

IRAQ (Tier 2 Watch List)

Iraq is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Iraqi women and girls are subjected to conditions of trafficking within the country and in Syria, Lebanon, Jordan, Kuwait, the United Arab Emirates, Turkey, Iran, Yemen, and Saudi Arabia for forced prostitution and sexual exploitation within households. Anecdotal reporting suggests that trafficking in forced prostitution and bonded labor are increasing in Iraq, partially owing to pervasive corruption and an overall increase in criminal activity.

Women are lured into forced prostitution through false promises of work. An international organization reports an increase in forced prostitution in the city of Tikrit; women between the ages of 15 to 22 years from Baghdad, Kirkuk, and Syria are sold to traffickers in Tikrit for the equivalent of \$1,000-5,000 and then replaced or sold again every two or three months. Women are also subjected to involuntary servitude through forced marriages, often as payment of a debt, and women who flee such marriages are often vulnerable to further forced labor or sexual servitude. One NGO reports that recruiters rape women and girls on film and blackmail them into prostitution or recruit them in prisons by posting bail and then forcing them into prostitution via debt bondage. Some women and children are pressured into prostitution by family members to escape desperate economic circumstances, to pay debts, or to resolve disputes between families. NGOs report that these women are often prostituted in private residences, brothels, restaurants, and places of entertainment. Some women and girls are trafficked within Iraq for the purpose of sexual exploitation through the use of temporary marriages (*muta'a*), by which the family of the girl receives money in the form of a dowry in exchange for permission to marry the girl for a limited period of time. Some Iraqi parents have reportedly collaborated with traffickers to leave children at the Iraqi side of the border with Syria with the expectation that traffickers will arrange forged documents for them to enter Syria and find employment in a nightclub. An Iraqi official revealed networks of women have been involved in the trafficking and sale of male and female children for the purposes of sexual exploitation.

The large population of internally displaced persons and refugees moving within Iraq and across its borders are particularly at risk of being trafficked. Women from Iran, China, and the Philippines reportedly may be trafficked to or through Iraq for commercial sexual exploitation. Some Iraqi refugees in Syria reportedly have contracted their daughters to work as maids in Syrian households, where they may have been subsequently raped, forced into prostitution, or subjected to forced labor. In other instances, Iraqi refugees' children remained in Syria while their parents left the country in search of improved economic circumstances, leaving the children vulnerable to trafficking. Iraqi women deported from Syria on prostitution charges are vulnerable to re-trafficking by criminal gangs operating along the border. After political unrest escalated in Syria, Iraqi refugees remaining in Syria reported they were unable to find work in the informal sector, coerced into taking part in anti-government protests, and harassed by Syrian authorities, all of which increased this vulnerable population's susceptibility to trafficking.

Iraq is also a destination for men and women who migrate from Bangladesh, India, Indonesia, Nepal, the Philippines, Sri Lanka, Thailand, Pakistan, Georgia, Jordan, and Uganda and are subsequently subjected to involuntary servitude as construction workers, security guards, cleaners, handymen, and domestic workers. Such men and women may face confiscation of passports and official documents, nonpayment of wages, long working hours, threats of deportation, and physical and sexual abuse as a means to keep them in a situation of forced labor. Some of these foreign migrants were recruited for work in other countries such as Jordan or the Gulf States, but were forced, coerced, or deceived into traveling to Iraq, where their passports were confiscated and their wages withheld,

ostensibly to repay labor brokers for the costs of recruitment, transport, food, and lodging. Other foreign migrants were aware they were destined for Iraq, but once in the country, found the terms of employment were not what they expected or the jobs they were promised did not exist, and they faced coercion and serious harm, financial or otherwise, if they attempted to leave. The Governments of Nepal and the Philippines continue to ban their citizens from migrating to Iraq for work. In addition, some Iraqi boys from poor families are reportedly subjected to forced street begging and other non-consensual labor exploitation and commercial sexual exploitation. Some women from Ethiopia, Indonesia, Nepal, and the Philippines who migrated to the Iraqi Kurdistan Region experienced conditions of domestic servitude after being recruited with offers of jobs different than they received.

The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking. The government did not demonstrate evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Iraq is placed on Tier 2 Watch List for a fourth consecutive year. Iraq was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. The Iraqi Parliament passed a comprehensive anti-trafficking law on April 30, 2012; this law prescribes punishments for both sex trafficking and labor trafficking. The Iraqi government reported negligible efforts to prosecute or punish traffickers under existing laws. The government demonstrated some efforts to identify and assist victims of forced labor, yet the government continued to punish victims of forced prostitution, while providing no systematic protection services to victims of trafficking.

Recommendations for Iraq: Implement legislation that prohibits all forms of trafficking; continue to use existing Iraqi criminal statutes – including those prohibiting kidnapping and detention by force or deception – to investigate and prosecute human trafficking offenses and convict trafficking offenders; institute a procedure to proactively identify victims, such as by comprehensively training police and immigration officials who may come into contact with trafficking victims; cease punishing identified victims of trafficking for crimes committed as a direct result of being trafficked, including forced prostitution; provide protection services to victims and proactively refer victims to available non-governmental protection services; under the new trafficking law, de-criminalize NGO shelters that provide assistance to victims of sex trafficking; encourage victims' assistance in prosecuting offenders; provide assistance to Iraqi victims of trafficking identified abroad; offer legal alternatives to removal to foreign victims of trafficking; take steps to end the practice of forced marriages that entrap girls in sexual and domestic servitude; regulate recruitment practices of foreign labor brokers to prevent practices facilitating forced labor; and undertake a public awareness campaign to raise awareness of sex trafficking and forced labor.

