

HUMAN TRAFFICKING

INTRODUCTION

Human trafficking- the trade of humans for the purpose of forced labour, sexual slavery, or commercial sexual exploitation for the trafficker or others. This may encompass providing a spouse in the context of forced marriage, or the extraction of organs or tissues .

Trafficking and sexual exploitation of women and girls has long existed in Iraq, as has forced marriage and domestic servitude.¹ However, with the 2003 invasion of Iraq, and the chaos and anarchy that have come to dominate the country in its wake, it became a major source of victims of trafficking who are now being transported to neighboring Middle Eastern countries, most notably Syria, but also as far afield as the UAE and Saudi Arabia. The neglect of authorities to deal with this problem effectively has fostered a state of impunity in which crimes against women are neglected and offenders go unpunished. It is troubling that domestic violence, rape and other forms of gender based violence have become a common practice among the internally displaced persons in Iraq and the large refugee communities in Syria, Jordan, Lebanon and other countries. This report investigates the trafficking and prostitution of Iraqi women and girls and recommends actions that can be taken to address this violence and protect the victims

AIMS AND METHODOLOGY

The Karamatuna research programme addresses human rights abuses of Iraqi women and girls and allows their voices to be heard. This programme focuses, in particular, on the trafficking of women and children for sexual exploitation and is crucial as it addresses this serious problem within some Middle Eastern countries; an issue that otherwise receives little domestic or international exposure. Our aim is to educate the international

community by spreading awareness about, and understanding of, the realities of sex trafficking in the MENA region and moves towards the recommendation and implementation of responses to address, challenge and eliminate such sex trafficking and provide support and a new future for its victims.

FROM DOMESTIC TO PAID TRAFFICKING

It would be unjust to state that there has not been important steps taken towards the equality and protection of women in Iraq. Yet, the impact of war and sectarian violence on a state that already possesses repressive laws, policies and traditions against women, and which hinders their sexual and individual autonomy, has placed women in situation where they are the victims of a cruel reality. The human rights violations taking place against women have been exacerbated by war, moving them into a new dimension in which young women and girls are trafficked, no longer primarily within state borders, but internationally, to countries including Syria, Lebanon, Jordan, Kuwait, UAE, Turkey, Iran and Yemen.⁴⁹ Children are especially vulnerable to being trafficked because they are often poorly educated, easy to overpower and easy to convince that they must do what an adult tells them to do. As witnessed in the case of Iraq, children may also be sold and trafficked across state boundaries by family members to support their families.⁵⁰ Moreover, both domestic and trans-national trafficking are exceptionally difficult crimes to combat; cases in which family members are responsible for trafficking pose incredible problems in prevention and prosecution, yet cases in which girls may never meet the traffickers which organise the moves across borders also pose their own stark challenges. The two main destinations for trafficked Iraqi women and girls are Syria and Jordan, not only because of their geographical proximity, but also because these two countries both at one time practiced a relative open door policy vis-à-vis Iraqis since the beginning of the invasion.

PROSECUTION

The government made minimal progress in its anti-human trafficking law enforcement efforts over the past year. The 2005 [Iraqi Constitution](#) prohibits forced labor, slavery, slave trade, trafficking in women or children, and sex trade, though the Constitution does not prescribe specific

punishments for these acts and it cannot be used to prosecute offenders. The Government of Iraq has not yet passed its anti-trafficking draft legislation; however, it is reported the legislation finally progressed through the Shura Council. Although no single law defines trafficking in persons or establishes it as a criminal offense, various provisions of Iraqi law apply to trafficking. During the last six months, the Iraqi government initiated both a criminal and a human rights investigation into an alleged labor trafficking crime, which resulted in the issuance of two arrest warrants. There were no mechanisms to collect data on offenses or enforcement. There was some evidence of complicity in trafficking by officials. An investigation of alleged trafficking involving the director of a women's shelter in the area last year had not been completed at the time of this report.

PREVENTION

The Iraqi government demonstrated minimal efforts to ensure that victims of trafficking were given access to protective services during the reporting period. Iraq did not have formal procedures to identify victims of trafficking among vulnerable groups, such as women arrested for prostitution or foreign workers imported to Iraq by labor brokers, some of whom reportedly provided workers for U.S. [government contractors](#) and sub-contractors. The government did not fund even temporary shelters for trafficking victims, and did not show efforts to develop or implement procedures by which government officials systematically refer victims to organizations providing legal, medical, or psychological services. However, two ministries refer adult and juvenile detainees to medical screening if they report abuse; reports of abuse of juvenile detainees are investigated, although the results of these investigations are not known. All care is administered by NGOs, which run victim-care facilities and shelters accessible to victims of trafficking. Because [coercion](#) is not recognized in Iraqi courts as a legal defense for engaging in an unlawful act, women who have been coerced into prostitution have been prosecuted and convicted. [Sex trafficking](#) victims reportedly were prosecuted for prostitution and some spent several months in detention awaiting trial. In the few known cases of children who were forced into armed service, the child victims were prosecuted for [terrorism](#) offenses. Some child trafficking

victims were placed in protective facilities, orphanages, and foster care, while others were placed in [juvenile detention](#) centers. Since trafficking is not established as a crime in Iraq, the government did not encourage victims to assist in investigations or prosecution. Iraq did not assist foreign trafficking victims by providing temporary or [permanent residency](#) status or other relief from deportation. There was no victims' [restitution](#) program. In August 2009, the Iraqi government assisted in the [repatriation](#) of the 14 Ugandan women subjected to forced labor in Iraq. Iraq did not provide any specialized training for government officials to identify trafficking victims. Furthermore, the government denied permission for an NGO to visit Baghdad's women's prison, where the NGO had previously identified trafficking victims among women detained for offenses committed as a result of being trafficked.

PROTECTION

The Government of Iraq took minimal efforts to prevent trafficking in persons during the reporting period. The government has not yet created an effective mechanism to disseminate awareness information to front-line [law enforcement officers](#) who are most likely to come into contact with trafficking victims. Law enforcement officials did not consistently screen people leaving or entering Iraq for evidence of trafficking, and the borders of Iraq remained generally unsecured. The Iraqi government had not taken steps to end the practice of forced marriages and curb the use of temporary marriages, which can result in situations of sexual and involuntary domestic servitude; and it had not regulated recruitment practices of foreign labor brokers to prevent practices facilitating forced labor. The Supreme Committee to Combat Human Trafficking, an inter-ministerial committee composed of members from the Ministries of Human Rights, Foreign Affairs, and Labor and Social Affairs, continued to serve as a coordinating body on human trafficking issues, though it wielded no special authority to implement its recommendations.
