



# Human Trafficking in the Kurdistan Region of Iraq

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## GLOSSARY OF TERMS

**Child** refers to anyone below the age of 18 years.

**Commercial sexual exploitation (CSE)**, also referred to as “sex trafficking,” refers to “when an adult engages in a commercial sex act, such as prostitution, as the result of force, threats of force, fraud, coercion or any combination of such means.”<sup>1</sup>

**Commercial sexual exploitation of children (CSEC)**, also referred to as “child sex trafficking,” refers to “sexual abuse by an adult accompanied by remuneration in cash or in kind to the child or third person(s).”<sup>2</sup>

**Conflict-related sexual violence (CRSV)** refers to “incidents or patterns of sexual violence, that is rape, sexual slavery, forced prostitution, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls, or boys.”<sup>3</sup>

**Forced labor (FL)** refers to “situations in which persons are coerced to work through the use of violence or intimidation or by more subtle means such as accumulated debt, retention of identity papers, or threats of denunciation to immigration authorities.”<sup>4</sup>

**Gender-based violence** refers to “violence directed at an individual based on his or her sex, gender identity, or expression of socially defined norms of masculinity and femininity.”<sup>5</sup>

**Honor crime**, also referred to as “honor killing,” refers to violence committed by those who aim to protect the reputation of their family or community due to the perpetrators’ belief that the victim has brought shame or dishonor upon the family, or has violated the principles of a community or a religion.

**Internally displaced person (IDP)** refers to a person who is forced to leave his or her home but resides within his or her country of nationality.

**Kafala system** refers to a sponsorship mechanism governments use to monitor foreign migrant workers.

**Kurdistan Region of Iraq (KRI)** refers to the semi-autonomous region of northern Iraq, including Dohuk, Erbil, and Suleimaniya governorates.

**Migrant smuggling** refers to a crime involving the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident.

**Migrant worker** refers to “a person who is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”<sup>6</sup>

**Organ trafficking** refers to the “recruitment, transport, transfer, harboring or receipt of living or deceased persons or their organs by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving to, or the receiving by, a third party of payments or benefits to achieve the transfer of control over the potential donor, for the purpose of exploitation by the removal of organs for transplantation.”<sup>7</sup>

**Refugee** refers to a person who is forced to leave his or her home and reside outside the country of his or her nationality.

**Trafficking in persons (TIP)**, also referred to as “human trafficking,” refers to the “recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”<sup>8</sup>

## ACRONYMS

Commercial Sexual Exploitation (CSE)

Commercial Sexual Exploitation of Children (CSEC)

Department of Combating Violence Against Women (DCVAW)

Department of Foreign Relations (DFR)

Focus Group Discussion (FGD)

Forced Labor (FL)

Gender-based Violence (GBV)

High Committee for Combating Human Trafficking (HCCHT)

Internally Displaced Person (IDP)

Islamic State of Iraq and Syria (ISIS)

Key Informant Interview (KII)

Kurdistan Regional Government (KRG)

Kurdistan Region of Iraq (KRI)

Kurdish Workers' Party (PKK)

Law Enforcement (LE)

Lesbian, Gay, Bisexual, Transexual, and other Identities (LGBT+)

Mental Health and Psychosocial Support Services (MHPSS)

Ministry of Health (MOH)

Ministry of Interior (MOI)

Ministry of Labor and Social Affairs (MOLSA)

Non-Governmental Organization (NGO)

People's Mobilization Forces (PMF) *also known as Popular Mobilization Forces*

Public Justice System (PJS)

United Nations Investigative Team Against Da'esh (UNITAD)

Trafficking in Persons (TIP)

Victim of Trafficking in Persons (VOT)

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## EXECUTIVE SUMMARY

Human trafficking, or trafficking in persons (TIP), is a form of modern day slavery wherein people are exploited for the profit of others. Globally, it is estimated that there are over 40 million people currently living as slaves, with a conservative estimate of 174,000 victims of trafficking (VOTs) in Iraq.<sup>9</sup> According to the United States Department of State's 2018 Trafficking in Persons Report, Iraq is both a source and destination country for TIP.<sup>10</sup> In July 2018, TIP was criminalized in the Kurdistan Region of Iraq (KRI) under Law No. 6 of 2018, the Law of the Enforcement of the Anti-Trafficking Law No. 28 of 2012 in the Kurdistan Region of Iraq.

With the emergence of the Islamic State of Iraq and Syria (ISIS) in 2014, the capacity of both Kurdistan Regional Government (KRG) and non-governmental organizations (NGOs) to combat TIP diminished due to competing priorities of security and critical needs for emergency humanitarian aid to millions of internally displaced people (IDPs) and hundreds of thousands of refugees taking refuge within the Kurdistan Region of Iraq (KRI). At the same time, the incidence of trafficking in Iraq and the KRI, as well as in neighboring Syria, expanded exponentially as a result of this conflict with ISIS. With the military defeat of ISIS in Iraq in 2017, there is renewed focus on addressing TIP both with regards to services for victims of trafficking (VOTs) impacted specifically by the crisis as well as other forms of TIP present throughout the KRI.

In mid-2018, SEED conducted an assessment of TIP in the KRI to better understand the reality of human trafficking in the KRI and inform future programming targeted at reducing the prevalence of TIP in the KRI and providing relevant services to VOTs and those at-risk of human trafficking. While the focus of this report was the KRI, a semi-autonomous region of northern Iraq including Erbil, Dohuk, and Suleimaniya governorates, parts of federal Iraq are also included where relevant. Further, there are a number of disputed areas between the KRI and federal Iraq, including portions of Ninewa, Kirkuk, and Diyala governorates; traffickers can exploit the situation within these disputed territories to their advantage, thus these areas are important to consider in any assessment of TIP in the KRI.

This assessment sought to gain a better understanding of the following: 1) forms and prevalence of TIP; 2) priority needs of VOTs; 3) services and protections currently available to VOTs; and 4) functioning of the public justice system (PJS) to combat TIP, including law enforcement, legal interventions, and social services. It is the hope that this report will benefit all actors of goodwill in the fight against human trafficking through providing current information on the scope of TIP in the KRI and gaps in protection and services offered to VOTs as well as the institutional response to TIP.

The assessment utilized online surveys, focus group discussions, and interviews with key informants to gather current information on the scope of TIP within the KRI. While accurate data regarding prevalence of TIP is difficult to attain, assessment findings indicate a variety of populations within the KRI experiencing and vulnerable to TIP including 1) migrant workers trafficked for forced labor and commercial sexual exploitation (CSE); 2) local and regional people, including internally displaced people (IDPs), refugees, and individuals identifying as LGBT+, trafficked for the purpose of CSE; 3) victims of ISIS captivity; 4) children trafficked for CSE, forced begging, and recruitment into armed conflict; and 5) victims of organ trafficking.

The needs of VOTs are extensive and unique ranging from immediate needs for protection and medical care to more ongoing requirements for mental health care, sustained economic empowerment opportunities, and reintegration support. Given these demands, it is unsurprising that the current demand for services exceeds available resources through government and NGO providers. While the KRG is making notable progress in addressing TIP through the passing of anti-trafficking legislation and formation of dedicated units to address TIP, there is much work to be done within the public justice system to better 1) identify victims of trafficking; 2) prosecute perpetrators of trafficking; 3) respond to and protect victims of trafficking and those at-risk; and 4) prevent trafficking in the KRI. Further, there is ample opportunity for increased collaboration among all actors to collaborate in the fight against TIP.

## INTRODUCTION

Human trafficking, or trafficking in persons (TIP), is a form of modern day slavery wherein people are exploited for the profit of others. According to the UN Convention Against Transnational Crime’s Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (also referred to as the Palermo Protocol), human trafficking is defined as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

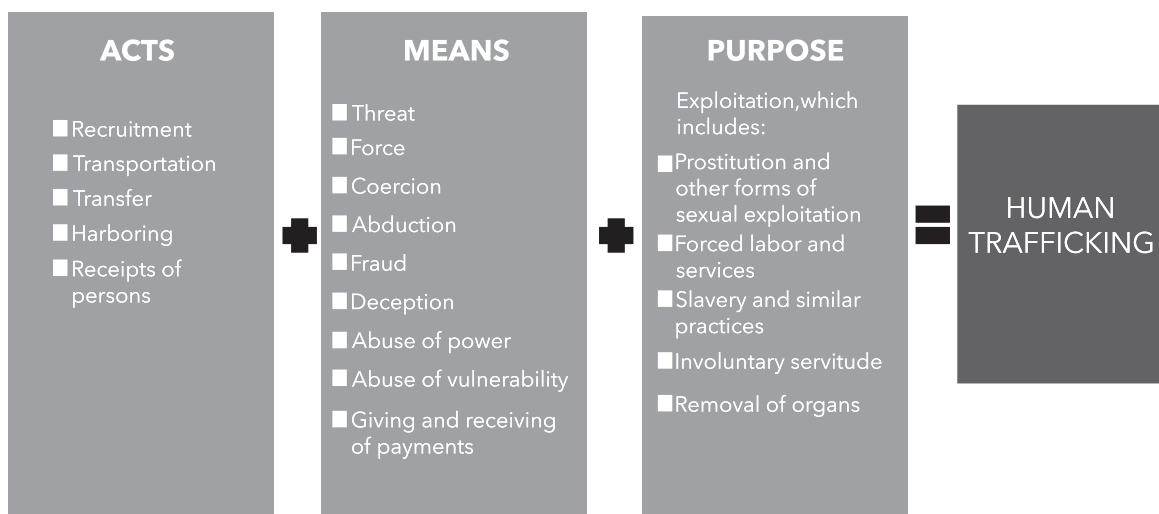
Globally, it is estimated that there are over 40 million people currently living as slaves, with a conservative estimate of 174,000 victims of trafficking (VOTs) in Iraq.<sup>11</sup> According to the United States Department of State’s 2018 Trafficking in Persons Report, Iraq is both a source and destination country for TIP. While Iraq passed anti-trafficking legislation in 2012 after signing the Palermo Protocol in 2009, TIP was criminalized in the Kurdistan Region of Iraq (KRI) more recently in July 2018. Prior to both laws being enacted, Article 37 of the 2005 Iraqi Constitution prohibited forced labor, kidnapping, slavery, slave trade, trafficking in women or children, and the sex trade.

Per the Palermo Protocol definition stated above, the crime of TIP involves a combination of three elements: the act (what is done), means (how it is done), and purpose (why it is done), as defined by the United Nations Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and illustrated in the diagram below.<sup>12</sup>

**Human Trafficking** is “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

*UN Convention Against Transnational Crime’s Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*

### ELEMENTS OF HUMAN TRAFFICKING





Previous reports on TIP in Iraq, including the KRI, have identified a variety of forms of TIP within its borders including commercial sexual exploitation (CSE), which includes forced prostitution; commercial sexual exploitation of children (CSEC); forced labor (FL), which includes domestic servitude and forced begging; forced/early marriage; organ trafficking; and the recruitment of children for armed conflict. With the emergence of the Islamic State of Iraq and Syria (ISIS) in 2014, the capacity of both Kurdistan Regional Government (KRG) and non-governmental organizations (NGOs) to combat TIP diminished due to competing priorities of security and critical needs for emergency humanitarian aid to millions of IDPs and hundreds of thousands of refugees taking refuge within the KRI.

