.* at 13–14.

⁶⁶ *ISIS Escapees Describe Systematic Rape*, *supra* note 59.

⁶⁷ “*They Came to Destroy*”: *ISIS Crimes Against the Yazidis*, *supra* note 3, at 15.

⁶⁸ *Id.*

⁶⁹ *Id.* at 10.

⁷⁰ *Id.* at 14.

⁷¹ *Id.* at 10.

⁷² *Id.*

⁷³ *Id.* at 14–15.

⁷⁴ *Id.* at 15.

⁷⁵ *Id.* at 14.

2016 incident in Mosul, Iraq, ISIS publicly burned nineteen Yazidi women to death in iron cages for refusing to have sex with ISIS fighters.⁷⁶

ISIS justifies its enslavement and mistreatment of women on religious grounds contrary to majority Islamic views, saying that Yazidis are “eligible to be put to death or enslaved under Islamic law” because of their “devil-worshipping” religion.⁷⁷ The organization finds justification in the Quran, interpreting it to mean that failing to enslave Yazidi women is contrary to the Quran and separates it from Islam.⁷⁸ In its membership magazine *Dabiq*, ISIS blames a contemporary increase in *fahishah* (adultery) on decreases in slavery due to the illegalization of the practice, reasoning that Muslim men, unable to afford wives and left with no legal alternative for sexual acts, are “surrounded by temptation towards sin.”⁷⁹ Further, ISIS complies with ancient Islamic battlefield rules regulating the distribution of war booty—including non-Muslim women captured during armed conflict.⁸⁰ Due to their worship of Melek Tawwus, ISIS describes the Yazidis as infidels who “can only be given an ultimatum to repent or face the sword.”⁸¹ ISIS fighters give captured Yazidi women a choice between converting to Islam or facing violent rape on a daily basis⁸²—an impossible ultimatum for Yazidis, who

⁷⁶ Samuel Osbourne, *ISIS Burns 19 Yazidi Women to Death in Mosul for ‘Refusing to Have Sex with Fighters’*, THE INDEPENDENT (June 5, 2016), <http://www.independent.co.uk/news/world/middle-east/isis-burn-19-yazidi-women-to-death-in-mosul-for-refusing-to-have-sex-with-isis-militants-a7066956.html> [https://perma.cc/HEB7-NVPZ].

⁷⁷ Bernard K. Freamon, *ISIS, Boko Haram, and the Human Right to Freedom from Slavery Under Islamic Law*, 39 FORDHAM INT’L L.J. 245, 257 (2015).

⁷⁸ Mullaney, *supra* note 1, at 123.

⁷⁹ *Revival of Slavery Before the Hour*, DABIQ 17 (last visited Apr. 9, 2017), <http://media.clarionproject.org/files/islamic-state/islamic-state-isis-magazine-Issue-4-the-failed-crusade.pdf> [perma.cc/N84Y-MF6X].

⁸⁰ *Id.* at 15.

⁸¹ *Id.*

⁸² Carol Kuruvilla, *Islamic State Militants are Gang-Raping, Selling Hundreds of Yazidi Women Inside Iraqi Prison: Report*, NY DAILY NEWS (Aug. 24, 2014), <http://www.nydailynews.com/news/world/islamic-state-militants-gang-raping-selling-hundreds-women-report-article-1.1921553?cid=bitly> [perma.cc/RPJ7-MJAV].

traditionally marry within their own bloodlines because their religion is only continued by children with two Yazidi parents.⁸³ Yazidi women are therefore forced to choose between two methods of betraying their religion: conversion to Islam, or rapes that break their ancient bloodlines and threaten the existence of their religion.⁸⁴ However, ISIS is convinced that enslaved Yazidis convert to Islam voluntarily, claiming that “once they bear witness that there is no god but Allah...then we say ‘Come [sic] and be welcomed.’”⁸⁵

The effects of ISIS captivity on Yazidi survivors are devastating. Once they have gained access to basic needs such as shelter and food, the symptoms of trauma begin to appear.⁸⁶ Amnesty International reports that women’s “lives are shattered by the horrors of sexual violence and sexual slavery;” the organization describes the physical and psychological toll as “catastrophic.”⁸⁷ In addition to the trauma of their own enslavement, women are almost always dealing with the loss of family members to killings or enslavement.⁸⁸ As a result, suicidal thoughts and attempts frequent during and after captivity.⁸⁹ Survivors commonly cite surviving children as their sole reason for not committing suicide.⁹⁰ Yazidi women’s suffering is compounded by the fact that upon their escape from captivity, many lack personal and financial independence because culturally, it falls upon Yazidi men to provide a woman’s social status and necessities.⁹¹ However, with huge numbers of Yazidi men killed or missing in the attack on Sinjar, women are left without

⁸³ *Id.*; Mullaney, *supra* note 3, at 121.

⁸⁴ Kuruvilla, *supra* note 82.

⁸⁵ Umm Sumayyah Al-Muhajirah, *Slave-Girls or Prostitutes?*, DABIQ 48 (last visited Apr. 9, 2017), <http://www.joshualandis.com/blog/wp-content/uploads/Dabiq-9-They-Plot-and-Allah-Plots-compressed.pdf> [perma.cc/NVL8-86WM].

⁸⁶ Wheeler, *supra* note 19.

⁸⁷ *Iraq: Yazidi Women and Girls Face Harrowing Sexual Violence*, *supra* note 35.

