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Trafficking in Persons Report 2018 - Country Narratives - Iraq

IRAQ: Tier 2 Watch List

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. The government demonstrated significant efforts during the reporting period by prosecuting and convicting more traffickers and investigating some complicit officials. It also reported identifying more trafficking victims in comparison to the previous reporting period. The government established a national inter-ministerial committee to monitor, evaluate, and report on children in armed conflict in Iraq, which included child soldiering. However, the government did not demonstrate increasing efforts compared to the previous reporting period; therefore Iraq remained on Tier 2 Watch List for the second consecutive year. Although the government identified trafficking victims, deficiencies in the government’s identification and referral procedures prevented many victims from receiving appropriate protection services; the government-run trafficking shelter in Baghdad reportedly remained empty throughout 2017. The government did not investigate allegations that some militia units unlawfully recruited and used child soldiers in 2017, including units of the Popular Mobilization Forces (PMF) operating under the Popular Mobilization Committee (PMC), a component of the Iraqi armed forces. The government did not hold anyone criminally accountable despite several years of such allegations. The government continued to punish some trafficking victims for crimes committed as a result of being subjected to trafficking, such as child soldiering, prostitution, and immigration violations.

RECOMMENDATIONS FOR IRAQ

Hold complicit officials accountable for unlawful recruitment and use of child soldiers and provide protection services to child soldiers and other trafficking victims; continue to make efforts to stop the recruitment and use of child soldiers by all armed groups, including units of the PMF and independent militias; 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; allow all first responders to officially identify potential trafficking victims and refer them to care regardless of whether a victim presses charges against his or her trafficker; develop and institute guidelines for proactive victim identification and referral to protection services for all relevant officials, and train officials on these procedures; increase unhindered access to

adequate protection services for victims of all forms of trafficking and their children, including trauma and psycho-social counseling, and medical care, long-term shelter, reintegration services, employment training, and financial assistance; amend the anti-trafficking law to prohibit and punish all forms of trafficking consistent with the 2000 UN TIP Protocol; allow victims and witnesses to participate in legal proceedings against their traffickers; make significant efforts to investigate, prosecute, convict, and stringently sentence traffickers, including complicit government officials, even when victims do not press charges or participate in legal proceedings against their trafficker; finalize regulations to enable full implementation of the anti-trafficking law; establish a legal framework for NGOs to operate shelters for victims and support such organizations; and establish and implement a legal framework in the entire country, including the Iraqi Kurdistan Region (IKR), that criminalizes all forms of human trafficking and prescribes sufficiently stringent penalties.

PROSECUTION

The government increased law enforcement efforts, but it failed to prosecute or convict officials complicit in trafficking, including sex trafficking and child soldiering. Iraq’s 2012 anti-trafficking law criminalized some forms of labor and sex trafficking. Inconsistent with the definition of trafficking under international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. Additionally, the law required an individual to be sold to be considered a trafficking victim. An article in the penal code criminalized “the prostitution of a child” and provided a penalty of up to 10 years imprisonment, which was sufficiently stringent to deter the crime, although not commensurate with the penalties prescribed for rape. The anti-trafficking law prescribed penalties of up to 15 years imprisonment and a fine of up to 10 million Iraqi dinars (\$8,580) for trafficking offenses involving adult male victims, and up to life imprisonment and a fine of 15 million to 25 million Iraqi dinars (\$12,860 to \$21,440) if the offense involved an adult female or child victim. These penalties were sufficiently stringent, and with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The labor law conflicted with the anti-trafficking law, as its penalties included a fine and imprisonment not exceeding six months, which were not sufficiently stringent. The government continued to lack implementing regulations for the anti-trafficking law, hindering its ability to enforce the law, bring traffickers to justice, and protect victims. The Kurdistan Regional Government (KRG) did not have a law that specifically prohibited all forms of human trafficking and the national anti-trafficking law did not apply in the IKR.

The government reported investigating 266 potential trafficking cases in 2017 (314 in 2016), of which the Ministry of Interior (MOI) determined 40 to be alleged forced labor cases and 68 to be suspected sex trafficking cases; it determined the remaining 158 cases did not involve human trafficking crimes. The MOI reported it prosecuted 68 individuals on trafficking charges and convicted 22 traffickers under the anti-trafficking law in 2017, but it did not provide additional details on these cases. The MOI also investigated 48 alleged perpetrators for knowingly soliciting sex trafficking victims, of which 10 were prosecuted and convicted for human trafficking crimes under the anti-

trafficking law. These prosecution and conviction efforts demonstrated a significant increase in comparison to 17 prosecutions and convictions in 2016. Nevertheless, according to NGOs, the government did not initiate a trafficking prosecution unless a victim pressed charges, yet most victims did not do so because they did not know the identity of their trafficker or were fearful of retaliation. During the reporting period, the KRG reported it conducted 58 investigations into abuses against foreign workers, but it did not report prosecuting or convicting any trafficking perpetrators.