With the military defeat of ISIS in Iraq in 2017, there is renewed focus on addressing TIP both with regards to services for VOTs impacted specifically by the crisis as well as other forms of TIP present throughout the KRI. In July 2018, the Kurdistan Parliament passed an anti-trafficking law for the region which allows the public justice system to address crimes of human trafficking. In mid-2018, SEED conducted a focused assessment of TIP in the KRI to better understand the reality of human trafficking in the KRI, though parts of federal Iraq were also included where relevant. While the focus of this report was the KRI, including Erbil, Dohuk, and Suleimaniya governorates, there are a number of disputed areas between the KRI and federal Iraq, including portions of Ninewa, Kirkuk, and Diyala governorates, where traffickers can exploit transit points between these disputed territories to their advantage, thus these areas are important to consider in any assessment of TIP in the KRI. Further, given the nature of TIP and unique implications of implementation of the rule of law between federal and semi-autonomous governments, other portions of federal Iraq are also included in the report.

In order to inform future programming targeted at reducing the prevalence of TIP in the KRI and providing relevant services to VOTs and those at-risk of human trafficking, this assessment sought to gain a better understanding of the following:

- Forms and prevalence of TIP;
- Priority needs of survivors of TIP;
- Services and protections currently available to survivors; and
- Functioning of the public justice system (PJS) to combat TIP, including law enforcement, legal interventions, and social services.

This report seeks to contribute to the work of all partners in the fight against TIP. Globally, a “four-P” paradigm is used to create a framework for counter-trafficking efforts: 1) prosecution, effective law enforcement and accountability of perpetrators for their crimes; 2) protection, including effective victim identification and service provision; 3) prevention, strategies to reduce instances of TIP through work with at-risk populations and addressing root causes; and 4) partnership, a complementary means of ensuring all actors work together in the fight against TIP.<sup>13</sup>

## METHOD

The information included in this report was derived from desk review, online surveys, focus group discussions (FGDs), and key informant interviews (KIIs).

### Desk Review

A desk review was conducted to gain an understanding of existing data and information available regarding TIP in the KRI and the PJS response to trafficking cases. A list of resources reviewed can be found in Appendix A.

### Surveys

Online surveys were used to gather information from people with knowledge of at-risk populations and/or the issue of TIP in the KRI. SEED issued three separate surveys targeting the following populations:

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1) NGOs, to better understand the prevalence of TIP and the work being done by civil society to combat it; 2) migrant workers, to better understand their experiences and perspectives on protection of migrants working in the KRI; and 3) local women, to better understand their experiences and perspectives on protection of women in the KRI.

The survey designed for NGOs was emailed directly to NGO partners as well as distributed by the Protection, Gender-based Violence (GBV), and Mental Health and Psychosocial Support Services (MHPSS) working groups through the UN cluster system. Surveys were available in English and Arabic; unfortunately, due to system constraints a Kurdish version was not available. A total of 32 surveys were completed from 20 different NGOs and two government agencies with representation from Erbil, Dohuk, and Suleimaniya governorates. Of the 20 unique agencies, 16 (80%) reported working with survivors of TIP.

The survey for migrant workers was posted on SEED's Facebook page and twitter account for distribution and sent to various foreign embassies and consulates in Iraq to target migrant workers; surveys were available in English. A total of 21 surveys were submitted by individuals from the following countries: Azerbaijan, Bahrain, Canada, Fiji, Great Britain, India, Indonesia, Iraq, Lebanon, Reunion, Syria, and the United States of America.

The survey for local women was similarly posted on social media and promoted on the blog of an influential local blogger. Surveys were available in English and Arabic; unfortunately due to system constraints, a Kurdish version of the survey was not available. A total of 96 surveys were completed. Ninety percent of participants were between the ages of 18 and 44 years old, while 88% indicated they were Kurdish, 7% Arab, 1% Turkman, and 4% Assyrian. The majority of respondents were single (72%) with 24% married, 3% separated or divorced, and 1% widowed. Most respondents indicated that they reside in Erbil (77%) while 17% indicated living in Suleimaniya, 4% Dohuk, 1% in Nineveh, and 1% in Wasit.

### Focus Group Discussions

FGDs were used to expand on initial findings from surveys and desk review sources through guided questions with a small group of people to better understand the experiences of unique populations with regards to TIP and other protection concerns in the KRI. FGDs were conducted with two key populations: local women and migrant workers. FGDs for local women were conducted with female university students, six from Salahaddin University and eight from University of Kurdistan - Hawler. Additionally, an FGD for migrant workers was conducted with 13 men from Nepal. Though SEED attempted to gather additional migrant workers on a number of occasions, most were unwilling to participate in an FGD.

### Key Informant Interviews

In-depth interviews were conducted with people who are either 1) aware of the issue of TIP in the KRI, 2) have knowledge regarding how the PJS responds to TIP cases, 3) provide services to survivors and/or those at risk, and/or 4) are well-connected with at-risk populations. Participants were targeted based on SEED's existing network, and participants were then asked to share about others they thought should also participate in the assessment. A total of 37 interviews were completed throughout the KRI, including Erbil, Dohuk, and Suleimaniya governorates: 11 with government actors; 22 with NGOs; and four with individuals with expertise in TIP in the KRI.

## LIMITATIONS

There are a number of limitations of the findings in this report. First, the lack of a coordinated network of agencies combating TIP made it difficult to ensure all relevant actors were approached to provide input into the assessment. Second, access to data regarding TIP, a largely hidden activity, was limited, making it difficult to gain an accurate understanding of prevalence. Third, input from VOTs and those

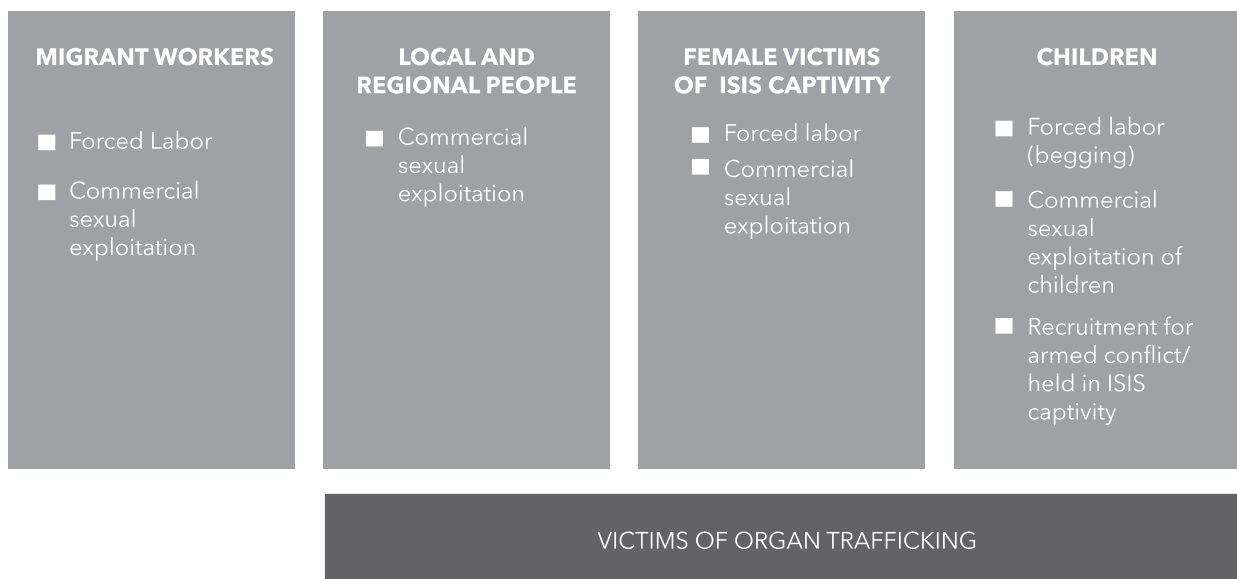
at-risk of TIP was limited due to challenges in creating safe, effective mechanisms for their participation, despite attempts to do so through surveys and closed focus group discussions. Unfortunately, due to resource and time constraints, surveys were solely administered online in English and Arabic, significantly limiting participation including those without access to or education needed to use the Internet and social media to access the survey. Fourth, the scope of the report was limited due to time and human resource constraints, leaving some areas for follow-up investigation. Lastly, this report came during a period of transition within the KRG's PJS with regards to combating TIP given the recent passage of new legislation rendering procedures assessed outdated and potentially void, though critical lessons can still be gleaned from them.

## FINDINGS

### Forms of TIP in the KRI

The findings of this report indicate a variety of populations within the KRI experiencing and vulnerable to TIP including 1) migrant workers; 2) local and regional people, including internally displaced people (IDPs) and refugees, trafficked for the purpose of CSE; 3) female victims of ISIS captivity; 4) children; and 5) victims of organ trafficking, which includes local and regional people, victims of ISIS captivity, and children.

### FORM OF HUMAN TRAFFICKING IN THE KURDISTAN REGION OF IRAQ



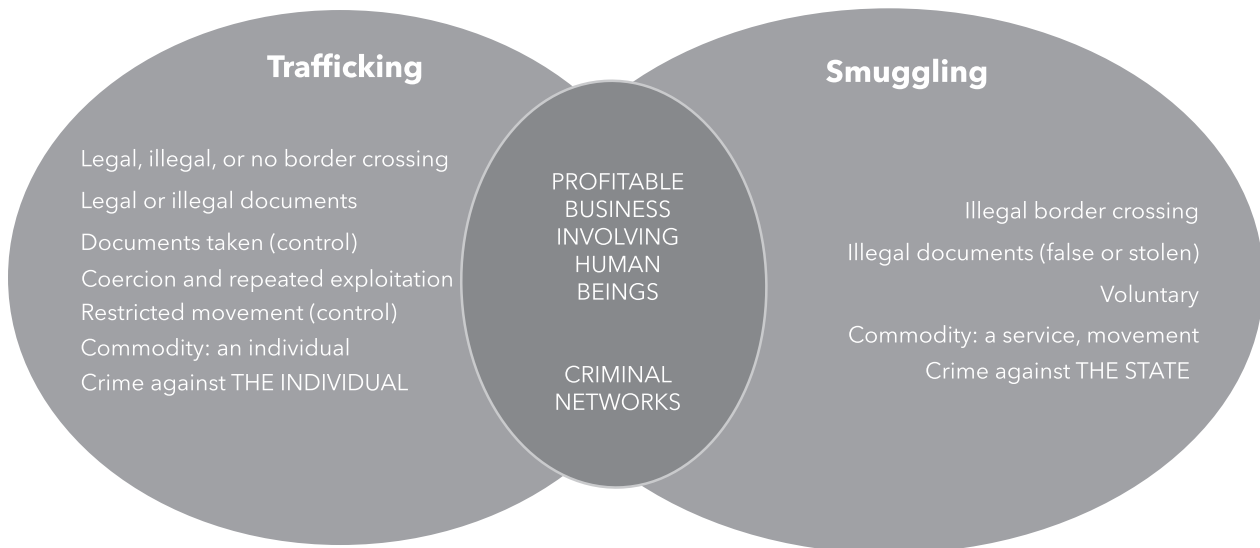
While there is overlap between these categories, the groups are separated based on common “push factors” for victimization, reported needs of VOTs, and similarities in the PJS response. Further, while each VOT is unique, these categorizations provide a helpful framework for discussing solutions including enhanced PJS response with regards to various types of TIP, interventions needed for VOTs, and prevention efforts.