⁸⁸ *Id.*

⁸⁹ *Id.*; see also “They Came to Destroy”: *ISIS Crimes Against the Yazidis*, *supra* note 3, at 16.

⁹⁰ Wheeler, *supra* note 19. See also “They Came to Destroy”: *ISIS Crimes Against the Yazidis*, *supra* note 3, at 16.

⁹¹ “They Came to Destroy”: *ISIS Crimes Against the Yazidis*, *supra* note 3, at 16.

men to rely on for what they need and may be in debt for money borrowed to pay for their own release or their relatives' release from ISIS captivity.⁹² This blow to women's social standings is further compounded by the severe stigma of rape, making survivors feel that their rapes have tarnished their own and their families' honors in a religion that normally expels women for extra-marital sexual intercourse, regardless of whether it was consensual.⁹³ Fortunately, the Yazidi spiritual leader, Baba Sheikh, has officially declared that women who have escaped ISIS have not lost their honor and are still part of the Yazidi community, allowing women to marry within their faith and increasing the chances that they will be accepted by their families.⁹⁴ Still, their paths to recovering from the trauma that ISIS inflicted on them are long and filled with obstacles, many of which could be overcome by easing their access to identification.

The extreme violence that Yazidi women suffer at the hands of ISIS fighters makes them even more vulnerable than other refugees because in addition to being displaced from their homes, they have sustained severe psychological and physical trauma,⁹⁵ both conditions that leave them with more needs than other refugees. Therefore, it is vital that Yazidi women are given an easier method of obtaining new identification—giving them a way to access desperately-needed healthcare and food to satisfy their immediate

⁹² *Iraq: Yazidi Survivors of Horrific Abuse in IS Captivity Neglected by International Community*, AMNESTY INT'L (Oct. 10, 2016), <http://www.refworld.org/docid/57fb70814.html> [perma.cc/WNF7-32KE]. See also "They Came to Destroy": ISIS Crimes Against the Yazidis, *supra* note 3, Syria at 16.

⁹³ *Iraq: Yazidi Women and Girls Face Harrowing Sexual Violence*, *supra* note 34; Renate van der Zee, *The German Village Helping Yazidi Women Raped by ISIL*, AL JAZEERA (June 23, 2014), <http://www.aljazeera.com/indepth/features/2016/06/german-village-helping-yazidi-women-raped-isil-160621083203597.html> [perma.cc/V7AP-2SAY].

⁹⁴ Van der Zee, *supra* note 93.

⁹⁵ See *Iraq: Yazidi Women and Girls Face Harrowing Sexual Violence*, *supra* note 34; see also *Iraq: Yazidi Survivors of Horrific Abuse in IS Captivity Neglected by International Community*, *supra* note 92.

needs, and access to education and employment⁹⁶ in the longer term to allow them to put their lives back together.

IV. IRAQI LEGAL IDENTIFICATION AND ITS EFFECT ON REHABILITATION EFFORTS

Current rehabilitation measures have been insufficient to help Yazidi women reintegrate with their communities, and lack of identification is one major obstacle.⁹⁷ Iraqi nationality and identification laws are complex and strict, obstructing women who have recently escaped ISIS from obtaining new identification.⁹⁸ Though some efforts have been made to ease the process for refugees who abandoned their identification upon fleeing their homes, these have been largely insufficient.⁹⁹

A. Current Rehabilitation Efforts

Though services for Yazidi escapees are being offered by the UN, various non-governmental organizations, and national governments, these programs are often underfunded and are not always high quality.¹⁰⁰ The magnitude of the abuse Yazidi women have suffered is “unprecedented,” and resources are low.¹⁰¹ There is “currently no unified system to access and respond to the needs of survivors of IS captivity,” and Amnesty International said in October of 2016 that international support has failed Yazidi ISIS survivors.¹⁰²

Compounding the problem of rehabilitating women who have escaped ISIS captivity is the fact that when they fled from Sinjar, most Yazidis left

⁹⁶ *Iraq: Civil Status Identification Card*, *supra* note 18.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative in Baghdad for Sunni Arabs from ISIS-Held Areas*, *supra* note 14, at 28.

¹⁰⁰ *Iraq: Yazidi Survivors of Horrific Abuse in IS Captivity Neglected by International Community*, *supra* note 92.

¹⁰¹ Wheeler, *supra* note 19.

¹⁰² *Iraq: Yazidi Survivors of Horrific Abuse in IS Captivity Neglected by International Community*, *supra* note 92.

everything behind in their desperation to escape the approaching ISIS fighters—including their identity and travel documents.¹⁰³ Lack of legal identification has hampered survivors' access to services and ability to travel freely.¹⁰⁴ Lynn Maalouf of Amnesty International said that “[t]he international community must translate its shock and horror at IS crimes and sympathy for Yazidi survivors of sexual violence and other brutality into concrete actions.”¹⁰⁵ It is important that further relief efforts begin with providing Yazidi women with easy access to legal identification—for Yazidi women, these documents are the gateway to desperately needed safety and resources.