Significant concerns of alleged official complicity in trafficking crimes remained, including unlawful recruitment and use of child soldiers and sex trafficking. The government reported some efforts to investigate government officials complicit in human trafficking offenses, but it did not report efforts to prosecute or convict complicit officials. The government did not report efforts to investigate brothels across the country that civil society organizations believed to hold sex trafficking victims; local officials were allegedly aware of these brothels and allowed them to continue to operate. The government did not report efforts to investigate, prosecute, or convict alleged perpetrators of child soldiering among PMF units as reported in 2016. The government also did not report efforts to investigate allegations in 2017 that units of Asa’ib Ahl al-Haq (AAH) or Kata’ib Hizbullah (KH) militias—some of which operated under the PMC—recruited and used child soldiers.

In early 2017, Iraq’s Higher Judicial Council repealed a directive from 2016 that established specialized courts in Iraq to handle trafficking cases; therefore during the reporting period the government did not offer specialized judges or court settings to oversee trafficking cases. During the reporting period, the MOI provided training for its personnel on the anti-trafficking law and victim identification, while the Baghdad Governor’s Office partially sponsored an anti-trafficking training session with civil society organizations and various government ministries in September 2017.

PROTECTION

The government increased efforts to identify trafficking victims and provided limited protection services to some victims. Deficiencies in the government’s identification and referral procedures prevented many victims from receiving care and therefore victims remained highly vulnerable to punishment for crimes committed as a direct result of being subjected to trafficking. The Iraqi government reported it identified 41 victims, which included seven child trafficking victims, 22 female victims of both sex and labor trafficking, and 12 male victims of forced labor in 2017. This represents an increase from the previous reporting period, as the government did not report identifying any victims in 2016. Of these victims, the MOI reported it referred five of the child victims to the Ministry of Labor and Social Affairs (MOLSA) for care, but it did not report if it referred the other identified victims to assistance. Government officials reported victim identification efforts remained low because, in practice, judges were the only officials who could officially identify and refer a trafficking victim to protection services; however, because judges required victims to testify in front of their perpetrators in court, most victims did not come forward due to their fear of retaliation. The

government did not institute government-wide victim identification guidelines for all relevant officials and first responders who came in contact with potential trafficking victims among vulnerable groups, including undocumented foreign migrants and persons in prostitution. However, the MOI reported it utilized internal procedures to guide law enforcement officials in identifying trafficking victims. The MOI also reported it trained personnel to identify potential labor trafficking cases. MOLSA reported it conducted periodic labor inspections of sites where foreign migrants were employed to ensure employers were not violating labor laws or committing potential labor trafficking crimes. It did not, however, report if any of these inspections resulted in the identification of labor trafficking victims during the reporting period.

Trafficking victims in Iraq and the IKR continued to be vulnerable to arrest, imprisonment, and deportation for unlawful acts committed as a direct result of being subjected to human trafficking, such as prostitution, immigration violations, and child soldiering. In May 2017, an international organization reported that unidentified PMF militia members detained, interrogated, and physically abused a 15-year-old boy for two days for alleged affiliation with ISIS, after he was caught fleeing ISIS-controlled area in west Mosul; there was no indication authorities screened the boy for trafficking or referred him to victim care. Local experts reported concerns that a significant number of sex trafficking victims faced criminal prosecution during the reporting period. Sources reported that in some instances, judges wrongfully convicted sex trafficking victims of committing prostitution violations that they were forced to commit, including child sex trafficking victims. Sentences for prostitution violations in Iraqi courts ranged from 15 years to life imprisonment, and applied to both adults and children. During the reporting period, foreign labor trafficking victims were vulnerable to paying immigration fines, and the MOI reported that trafficking victims could face penalties for using falsified documents.

