

## IRAQ – Tier 2

Iraq is a source and destination country for women and children subjected to sex trafficking, and men, women, and children subjected to forced labor. The escalation of the conflict in 2014 with the Islamic State of Iraq and the Levant (ISIL) gravely increased the vulnerability of the population to trafficking, in particular women and children. ISIL militants continue to kidnap thousands of women and girls from a wide range of ethnic and religious groups, with a significant focus this past year on the Yezidi community, and sell them to ISIL fighters in Iraq and Syria where they are subjected to forced marriage, sexual slavery, rape, and domestic servitude; there are reports ISIL executes captives if they refuse to marry fighters. Women and girls who escape ISIL captivity and become displaced in the country remain vulnerable to various forms of exploitation, including re-trafficking. ISIL also abducts and forcibly uses children in combat and support roles, including as human shields, informants, bomb makers, and suicide bombers; some of these children are as young as 8 years old and some are mentally disabled. Anecdotal information from international organizations reported Shia militias fighting against ISIL recruited and used children in support roles; however, it was not possible to independently verify these claims.

Women and girls from Iraq and Syria, including refugees and internally displaced persons (IDPs), are exploited in sex trafficking by various individuals, including security and law enforcement officials, criminal gangs, taxicab drivers, and the victims' family members. Reports indicate IDPs and some Syrian refugee women are forced into prostitution by a trafficking network in hotels and brothels in Baghdad, Basrah, and other cities in southern Iraq after promising to resettle them from the Iraqi Kurdistan Region (IKR); the women's children are forced to beg on the street. Some Iraqi law enforcement officials allegedly ignored signs of or accepted bribes to allow sex trafficking in locations openly facilitating prostitution. In 2014, a member of Basrah's intelligence directorate was accused of being complicit in a criminal gang's involvement in the kidnapping and attempted trafficking of an Iraqi girl outside of the country. NGOs allege some personnel from the Kurdistan Regional Government's (KRG) Asayish internal security forces facilitate prostitution of women and girls in Syrian refugee camps in the IKR, primarily in Domiz refugee camp. Iraqi women and girls are sold into "temporary marriages"—for the purpose of sexual exploitation, prostitution, or domestic servitude—in exchange for settling tribal disputes. Likewise, Syrian girls from refugee camps in the IKR are forced into early or "temporary marriages" with Iraqi or other refugee men. KRG authorities allegedly ignore, or may accept bribes to

ignore, such cases including those in which girls are sold multiple times. Some displaced Iraqi families reportedly sell their children to other families to secure better futures; these children are at risk of being subjected to trafficking. Criminal gangs subject children to forced begging and other types of forced labor in Iraq.

Men and women from throughout Asia and East Africa who migrate to Iraq are forced to work as construction workers, security guards, cleaners, handymen, and domestic workers. Some foreign migrants are recruited for work in other countries in the region but are forced, coerced, or deceived into traveling to Iraq. Some Syrian refugee men enter into employment without legal work contracts in Iraq, which increases their vulnerability to trafficking. Women primarily from Iran, China, and the Philippines are forced into prostitution in Iraq. Iraqi women and girls are also subjected to sex and labor trafficking in the Middle East and Turkey.

The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government's abilities to combat trafficking were severely hindered by security challenges and budget constraints. The government made limited efforts to combat trafficking, including prosecuting suspected trafficking offenders and completing construction of the government trafficking shelter, while the KRG conducted operations to rescue Yezidi trafficking victims from ISIL captivity. Nevertheless, the government and the KRG failed to convict trafficking offenders and, as in previous reporting period, to identify or provide protection services to any trafficking victims. The government continued to harshly punish and deport victims of forced labor and sex trafficking, including children. Furthermore, complicity of some Iraqi and KRG authorities contributed to and exacerbated the trafficking of men, women, and children.

#### RECOMMENDATIONS FOR IRAQ:

Significantly increase investigations, prosecutions, and convictions of trafficking crimes under the anti-trafficking law, including of complicit government officials; prevent the recruitment and use of child soldiers by armed groups and provide protection services to demobilized children; ensure trafficking victims are not punished for crimes committed as a direct result of being subjected to human trafficking, such as prostitution and immigration violations; institute victim identification and referral guidelines for officials, and provide unhindered access to protection services, such as adequate shelter, psycho-social and medical care, and legal aid, to all trafficking victims regardless of a victim referral from the court; provide adequate protection services to trafficking victims and their children,

including trauma counselling, psycho-social and medical care, long-term shelter, reintegration services, employment training, and financial assistance; make the government-run shelter for trafficking victims fully operational and ensure shelter staff are adequately trained on victim identification and protection; establish a legal framework for NGOs to operate shelters for victims, and provide in-kind support to such organizations; regulate recruitment practices of foreign labor brokers to prevent practices facilitating forced labor; and strengthen anti-trafficking coordination with regional, provincial, and local authorities.

## PROSECUTION

The government demonstrated some limited law enforcement efforts. Iraq's 2012 anti-trafficking law appears to prohibit some, but not all, forms of human trafficking. Inconsistent with international law, the law does not make facilitating child prostitution an act of human trafficking, and seems to require a transaction (buying and selling) for human trafficking to occur. The law prescribes punishments that appear to be sufficiently stringent and commensurate with those prescribed for other serious crimes such as rape. Additionally, an article in the penal code criminalizes the prostitution of a child; the penalty is up to 10 years' imprisonment, which is sufficiently stringent to deter this activity, though not commensurate with the penalties prescribed for rape. The KRG did not have a law that specifically prohibits all forms of human trafficking, nor did it endorse or adopt the Iraqi government's anti-trafficking law.

