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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 continued escalation in 2015 of the conflict with Da'esh, also known as the Islamic State of Iraq and the Levant (ISIL), gravely increased the vulnerability of the population to trafficking, in particular women and children. In 2015, more than 3.3 million Iraqis were displaced across the country, and more than 245,000 Syrian refugees remained displaced in the Iraqi Kurdistan Region (IKR). Da'esh militants continue to kidnap and hold captive thousands of women and girls from a wide range of ethnic and religious groups, especially from the Yezidi community, and sell them to Da'esh fighters in Iraq and Syria where they are subjected to forced marriage, sexual slavery, rape, and domestic servitude. There are reports Da'esh executes captives if they refuse to marry fighters. The media has also reported that Da'esh sells some captives to wealthy individuals in Gulf countries. Da'esh maintained an organized system to buy and sell women for sexual slavery, including sales contracts notarized by Da'eshrun courts. In 2015, thousands of women and girls escaped Da'esh captivity – many of whom were pregnant as a result of rape – and became internally displaced persons (IDPs) because Da'esh still controlled their homelands; these victims remain highly vulnerable to various forms of exploitation, including re-trafficking. Da'esh continues to abduct and forcibly recruit and use 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. Da'esh continues to train children at military training and indoctrination camps. In 2015, an international organization and media reported Da'esh forced hundreds of boys from the Ninewa Governorate to man checkpoints and serve as informants and suicide bombers. IKR contacts reported in 2015 that the Kurdistan Workers' Party had recruited Yezidi boys, some younger than 10 years old, to serve as fighters against Da'esh. The UN reported that in 2015, volunteer militia affiliated with the Popular Mobilization Forces (PMF), which is an official entity funded by the 2015 budget but one that the government struggles to control, were alleged to have recruited and used children to serve in combat roles. The UN also reported in 2016 that the PMF coerced eight boys to attend a military training camp and recruited four boys to serve in combat roles. An international organization also reported in 2015 that children, including girls, continue to be associated with Yezidi self-defense forces fighting alongside the Peshmerga in the Sinjar mountains.

Refugees and IDPs face heightened risk of trafficking due to their economic and social vulnerability. In 2015, NGOs reported trafficking networks in the IKR targeted refugees and IDPs, operating with assistance from local officials, including judges, individuals from the Kurdistan Regional Government's (KRG) Asayish internal security forces, and border agents. Likewise, various individuals, including security and law enforcement officials, criminal gangs, taxicab drivers, and the victims' family members, exploited women and girls from Iraq and Syria, including refugees and IDPs, in sex trafficking. In the IKR, members of Parliament and NGOs have alleged some personnel from the Asayish internal security forces facilitate the sex trafficking of women and girls in Syrian refugee camps in the IKR, primarily in Domiz refugee camp, as well as sex trafficking of girls outside of the camps. Reports from 2015 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 agents of the network promise to resettle them from the IKR; the women's children are also forced to beg on the street. Some Syrian refugee men enter into employment without legal work contracts in Iraq, which increases their vulnerability to trafficking. Some displaced Iraqi families reportedly sell their children to other families to secure better futures; these children are at risk of trafficking.

Traditional practices, including child forced and "temporary" marriages and *fasliya* – the exchange of family members to settle tribal disputes – also place women and girls at increased risk of trafficking within the country. An NGO reported in 2015 that incidents of child marriage – which could increase a child's vulnerability to commercial exploitation – increased among Syrian refugees in the IKR, as heads of households sought ways to generate income and reduce the family's economic burden. Syrian girls from refugee camps in the IKR are forced into early or "temporary marriages" with Iraqi or other refugee men; some KRG authorities allegedly at times ignore, or may accept bribes to ignore, such cases, including those in which girls are sold multiple times. Anecdotal reports also suggest that some Iraqi law enforcement officials have allegedly frequented brothels known for sex trafficking or accepted bribes to allow sex trafficking in locations openly facilitating prostitution. Media and other observers reported in 2015 that an Iranian sex trafficking network operated brothels in Erbil where Iranian girls were exploited in prostitution; the media reported a KRG official allegedly paid \$3,000 to have sex with an Iranian sex trafficking victim, paying a premium because the victim was a virgin. Criminal gangs subject children to forced begging and other types of forced labor in Iraq, while trafficking networks also reportedly sell Iraqi children in neighboring countries and Europe for commercial sexual exploitation. Iraqi women and girls are also subjected to sex and labor trafficking in the Middle East and Turkey.

