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Trafficking in Persons Report 2017 - 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 providing financial compensation to trafficking victims taken captive and exploited by ISIS, while the Defeat-ISIS Campaign—led by the Iraqi government—contributed to the release of women and children held captive by ISIS, most of whom were likely trafficking victims. The government also improved its institutional capacity to investigate trafficking crimes. However, the government did not demonstrate increasing efforts compared to the previous reporting period. There continued to be reports alleging the Popular Mobilization Forces (PMF) and tribal forces recruited and used child soldiers; some PMF units received financial and material support from the Iraqi government in 2016. The government did not provide protection services to children recruited and used as soldiers by various armed groups, including ISIS, rendering these children vulnerable to abuse and arrest by security forces. There were some reports indicating the government continued to punish and deport victims of forced labor and sex trafficking. In addition, the government did not report identifying any trafficking victims, which was a decline from the previous reporting period. NGOs were not legally permitted to operate trafficking shelters, and some that did so were subject to legal action by the government. Therefore, Iraq was downgraded to Tier 2 Watch List.

RECOMMENDATIONS FOR IRAQ

Continue to make efforts to stop the recruitment and use of child soldiers by the PMF and tribal forces, hold complicit individuals accountable for child soldiering, and provide protection services to child soldiers; ensure trafficking victims are not punished for crimes committed as a direct result of being subjected to human trafficking, such as prostitution, immigration violations, and child soldiering; increase adequate and unhindered access to 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 in Iraq and the Iraqi Kurdistan Region (IKR); finalize regulations to enable full implementation of the anti-trafficking law; 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; develop and institute guidelines for proactive victim identification and referral to protection services, and train government officials on these procedures; 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; amend the anti-trafficking law to prohibit and punish all forms of trafficking consistent with the 2000 UN TIP Protocol; and establish and implement a legal framework in the IKR that criminalizes all forms of human trafficking and prescribes sufficiently stringent penalties.

PROSECUTION

The government maintained law enforcement efforts, but it did not adequately prosecute those complicit in the recruitment and use of children within the PMF. Iraq's 2012 anti-trafficking law does not prohibit all forms of human trafficking. The law's definition of human trafficking is not consistent with the 2000 UN TIP Protocol; it requires a monetary transaction and does not consider the facilitation of "child prostitution" a trafficking crime. An article in the penal code does criminalize "the prostitution of a child" and provides a penalty of up to 10 years imprisonment, which is sufficiently stringent to deter the crime, 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 conflicts with the anti-trafficking law, as its penalties include a fine and imprisonment not exceeding six months, which are 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, nor did it endorse or adopt the Iraqi government's anti-trafficking law.

The government reported investigating 314 potential trafficking cases, 17 of which were prosecuted and received a final verdict; however, it did not report the details of these cases. Nineteen of the 314 cases were still under investigation at the end of the reporting period. The government reported that Iraqi courts upheld the convictions in 221 trafficking cases, some of which were initiated in previous reporting periods, but it did not provide the details of these cases to determine if any trafficking offenders received adequate and stringent sentences to deter the crime. In comparison, in 2015 the government prosecuted 113 offenders and convicted 29 traffickers. 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. From March 2015 to January 2017—a timeframe that partially runs outside of the reporting period—the KRG reported conducting 71 investigations of employment firms allegedly involved in abuses of foreign workers, and issued financial penalties or suspended operations of 22 companies; however, none of these investigations resulted in criminal prosecution. In August 2016, KRG authorities conducted an investigation into 2015 allegations that some Asayish officials allegedly ignored, or may have accepted bribes to ignore, cases of "temporary" marriages among girls in Domiz refugee camp. Although the investigation reportedly found cases of "temporary" marriage, it did not uncover any cases of sex trafficking inside

the camp nor hold criminally accountable officials for their alleged involvement in these arrangements, which can lead to sexual exploitation. The Iraqi government denied allegations reported over several years that officials were complicit in trafficking crimes, including among law enforcement, internal security forces, and paramilitary forces in Iraq or the IKR; however, the government did not receive reports of officials complicit in trafficking crimes in 2016.

The Iraqi government did not provide information on efforts to prosecute members of the PMF for credible reports of recruitment and use of children. The PMF are composed primarily of Shia militias that generally support government security objectives, but also include Sunni and other tribal volunteers. Many PMF elements were formed in response to Grand Ayatollah Sistani's 2014 *fatwa* to defend Iraq against ISIS, though a large segment instead represent pre-2014 Shia militias—many of which are partially supported by Iran—that have taken on the PMF moniker. In 2016, some PMF units received financial and material support from the Iraqi government, and a February 2016 order from the Iraqi prime minister declared the PMF to be formally affiliated with the Iraqi armed forces. In December 2016, the Iraqi prime minister signed a law that formalized the status of the Popular Mobilization Commission, an umbrella organization for the PMF, as a component of the Iraqi armed services. This law is intended to bring the PMF under government control once the law is fully implemented. In August 2016, the Iraqi government conducted an investigation into credible allegations that government-supported local tribal forces recruited children out of Debaga IDP camp. The government, however, did not provide information of the result of this investigation and whether it prosecuted the alleged perpetrators for child soldier recruitment.