Although the anti-trafficking law required the government to institute a formal referral process to refer victims to protection services, in practice, government officials did not regularly refer identified victims to care, likely due to deficiencies in the government's identification procedures. The Iraqi government and the KRG provided limited protection services to victims of all forms of trafficking, and victim care varied by location. The Iraqi government re-opened a MOLSA-run trafficking shelter in Baghdad in August 2017, which was closed in 2016 due to security concerns. Fifteen specially-trained employees staffed the shelter and it was available for male, female, and child victims. MOI reported that it referred five child trafficking victims to this shelter in 2017; however, as of December 2017, NGOs reported the shelter remained unused during the reporting period. MOLSA reported it provided care for 25 children with familial ties to ISIS during the reporting period, but it did not report what type of support it provided, nor did it report funding specific programming to demobilize former ISIS child soldiers. The Iraqi government did not provide funding or in-kind assistance to NGOs providing victim care. NGOs were not allowed to legally operate shelters, but some continued operation without official approval. The KRG continued to operate three shelters in the IKR for female victims of domestic violence and trafficking; however, shelter space and service delivery were limited and the shelters primarily served domestic violence victims. Trafficking victims were always required to report trafficking or other crimes to

the police first, which prevented them from receiving assistance at the shelters. The KRG did not report how many trafficking victims received services at these shelters during the reporting period. Recognizing gaps in protection services, the KRG entered into an agreement with a civil society organization in March 2017 to open a new shelter that would provide psycho-social support services for victims of trafficking and gender-based violence; although the shelter did not open during the reporting period, the agreement stipulated that the KRG will provide the facility with security, food, medical care, and administrative staff.

The Iraqi government reported it provided services and compensation for victims of ISIS crimes of sexual violence and provided survivors with protection, rehabilitation, compensation, and other forms of support. The Iraqi government reported it allocated 1 billion Iraqi dinar (\$857,630) for Yezidi victims in 2017; however, hundreds of rescued Yezidis reportedly did not receive compensation. The KRG continued to provide limited essential services to victims of ISIS, including shelter, rehabilitation, medical care, and psycho-social assistance. In 2017, the KRG facilitated and funded the release of 356 Yezidis held captive by ISIS, most of whom were likely trafficking victims.

The MOI reported that any foreign or Iraqi trafficking victim could file a civil lawsuit against a trafficker, but no victims filed such lawsuits in 2017. Neither the Iraqi government nor the KRG encouraged victims to assist in investigations and prosecutions of trafficking offenders. The Iraqi government and the KRG 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. Although the Iraqi anti-trafficking law allowed for the government to provide special residency status benefits to foreign trafficking victims, it did not report offering this assistance to any victims during the reporting period. The KRG did not offer special residency status to victims during the reporting period, but it reportedly refrained from deporting victims unless they committed a crime. The Iraqi government reported that it did not assist in the repatriation of any trafficking victims during the reporting period. The KRG reported it cooperated with the consulates of Egypt, India, Jordan, the Philippines, and Sudan to help repatriate an unknown number of trafficking victims from those countries during the reporting period.

PREVENTION

The government made some efforts to prevent human trafficking. Iraqi law prohibited voluntary recruitment of any person under age 18 into the governmental armed forces, including governmental paramilitary forces, militia groups, or other armed groups. However, the federal government faced challenges in exercising complete control over certain units of the PMF, which sometimes undertook operations independent of political leaders or military commanders and discounted the authority of commanders during sanctioned operations. The government had limited ability to address and prevent the recruitment and use of children by these groups, including some units of AAH and KH militias. The government also did not prevent PMF units in southern Iraq from child recruitment and sponsoring military training camps for high school students,

which included some children under the age of 18. However, to dissuade PMF commanders from accepting children who volunteered to fight, the government refused to enroll child volunteers in payment programs and did not provide salaries for any child volunteers. There were no reports of child soldiers used within the Iraqi military including the KRG Peshmerga, and the government continued to provide training to military officers on child soldier issues. In November 2017, the government—with prime ministerial endorsement—established a national inter-ministerial senior committee to monitor, evaluate, and report on children’s rights violations in conflict zones in Iraq. Under the authority of the committee, which was led by MOLSA, the prime minister’s office supported a future initiative to work with an international organization to draft a national action plan to address children in armed conflict. As of late January 2018, however, the committee had not met and the plan had not been drafted.