B. Iraqi Identification Laws and Their Effect on Yazidi Women

The two most important forms of identification for Iraqi citizens are the Civil Status Identity Card (CSID) and the Iraqi Nationality Certificate (INC).¹⁰⁶ These documents allow Iraqis to obtain other forms of identification and are required for “any kind of interaction with the authorities,” including food ration card applications, school registration, and birth and death certificates.¹⁰⁷ Iraqis generally use these documents to get a Residence Card and a Public Distribution Card (PDC), which authorizes cardholders to receive rations.¹⁰⁸ Both are needed, in addition to the CSID and INC, to relocate or obtain a passport.¹⁰⁹ Documentation is usually issued and renewed at one of a variety of local offices in the applicant's place of origin, where

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Country Information and Guidance Iraq: Return/Internal Relocation*, INDEP. ADVISORY GRP. ON CTY. INFO. 9 (Aug. 2016), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565855/CI-G-Iraq-Return-Internal-Relocation-v3-August-2016.pdf [perma.cc/F82N-UQMT].

¹⁰⁷ *Id.* at 22.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

their original records were maintained.¹¹⁰ This is problematic for Yazidi women who have been trafficked to locations far from their place of origin, usually Sinjar.¹¹¹

Civil Status Law No. 65 of 1975 governs the issuance, renewal, and replacement of CSID cards.¹¹² To obtain a CSID, applicants must submit their own or their father's Nationality Certificate, National Identity Card, Ration Card, or Residence Card.¹¹³ A Housing Certificate, given to those who rent or own homes, is a prerequisite to obtaining a CSID;¹¹⁴ this poses further difficulty for Yazidi women who do not have homes and precludes them from obtaining a CSID. Procedures to obtain a CSID have been described as "lengthy, complex, and costly,"¹¹⁵ creating a barrier for women who do not have money or knowledge of the system, are under pressure to access services as soon as possible, and are, in many cases, not even in Iraq.¹¹⁶

Nationality Law No. 26 of 2006 governs the identification of children born outside of Iraq.¹¹⁷ Under Article 4 of the law, children are considered Iraqi if they are born outside of Iraq to an Iraqi mother and an unknown or stateless father.¹¹⁸ This is relevant to Yazidi women's situation because many of them have children while in ISIS captivity or soon after escaping;¹¹⁹ the law therefore ensures that children born to Yazidi mothers in Syria or other surrounding countries are considered Iraqi even though they were not born in Iraq. Further, because these children's father need not be known,¹²⁰ the fact

¹¹⁰ *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative in Baghdad for Sunni Arabs from ISIS-Held Areas*, *supra* note 14, at 27.

¹¹¹ "They Came to Destroy": *ISIS Crimes Against the Yazidis*, *supra* note 3, at 12.

¹¹² *Iraq: Civil Status Identification Card*, *supra* note 17.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ "They Came to Destroy": *ISIS Crimes Against the Yazidis*, *supra* note 3, at 12.

¹¹⁷ Nationality Law No. 26 of 2006 (Iraq) <http://www.refworld.org/pdfid/4b1e364c2.pdf> [<https://perma.cc/TG8W-CU9K>].

¹¹⁸ *Id.*

¹¹⁹ See "They Came to Destroy": *ISIS Crimes Against the Yazidis*, *supra* note 3.

¹²⁰ Nationality Law No. 26 of 2006 (Iraq).

that they may have been conceived while the mothers were in captivity does not prevent them from being considered Iraqi nationals and does not create an obstacle to Yazidi children obtaining identification.

Article 44 of the Iraqi Constitution proves that “[e]ach Iraqi has freedom of movement, travel, and residence inside and outside Iraq.”¹²¹ However, “[i]n practice, citizenship documents are required to move around the country and access services.”¹²² Therefore, Iraqis, including Yazidi women who fled Sinjar without their identification documents, are unable to travel or obtain access to state-sponsored services, such as healthcare, education, housing, or employment.¹²³ They have no access to basic rights, and without a CSID, women risk arrest or detention; Human Rights Watch reports that Iraqi authorities are known to arrest, interrogate, and detain unidentified Iraqis for indefinite periods of time.¹²⁴ Such arrests and interrogations compound the effects of the severe mental and physical trauma that escaped Yazidi women have sustained during their captivity.¹²⁵ Further, Iraqi children cannot obtain identification if their parents cannot present proof of Iraqi citizenship, denying children access to services, as well.¹²⁶

Women are prevented from traveling into and around Iraq because their lack of identification restricts their movement.¹²⁷ Security measures, such as military checkpoints, are impassable without identification, severely

¹²¹ Article 44, Section 1, *Dustūr Jumhūriya al-‘Irāq* [The Constitution of the Republic of Iraq] of 2005 [<https://perma.cc/TM6G-ADT9>].

¹²² *Country Information and Guidance Iraq: Return/Internal Relocation*, *supra* note 106, at 21–22.

¹²³ *Seeking Accountability and Demanding Change: A Report on Women’s Rights Violations in Iraq*, *supra* note 7, at 12.

¹²⁴ *Country Information and Guidance Iraq: Return/Internal Relocation*, *supra* note 106, at 24.

¹²⁵ Wheeler, *supra* note 19.

¹²⁶ *Iraq: Travel Documents and Other Identity Documents*, LANDINFO 20 (Dec. 16, 2016), http://www.landinfo.no/asset/3369/1/3369_1.pdf [<https://perma.cc/P5AM-7G89>].