Some 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, including the IKR. In May 2015, the Ministry of Labor and Social Affairs reported approximately 140,000 foreign workers lacked formal work permits; NGOs reported some employers and recruitment agents exploit workers' illegal status by withholding salaries and subjecting workers to substandard living conditions. The Kurdistan Independent Human Rights Commission reported 69 percent of 480 foreign workers surveyed in the IKR in January 2016 were not paid their agreed-upon salaries and 18 percent reported violent acts their employers committed against them.

The Government of Iraq does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Violence and security challenges, lack of control over parts of the country, budget constraints, and an influx of IDPs, particularly in the IKR, continued to severely hinder the government's ability to combat trafficking. The government and KRG made efforts to prosecute and convict traffickers, and the KRG continued to conduct operations to rescue Yezidi and other trafficking victims from Da'esh captivity. Some

PMF-affiliated militias recruited and used child soldiers. While the PMF is funded by the government and falls under the control of the prime minister, the government struggled to exercise full control over all the PMF factions. The government did not hold anyone accountable for child recruitment and use by the PMF and PMF-affiliated militias. The government officially opened a permanent shelter for trafficking victims in Baghdad, and both the government and KRG continued to improve services available for trafficking survivors of Da'esh captivity. Nevertheless, the quality of protection services for trafficking victims varied widely by location; some trafficking victims were unable to receive services, and the government did not provide support to NGOs that provided appropriate assistance to victims. The government continued to harshly punish and deport victims of forced labor and sex trafficking, including children.

RECOMMENDATIONS FOR IRAQ:

Stop the recruitment and use of child soldiers by the Popular Mobilization Forces (PMF) and PMF-affiliated militias, hold complicit officials accountable, and provide protection services to demobilized children; amend the anti-trafficking law to prohibit and punish all forms of trafficking consistent with international law; significantly increase investigations, prosecutions, and convictions of trafficking crimes under the anti-trafficking law, including of complicit government officials; establish and implement an adequate legal framework that applies to the IKR that criminalizes all forms of human trafficking and prescribes sufficiently stringent penalties; 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 government victim identification and referral guidelines and provide unhindered access to protection services to all trafficking victims, regardless of a victim referral from the court; provide adequate protection services to trafficking victims and their children, including trauma counseling, psycho-social and medical care, long-term shelter, reintegration services, employment training, and financial assistance in Iraq and the IKR; ensure staff at the government-run shelter in Baghdad 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; develop mechanisms to encourage victims' participation in investigations and prosecutions of traffickers in Iraq and the KRG; 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 law enforcement efforts, but did not adequately address alleged government complicity. Iraq's 2012 anti-trafficking law prohibits some, but not all, forms of human trafficking. The government did not finalize regulations that would authorize authorities to fully implement the anti-trafficking law; this remained an obstacle to enforcing the law, bringing traffickers to justice, and protecting victims. The law's definition of human trafficking is not entirely consistent with international law; it requires a monetary transaction and it does not consider the facilitation of "child prostitution" a trafficking crime. An article in the penal code, however, criminalizes "the prostitution of a child"; the penalty is up to 10 years' imprisonment, which is sufficiently stringent to deter this activity, although not commensurate with the penalties prescribed for rape. The anti-trafficking law prescribes penalties for sex trafficking that range from temporary imprisonment and a fine to the death penalty, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Penalties for labor trafficking range from temporary imprisonment and a fine to the death penalty, which are sufficiently stringent. The labor law, however, prescribes penalties for labor trafficking of a fine and imprisonment not exceeding six months, which are not sufficiently stringent. 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 central government reported the prosecution