Budget shortfalls, internal conflict, and vast reconstruction needs limited the Iraqi government’s ability to dedicate resources to combat trafficking, including resources for the assistance and protection of trafficking victims. Likewise, contacts in the IKR reported that KRG funding for anti-trafficking efforts was insufficient. Nevertheless, the Iraqi government’s inter-ministerial anti-trafficking committee, which was led by the MOI, reportedly met five times in 2017. The KRG also maintained an anti-trafficking committee, which was established in 2016 and consisted of various ministries, including an international organization that played an observer role. The Iraqi government reportedly undertook awareness campaigns in print media, television, and radio, and through seminars at universities. The government continued to operate a 24-hour anti-trafficking hotline, but it did not report how many potential trafficking cases officials identified through this hotline. Similarly, the KRG operated a hotline where trafficking victims could seek assistance and report labor abuses. The Iraqi government did not make efforts to reduce the demand for commercial sex acts or child sex tourism. The Iraqi government and the KRG took efforts to reduce the demand for forced labor; both governments cooperated with each other to establish an online visa system to track migrant workers and their sponsoring companies to prevent employers from committing labor abuses. Both governments also coordinated to standardize work contracts to include labor rights information for foreign and Iraqi workers. The Iraqi government suspended the operations of 15 recruitment companies, blacklisted five, and imposed fines on seven during the reporting period. The KRG reported that it temporarily suspended the operations of 38 companies and imposed fines on six companies for trafficking allegations. The Iraqi government reported that it provided anti-trafficking training or guidance for its employees, including diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, 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 violent conflict with ISIS exacerbated the population’s vulnerability to trafficking, in particular women and children, although the government’s territorial defeat of the terrorist group, announced December 9, 2017, has improved conditions for Iraqi civilians. Since January 2014, more than five million Iraqis have been displaced,

with approximately 2.1 million still displaced as of April 2018. In addition, more than 248,000 Syrian refugees remained displaced in Iraq, the vast majority in the IKR. Since 2014, ISIS militants have kidnapped and held captive thousands of women and children from a wide range of ethnic and religious groups, especially Yezidis, and continue to sell them to ISIS fighters in Iraq and Syria, where they are subjected to forced marriage, sexual slavery, rape, and domestic servitude. There are reports ISIS executed captives if they refused to marry fighters. The media has reported in the last few years that ISIS sold some captives to wealthy individuals in Gulf countries, and unverified reports suggested that some Yezidi captives have been moved to Syria, Turkey, and Saudi Arabia. ISIS maintained an organized system to buy and sell women and girls for sexual slavery, including sales contracts notarized by ISIS-run courts. In 2015-2017, thousands of women and children escaped ISIS captivity—many of whom were pregnant as a result of rape and sex trafficking. Some became IDPs because ISIS still controlled their homelands. Those who remain IDPs continue to be highly vulnerable to various forms of exploitation, including re-trafficking.

Children remain highly vulnerable to forcible recruitment and use by multiple armed groups operating in Iraq, including—but not limited to—ISIS, the PMF, tribal forces, the Kurdistan Worker’s Party (PKK), and Iran-backed militias. These children are also highly vulnerable to arrest, detention, and prosecution; at the end of March 2017, an international organization reported 943 children, including four girls, remained in detention on terrorism-related charges across the country. ISIS continues to abduct and forcibly recruit and use children in combat and support roles, including as human shields, informants, bomb makers, executioners, and suicide bombers; some of these children are as young as 8 years old and some are mentally disabled. ISIS continues to train children at military training and indoctrination camps; numerous media reports and public videos show children attending these camps. In January 2017, international media and KRG sources reported that ISIS abducted 400 Yezidi children and trained them for combat roles, including as suicide bombers, while in the same month ISIS abducted 150 children from Tal Afar and forcibly recruited them into a training camp. As of early 2018, multiple sources reported the PKK and YPG operating in the IKR continued to recruit and use children. In mid-2017, international observers witnessed armed 16-year-old boys affiliated to the PKK. As reported by an international NGO in late 2016, the PKK and Sinjar Resistance Units—a Yezidi armed militia group—forcibly recruited and used Kurdish and Yezidi boys and girls, some as young as 12 years old, in combat and support roles in northern Iraq.