The government did not investigate trafficking offenses, nor did it convict any offenders. It reported prosecuting 18 trafficking offenders in 2014 under Article 12 of Iraq's Trafficking in Persons law; however, an unknown number of defendants were reportedly not convicted. It is not known if any were in fact convicted and sentenced. The government reported initiating a security operation in late 2014, which resulted in the rescue of a 15-year-old girl in Baghdad who was abducted and suspected of being trafficked by a criminal gang to the United Arab Emirates; it was unclear if any of the offenders were arrested or prosecuted. The government cooperated with the Indian embassy to resolve labor disputes between more than 100 Indian workers and their employers; however, none of these cases was referred for prosecution for potential trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking, despite multiple reports of complicity. Judicial officials lacked understanding of the anti-trafficking law and failed to adequately implement it and protect victims during legal proceedings. To address this weakness, in January 2015, the chief justice appointed two judges to adjudicate trafficking cases on a

full-time basis for the Iraqi judiciary. The government trained its officials on anti-trafficking measures and provided in-kind assistance for international organizations to conduct additional trainings. The KRG facilitated the release and rescue of hundreds of Yezidis held captive by ISIL, many of whom were trafficking victims.

## PROTECTION

The government failed to identify and protect trafficking victims, while punishment of victims remained a serious problem. Neither the central government nor the KRG identified trafficking victims among vulnerable groups, such as undocumented foreign migrants and women and children arrested for prostitution violations, or provided victims with protection services. The government relied on victims to identify themselves to authorities and—in theory—only referred to protection services victims initiating legal proceedings against their traffickers. Victims, therefore, remained unidentified and vulnerable to arrest, incarceration, and deportation for unlawful acts committed as a direct result of being subjected to human trafficking. Sentences for prostitution violations—including for children as young as 9 years old who experienced sexual exploitation—were excessively harsh, ranging from 15 years' to life imprisonment. In addition, Iraqi authorities continued to detain or convict foreign workers for immigration violations with sentences of three to five years' imprisonment. In 2014, the KRG detained and charged 28 child trafficking victims; four victims were charged with prostitution and 24 were charged with begging.

The government did not provide adequate protection services, nor did it provide funding or in-kind assistance to NGOs providing victim assistance. NGOs were not legally able to operate shelters, though some continued to do so without official approval in order to accommodate victims' needs; however, these facilities remained vulnerable to prosecution and unprotected from threats of violence by extremist groups. The government completed construction of a permanent trafficking shelter in Baghdad, with a capacity of 50 male and female victims, but it was not operational at the end of the reporting period. The government operated some temporary shelters or holding facilities for foreign workers awaiting repatriation, victims of violence, and trafficking victims; however, these facilities did not provide appropriate services for trafficking victims and may have operated like detention centers. Sixteen family protection units, which operated in police stations around the country and were responsible for assisting women and child victims of abuse and trafficking, failed to refer trafficking victims to adequate protective services. The government did not encourage victims to assist in

investigations and prosecutions. The government did not provide foreign victims relief from deportation or offer legal alternatives to their removal to countries in which they may face hardship or retribution. While the KRG continued to operate three women's shelters in the IKR that offered some assistance for trafficking victims—where space was limited, service delivery was poor, and access was denied to Syrians—most victims at the shelters were victims of domestic violence. The KRG provided direct financial assistance to former captives, including Yezidis, who were released or rescued, as well as limited other essential services to these victims, including shelter, rehabilitation, and psycho-social assistance in IDP camps in the IKR.

## PREVENTION

The government made limited efforts to prevent human trafficking. Though the government's inter-ministerial anti-trafficking committee met eight times in 2014, the government's lack of a 2014 budget limited financial resources available for ministries responsible for addressing trafficking throughout the country and in the IKR. Despite budget shortfalls, the government distributed a limited number of anti-trafficking flyers to the public, while the committee provided anti-trafficking and shelter management training to committee members and lobbied to pass bylaws to improve implementation of the anti-trafficking law. The government continued to operate an anti-trafficking hotline, which received 41 calls in 2014, but it was unclear if any victims were identified through the hotline. The government took some efforts to reduce the demand for commercial sex acts, but it also inappropriately prosecuted and convicted women and child sex trafficking victims. The government did not take efforts to reduce the demand for forced labor, nor did it take measures to address the participation of Iraqi nationals in child sex tourism. The government reportedly provided training to military officers on child soldier issues; nevertheless, the government's efforts to prevent child soldiering was severely limited. The government did not provide anti-trafficking training or guidance for its diplomatic personnel. The KRG continued to operate a hotline for workers to report labor violations and abuse; it received five to 10 calls per day, but it did not report if any potential trafficking victims were identified through this hotline. The KRG reported it temporarily suspended the operations of 12 companies, which employed foreign workers, for labor violations and blacklisted two labor recruitment agencies. The KRG claimed it continued to enforce a June 2013 decision to ban the issuance of work permits to foreign workers from Bangladesh and Ethiopia to prevent labor abuses and exploitation among these groups.