Of note, human smuggling was referenced multiple times in desk review resources as well as in KIs as a phenomenon in the KRI; for example, instances of Syrian nationals smuggled through the KRI to Turkey and on to Europe. While smuggling can make an individual increasingly vulnerable to trafficking, it is a separate crime. There are three key differences between TIP and human smuggling: 1) consent: migrants consent, and often pay, to be transported to a specific location whereas consent is not a factor for VOTs

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who may initially consent to work, but ultimately experience exploitation; 2) exploitation: smugglers receive a payment for a service which ends when the migrant is delivered to the agreed location whereas TIP involves ongoing exploitation of an individual; and 3) transnationality: smuggling always involves crossing an international border whereas TIP can be done within a country's borders.<sup>14</sup> The following diagram illustrates the differences between TIP and human smuggling.<sup>15</sup>

### HUMAN TRAFFICKING VERSUS HUMAN SMUGGLING



## Migrant Workers

The Ministry of Labor and Social Affairs (MOLSA) reports that 3,843 migrant workers entered the KRI in 2017; further, 1,913 migrant workers had been reported to MOLSA during the first nine months of 2018.<sup>16</sup> It is important to note that these numbers include only those migrants who legally enter the KRI and receive residency; this does not include those who enter under tourist visas and do not obtain legal residency permits to live and work in the KRI. Key informant reports indicated that with the rebuilding of villages and cities throughout Iraq following the military defeat of ISIS, there could be an increase in the number of migrant workers coming to Iraq for work in construction and other low-skilled labor-intensive fields. Consequently, this could result in increased prevalence of trafficking of migrant workers throughout Iraq.

Most migrant workers vulnerable to TIP hail from nations suffering from limited economic opportunities and poverty, making them particularly vulnerable to false promises of good work and attractive pay abroad. Survey results and KIIs indicated nationals from the following countries are most at-risk in the KRI: Bangladesh, Côte d'Ivoire, Ghana, India, Indonesia, Nepal, and the Philippines; also included in results are nationals from Cameroon, Chad, Egypt, Ethiopia, Eritrea, France, Germany, Libya, Malawi, Nigeria, Slovenia, Sudan, and Syria.

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nine months of 2018

*KRG's Ministry of Labor  
and Social Affairs, 2018*

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### **Process of Recruitment, Travel, and Entrance to the KRI**

Typically migrants are recruited for work abroad by an individual who shares their nationality, with workers at times paying large sums of money (estimated at \$1,000 to \$3,500) for a job abroad. Some migrants are aware they will be brought to Iraq while others believe they will be traveling to another destination. Survey results indicated that out of 21 respondents, three did not know that they would be working in Iraq. Additionally, FGD results and KIs indicated that some migrants are told they will be going to work in Europe or other countries and are surprised to be brought to Iraq, though feel they have no option but to stay and work. In most cases, the recruiter then connects the victim to an agent, either in the KRI or another country (typically within the Gulf States), taking a commission for each person whom he or she recruits.

*Migrants from the following countries are **most at-risk** of trafficking in the KRI:*

- *Bangladesh*
- *Côte d'Ivoire*
- *Ghana*
- *India*
- *Indonesia*
- *Nepal*
- *Philippines*

The recruiter may facilitate travel arrangements (visas, flights, etc.), or the receiving agent will do so. Depending on where the victim is from, he or she may transit through Egypt, United Arab Emirates, or another country before arriving in Erbil, KRI. For countries wherein working in Iraq is banned, such as Nepal and India, recruiters typically work with a corrupt network of individuals throughout the immigration system who allow the migrants to leave their home country in exchange for payment and/or the workers transit through Dubai on tourist visas, ultimately traveling to Erbil. Though federal Iraq was not included in the scope of this assessment, it is of note that multiple informants referenced migrant workers being trafficked through Erbil International Airport, entering the KRI on a tourist visa, and then moved by land to disputed territories, such as Kirkuk, as well as south and central Iraq.

Agents are then responsible for connecting migrants with a sponsor/employer, receiving a commission per worker delivered (estimated at an average of \$5,000 per worker). Some agents work directly with companies to provide a workforce (factories, cleaning companies, maintenance services, construction, steel mills, etc.) while others directly connect the worker to individual households seeking housekeepers, nannies, maintenance, or other forms of labor. The employer is then responsible for ensuring the legal residency of the migrant worker.

While the KRG has attempted to regulate these recruitment agencies through “blacklisting” agencies found to traffic and/or exploit migrants, this has often been inadequate in addressing the problem. The penalties for companies that are blacklisted are not sufficiently stringent to act as a deterrent to TIP and other forms of exploitation, and agencies often simply close and open under a new name. Further, agencies often have connections within government offices helping them to circumvent the system and continue their criminal activity.

### **The “Kefala” System**

Under the kefala system which is adhered to in the KRI, a migrant worker’s immigration status is legally bound to an individual employer or other sponsor for the duration of his or her contract.<sup>17</sup> Under this system, migrant workers cannot change or quit jobs or leave the country without the approval of their sponsor, giving the sponsor significant power. Also, the vulnerability of migrant workers already working in Kurdistan is exacerbated by this sponsor arrangement as the ability to find “at will” employment is limited; many workers who seek to stay after their initial work contract can be prey to unscrupulous employment agencies who sell residency and work documents to migrant workers. Unfortunately, the imbalance of power created by this system can result in TIP.

### Trafficking of Migrant Workers

TIP of migrant workers in the KRI commonly takes two forms: forced labor (FL) and commercial sexual exploitation (CSE). Both male and female migrants experience FL with perpetration cited as happening in factories, construction sites, steel mills, residential apartment complexes, individual family homes, and other large companies. Key informants and FGD participants described examples of migrant workers being forced to work long hours with little or no time off including one day off per week required under the Labor Law; not getting paid what they were promised by the recruiter/agent or not getting paid at all; being put into a different type of job or lower-skilled position than they were promised; being put into a position of CSE when they have signed up for either spa or salon services; having their movement restricted, including the freedom to leave their work or living premises, ability to return to their home

country in the case of an emergency, or ability to access medical care; forced to live in unhygienic living conditions; not holding their own passports or residency documents; and experiencing physical, sexual, and/or verbal abuse perpetrated by an employer.

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**Migrant workers** face the following challenges in asserting their rights:

- 1) lack of **awareness of rights** or referral mechanism to report;
  - 2) **isolation** of the worker and restricted movement;
  - 3) **lack of financial resources**;
  - 4) **fear of arrest** due to illegal status;
  - 5) **lack of local language skills** to seek out help;
  - 6) lack of **safe accommodations** for migrant VOTs make migrants fearful to report unsafe or abusive conditions because they have nowhere to go; and
  - 7) **fear of retribution** from employers such as being accused of a crime or experiencing physical or sexual violence as punishment.
- 

With regards to CSE, only cases of female migrants were reported. Instances of CSE of migrant workers reported typically involved women being forced into prostitution and took place in urban areas within restaurants, bars, spas, hotels, brothels, and private residences. There was no information regarding sexual exploitation of migrant workers in remote locations with the exception of multiple reports of sexual abuse of domestic workers working in individual households perpetrated by men living within the home. Indeed, the very nature of employment arrangements in private homes diminishes access to assistance and reporting opportunities, limiting our understanding of the incidence of trafficking.

Report findings indicate that migrant workers face a number of challenges in asserting their rights while working the KRI. FGD results indicated that some employers purposely do not adhere to local immigration and labor laws requiring them to ensure legal residency for migrant workers due to the financial cost of obtaining residency and the control the employer then has over a worker with no legal documentation. Further, it appears to be standard practice within the KRI that migrant workers' passports and residency permits, when issued, are kept by the employer, despite this being against international best practices. Without their passports or legal residency in the KRI, migrants are in danger of being detained by law enforcement for violation of immigration laws.

Traffickers further exploit the lack of communication between federal Iraq and the KRI, who have the same Labor Law but routinely implement it differently. The KRG has delegated authority to issue its own residency permits and visas for entry into the KRI, and a new electronic system has helped to detect fraud through tracking migrants entering the KRI. However, the lack of communication between the

governorates within the KRI as well as with federal Iraq has created opportunity for criminal networks to move victims across checkpoints undetected, further fueling TIP in the region. Lack of clear rules and regulations for Iraq's and the KRI's Labor and Immigration laws results in loop holes that are exploited by companies trafficking migrant workers.

There are limited built-in institutional checks on migrant workers' welfare and safety as renewals of residencies and other official requirements either do not demand in person visits, or, when individuals are present, the interviews are not conducted in private. Though a hotline number exists through the Ministry of Labor and Social Affairs (MOLSA), there are no clear reporting mechanisms for migrant workers, and there is no information provided to migrant workers upon entry to Kurdistan nor at the residency office. Additionally, access to embassies or consulates is limited if migrants do not have Internet and phone access, which is extremely limited for domestic workers. Additionally, some nationalities are not represented in Kurdistan or federal Iraq, making it difficult to access assistance.

In sum, when rights violations arise for a migrant worker from his/her sponsor, the worker often struggles to access assistance, report abuse, or escape exploitative conditions due to 1) lack of awareness of rights or referral mechanism to report; 2) isolation of the worker and restricted movement; 3) lack of financial resources; 4) fear of being arrested due to illegal status; 5) lack of local language skills to seek out help; 6) lack of safe accommodations for migrant VOTs make migrants fearful to report unsafe or abusive conditions because they have nowhere to go; and 7) fear of retribution from employers such as being accused of a crime or experiencing physical or sexual violence as punishment.

Many migrant workers are willing to endure abusive conditions if they are paid their wages. Given that many are not aware of their rights under the local law, have not entered Kurdistan legally, and/or have paid extensive fees to get work in Kurdistan, they fear being deported. Many do not have contracts, may not be literate, and do not understand that their employer or Kefala sponsor (which could be a recruiting agency) has obligations to the KRG to have a contract in place. Employees whose initial contract has either expired or those whose employment has terminated for any reason (termination, resignation, or natural end of a contract term) can seek re-employment but require a new sponsor. Once migrant workers are in need of a new sponsor, they are often extremely vulnerable to exploitation by recruitment agencies or lawyers who sell ikamas, demanding exorbitant fees or sexual favors to obtain new ikamas and work certifications.