Since 2015, sources continue to report that PMF units recruit, use, and provide military training to children. An expert in Baghdad assessed that the rate of such recruitment and use of children did not change in 2017. Civil society organizations and local contacts reported in 2017 that posters commemorating minors who died while fighting for Shia militias were commonplace in Shia-majority areas of Baghdad and throughout southern Iraq. Most of the children who were celebrated for fighting allegedly fought for brigades of the AAH and KH militias. Some AAH and KH members or brigades recruit children, most commonly out of schools. Sources reported that AAH and KH militias, which had units both within the PMF and operating independently, recruited and used child soldiers in 2017. According to the PMF official social media site and posters in the street

in mid-2017, the PMF offered military training courses to children and youth ages 15-25. In April 2017, an international organization received credible reports that Sunni tribal militias recruited 300 boys aged 15-17 from Kilo 18 IDP camp. In 2017, some IDPs reported that some Sunni tribal militias recruited children out of camps for military training, with the possibility of joining armed groups upon completing the training. In mid-2017, international observers witnessed five boys manning checkpoints at an IDP camp in Ninewa; whose security was reportedly run by an official that fell under the PMF. In August 2017, there were unverified reports that PMF militias provided a three-month military training to 100 Shia Turkoman teenage boys, between the ages of 13-18, in several Kirkuk governorate towns. In 2015 and 2016, multiple sources reported factions of the PMF used children in operations in Fallujah and other areas of the country, while PMF-affiliated media celebrated the service and sacrifice of child soldiers. An international organization reported a total of 57 children were recruited and used in 2016 by groups operating under the umbrella of the PMF, most of whom received military training and were deployed for combat, while 12 children were recruited by tribal mobilization groups, including from internally displaced persons camps. As reported in 2015 and 2016, some PMF groups accepted children into their ranks from poor neighborhoods in Basrah, who left school to “volunteer” for the PMF; many of them viewed this as fulfilling a religious duty, while others viewed it as a way to earn a living and gain greater social status. According to NGOs and tribal force commanders in 2015, children fighting with the PMF were unregistered and did not receive state benefits or regular salaries. In August 2016, an international NGO reported that Sunni tribal militias affiliated with the PMF recruited at least seven children from the Debaga IDP camp in northern Iraq; witness accounts reported that Iraqi Security Forces members facilitated the recruitment of children from the camp.

Refugees and IDPs face heightened risk of trafficking due to their economic and social vulnerability and lack of security and protections. NGOs report trafficking networks in the IKR target refugees and IDPs, operating with assistance from local officials, including judges, officials from the Asayish forces, and border agents. In 2015, members of the IKR Parliament and NGOs reported some personnel from the Asayish forces facilitated 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. In 2016, NGOs reported Asayish guards not only allowed men to enter a camp to solicit commercial sex with refugee girls, but the guards also solicited sex from the refugee girls, including granting them permission to leave the camp in exchange for sex. Reports from 2015 indicated IDPs and some Syrian refugee women were 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 promised to resettle them from the IKR; the women’s children were also forced to beg on the street. Some women in IDP camps, whose family members have alleged ties to ISIS, are vulnerable to sexual exploitation and abuse by armed actors residing in the camps. Some Syrian refugee men enter into employment without legal work contracts in Iraq, which increased their vulnerability to trafficking. Some displaced Iraqi families reportedly sell their children to other families to secure better futures for them; 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. For example, in October 2016, the media reported a girl from the Nada tribe in Maysan Province was forced to marry a man of another tribe as a resolution for the killing of a man by someone in the Nada tribe. Child protection organizations continue to report incidents of child marriage—which could increase a child’s vulnerability to exploitation—increased among IDPs and 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 ignore, or may accept bribes to ignore, such cases, including those in which girls are sold multiple times. Reports continue to suggest some Iraqi law enforcement officials have allegedly frequented brothels known for sex trafficking or accepted bribes to allow sex trafficking. Media and other observers reported in 2015 that an Iranian sex trafficking network operated brothels in Erbil where Iranian girls were exploited in commercial sex; the media reported a KRG official allegedly paid \$3,000 for an Iranian sex trafficking victim. There were anecdotal reports, including from a June 2016 local television station, of child sex trafficking of girls primarily from Iran and Syria, as well as some from the IKR, in Sulaimaniya. NGOs also report cases in which girls who have run away from their families out of fear of honor killings are exploited in commercial sex by criminal networks. Criminal gangs reportedly force children to beg and sell drugs in Iraq. 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 subjected to forced labor 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 working in Iraq and the IKR. In January 2016, the MOLSA 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 in January 2016 that 69 percent of 480 foreign workers surveyed in the IKR had not been paid their agreed salaries and 18 percent reported violent acts committed against them by their employers. The Commission reported that it did not issue a report in 2017 due to the KRG budget crisis.

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