Violence and security challenges, lack of control over parts of the country, budget constraints, and an influx of IDPs and refugees, particularly in the IKR, continued to severely hinder the Iraqi government's ability to combat trafficking. Nevertheless, the Ministry of Interior's (MOI) anti-trafficking department remained active during the reporting period. In June 2016, the KRG designated sub-committees of police and judicial officials focused on investigating sex trafficking in each IKR province. In December 2016, the IKR Judicial Council created investigative courts in each province to handle human trafficking cases; however, the KRG did not report how many investigations these sub-committees or courts conducted. The Iraqi government, in partnership with NGOs, continued to provide anti-trafficking trainings to officials. However, the government's inter-ministerial anti-trafficking committee, which included a representative from the KRG MOI, reported judges and first responders lacked understanding of the anti-trafficking law and did not adequately implement it or protect victims during legal proceedings. Iraqi police continued to conflate human trafficking with crimes of prostitution, begging, and illegal migration.

PROTECTION

The government continued to identify and provide protection services to women and children exploited by ISIS, but it did not provide information on efforts to identify and provide adequate protection services to victims of other forms of trafficking, including child soldiers. The Iraqi government did not report identifying any trafficking victims in 2016, which was a decline from the 40 identified in the previous reporting period. In 2016, the KRG facilitated the release of approximately 900 Yazidis held captive by ISIS, out of a cumulative total of 2,900 freed since 2014, most of whom were likely trafficking victims. The KRG also reported receiving an unknown number of victim referrals from the embassies of the Philippines and Indonesia requesting assistance, and the KRG provided the victims with temporary shelter and repatriation. The Iraqi government did not have formal procedures for proactively identifying trafficking victims among vulnerable groups, including undocumented foreign migrants and persons in prostitution, or for the referral of victims to appropriate protection services. However, NGOs reported that some Iraqi law enforcement officials referred victims to protection services. The KRG continued to rely on victims identifying themselves to authorities, referring for services only those who participated in legal proceedings against their traffickers. Throughout the reporting period, trafficking victims continued to be vulnerable to arrest, imprisonment, abuse, and deportation for unlawful acts committed as a direct result of being subjected to human trafficking, such as prostitution, immigration violations, and child soldiering. An international organization reported that KRG authorities arrested, detained, and interrogated approximately 180 child soldiers between the ages of 11 and 17 years old for their alleged association to ISIS; 17 of those interviewed reported torture during interrogation. Sentences for prostitution violations in Iraqi courts—including for children—were excessive, ranging from 15 years to life imprisonment. Iraqi authorities continued to forcibly deport foreign migrant workers for overstaying their visas, with no effort to screen this vulnerable population for trafficking. However, an international organization reported the government provided repatriation services to an unknown number of forced labor victims in 2016.

The Iraqi government and the KRG provided limited protection services to victims of all forms of trafficking, and victim care varied by location. No facilities in Iraq or the IKR offered specialized services to child trafficking victims, including those recruited and used by armed groups—including ISIS, PMF, and tribal militias—or victims with disabilities. The Iraqi government continued to operate a trafficking shelter in Baghdad and trained shelter staff on psycho-social counseling and legal assistance; however, the shelter remained unused during the entire reporting period due to security concerns and a lack of funding to pay staff salaries. The government continued to operate some temporary shelters and holding facilities for foreign workers awaiting repatriation; however, these facilities did not provide appropriate services for victims and may have operated as detention centers. 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. MOH hired and trained an unknown number of mental health professionals during the reporting period and provided private, confidential spaces in health facilities for patients to discuss their trauma. 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 focused primarily on family reconciliation instead of victim protection and did not have a regular referral system; the government did not report if the units referred any trafficking victims to appropriate protective services in 2016.

The Iraqi parliament continued to make use of its emergency plan—initiated in May 2015—to implement UN Security Council Resolution 1325, which established a coordination mechanism to recover victims exploited by ISIS and provide survivors with protection, rehabilitation, compensation, and other forms of support. In 2016, the Iraqi government provided financial compensation to more than 700 Yazidis who were former ISIS captives through this compensation program. The KRG also continued to provide limited essential services to victims of ISIS, including shelter, rehabilitation, medical care, and psycho-social assistance. 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 shelters.