Depending on the circumstances of the trafficking experienced, migrant workers face a number of physical and emotional challenges in recovering from TIP due to abusive working conditions and/or violence experienced. There are further important financial implications for migrant workers, particularly in cases wherein pay was withheld; as migrant workers in the KRI are often supporting family members in their country of origin, many are unwilling or fearful to return to their country empty handed and have no money on hand to pay immigration fees, which can be extremely expensive, or for a flight home, given they send the majority of their earnings to their families in their country of origin.

### **Local and Regional People, including IDPs and Refugees, Trafficked for the Purpose of Commercial Sexual Exploitation**

A variety of local and regional people (individuals from the KRI, Iraq, and neighboring countries including Syria, Iran, Turkey, etc. who are not refugees) as well as IDPs and refugees experience and/or are highly at-risk of trafficking for the purpose of CSE within the KRI due to economic desperation and/or personal identity characteristics including gender and sexual orientation.

### ***Local and Regional Women Trafficked for the Purpose of CSE***

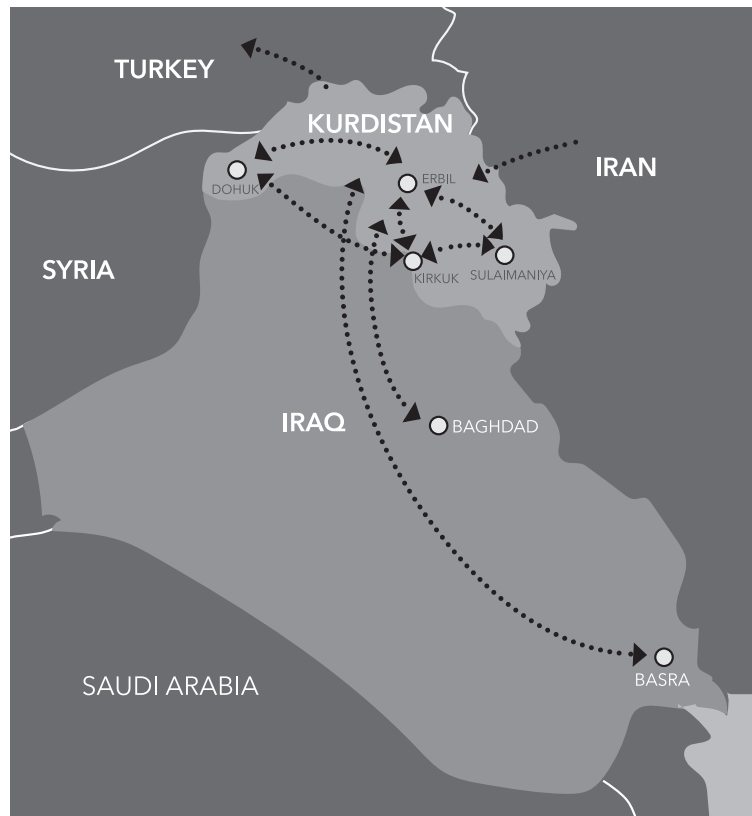
Cases of trafficking of local and regional women for CSE were reported by multiple informants, with exploitation happening primarily in private residences, but sometimes also in brothels, hotels, and camps for IDPs and refugees. Trafficking routes supplying victims in urban areas are reported to be run by "trafficking bands" and "mafias," often using young women to recruit victims, moving victims from central

## Human Trafficking in the Kurdistan Region of Iraq

and south Iraq (Basra and Baghdad specifically cited by informants) into the KRI as well as from the north to the south. There is also movement of VOTs between Kirkuk, a disputed area, into the KRI and between governorates within the KRI. In addition to domestic trafficking of women within Iraq, a key informant also discussed trafficking of women from Iran into Iraq and from Iraq to Turkey on the promise of education and/or jobs.

Reports also included trafficking of women out of government run shelters, with traffickers offering women with no option of returning to their own communities or a safe place to stay outside the shelter but later selling the women into forced prostitution. Specifically, female traffickers have been known to feign experiencing domestic violence to be allowed into the shelter as a victim, then build trust with other women within the shelter, offering them a safe place to stay in the community once released. Limited instances of CSE

of women in female-headed households as well as women living with male relatives within the camps were also noted by informants, citing cases wherein the receipt of tents, food, transportation, and other resources were provided to women in exchange for sexual services.



Informants report push factors for local and regional women being sexually exploited include: 1) running away from abusive family/spouses; 2) running away from forced marriages; 3) use of force by family members/spouses; 4) lack of economic opportunities leading women to make unsafe choices regarding migration; 5) coercion from individuals in power in order to access resources within a camp setting; and 6) coercion from individuals either known or unknown to the victim threatening to reveal intimate pictures of the victim or flirtatious communications to family members and/or the public; and 7) manipulation by a boyfriend/lover into prostitution.

Exploitation because of a real or doctored picture is a relatively new trend in the KRI, as reported in FGDs with local young women and cited in informant interviews. Given the conservative nature of society, women or girls who engage in flirtatious or intimate personal relations are vulnerable to exploitation and trafficking for fear that their families may target them for “honor-based” violence if their actions become known. There were several reports of women being sold for sex by a lover or boyfriend to groups of men after an exploitative picture or video had been taken or under threat of making the relationship known. Informants report that Article 2 of Iraq’s Anti-Terrorism Law (No. 13, 2005) has been used to prosecute perpetrators exploiting women in this way, as the article holds that the following is considered an act of terrorism: “Violence or threats which aim to bring about fear among people or expose their lives, freedoms and security to danger and their money and properties to damage regardless of its motives and purposes which takes place in the execution of a terrorist act, individually or collectively organized.”<sup>18</sup>

Further, some men employ the “lover-boy method” wherein the perpetrator feigns love for a woman and uses her feelings for him to manipulate her, asking her to prostitute at his request, out of her love for him. Such cases may involve a single perpetrator exploiting a woman for his own gain or a criminal network wherein groups of perpetrators exploit multiple women on an ongoing basis, using the same



techniques. At least one trafficking ring from the KRI selling young women from Kurdistan to Baghdad was identified. In some cases, women and girls are at risk if they are returned to their families because of “honor-based” crime.

Desk review and KIIs revealed past instances of victims of TIP for the purpose of CSE being charged as criminals under Iraq’s Anti-Prostitution Law. This report was unable to adequately assess if this practice continues to be applied within the legal system or if women and girls previously convicted on charges of prostitution have been released from custody. This is an important area for future investigation and action.

*Victims of trafficking for commercial sexual exploitation have been **prosecuted for prostitution**, sentenced to jail for two years, despite their victimization.*

### **Individuals identifying as LGBT+ Trafficked for the Purpose of CSE**

Multiple informants cited LGBT+ individuals as extremely high-risk for trafficking for the purpose of CSE, particularly men who manifest a “feminine” behavioral expression or have undergone hormone therapy; transgender individuals; and men identifying as, or perceived to be, gay. Fleeing from threats of or perpetrated violence within the home including molestation, rape, and sexual exploitation, these

**LGBT+ individuals are often at significant risk of violence within the community, and there are no safe shelters offering them protection in the KRI.**

individuals are often without safe shelter making them extremely vulnerable to CSE. Additionally, it was reported that it is often extremely difficult for LGBT+ individuals to secure sustainable, safe employment, making it difficult for them to live independently. Relatively few cases of TIP among this population were cited in interviews; however, it is estimated that many cases are likely to go unreported given the significant risks to LGBT+ VOTs who identify themselves, and that instances of TIP among this population may be further underreported to the PJS or community given the significant risks to professionals providing services to LGBT+ people and cultural attitudes and lack of legal protection for LGBT+ persons. Individuals who identify as LGBT+ remain at high risk in the community with no shelter or protections available to them.

### **Female Victims of ISIS Captivity**

The targeted genocide of Yazidis and other groups in Iraq by ISIS has included conflict-related sexual violence (CRSV), including rape, sexual slavery, and forced prostitution, and captivity of over 5,000 women and children by ISIS. While thousands have escaped or have been rescued from captivity, approximately 2,500 of the missing remain unaccounted for, either deceased or still living in captivity. Many of those in captivity are suspected of remaining in Syria and some remain in Iraqi homes. Some girls that were captured very young are said to be assimilated as slaves into Iraqi families, undetected but living among the Iraqi IDPs. Further, there are anecdotal reports of women being trafficked through Syria and Turkey to Europe, Gulf countries, India, Asia, and beyond. After the liberation of Mosul in 2017, new returnees have diminished substantially. While local unofficial “rescue networks” still work to conduct rescue operations in bordering Syria and Iraq, there are no official Iraqi Government or KRG efforts to rescue women and children in captivity. There are NGOs tracking those that are missing and those that have returned, and the KRG’s Yazidi office tracks missing persons, however, there is not one clear unified reporting process or system of tracking those missing.

Sexual slavery and the related torture and abuse of women and girls in captivity by ISIS resulted in unique needs amongst VOTs returning from captivity. As is widely understood, ISIS fighters took women and girls, largely from the Yazidi community, from

**Thousands of women and children remain in ISIS captivity.**

territories secured in battle and sold them amongst themselves for the purpose of sexual exploitation, forced marriage, and forced labor within their homes. Many women under ISIS captivity experienced countless rapes and physical, emotional, verbal, and spiritual abuse in addition to the ongoing terror of living in areas with active conflict. Sold from fighter to fighter, victims of ISIS face a myriad of challenges in their recovery upon their freedom from captivity.

Survivors face extreme medical conditions as a result of repeated torture, rape, abuse, and starvation, as well as unwanted pregnancies, sexually transmitted disease, fistula, and other painful conditions. In addition to the physical and emotional recovery needed for these women and girls, informants report that families of victims often face significant debt having paid for the release of relatives from ISIS. Many others

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### Unique challenges of VOTs returning from ISIS captivity:

- Experience of extreme, prolonged abuse
  - Living in active conflict environments
  - Significant family debt due to payment for release from captivity
  - Difficult living environments at return
  - Lack of acceptance of children born in ISIS captivity
- 

continue to await news of relatives who remain missing creating ongoing trauma within the community. Challenges in recovery are further exacerbated by living conditions within camps and informal settings, making it difficult for victims to experience a safe environment and access resources important to the healing process. Notably, Yezidi religious leadership have made provisions for women returning from captivity to be welcomed back into the community, which informants confirm has resulted in these women being able to return to their communities and participate as valued community members, able to live with their families, marry, etc. However, many suffer shame, isolation, and lack of access to services. To date, there is no clear domestic or international mechanism for bringing ISIS alleged perpetrators to justice, hindering VOTs ability to access justice for the crimes committed against them. The United Nations has created the United Nations Investigative Team Against Da'esh (UNITAD) to investigate ISIS members' crimes and provide victims access to justice, however at the time of writing this report, the team is not yet operational.