¹²⁷ *Protecting Internally Displaced Persons—A Manual for Law and Policymakers*, *supra* note 8, at 83.

restricting unidentified Iraqis' movement.¹²⁸ Armed conflict is prevalent in Iraq, Syria, and other countries into which Yazidi women may escape, and restrictions on movement caused by a lack of identification can prevent them from traveling to safe places.¹²⁹

According to the United Nations Office of the High Commissioner for Human Rights (OHCR), it is "extremely difficult" to replace an Iraqi civil identification.¹³⁰ Generally, there is "no effective access" to new documentation for internally displaced persons (IDPs) such as Yazidi women.¹³¹ For example, it is unfeasible for people from ISIS-held or otherwise conflicted areas to return to their places of origin to obtain new documents from local offices¹³²—this includes the Sinjar region from which many Yazidi women were taken, which is no longer held by ISIS but is difficult to travel to and still potentially dangerous.¹³³ Even if IDPs were able to return to their places of origin, new identification requires citizens to submit a number of existing documents that Yazidi women left behind and lost when they fled the Sinjar region.¹³⁴

¹²⁸ *Id.* at 82.

¹²⁹ *Id.* at 83.

¹³⁰ *Emergency Response to Situation in Iraq: Revised Supplementary Appeal*, UNHCR 9 (Sept. 2014), <http://www.unhcr.org/5412b1e09.pdf> [<https://perma.cc/CBQ9-MP73>].

¹³¹ *Country Information and Guidance Iraq: Return/Internal Relocation*, *supra* note 106, at 24.

¹³² *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative in Baghdad for Sunni Arabs from ISIS-Held Areas*, *supra* note 14, at 27.

¹³³ See, e.g., *PKK Terrorists Nestled in Iraq's Sinjar Remain a Threat to Turkey, Region*, DAILY SABAH (Mar. 30, 2017), <https://www.dailysabah.com/mideast/2017/03/30/pkk-terrorists-nestled-in-iraqs-sinjar-remain-a-threat-to-turkey-region>

[<https://perma.cc/T5CN-7R33>] (explaining the dangers posed by the PKK terrorist group, which is attempting to establish a second base in the Sinjar region and has an estimated 2,500 militants in the area).

¹³⁴ *Country Information and Guidance Iraq: Return/Internal Relocation*, *supra* note 106, at 24.

C. Current Re-Identification Systems

Iraqi authorities have taken steps to address the identification issues women kidnapped and held by ISIS face.¹³⁵ The government has set up additional, temporary offices in Al-Qosh, Sheikhan, Al-Faroq, Najef, and Kerbala in an effort to minimize the distance that IDPs have to travel to get to an office.¹³⁶ However, this solution still presents difficulty, as military checkpoints still make it hard for IDPs to travel even short distances to temporary offices, and changes in locations and procedures cause great confusion among both IDPs and lawyers.¹³⁷ Additionally, these temporary offices do not accept powers of attorney, requiring that the applicant herself be present to obtain documents,¹³⁸ which precludes a solution in which women could have friends or relatives with identification obtain their identification for them. Further, for Yazidi women in particular, the Sinjar region is notably absent from the list of temporary office locations,¹³⁹ leaving them unable to access the program, even in their own hometowns.

In a program more successful than the one implemented by the Iraq government, the Kurdistan Regional Government has begun issuing temporary ID cards to refugees who can prove their identity through food assistance forms, letters of support from refugee camps, or family members vouching that the refugee is who they claim to be.¹⁴⁰ The temporary ID cards become permanent after three years as long as there is no challenge to the cardholder's identity during that time.¹⁴¹ It has been suggested that this program be implemented countrywide;¹⁴² at present, this temporary identification program is available only in the Kurdistan autonomous region,

¹³⁵ *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative in Baghdad for Sunni Arabs from ISIS-Held Areas*, *supra* note 14, at 28.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ Davis, *supra* note 10, at 68.

¹⁴¹ *Id.* at 69.

¹⁴² *Id.*

which covers only a portion of Iraq in the far northeast corner of the country.¹⁴³ Women who are trafficked outside of the region are therefore left without an opportunity to take advantage of this program.

In an effort to create access to identification for IDPs, the UNHCR recommends (1) ensuring that IDPs aren't interned or confined in camps, or, if internment is necessary, are only confined for as long as required by the circumstances; (2) enacting national legislation that does not prevent IDPs from being able to leave places of registered residence in order to reach safety; (3) giving effect to IDPs' desire to return home or resettle, whether in place of displacement or elsewhere; and (4) abolishing administrative obstacles to obtaining identification.¹⁴⁴ Unfortunately, despite attempts to put these objectives into action, procedures to recover lost identification documents are "filled with obstacles."¹⁴⁵ For Yazidi women who have escaped ISIS captivity, sometimes with their children, these obstacles are particularly troubling as they struggle to access services and return to their home countries after months of abuse.

V. AIDING REHABILITATION EFFORTS BY EXPANDING ACCESS TO LEGAL DOCUMENTATION

A solution is badly needed to provide Yazidi women with a way of obtaining new identification because identification is the gateway to vital services.¹⁴⁶ These women should be targeted for easier access to identification because they are even more vulnerable than other refugees, having been subjected to extreme mental and physical violence.¹⁴⁷ The

¹⁴³ *Kurdistan's Geography and Climate*, *supra* note 9.

¹⁴⁴ *Protecting Internally Displaced Persons—A Manual for Law and Policymakers*, *supra* note 8, at 83.

¹⁴⁵ *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative in Baghdad for Sunni Arabs from ISIS-Held Areas*, *supra* note 14, at 27.