Prosecution

The government demonstrated modest law enforcement efforts against trafficking in persons during the reporting period, as the Iraqi Parliament adopted a comprehensive anti-trafficking law on April 30, 2012. During the reporting period, the Iraqi government had several existing provisions in its penal code through which it could prosecute, convict, and punish trafficking offenses, including those prohibiting the unlawful seizure, kidnapping, and detention of a person by force or deception with penalties of up to seven years' imprisonment and up to 15 years' imprisonment if the victim is a child and force is used. The penalty for sexual assault or forced prostitution of a child is up to 10 years' imprisonment, which is sufficiently stringent to deter this activity, though not commensurate with the penalties prescribed for rape, which is up to 15 years' imprisonment. Iraq's anti-trafficking law prescribes some punishments for

both sex trafficking and labor trafficking that are sufficiently stringent. The government does not collect statistics on prosecutions, convictions, or sentences of trafficking offenders.

The government did not make demonstrable efforts to investigate or punish official complicity in trafficking offenses. The Government of Iraq has no mechanisms to collect data on the enforcement of anti-trafficking law offenses. The government did, however, open a criminal investigation regarding the case of 22 male Ukrainian and Bulgarian victims of forced labor in the construction sector whose employer abandoned them in Baghdad's international zone; the case was filed in criminal court in March 2012. While the government did not fund anti-trafficking training, the Ministry of Labor and Social Affairs (MOLSA) provided facilities for some anti-trafficking awareness and victim identification trainings that were funded by an international organization and a foreign government; participants in multiple trainings throughout the year included officials from the Ministry of Interior and MOLSA, judges, prosecutors, and law enforcement personnel. Additionally, more than 100 Iraqi police cadets and commissioned officers received anti-trafficking awareness and victim identification training courses from a foreign government from July 2011 through February 2012.

Protection

The Iraqi government demonstrated minimal efforts to protect victims of trafficking during the reporting period. Government authorities did not develop or employ systematic procedures to identify proactively victims of trafficking among vulnerable groups, such as women arrested for prostitution or foreign workers, and did not recognize that women in prostitution could be victims of sex trafficking. The government similarly did not provide standard operating procedures to guide law enforcement officials in identification of trafficking victims. As a result, some victims of trafficking were incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked, such as engaging in prostitution. Victims of forced labor reportedly were not detained, fined, or jailed for immigration violations, but they were generally not provided protection services by the government, including medical services.

The government demonstrated some willingness to assist victims of forced labor during the reporting period. In July 2011, the government reportedly paid 10 Sri Lankan victims of forced labor the equivalent of \$3,000 each in compensation. In October 2011, the Ministry of Foreign Affairs worked in collaboration with an international organization to provide compensation the equivalent of \$2,000 and exit documentation to each of the aforementioned 22 male Ukrainian and Bulgarian victims of forced labor in the construction sector whose employer abandoned them in Baghdad's international zone. After the victims were repatriated, the government worked with Ukrainian authorities to collect the victims' statements to pursue a criminal investigation. The workers' Iraqi attorney filed a criminal complaint under Labor Law 111, Article 456, prior to passage of the anti-trafficking law. The victims were also allowed to pursue a civil court claim against the employer for the equivalent of \$300,000 in back wages. These cases were pending at the end of the reporting period.

Some Iraqi police centers have specialists to assist women and children who are victims of trafficking and abuse, yet the number of victims assisted and the type of assistance provided was unclear. The government neither provided protection services to victims of trafficking nor funded or provided in-kind assistance to NGOs providing victim protection services; likewise, the government did not have a budget designated for victim protection or assistance during the reporting period. All available care was administered by NGOs, which operated victim-care facilities and

shelters accessible to victims of trafficking. The government continued to criminalize NGO-run shelters that provided protective services to sex trafficking victims; therefore, these shelters continue to be vulnerable to prosecution and unprotected from threats of violence by extremist groups. There were no signs that the government developed or implemented procedures by which government officials systematically referred identified victims to organizations providing legal, medical, or psychological services; the government did not collect official statistics on the number of trafficking victims in Iraq or those that received assistance. Upon release from prison, female victims of forced prostitution had difficulty finding assistance, especially in cases where the victim's family had sold her into prostitution, thereby increasing her chances of being re-trafficked. Some child trafficking victims were placed in protective facilities, orphanages, and foster care, while others were placed in juvenile detention centers. The government did not encourage victims to assist in investigations or prosecutions or provide them legal assistance or legal alternatives to removal to countries in which they may face hardship or retribution.

Prevention

The Government of Iraq made some efforts to prevent trafficking in persons. The government, in coordination with an international organization, formed and co-chaired the Rule of Law International Policy Committee Working Group on Trafficking in Persons in February 2011, which met eight times in 2011 to discuss developments in the draft law, lobby for its passage, and raise awareness of human trafficking and the draft law among relevant ministry employees. MOLSA reportedly began to regulate labor recruitment practices during the reporting period, though it was unclear if the government penalized or closed recruitment agencies involved in fraudulent recruitment practices. Some government officials continued to deny the existence of human trafficking or did not believe trafficking was a significant issue in Iraq. For example, on various occasions during the year, Ministry of Interior officials denied that women incarcerated for prostitution could also be trafficking victims. The government did not conduct any public awareness or education campaigns to educate migrant workers, labor brokers, and employers of workers' rights against forced labor. There were no reported efforts to reduce the demand for commercial sex acts.

For more information: <http://www.state.gov/j/tip/rls/tiprpt/2012/192367.htm>

For Department of State Trafficking in Persons Report 2012:
<http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>