Among the most unique needs of VOTs identified through this assessment are those of women who have children born of ISIS fighters, particularly, but not limited to Yezidi women. While some wish to keep their children in their care, the children are often socially rejected by the community, and therefore, mothers have been unable to assert parental rights. To be Yezidi, a person's mother and father must be Yezidi, making it difficult or even unacceptable for a Yezidi woman to parent her child within the community. As a result, informants report Yezidi women have been encouraged to leave these children behind upon their entry into KRI, either with the families of ISIS fighters; within government care homes in Mosul; or at the border of

Syria where the Kurdistan Workers Party, known in Kurdish as Partiya Karkerên Kurdistanê (PKK), fighters stationed reportedly have care homes for these children. Additionally, some VOTs have had their children born of war taken from them involuntarily by their family. Informants report that should the women later seek to reconnect with their children and re-assert parental rights, they have significant challenges in regaining custody due to 1) children being transferred from Mosul to Baghdad and thus more difficult to find; and/or 2) the requirement for a Yezidi woman to change her religion to Islam as "orphans" within care homes have been issued documentation identifying them as Muslim. Many of these mothers are children themselves with no legal rights or practical ability to assert their parental rights. Finally, many VOTs have been resettled abroad without having the opportunity to consider their parental rights.

Further, women who are pregnant, have the child(ren) in their care, or are able to be reunited with their child(ren) and seek to parent the children face a variety of challenges in 1) securing a safe place to live due to lack of acceptance within the community; 2) procuring necessary documentation for their child

to access government resources, including school, rations, and healthcare; and 3) accessing economic empowerment opportunities to sustainably and independently support their families.

## Children

### *Forced Begging*

Among the most commonly cited cases of TIP involving children was forced begging. Informants described cases of children being “rented” by family members to begging rings for 25,000 Iraqi dinar per day, forcing them to beg on the streets then returned to their families at night. Victims of forced begging include both boys and girls, with IDP and refugee children and those with disabilities cited as at higher risk. Informants indicated recruitment of these children happens both in the camps and informal settlements within urban areas; victimization reportedly primarily occurs in urban areas.

### *Commercial Sexual Exploitation of Children (CSEC)*

A limited number of informants cited cases of CSEC of local female children, including IDPs and refugees; CSEC was also noted in the US Department of State 2018 TIP Report. Key informants cited CSE taking place under the guise of marriage, wherein a father may sell his daughter to a man who technically marries her, but then sells her to other men for sexual services. A key informant further indicated that perpetrators will often impregnate the victim as once they have a child together, she is less likely to run away. Additionally, an informant reported that minor females in rural areas are vulnerable to promises of employment and/or education in urban areas within Iraq and/or other countries, with recruitment by “trafficking bands” or “mafias” often happening through other young women. Various informants indicated the likelihood that male victims also exist but are rarely identified due to significant stigma surrounding the sexual abuse of males.

### *Children Recruited for Participation in Armed Conflict and/or Held in ISIS Captivity*

The US Department of State 2018 TIP Report cited reports of children recruited for participation in conflict, specifically with regards to units of the Popular Mobilization Forces (PMF) and other militias operating under the Popular Mobilization Committee (PMC), a component of the Iraqi armed forces, and noted that “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 PKK, and Iran-backed militias.” Of note, the TIP Report includes information from both federal Iraq and the KRI. Informants interviewed as part of this assessment did not cite specific cases involving child soldiers, though this could be a limitation of the report focus on the KRI and not the whole of Iraq.

Additionally, thousands of boys were taken into ISIS captivity from 2014-2016 and forced to participate in training camps to become ISIS fighters. Upon the defeat of ISIS, many of these boys have been held in juvenile detention centers to be assessed for extremism, their status as VOTs ignored. While quality treatment is necessary for those with concerning ideology following captivity, the circumstance of being in juvenile detention creates significant vulnerability to further trafficking for these children. One KII indicated instances of boys being removed from detention centers by lawyers indicating they had “freed” the child, though the informant had suspicions that these children were being removed for the purpose of exploitation, given

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#### ***Child trafficking in the KRI:***

- *Begging*
  - *Commercial sexual exploitation of children*
  - *Recruitment for armed conflict and/or held in ISIS captivity*
  - *Organ trafficking*
-

## Human Trafficking in the Kurdistan Region of Iraq

they had no one advocating for their removal from detention. Some child soldiers, namely Yezidi boys, have been released to their families without any assessment of whether they pose a safety risk to their families or communities. They have little access to mental health or other services; many demonstrate aggression or violence, and parents and other caretakers struggle to manage them.

Children, both boys and girls, were in ISIS captivity with their mothers or other relatives. All were exposed to violence, rape, and torture of themselves and/or family members including parents and siblings, in some cases witnessing the murder of a loved one. Many have experienced complex trauma without access to skilled mental health professionals. Boys and girls have demonstrated violence and aggression and few resources are available to help them process their experiences.

### Organ Trafficking

A few informants also indicated that organ trafficking is a growing problem within the KRI and can happen to men, women, and children with particular vulnerability among IDP and refugee populations experiencing extreme poverty. While two informants shared case examples regarding forced organ removal wherein adults and children experienced organ removal without giving their consent (or reported that they were being prepared for organ removal before being rescued by law enforcement), it appears the more common problem within the KRI is individuals who consent to sell an organ (commonly a kidney) but are paid significantly less than they are promised by the perpetrator.

The war with ISIS in Iraq and neighboring Syria has left many children in ISIS captivity or without parents or caretakers, leaving them extremely vulnerable to various forms of TIP, including organ trafficking. There are reports of at least five organized criminal trafficking rings on the Syrian/Turkish border to bring unaccompanied children to clinics for organ removal, resulting in their deaths. One NGO treated a child who was reportedly “groomed” for organ transplant for several weeks before being rescued.

### Prevalence of TIP in the KRI

Collecting data regarding prevalence of TIP is a challenge globally given the hidden nature of the crime. These challenges are exacerbated within the KRI due to a number of contextual factors: 1) cultural attitudes regarding sexual victimization can put victims at further risk of “honor” crimes, thus such cases often go unreported to relevant authorities; 2) lack of awareness regarding TIP among government and NGO actors results in errors in identification of TIP cases and under reporting; 3) sheer volume of gender-based violence (GBV) cases in the wake of multiple crises makes it extremely difficult to capture data and categorize it accurately; and 4) lack of comprehensive systems for data collection to effectively capture the scope of TIP in the KRI both from government and NGO actors.

Data from the Ministry of Interior’s (MOI) High Committee for Combating Human Trafficking (HCCHT) 2017 Human Trafficking Report indicated a total of 172 TIP cases in Erbil governorate; 12 TIP cases either sent to court or under investigation in Suleimaniya; and 15 TIP cases sent to court in Dohuk. Additionally, data from interviews with DCVAW staff indicates the following prevalence of TIP within the KRI, as illustrated in the following table.

**PREVALENCE OF TIP IN THE KRI, DCVAW REPORTS**

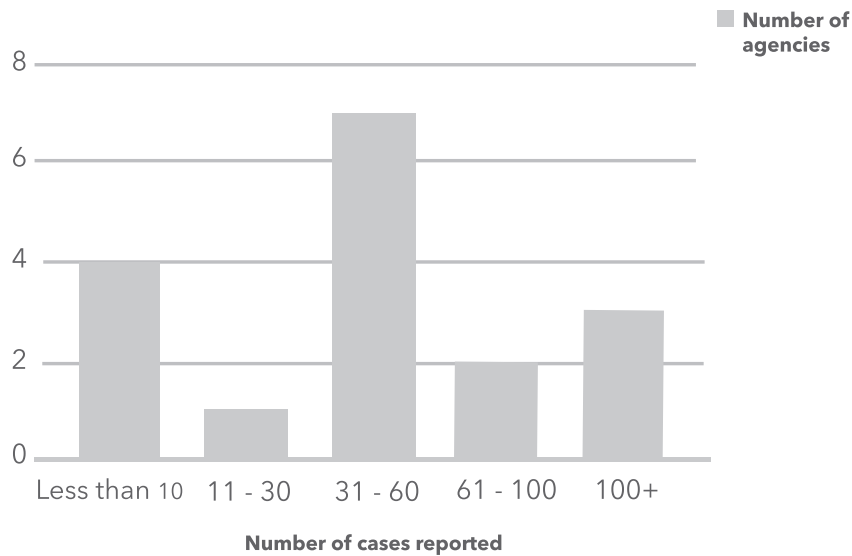
GOVERNORATE	TYPES OF TIP	VICTIM PROFILE	NUMBER OF CASES*
Erbil	<ul style="list-style-type: none"> <li>■ CSE</li> <li>■ CSEC</li> <li>■ FL, including begging</li> <li>■ Organ trafficking</li> </ul>	<ul style="list-style-type: none"> <li>■ Male and female (majority) migrant workers</li> <li>■ Local women</li> <li>■ Local men identifying as LGBT+</li> <li>■ Children (very few cases)</li> </ul>	77 <i>(2018 only)</i>
Dohuk	<ul style="list-style-type: none"> <li>■ CSE</li> <li>■ FL</li> </ul>	<ul style="list-style-type: none"> <li>■ Male and female (majority) migrant workers</li> <li>■ IDPs and refugees (mostly female)</li> </ul>	13 <i>(2018 only)</i>
Suleimaniya	<ul style="list-style-type: none"> <li>■ CSE</li> <li>■ CSEC</li> <li>■ FL</li> </ul>	<ul style="list-style-type: none"> <li>■ Male and female (majority) migrant workers</li> <li>■ Children (very few cases)</li> </ul>	10 <i>(2017-2018)</i>

*\*Note: the numbers above do not take into account those victimized by ISIS as the majority are not served by DCVAW offices*

Based on the KIIs results, it appears that TIP is very likely significantly underreported by NGOs as the majority of agencies interviewed indicated that they were not internally tracking trafficking cases, thus were unable to provide specific data regarding it. One informant was able to site 23 cases of local and regional women/girls trafficked for the purpose of CSE in 2017-2018 within the KRI, including 17 from Iran, one from Syria, two from Iraq being trafficked into Turkey, and three from Iraq trafficked within the KRI. Additionally, the Embassy of the Republic of the Philippines estimated 37 cases of female Philippines nationals in 2018 who are VOTs for the purpose of forced labor in all of Iraq. Another NGO reported knowledge of 17 cases in the past year of foreign migrant workers (Philippines, India, Côte d’Ivoire, and Nepal) who were either VOTs or highly at-risk due to contractual issues.