¹⁴⁶ *Iraq: Yazidi Survivors of Horrific Abuse in IS Captivity Neglected by International Community*, *supra* note 92.

¹⁴⁷ *Iraq: Yazidi Women and Girls Face Harrowing Sexual Violence*, *supra* note 35.

Kurdistan Regional Government's solution should be expanded to cover all of Iraq and then parts of Syria.

A. Solution and Purpose

Further relief efforts are desperately needed to provide Yazidi women with physical and mental healthcare, employment, education, and other necessities, but without legal identification, it is all but impossible for them to obtain these things. To remedy this problem, the Kurdistan Regional Government's temporary ID card solution should be expanded across a larger area. First, the Iraqi government should adopt the program, allowing women to obtain ID cards nationwide by having family and friends vouch for them or by showing letters of support. Identification services should be offered in refugee camps in Iraq. The program should then expand to refugee camps in surrounding countries, particularly Syria, where many Yazidi women are trafficked and escape but are unable to travel back home to Iraq to reunite with family or gain access to services.

Legal identification is the gateway to much-needed services and to the Iraqi peoples' constitutional right to freedom of movement, but for four reasons, it is of particular value to Yazidi women who have survived ISIS enslavement. First, though the Kurdistan Regional Government's program benefits refugees who are displaced within its purview, Yazidi survivors of slavery are trafficked outside of the region to other parts of Iraq and Syria, including Tel Afar, Mosul, and Baaj, Iraq, and Al-Houl and Hasakah, Syria;¹⁴⁸ from these ISIS strongholds, they can be sold anywhere.¹⁴⁹ Therefore, the Kurdistan Regional Government's temporary ID program, while helpful to those refugees who are displaced within northeastern Iraq, does not reach Yazidi women who have been trafficked throughout Iraq and Syria. Another solution is required to benefit them.

¹⁴⁸ "They Came to Destroy": *ISIS Crimes Against the Yazidis*, *supra* note 3, at 10.

¹⁴⁹ *Id.* at 12.

Second, Yazidi trafficking survivors are vulnerable to sexual and other forms of abuse in refugee camps,¹⁵⁰ and without documentation, they are unable to escape unsafe situations. The trauma survivors suffer is “catastrophic,”¹⁵¹ and the severe abuse that Yazidi women suffer at the hands of ISIS fighters means that they are in particularly dire need of services such as healthcare, psychological care, employment opportunities, and job training. However, it is common for women to stop going to the doctor because they are unable to afford healthcare and other services;¹⁵² without documentation, state-sponsored healthcare is unavailable to them.¹⁵³ State-sponsored services are important because while there are many organizations providing relief, they are severely overextended because of the influx of refugees from many situations.¹⁵⁴ In a part of the world that is overwhelmed with refugees fleeing a variety of circumstances, it is vital that Yazidi women are not overlooked in the push to provide help, and a program assisting them in obtaining identification is vital so that they can gain access to help and begin rebuilding their lives.

Additionally, and relatedly, Yazidi women who have been separated from their male family members, or whose male family members have been killed, are particularly vulnerable in a culture in which male relatives generally provide status for women.¹⁵⁵ Vulnerability to abuse is, as mentioned above, a problem for all women in refugee camps, but the problem is further compounded for Yazidi women who are much more likely to have lost their

¹⁵⁰ *Guidelines on the Protection of Refugee Women*, UNHCR 1 (July 1991), <http://www.unhcr.org/publications/legal/3d4f915e4/guidelines-protection-refugee-women.html> [<https://perma.cc/7ZTU-QC98>].

¹⁵¹ *Iraq: Yazidi Women and Girls Face Harrowing Sexual Violence*, *supra* note 35.

¹⁵² *Iraq: Yazidi Survivors of Horrific Abuse in IS Captivity Neglected by International Community*, *supra* note 92.

¹⁵³ *Seeking Accountability and Demanding Change: A Report on Women's Rights Violations in Iraq*, *supra* note 7, at 12.

¹⁵⁴ *Iraq: Yazidi Survivors of Horrific Abuse in IS Captivity Neglected by International Community*, *supra* note 92.

¹⁵⁵ Importantly, this article addresses this and other cultural characteristics only as generalized observations of broad social trends across the Middle Eastern region.

male relatives in the Sinjar massacre and other ISIS attacks, or to have been separated from their relatives after being trafficked out of the Sinjar region. Without male relatives present to provide some level of social status and physical security, Yazidi women are even more vulnerable to abuse in refugee camps and other places of refuge.

Finally, expanding the Kurdistan Regional Government's program will help fulfill Iraqi citizens' constitutional right to freedom of movement, as well as the UN's recommendations for the treatment of internally displaced persons. Though Iraqis have a right to freedom of movement,¹⁵⁶ it is circumscribed when vulnerable women are unable to pass military checkpoints due to a lack of identification, and this program will return that right to them and allow them to reach safety without obstacles. Further, allowing IDPs to travel and access services helps fulfill the UN's recommendations that IDPs be unrestrained and allowed to return home, and that bureaucratic obstacles to obtaining ID are abolished, because new ID will prevent women from having to stay within a certain area blocked in by military checkpoints that they cannot cross. Bringing Iraq further into alignment with the UN's recommendations regarding IDPs would be a positive step towards remedying human rights issues brought about by war in the country, reflecting well on Iraq in the international community as it assists vulnerable women.