The Iraqi government did not provide funding or in-kind assistance to NGOs providing victim care, but government officials cooperated with NGOs in limited cases to provide support to victims. NGOs were not allowed to legally operate shelters, but some continued operation without official approval; these facilities remained vulnerable to legal action by the government and threats of violence by extremist groups. Neither the Iraqi government nor the KRG

encouraged victims to assist in investigations and prosecutions of trafficking offenders. NGOs reported that trafficking victims often did not pursue legal action against their traffickers due to lack of awareness of their legal rights or fear of retaliation. The 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. The KRG did not offer special residency status benefits to foreign trafficking victims, but it reportedly did not deport victims unless they committed a crime.

PREVENTION

The government made some efforts to prevent human trafficking, including making efforts to dissuade some PMF factions from recruiting children; however, the PMF reportedly continued to recruit and use children under the age of 18. Iraqi law prohibits voluntary recruitment of any person under age 18 into the governmental armed forces, including governmental paramilitary forces, militia groups, or other armed groups; however, in most cases the government faced security challenges to successfully prevent the recruitment and use of children by the PMF or other armed groups that received support from the government. The government also did not prevent PMF factions 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 volunteer to fight for the PMF, the government refused to enroll child volunteers in payment programs and did not provide salaries for any child volunteers. Although there were no reports of child soldiers used within the Iraqi military including KRG Peshmerga or MOI forces, the government continued to provide training to military officers on child soldier issues.

The government's inter-ministerial anti-trafficking committee met several times in 2016. In 2016, the government did not have the financial resources to fund new anti-trafficking awareness campaigns, but it continued to work with NGOs on awareness campaigns. The anti-trafficking committee continued efforts to raise awareness about trafficking issues among religious organizations, NGOs, universities, and airports; it also made public statements on radio and television. The KRG also conducted several outreach events with foreign domestic workers to improve awareness of their rights. The Iraqi government continued to fund, operate, and publicize its anti-trafficking hotline, but it was unclear if it facilitated the identification of any victims during the reporting period. Similarly, the KRG operated a hotline where trafficking victims could seek assistance and report labor abuses. The Iraqi 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 or child sex tourism. The KRG took efforts to reduce the demand for forced labor. The government did not report if it provided anti-trafficking training or guidance for its 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 ongoing violent conflict with ISIS continues to gravely increase the population's vulnerability to trafficking, in particular women and children. As of January 2017, more than 3.03 million Iraqis were displaced across the country, and more than 225,000 Syrian refugees remained displaced in the IKR. ISIS militants have kidnapped and held captive thousands of women and children from a wide range of ethnic and religious groups, especially from the Yezidi community 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 that ISIS sold some captives to wealthy individuals in Gulf countries, while 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 and 2016, thousands of women and children escaped ISIS captivity—many of whom were pregnant as a result of rape and sex trafficking—and became IDPs because ISIS still controlled their homelands; these victims remain 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. ISIS continued 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. In 2015 and 2016, an international organization and media reported that ISIS forced hundreds of boys from the Ninewa Governorate to guard checkpoints and serve as informants and suicide bombers. ISIS continued 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.

NGOs, an international organization, and the media report factions of the PMF recruit and use children under the age of 18 in operations in Fallujah and other areas of the country, while PMF-affiliated media continue to celebrate the service and sacrifice of child soldiers. In April 2016, an international organization verified 12 reported cases of recruitment and use of children by militias affiliated with the PMF, and noted that some of those children had been killed in combat. In July 2016, an international organization also verified five additional cases of recruitment and use of children by militias affiliated with PMF units who took direct part in hostilities. Some PMF groups accepted children into their ranks from poor neighborhoods in Basrah, who leave school to "volunteer" for the PMF; many of them view this as fulfilling a religious duty, while others view it as a way to earn a living and gain greater social status. According to NGOs and tribal force commanders, children fighting with the PMF are unregistered and do not receive state benefits or regular salaries. In August 2016, an international NGO reported that Sunni tribal militias affiliated with the PMF had recruited at least seven children from the Debaga IDP camp in northern Iraq. Witness accounts reported that Iraqi Security Forces (ISF) members facilitated the recruitment of children from the camp. The PKK and Sinjar Resistance Units (YBS)—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. According to an international organization and the media, the Iraqi government reportedly pays the salaries of the YBS.

Refugees and IDPs face heightened risk of trafficking due to their economic and social vulnerability. 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. NGOs report 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

Syrian refugee men entered 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; 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. Anecdotal reports also suggest 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 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. Criminal gangs force children to beg and sell drugs in Iraq, while gangs also exploit teenage girls—including refugee women and girls from camps—throughout the country in sex trafficking. 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. 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 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 salaries and 18 percent reported violent acts their employers committed against them.

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