Survey data from NGOs indicates varied prevalence of TIP cases within the past year. Of the 17 organizations that submitted data regarding prevalence for 2017, four agencies indicated less than 10 cases of TIP; one agency indicated 11-30 cases; seven agencies indicated 31-60 cases; two agencies indicated 61-100 cases; and three agencies indicated receiving more than 100 cases of TIP. Of note, the agencies reporting 100 or more cases of TIP all worked with victims of ISIS captivity.

### TIP CASES REPORTED IN THE KRI, NGO SURVEY RESULTS



### Priority Needs of Victims of Trafficking & Existing Resources

Of critical importance in creating relevant and effective programs for VOTs is a thorough understanding of the population’s priority needs. As one informant stressed, the value of listening to VOTs is of highest priority, remaining nonjudgmental and offering a safe space for the victim to share her/his experience and articulate his/her needs. The following table summarizes survey findings from 16 NGOs within the KRI reflecting on the priority needs of VOTs based on their experiences providing direct services.

Needs of VOTs can be divided between “emergency” and “ongoing” needs for assistance. Notably, informants consistently emphasized the unique nature of each VOTs’ needs, confirming the critical importance of an individualized assessment and plan of care to achieve each VOT’s individual goals.

**PRIORITY NEEDS OF VICTIMS OF TIP, NGO SURVEY RESULTS**

RANK	NEED
1	Economic empowerment/livelihood options
2	Medical care Reintegration support/ assistance in connecting with support system
3	Legal services Mental health care
4	Housing assistance Education services
5	Repatriation to country of origin

***Emergency Needs***

**Protective Shelter.** Within KIs with both government and NGO actors, the need for emergency safe shelter was identified, particularly for male VOTs, including migrant workers and local male LGBT+ individuals (who either self-identify or have identity cards categorizing them as male). The need for shelters specific to female VOTs was also noted given the four existing government shelters for women lack resources to provide for the needs of VOTs and specialized knowledge for managing TIP cases; these shelters further require a court order for protection despite some VOTs preferring not to engage the court in their cases. Survey results indicated four agencies that are able to assist in finding safe shelter for VOTs, though the specific options (hotels, government shelters, safe houses, or other alternatives) were not specified.

**Medical Care.** The need for emergency medical assessment and treatment, particularly in the case of victims who have experienced physical and sexual violence, was also indicated as an important part of initial interventions with VOTs. Victims have often been deprived of proper nutrition and access to medical services, thus physical needs require immediate attention and follow-up. Currently, most NGOs privately pay for medical treatment of VOTs while access to medical care is reportedly inconsistent within the government run women’s shelters. Public health facilities are overwhelmed to respond to the needs of IDPs in Kurdistan, but the Survivor Center, based in Dohuk, is a government facility that works to address gynecological and other urgent medical and psychological needs of returning survivors.

**Cash Assistance.** Cash assistance was noted by several informants, indicating that VOTs require cash to meet immediate basic needs for food, clothing, hygiene supplies, communication, etc. Few cash assistance programs exist for VOTs, with the exception of some programs directly allocated to survivors of ISIS captivity, and a few organizations able to provide minimal cash assistance to VOTs who are migrant workers.

### *Ongoing Needs*

Key informants further discussed the need for ongoing support for VOTs to live safely and sustainably in a community of their choice through supporting the following needs. VOTs require comprehensive social services delivered by trauma-informed, trained professionals to support their protection, empowerment, and recovery and to help them access care across a range of domains.

**Economic Empowerment Opportunities.** In order to enhance long-term protection for VOTs, key informants noted the importance of access to training or other assistance that will result in sustainable income through a safe, culturally acceptable income generating option. Specifically for migrant workers, this may mean assistance with a new sponsor/ employer within the KRI, should he/she wish to remain in the country. From interviews and survey results, it appears this need often goes unfulfilled as very few providers offer this service for VOTs in the KRI (only 4 out of 16 survey respondents and three informants indicated their agencies provide such a service).

**Legal Services.** Many VOTs require assistance in obtaining legal documents, be it the return of passports and residency permits in the case of migrant workers or the procurement of civil documentation for local people in order to access government benefits. Many migrant VOTs wish to continue employment in Kurdistan even if their first employer was abusive. Further, for Yezidi women seeking to parent children born of ISIS fathers, significant legal support is necessary to regain custody and secure necessary documentation for the children. Additionally, many VOTs will require legal support in order to access justice in their cases to see alleged perpetrators prosecuted and civil damages received. Legal services within the KRI are also lacking; while eight NGOs indicated providing legal services on the survey, KIs indicated that even if NGOs offer the service, the number of VOTs that can be served under the program is significantly limited and some organizations only offer support in documentation versus access to justice.

**Mental Health and Psychosocial Support Services.** Many VOTs experience a myriad of mental, emotional, and social challenges as a result of their victimization and benefit from quality MHPSS services to help them build on their own resiliency in order to increase their wellbeing and function satisfactorily in their day-to-day life. Providers in the KRI continue to develop skills in MHPSS, building on growing expertise within the region, particularly following the most recent crisis. Survey results indicated that nine agencies provide PSS services to VOTs, offering basic emotional support, psychoeducation, therapeutic recreation, and other basic interventions. However, only four organizations indicated programs for providing mental health care to VOTs.

**Medical Care.** In addition to the emergency medical needs that are present for many VOTs, there are also a variety of ongoing conditions, either pre-existing or caused by the trafficking experience, which require continuous treatment. As stated previously, medical care is supported by the KRG or privately funded by NGOs.

**Reintegration Support.** VOTs often require support in reintegrating to the location of their choosing, be it assistance with repatriation to their country of origin as in the case of migrant workers; reconnecting with family and/or community members regarding the return of the VOT; or integration into a new community where the VOT chooses to live independently. Only one agency was identified with specific funding to assist in repatriation costs of migrant workers to their home countries. Survey results indicated 10 agencies offer case management services to VOTs, which should include reintegration support, though this was not specified, thus it is unknown how many agencies are able to offer this specific form of assistance.

**Housing or Transitional Shelter Assistance.** Particularly for those VOTs who are unable to return to their home of origin for whatever reason, many VOTs, particularly local females, require assistance in securing a safe housing alternative to their home of origin. Informants discussed this as a significant challenge due to the cultural and economic challenges for single women living independently in the KRI, as well as for males for whom it is not safe to return home.



## Referral Pathways

Within the KRI, TIP cases are reported to government and NGO actors through a variety of channels. KIIs with government actors and NGOs as well as NGO survey results indicated agencies receive the majority of their referrals per the table below.

### COMMON SOURCES OF VOT REFERRALS FOR GOVERNMENT ACTORS AND NGOS

Government Actors	NGOS
<ul style="list-style-type: none"> <li>■ Other government actors (MOI, MOLSA, Dohuk DOH’s Survivor Center, camp management, and government run women’s shelters)</li> <li>■ NGOs</li> <li>■ Community members</li> <li>■ VOTs</li> <li>■ Foreign Embassies/ Consulates</li> </ul>	<ul style="list-style-type: none"> <li>■ Other NGOs</li> <li>■ Community members</li> <li>■ Government actors (camp management, DCVAW, women’s shelters, juvenile justice system, DOH, Dohuk Survivor Center, etc.)</li> <li>■ VOTs</li> <li>■ Sources within the media</li> <li>■ Hotline numbers</li> </ul>

Of note, the Department for Combating Violence Against Women (DCVAW) implemented a 24-hour hotline in September 2018 wherein anyone may report instances of gender-based violence; information may be reported in Arabic, Kurdish, and English. The hotline staff will be able to offer support and referrals, including sending emergency responders in cases wherein there is an immediate threat.

## Institutional Response to TIP in the KRI

Over the past two years, the KRG’s PJS has taken commendable steps towards combating TIP despite competing priorities with the invasion of ISIS in 2014 and lack of anti-TIP legislation to prosecute alleged perpetrators. Specifically, the KRG has formed the High Committee to Combat Human Trafficking (HCCHT) in 2016 to lead the fight against trafficking, chaired by the Director General of Divan at the MOI and consisting of representatives from MOLSA and Department of Foreign Relations (DFR). Additionally, three sub-committees have been formed within the governorates of Erbil, Dohuk, and Suleimaniya to investigate reports of TIP at the governorate level and report back to the HCCHT. The MOI has lead the HCCHT as an inter-ministerial body which works to respond to emergency cases brought by the DCVAW officers, NGOs, consulates, and others. To date, the HCCHT has been most responsive to TIP cases involving migrant workers.

### Anti-Trafficking Legislation

In July 2018, the KRG enacted Law No. 6 of 2018, ratifying Iraq's 2012 Anti-Trafficking Law, thus criminalizing TIP in the KRI for the first time. In addition to providing means for prosecuting perpetrators of TIP, the law has set forth new structures for the bodies tasked with the eradication of TIP in the KRI.

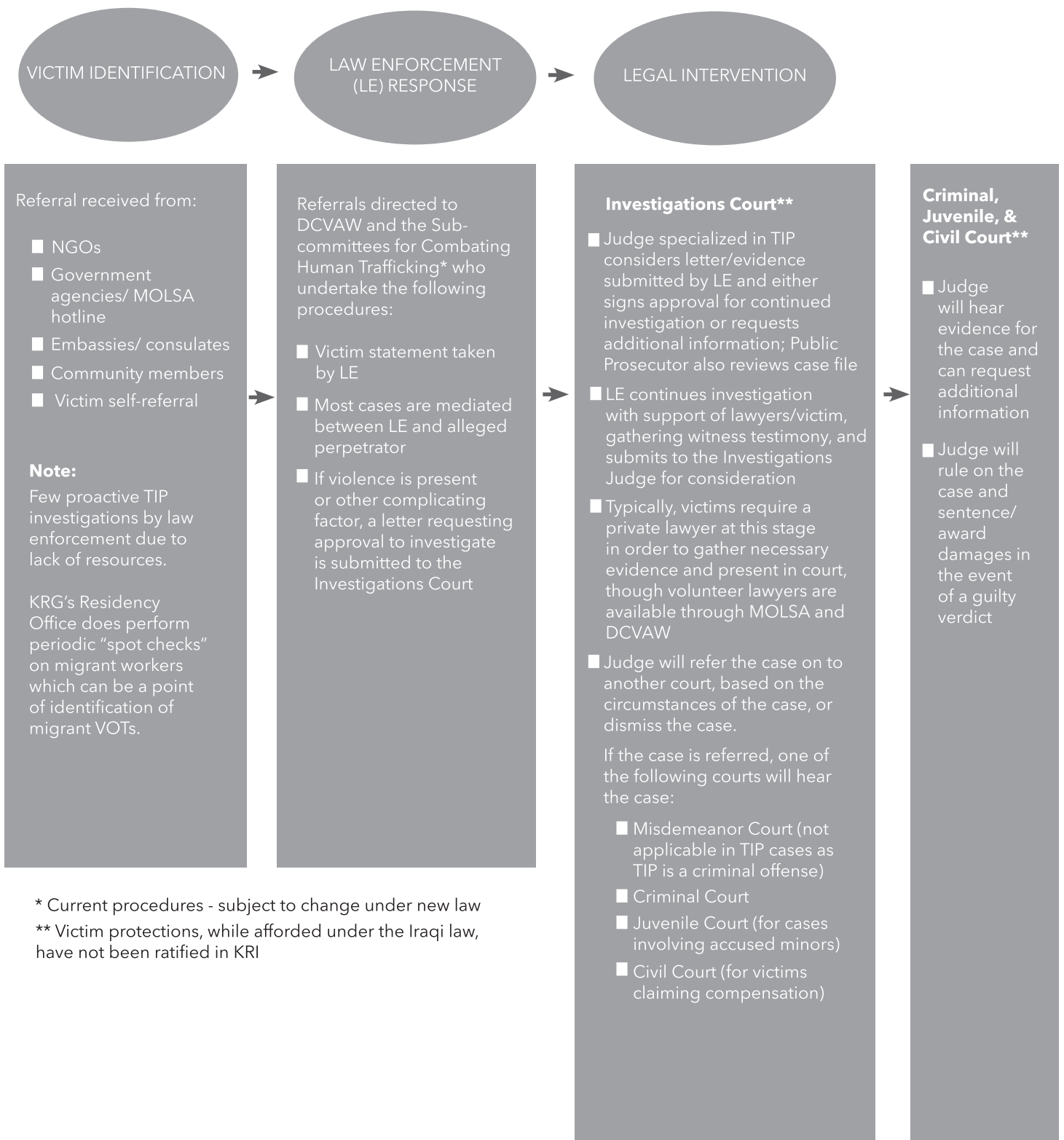
At the time of this report, the MOI's HCCHT is in the process of structuring a new Directorate to Combat Human Trafficking within its ranks including six specialized units throughout the KRI to proactively investigate and follow-up on reported cases of TIP. The HCCHT will be developing implementing rules and regulations for the new legislation in the coming months, and the new Directorate will coordinate with other key ministries within the KRG to actively investigate, prosecute, and prevent TIP throughout the KRI.