B. Removing Barriers to Obtaining Identification

The first step is to expand the Kurdistan Regional Government's program to include Yazidi women located in all of Iraq, thereby reaching those who have been trafficked outside of the Kurdistan Regional Government's territory. The Iraqi government should, like the Kurdistan Regional Government, allow Yazidi women who have escaped ISIS enslavement to obtain temporary identification cards with requirements less stringent than

¹⁵⁶ *Dustūr Jumhūriya al-'Irāq* [The Constitution of the Republic of Iraq] of 2005, *supra* note 121.

those that accompany typical identification procedures. Women should be able to obtain a temporary ID card in one of the three ways outlined by the Kurdistan Regional Government: (1) a family member or friend, male or female, vouching for the applicant's identity; (2) letters of support from staff at refugee camps; or (3) any existing documentation that the applicant may have, such as food assistance forms. After three years without a challenge to the woman's identity, the ID card should, as in the Kurdistan Regional Government's program, become permanent, allowing women to use it to obtain other forms of documentation, such as the all-important CSID.

The Kurdistan Regional Government's program should be modified to maximize its effectiveness. First, offices should be located in all refugee camps and regional government offices. Second, the application process should be shortened so that women can apply and receive their identification in the same visit. Third, other considerations must be taken into account, including identification for children and expansion of the program into Syria. Fourth, the United Nations High Commissioner for Refugees' (UNHCR) Asylum and Migration Unit (AMU), which handles refugee protection,¹⁵⁷ should be enlisted to help with funding and administration of the program. Finally, though there are a number of possible critiques of the program, they can be remedied by taking measures to uphold national security.

1. Office Locations

In order for the expansion of the program to be successful, there have to be as many locations as possible that will distribute temporary identification cards. Most importantly, refugee camps across Iraq, including those that are state-sponsored and those operated by the UN and other organizations, should be equipped to process applications and issue identification documentation. This would ensure that women who make their way to refuge have access to the program without having to leave the relative safety of refugee camps.

¹⁵⁷ See *Asylum and Migration*, UNHCR (2017), <http://www.unhcr.org/en-us/asylum-and-migration.html> [https://perma.cc/5X22-GMJN].

Further, the obstacles to travel that a lack of ID presents might otherwise prevent women from being able to travel to even the location nearest to them; therefore, it is important to have locations for distribution at all refugee camps across Iraq in order to maximize the effectiveness of the program.

Not all women are able to make their way to refugee camps, particularly if they are blocked from doing so by military checkpoints; for this reason, refugee camps cannot be the only places in which temporary ID cards are distributed. Regional government offices should be equipped to distribute cards. In addition, the simplicity of the application and distribution process is such that small offices could be set up, independent of government offices or refugee camps. Because of the limited application requirements, facilities do not need to be large or elaborate, as there will not be extensive paperwork to sort through. This would further maximize the effectiveness of the program by ensuring that even those women who aren't able to access refugee camps are able to do so by obtaining ID at a location near them. Additionally, to resolve the issues of confusion surrounding location and procedures,¹⁵⁸ locations should be permanent, and procedures should be uniform across all offices, allowing greater accessibility and a greater chance of women successfully obtaining identification.

2. Application Process

Under the expanded ID issuance program, women can receive temporary ID cards upon presentation of one of three forms of informal identification: (1) an Iraqi friend or family member who can vouch for the applicant's identity; (2) at least one letter of support from staff at refugee camps or from staff who have provided the applicant with some other form of aid; or (3) any existing documentation that the applicant may possess.

Letters of support and existing documentation are both effective methods of confirming an applicant's identity because they provide evidence of how

¹⁵⁸ *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative in Baghdad for Sunni Arabs from ISIS-Held Areas*, *supra* note 14, at 28.

the applicant has presented herself to others. An applicant who already possesses some form of documentation, such as food assistance forms or documentation of state-sponsored aid, has already proved her identity to an extent sufficient to obtain access to services. This level of certainty is also sufficient to obtain temporary ID because screening processes for assistance are likely to be stringent enough to ensure that non-Iraqis do not receive state-sponsored aid and are therefore likely to deter non-Iraqis from obtaining aid. Letters of support are also sufficient to demonstrate an applicant's identity because they provide evidence of who the applicant has held herself out to be.

Allowing friends and family members to vouch for the applicant's identity, although sufficient for purposes of obtaining temporary ID, is a somewhat riskier method of proving identity. There is incentive for people to agree to vouch for an applicant that they do not actually know, whether out of desire to help women who are struggling or in exchange for money. However, eliminating the voucher process would entirely remove what may, for many women, be the most feasible method of proving their identity. Therefore, in order to maintain the existence of the method while decreasing the risk of people lying about an applicant's identity, there should be an added requirement that the vouching friend or family member be an Iraqi citizen with some form of their own identification, whether that consists of an official CSID or a lesser form of ID like food assistance forms. Some level of assurance that the person vouching for the applicant is who they say they are increases confidence that the applicant herself is who she says she is.

One problem with current re-identification programs is that they do not accept powers of attorney, requiring the applicant himself or herself be present to apply and obtain new identification.¹⁵⁹ This issue should be resolved in the new re-identification program—offices issuing temporary ID should allow family members to obtain identification for Yazidi women

¹⁵⁹ *Id.*

whose lack of identification prevents them from being able to pass through military checkpoints and access identification offices. In order to ensure a measure of security in the application process, the family member should be required to present some form of his or her own identification, whether it be an official CSID or a lesser form of documentation, such as food assistance forms. Requiring a CSID would severely restrict the ability of family members to get identification using a power of attorney because they are usually refugees themselves and may have left behind their own documents. Therefore, lesser documentation must be sufficient. Upon presentation of the family member's identification, he or she should be able to obtain a temporary ID card for the applicant.