of 113 offenders and conviction of 29 traffickers, which included, but was not limited to, two forced labor offenders and one child trafficker under the anti-trafficking law; it sentenced the child trafficker to life imprisonment and a fine. These represent a significant increase compared with 18 perpetrators prosecuted in 2014. KRG authorities arrested and charged three alleged sex traffickers; the case was ongoing at the end of the reporting period. KRG authorities also arrested an alleged sex trafficker for owning a spa that operated as a brothel in the IKR; however, they eventually deported the alleged offender without charging him with trafficking offenses. In 2015, the KRG facilitated the release and rescue of approximately 5,000 Yezidis held captive by Da'esh, many of whom were trafficking victims. In addition, KRG authorities cooperated with Turkish authorities to extradite a Turkish national allegedly engaged in human trafficking. The government did not report any investigations or convictions of government officials complicit in human trafficking, despite multiple reports of complicity among law enforcement, internal security, and paramilitary forces in Iraq and the IKR. The government did not hold members of the PMF, or militia affiliated with the PMF, that reportedly recruited and used child soldiers criminally accountable; however, the government did not exercise full control over all PMF groups. Although the government reported prosecuting a police officer in Babil for attending a brothel where there were women and child sex trafficking victims, it was unclear if it charged the alleged offender for trafficking crimes.

During the reporting period, the Ministry of Interior (MOI) reorganized its anti-trafficking department to include divisions in charge of victims and witnesses, investigations, and international cooperation; this department received an unknown portion of the 2016 budget to fight human trafficking. In 2015, the MOI formed two committees in Baghdad, led by three colonels and several investigative officers, to investigate trafficking cases on a full-time basis; it also appointed one additional officer in each province to handle trafficking cases. Judicial officials lacked understanding of the anti-trafficking law and did not adequately implement it or protect victims during legal proceedings. To remedy this problem, in January 2016 the Higher Judiciary Council issued a directive calling for all judges to refer suspected trafficking cases to judges in Baghdad who specialize in trafficking. The government continued to train its officials on anti-trafficking measures and provided some financial or in-kind assistance for international organizations to conduct additional trainings.

PROTECTION

The government demonstrated minimal efforts to identify and provide protection services to trafficking victims, but punishment of victims remained a serious deficiency. The government did not have formal procedures for proactive identification of trafficking victims among vulnerable groups, including undocumented foreign migrants and persons in prostitution, or for referral to appropriate protection services. In April 2015, the government established a working group to draft a national victim referral mechanism, but it was not finalized at the end of the reporting period. Nevertheless, during the course of investigations, the central government identified 39 Bangladeshi forced labor victims and one potential Iranian child trafficking victim. Likewise, through a coordinated effort between KRG authorities, NGOs, and the Philippine embassy, the KRG rescued 12 Filipino sex trafficking victims identified in a spa that operated as a brothel in the IKR; these victims were referred to a women's shelter in Erbil and repatriated in collaboration with the Embassy of the Philippines. These identification efforts demonstrated significant progress from the previous reporting period when the central government and KRG did not identify any trafficking victims. Despite these efforts, the KRG relied on victims to identify themselves to authorities and only referred to protection services victims initiating legal proceedings against their traffickers. Victims, therefore, remained unidentified and vulnerable to arrest, imprisonment, and deportation for unlawful acts committed as a direct result of being subjected to human trafficking, such as prostitution and immigration violations. Sentences for prostitution violations – including for children – were excessively harsh, ranging from 15 years' to life imprisonment.

During the reporting period, foreign embassies reported authorities forcibly deported foreign migrant workers for overstaying their visas with no effort to screen this vulnerable population for trafficking. In some isolated incidents during the reporting period, judges overturned or reduced the sentences for women convicted for prostitution violations, but it was unclear if these women were victims of sex trafficking.