**In July 2018, human trafficking was criminalized in the KRI for the first time.**

Of significant concern regarding the PJS response in combating TIP, both in the US State Department 2018 TIP Report and in key informant interviews, are allegations of complicity of government officials including political officers, law enforcement (LE), Asayish forces, and camp management in TIP within the KRI. Reports indicate that government officials have not been held accountable for involvement in TIP and have caused some VOTs and anti-TIP actors to fear retaliation should cases be reported to relevant authorities.

The following brief summary of how TIP cases progress through the PJS in the KRI refers to current processes thus does not reflect new changes which will be implemented under the new law; it is very likely that procedures will be adjusted under the implementing rules and regulations for the new legislation. It is important to note that many cases were not brought to the attention of the KRG as reporting mechanisms are not clear; most cases that come before the HCCHT are cases of migrant workers, and the HCCHT does not have a consolidated mandate over other local trafficking cases, nor VOTs that may have survived ISIS captivity.

**TRAFFICKING IN PERSONS CASE FLOW IN THE KRI**



### Law Enforcement

Since 2016, the responsibility for investigating and following up on cases of TIP has been entrusted to the Department of Combating Violence Against Women (DCVAW), with the chair of each sub-committee for combating TIP led by DCVAW staff. Based on interviews, it appears that the vast majority of TIP cases are brought to the attention of authorities through external referral (NGOs, community members, victims self-report), internal hotlines (managed by MOLSA), or an internal system of checking migrant workers implemented by the KRG's Residency Office wherein after a company has submitted a certain number of visa applications, the Residency Office in collaboration with the sub-committee for combating trafficking takes a random sample of migrant workers employed by the sponsor/company and conducts interviews to assess for TIP. Per DCVAW informants, this process has led to a number of cases of TIP being investigated and VOTs assisted. According to the KRG's Human Trafficking Report for 2017, the HCCHT has blacklisted 38 companies, mostly manpower/recruitment agencies as a result of TIP cases.<sup>19</sup>

Report findings indicate proactive investigations of TIP are very limited due to a lack of human and financial resources in addition to lack of training in TIP investigations. DCVAW informants report the majority of TIP cases are mediated between the VOT and alleged perpetrator rather than going to court. For cases wherein violence has occurred or other complicating factors are present, they are more likely to involve the court, submitting a letter to a judge within the Investigations Court for approval to further investigate the case.

Challenges in combating TIP reported by law enforcement in the KRI include 1) lack of clear reporting system or structure, 2) lack of understanding by most government actors of TIP and specialized training for responsible actors in identifying and investigating TIP; 3) lack of resources to proactively investigate TIP (human resources, vehicles, etc.); 4) lack of access to interpreters to effectively communicate with VOTs from other nationalities; and 5) lack of anti-TIP legislation criminalizing TIP (prior to July 2018).

### Legal Intervention

Prosecution of TIP in the KRI was not possible prior to July 2018 due to a lack of legislation criminalizing it. As noted above, very few cases of TIP are taken to court at all; when they are, they are typically prosecuted under the Iraqi Penal Code or Anti-Prostitution Act, which unfortunately can result in the prosecution of victims.

When the judge within the Investigations Court receives the letter of request from DCVAW, he will consider the facts and then either give approval for further investigation by LE or dismiss the case. If approved, LE will gather further evidence, including witness statements, and submit them to the judge for consideration. Most informants with information on the legal process report it is helpful in such

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#### Key challenges for law enforcement in combating TIP:

- 1) lack of clear reporting system for TIP cases;
  - 2) lack of understanding of TIP and specialized training to identify and investigate TIP;
  - 3) lack of resources to proactively investigate TIP
  - 4) lack of access to interpreters to effectively communicate with VOTs from other nationalities; and
  - 5) lack of anti-TIP legislation criminalizing TIP (prior to July 2018).
-

cases to have a private lawyer to assist in gathering evidence and making arguments in court; however, another informant stated that DCVAW and MOLSA have volunteer lawyers who can also be utilized for this purpose.

Once the Investigations Court has the information necessary, the judge will decide if it is a TIP case; if deemed so, the case will be referred to one of the following courts: Criminal Court (most TIP cases); Juvenile Court (if the accused is a minor); and/or Civil Court (if compensation is necessary). The judge within these courts will hear evidence and make a ruling on sentence/fines in the case of a guilty verdict. As of early October 2018, only three cases of TIP had reached the Investigations Court stage, given the new law; all three cases were of migrant workers. While the Iraqi Parliament passed a Victim Protection Law in 2017, the law has not yet been ratified in the KRI, creating concern for victim/witness protection throughout court proceedings.

It is anticipated that with the new law, prosecution of TIP will begin requiring: 1) clear and robust implementing rules and regulations for the law; 2) training on TIP, the law, and implementing rules and regulations for public prosecutors and judges; 3) access to interpreters for courts hearing TIP cases (although one informant stated interpreters were available, most informants suggested this is a need); and 4) resources to implement effective witness protection mechanisms for TIP cases. The HCCHT report it will begin drafting implementing rules and regulations in the coming months.

### Social Services

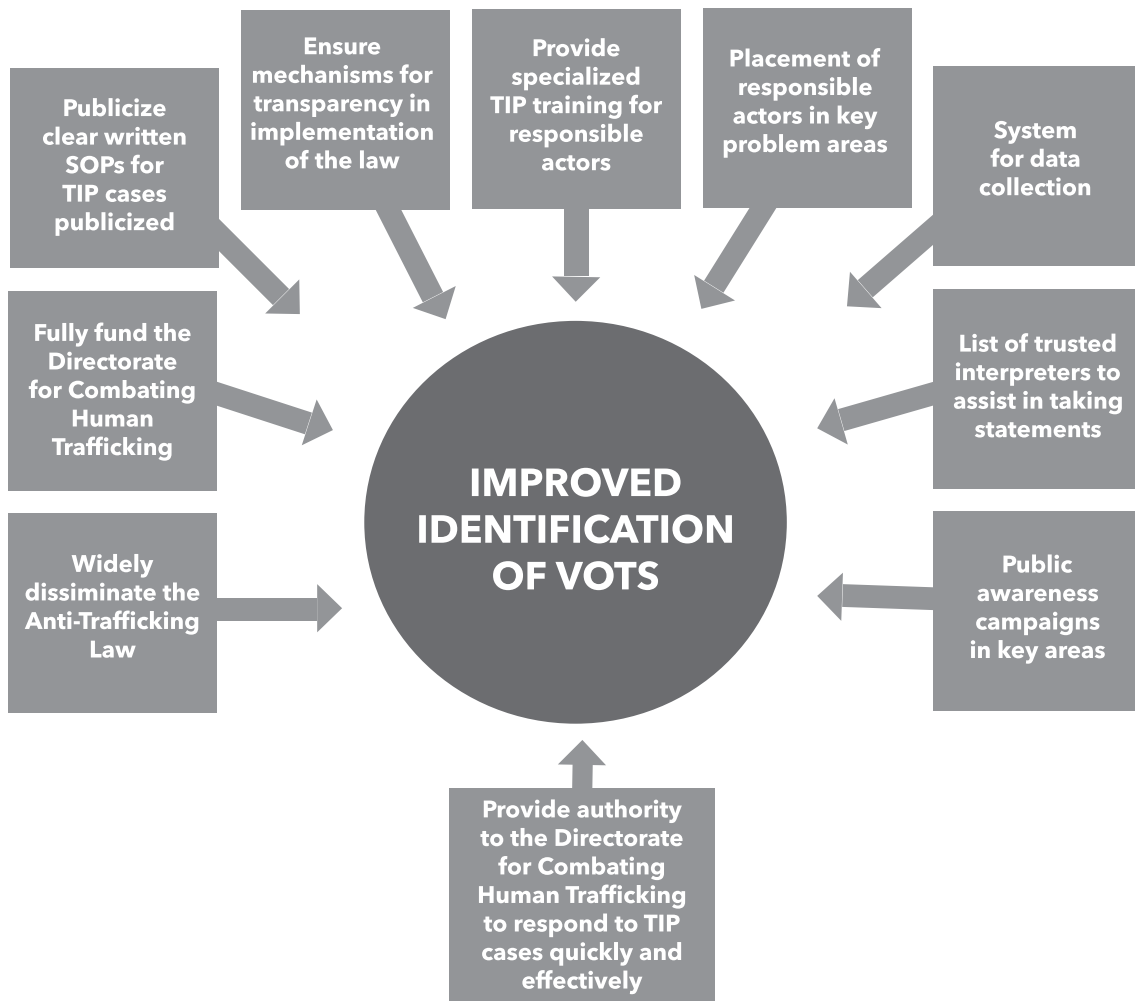
MOLSA holds the government mandate for providing social services to VOTs. MOLSA manages four shelters for women throughout the KRI which can, but rarely do, accommodate VOTs due to the unique needs of VOTs and lack of training of shelter staff in managing TIP cases. Additionally, MOLSA provides some livelihood training within the shelter and to women who are vulnerable within the community. MOLSA additionally manages a hotline for labor complaints, though it is unclear how effective this tool is in identifying and addressing instances of TIP.