The application process must also be adapted to conform with the transient nature of refugees. Processing times must be short enough that women are able to obtain their temporary ID before moving on to other locations; ideally, they should be able to apply for and obtain their ID in a single visit, decreasing the likelihood that they do not receive their ID because they are unable to return for it. Further, potential applicants may be deterred by long wait times, failing to even attempt to obtain their ID because they are uncertain of their futures. Key to the goal of speedy issuance is ensuring that locations are well-staffed so as to maximize efficiency and minimize wait times. A single-visit process also increases staff efficiency because staff are able to give their full attention to one applicant at a time and complete the process without having to divide their time between conducting intake, reviewing applications, and issuing ID cards.

In the event that a single-visit process is unfeasible in some locations, offices should also be equipped to issue interim cards identifying the holders as IDPs. While this is not official identification in any form, being identified as an IDP could help deter mistreatment by government officials, and although it would not be sufficient in itself to prove identity to the extent required to obtain a temporary ID, it could be presented as a document in support of a future application for temporary ID.

3. Other Considerations

Many Yazidi women who have escaped ISIS captivity have children¹⁶⁰ who also lack identification. For this reason, it is important that when a woman receives her temporary identification documents, her children are also issued the same type of ID. The freedom of movement and access to services that identification provides means little if a woman's children do not receive those same benefits, and women with children are likely to be no better off if they have to use their own access to services to benefit their children and not themselves. Once an applicant has been confirmed to be an Iraqi citizen, it can be inferred that her children are too. Issuing identification cards to children is a simple step that has a big impact on families who need aid for all of their members.

Finally, an expanded temporary ID program cannot be successful if Yazidi women do not know of its existence, so it is important to make Yazidi refugees aware that they have the option of obtaining a temporary ID card. They should be informed of the option upon arrival at refugee camps and outside of camps, and locations providing identification services should clearly indicate that it is offered.

Upon the successful implementation of the program throughout Iraq, it should expand beyond Iraq's borders into Syria, where ISIS has a number of strongholds to which it traffics Yazidi women.¹⁶¹ Because military checkpoints are impassable without identification,¹⁶² women who are trafficked outside of Iraq are unable to return to their countries of origin, leaving them stranded in Syria. For this reason, locations for re-identification must be established in Syrian refugee camps, where Yazidi women are likely to go after they have escaped captivity.

¹⁶⁰ Wheeler, *supra* note 19.

¹⁶¹ "They Came to Destroy": ISIS Crimes Against the Yazidis, *supra* note 3, at 10.

¹⁶² *Protecting Internally Displaced Persons—A Manual for Law and Policymakers*, *supra* note 8, at 82.

C. Who Will Run the Program?

Iraq is facing many serious issues within its borders. Therefore, although issuance of identification must ultimately be the Iraqi government's decision because of its exclusive ability to decide who is allowed into the country, the government likely cannot handle this program alone in terms of neither funding nor administration. This is where the international community, including the United Nations and the governments of other countries, can help.

The UNHCR's AMU handles refugee protection and announced in 2016 its intention to focus on "protect[ing] the displaced from trafficking, as well as other forms of violence and abuse."¹⁶³ This focus makes it an ideal partner in providing Yazidi women with identification because as survivors of violence and abuse, and their continued vulnerability to being re-trafficked or further abused, they are clearly within the scope of the AMU's stated goal of protecting refugees from violence and abuse. The UNHCR, and the AMU in particular, is well-positioned to provide the Iraqi government with support due to its foundation as an international organization, bringing together resources from many countries.

Support from the AMU could include both monetary and administrative help. In addition to helping provide funding, its trained personnel could work with the Iraqi government to finalize the program, including finalizing locations and training government personnel in the application and vetting process. The AMU could also provide staff to work in the government-run locations, helping with day-to-day management and providing application processing services.

The UN can also contribute by mandating that Iraq implement this program to ensure that Yazidi women have easier access to identification. Because Iraq is facing many serious problems,¹⁶⁴ re-identification of refugees is likely

¹⁶³ *Asylum and Migration*, *supra* note 156.

¹⁶⁴ See generally, Jane Arraf, *Civilian Deaths in Mosul Lead US and Iraqi Forces to Change Tactics Against ISIS*, NPR (Apr. 5, 2017), <http://www.npr.org/sections/thetwo->

not a high priority for the government, particularly because the solution addresses only a small subset of the refugee population. In order to ensure that this program comes to fruition, the UN should mandate that Iraq implement it with the help of the AMU, giving the Iraqi government a reason to focus on the dire needs of Yazidi refugees. Without such an incentive, it could be difficult to convince the Iraqi government to address the re-identification of these refugees, but if they do not act quickly, many women will slip through the cracks, unable to rebuild their lives in the midst of a nation at war.

D. Criticisms and Solutions

There are a number of concerns regarding the proposed expansion of the Kurdistan Regional Government's program. National security is a substantial concern, both for Iraq and for other countries that may start issuing temporary Iraqi ID within their borders so that citizens can re-enter Iraq. Additionally, the cost of implementing the expanded program would be a concern for the government.