The government provided some protection services to trafficking victims, but overall victim care varied by location. No facilities in Iraq and the IKR offered specialized services to child trafficking victims or victims with special needs or psychological trauma. The government also did not provide specialized care to children who were recruited and used in armed groups, including the PMF and PMF-affiliated militia. The government did not provide funding or in-kind assistance to NGOs providing victim care. NGOs were not legally able to operate shelters, although some continued to do so without official approval; however, these facilities remained vulnerable to legal action by the government and threats of violence by extremist groups. In June 2015, the government officially opened a permanent trafficking shelter in Baghdad, with a capacity of 50 male and female victims, and trained shelter staff to provide psycho-social counseling and legal aid; it was unknown how many trafficking victims – if any – received assistance at the shelter during the reporting period, although the shelter reportedly housed orphans and victims of gender-based violence. The government operated some temporary shelters and holding facilities for foreign workers awaiting repatriation; however, these facilities did not provide appropriate services for trafficking victims and may have operated as detention centers. The government continued to operate 16 family protection units located in police stations around the country, which were responsible for assisting women and child victims of abuse and trafficking. The units, however, focused primarily on family reconciliation instead of victim protection and they did not have a regular referral system; the government did not report if the units referred any trafficking victims to appropriate protective services in 2015. The Ministry of Health (MOH) continued to oversee the provision of medical and psychological assistance to trafficking victims in provincial health facilities, but it was unclear how many victims received these services during the reporting period.

In May 2015, the Iraqi parliament approved an emergency plan to implement UN Security Council Resolution 1325 on women, peace, and security, which established a coordination mechanism to recover victims exploited by Da'esh and provide survivors with protection, rehabilitation, compensation, and other forms of support. During the reporting period, the government provided financial compensation to 300 Yezidis, who were former Da'esh captives, through a compensation program. Additionally, in 2015 MOH collaborated with an international NGO to establish mental health units with trained professionals in Kirkuk and Dohuk Governorates to address the growing need to provide psychological and trauma assistance to trafficking victims, particularly those who were held captive by Da'esh. The KRG also continued to provide direct financial assistance to Yezidis who were former Da'esh captives, as well as limited other essential services to these victims, including shelter, rehabilitation, and psycho-social assistance in IDP camps in the IKR. While the KRG continued to operate three women's shelters in the IKR that offered some assistance for trafficking victims – where space was limited and service delivery was poor – most victims at the shelters were victims of domestic violence. Syrian victims were denied access to these shelters unless they reported trafficking or other crimes to the police first, which prevented most Syrians from receiving assistance at the shelter.

In August 2015, the government updated the labor law to include protections for foreign workers, such as allowing workers to maintain their residencies and work licenses if they lost their job to work for a different employer, and requiring employers to grant workers a return ticket home at the end of their work contract. The central government and the KRG did not encourage victims to assist in investigations and prosecutions, although the anti-trafficking law provides for victim protection during the investigation and prosecution processes. 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. The government reportedly provided repatriation services to an unknown number of forced labor victims in 2015.

PREVENTION

The government made limited efforts to prevent human trafficking, including the recruitment and use of children by the PMF and PMF-affiliated militias. The government reportedly provided training to military officers on child soldier issues, but its efforts to prevent child soldiering by various armed groups were severely limited. The government's inter-ministerial anti-trafficking committee, which included a KRG representative from the Kurdistan Ministry of Interior, met four times in 2015. During the reporting period, the government raised awareness about trafficking issues among religious organizations, NGOs, and universities and conducted awareness campaigns at airports. The government continued to operate and publicize its anti-trafficking hotline, but it was unclear if any victims were identified through the hotline. The government, in collaboration with an international organization, continued to conduct an assessment of child labor, trafficking, and forced prostitution in Iraq, but the assessment was not finalized at the end of the reporting period. The government took some efforts to reduce the demand for commercial sex acts; however, it did not take efforts to reduce the demand for forced labor, nor address the participation of Iraqi nationals in child sex tourism. It was unclear whether the government provided anti-trafficking training or guidance for its diplomatic personnel.

In 2015, the KRG developed an anti-trafficking action plan, which included input from various ministries, international organizations, and NGOs, but it was not finalized at the end of the reporting period. In response to growing public concern about human trafficking, in November 2015, the KRG formed a committee charged with investigating sex trafficking in Erbil; since its formation, the committee closed 52 illegal massage centers in hotels that were engaging in sex trafficking. Additionally, in 2015, the KRG launched a one-year awareness campaign against child marriage in the IKR. In January 2016, the Kurdistan Independent Human Rights Commission published its first annual report on foreign labor in the IKR, in which it assessed the labor conditions of 480 foreign workers. The KRG reported it temporarily suspended the operations of 15 companies and closed four for committing labor trafficking crimes; however, it failed to prosecute these companies for such crimes.

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