First, the less stringent standards for obtaining temporary identification creates a risk that some people who are not actually Iraqi could manage to obtain Iraqi ID. However, because the program is limited to the Yazidi women who are most vulnerable due to the extended abuses they have suffered in captivity, the small demographic within the refugee population limits the chances that non-Iraqis will obtain Iraqi ID. Additionally, it is likely that any non-Iraqis who attempt to obtain Iraqi ID will not do so with bad intentions—for most, the motivation for doing so will be to get to safety and obtain access to services. Though the program is intended to target women who are actually Iraqi citizens, it may be worth implementing the program

way/2017/04/05/522792626/civilian-deaths-in-mosul-lead-u-s-and-iraqi-forces-to-change-tactics-against-isi [https://perma.cc/M2MT-U4FC] (reporting on the plight of civilians in war-torn Mosul, where food, water, electricity, and other resources are in short supply).

even though some non-Iraqi people may gain access because of the strong, positive impact it can have on a lot of vulnerable Yazidi women.

A second concern is that countries other than Iraq would likely be understandably apprehensive about issuing Iraqi ID themselves, as they are not the ones in charge of national security in Iraq and are not suited to deciding who should be granted identification; likewise, the Iraqi government would, equally understandably, probably be very hesitant to have countries other than their own issuing ID to their country. To alleviate both concerns, Iraqi officials should be in charge of issuing identification even outside the borders of Iraq. This would ensure that Iraq is still in charge of choosing who gains access to their country, while other countries do not have to concern themselves with implementing a program that only benefits Iraq.

A final concern is the cost of expanding the program.¹⁶⁵ This concern is relatively minimal—there are re-identification programs currently being funded, and this solution is no more expensive than those. In fact, the expedited nature of this program means that costs could even be lower than other programs, as staff members do not have to spend as much time processing applications and can resolve cases at the same time they arise. The Iraqi government could supply funding by eliminating or reducing those re-identification programs that are unsuccessful in supplying identification to people who need it and rerouting those funds to an expanded Kurdistan Regional Government program. Because this proposal is intended to target only Yazidi women, however, it is important that other re-identification programs that cover broader demographics are not eliminated; therefore, additional funding from non-profits and from United Nations agencies would be valuable in helping the government fund the program.

¹⁶⁵ Funding sources for the program are outside the scope of this article.

VI. CONCLUSION

The Yazidi refugee crisis among women who have been trafficked by ISIS is unique because of the extreme, prolonged violence women suffer in ISIS captivity. After enduring months of “harrowing” sexual abuse¹⁶⁶ and inhumane conditions,¹⁶⁷ women are desperately in need of healthcare, shelter, and other services—but without identifying documentation, they do not have access to badly needed, state-sponsored services.¹⁶⁸ Some potential solutions have been implemented in an attempt to help more refugees obtain ID, but they have been largely unsuccessful.¹⁶⁹

To remedy this problem and prevent Yazidi women from falling through the cracks amid a severe humanitarian crisis, a solution needs to be implemented allowing Yazidis to obtain ID documentation easily so that they can access services and travel to and within Iraq. The proposed solution allows the Iraqi government to issue temporary ID cards to women who prove their identity in one of three ways: (1) presentation of other documentation showing identity, such as food assistance forms; (2) letters of support from refugee camp staff; or (3) a friend or family member who can prove their own Iraqi citizenship vouching for the person seeking temporary ID. Further, women’s family members should be able to obtain ID for them through power of attorney, and any children should be given identification at the same time as their mother so that they can receive state-sponsored support, as well. After three years without challenge to the cardholder’s identity, the ID should become permanent, allowing the holder to obtain an all-important CSID to prove their citizenship.

Offices should be set up in refugee camps, where women are likely to end up after escaping ISIS captivity, and women should be made aware of the

¹⁶⁶ *Iraq: Yazidi Women and Girls Face Harrowing Sexual Violence*, *supra* note 35.

¹⁶⁷ “They Came to Destroy”: *ISIS Crimes Against the Yazidis*, *supra* note 3, at 10.

¹⁶⁸ *Seeking Accountability and Demanding Change: A Report on Women’s Rights Violations in Iraq*, *supra* note 7, at 12.

¹⁶⁹ *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative in Baghdad for Sunni Arabs from ISIS-Held Areas*, *supra* note 14, at 28.

option of obtaining ID upon their arrival. Locations outside of refugee camps should also offer temporary ID services so that those women who are unable to make their way to refugee camps are also covered.

The problems facing all refugees are stark, but Yazidi women have particular needs due to the extreme violence suffered at the hands of ISIS fighters. They are not typical IDPs who have been forced from their homes—they are former slaves, and therefore have elevated needs in terms of healthcare, psychological care, and social rehabilitation, none of which they can access unless they can prove their identity. It is vital that in the midst of the worldwide refugee crisis, Yazidi women are not forgotten because of the diminished social status they occupy without men supporting them. It is vital that “[t]he international community...translate its shock and horror at IS crimes and sympathy for Yezidi survivors of sexual violence and other brutality into concrete actions.”¹⁷⁰ Expanding access to legal identification is one important, concrete action that can be taken to rehabilitate women who have suffered at the hands of ISIS and survived.

¹⁷⁰ *Iraq: Yezidi Survivors of Horrific Abuse in IS Captivity Neglected by International Community*, *supra* note 92.