Challenges in combating TIP reported by social services providers in the KRI include 1) lack of specialized training in TIP; 2) lack of clear referral pathways for VOTs; 3) lack of resources (human, transport, etc.) to effectively manage cases of TIP; 4) lack of suitable shelter options for various types of VOTs; and 4) lack of coordination with civil society actors able to supplement existing resources to provide for the holistic needs of VOTs.

## RECOMMENDATIONS

Based on the findings of this report, there are a number of actions needed to better 1) identify VOTs; 2) prosecute perpetrators of TIP; 3) respond to and protect VOTs; and 4) prevent TIP in the KRI. Implementation of the KRG's recently enacted Anti-Trafficking Law and operationalizing the law across responsible actors within law enforcement, prosecution services, the judiciary, and social services; funding, training, and capacity building of the newly-established KRG Directorate for Combating Human Trafficking; and ensuring transparent mechanisms for monitoring implementation of the law would go far to advance progress in all of these categories.

### 1. Improved Identification of Victims of Trafficking



A clear area for improvement in the institutional response to TIP in the KRI is consistent identification of VOTs and knowledge and awareness among key institutional and public actors regarding the law and mechanisms for its implementation. The following actions can be taken to address this gap in detection of TIP:

**1.1. Disseminate and promote the Anti-Trafficking Law in Kurdish, English, and Arabic to relevant actors, including law enforcement, prosecutors, judges, social services, companies recruiting and managing migrant workers, and the general public.**

**1.2. Provide authority to the Directorate for Combating Human Trafficking to respond to emergency cases quickly and effectively.**

**1.3. Fully fund the Directorate for Combating Human Trafficking in order to equip them to execute their mandate, including meeting requirements for human resources, transportation, office space, equipment, and other resources needed to conduct TIP investigations.**

**1.4. Create and publicize clear, written Standard Operating Procedures (SOPs) for TIP cases, including:**

- How to report cases to appropriate actors, including public justice system officials within the KRG and service providers;
- What will happen once a case is referred;
- Common screening form that can be used to determine if an individual is a VOT;
- How VOTs can access services/protection; and
- Coordination with the UN cluster system for clear referral pathways of TIP cases.

**1.5. Create and implement mechanisms for transparency for how TIP cases are handled, including formal reporting to the public.**

**1.6. Provide specialized training on TIP for responsible actors, including public justice system officials and civil society actors, including:**

- Law enforcement, particularly the new units within the Directorate for Combating Human Trafficking but also local police units;
- Public prosecutors/lawyers;
- Judges;
- Social service providers providing services to VOTs, both government and civil society actors;
- Military actors stationed at borders/checkpoints;
- Health care providers; and
- Immigration officials.

**1.7. Place responsible actors in high problem areas, such as:**

- Specialized law enforcement or protection officers within residency offices to screen migrant workers' applications for residency every six months with independent interviews;
- Ensure migrant workers are independently interviewed (without their employer or other persons present who may influence their responses);
- Specialized law enforcement and procedures to consistently check problem areas including spas, hotels, residential areas known for prostitution, border check points, etc.; and
- Regular inspections of recruitment agencies working with migrant workers.

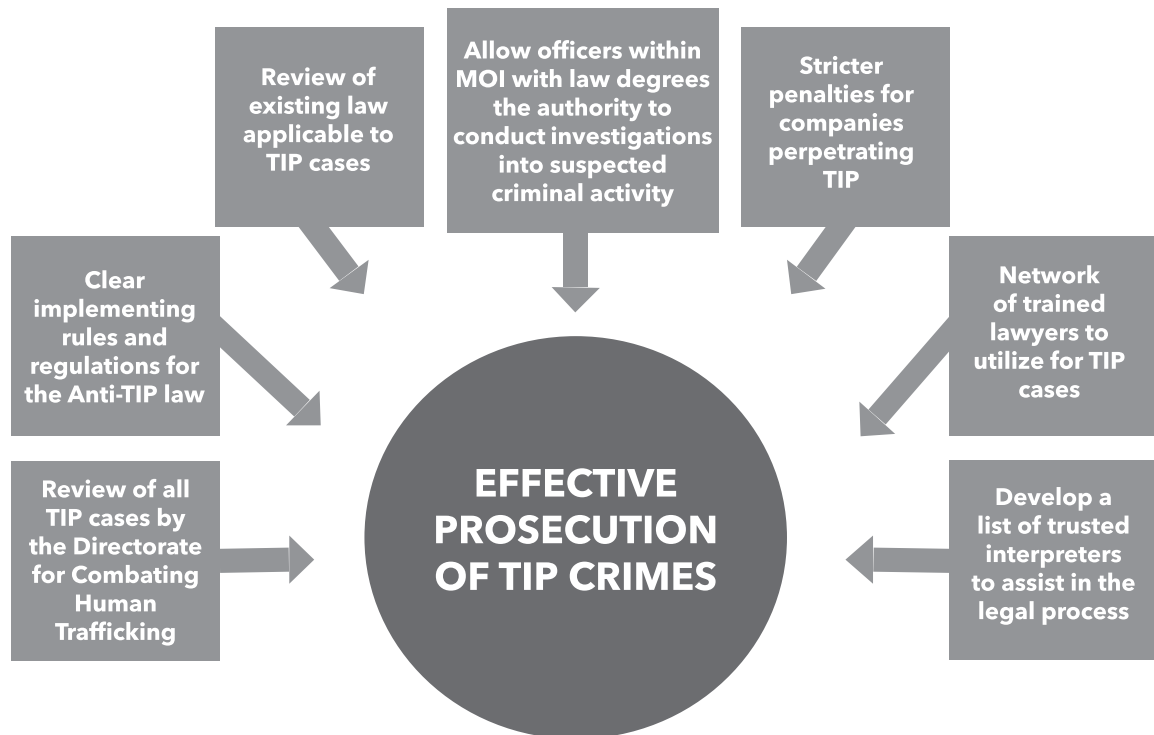
**1.8. Develop a system for accurate and comprehensive data collection of TIP in order to understand patterns to address root causes of TIP.**

**1.9. Develop a list of trusted interpreters capable of assisting law enforcement in conducting interviews with VOTs and those at-risk who do not speak the local languages.**

**1.10. Implement public awareness campaigns using brochures, fliers, signs, and other mediums in multiple languages targeting key high-risk areas such as airports, public offices, residency offices, hotels, spas, etc.**

- Provide information regarding what human trafficking is, what laws apply to TIP (including Anti-Trafficking legislations, Labor Law, etc.), and how prosecution of human trafficking can be a deterrent to the crime.
- Provide information regarding how to access assistance (both government protection and other services) in areas frequented by vulnerable groups.

## 2. Prosecution of TIP Crimes



Prosecution can be used as an effective deterrent against human trafficking, making potential perpetrators afraid of committing a crime for which they will be held accountable. In order for effective prosecution of TIP, the following actions are recommended:

### 2.1. Assign the new Directorate to Combat Human Trafficking to review all TIP cases to ensure the new anti-trafficking law is being implemented and ensure problems are addressed effectively and in a timely manner.

- Ensure the Directorate is sufficiently independent and powerful to address TIP even in cases wherein perpetrators are well connected;
- Ensure the Directorate's mandate includes capturing lessons learned in order to advocate for amendments to the law, as necessary; and
- Maintain data on TIP cases throughout the KRI.

### 2.2. Create robust implementing rules and regulations for Anti-TIP legislation to include victim protection procedures throughout prosecution of the case and train responsible actors on implementation.

- Create clear written SOPs for how various actors can file a case of TIP;
- Ensure robust victim protection measures are in place and implemented;
- Create mechanism for statements to be taken in a timely manner in order for migrant VOTs to return to their home country; and
- Consider the ability for remote testimony to be taken from VOTs who have already been repatriated to their home countries.

### 2.3. Allow officers within MOI with law degrees the authority to conduct investigations into suspected criminal activity.

### 2.4. Review existing laws that may apply to TIP cases (Anti-Prostitution Act, Labor Law, Immigration Law, Penal Code, etc.) and create guidelines for application of these laws to TIP cases.

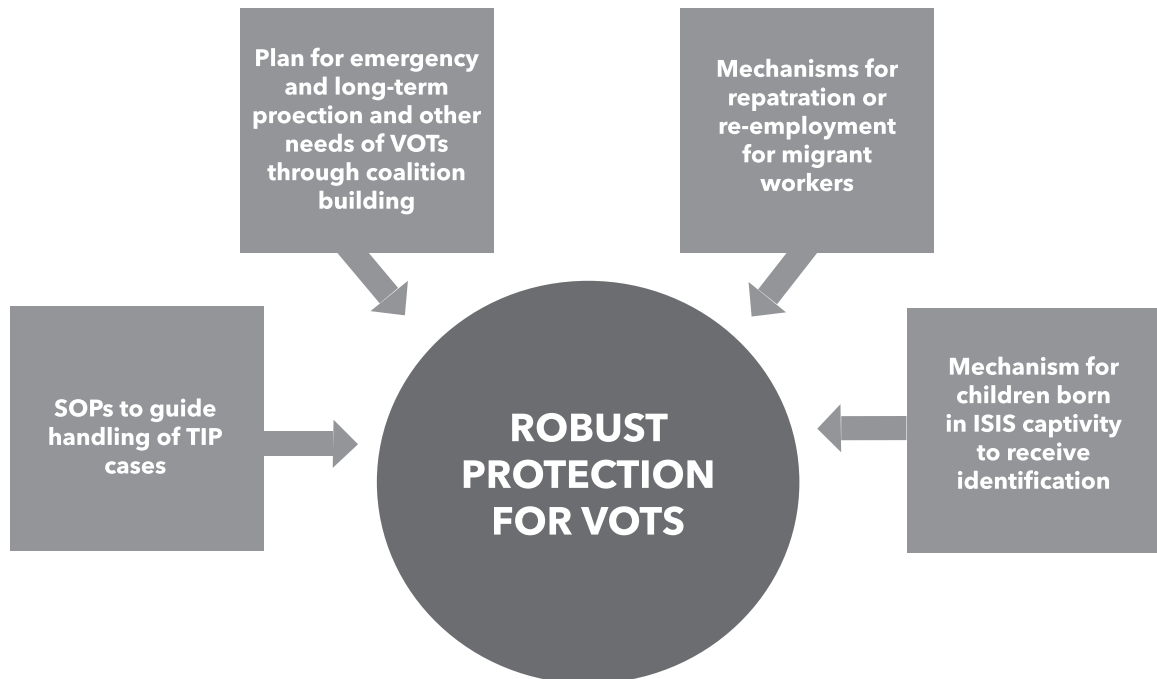


**2.5. Create a stronger deterrent for companies perpetrating TIP through individual prosecution of management responsible and strict enforcement of blacklisting recruitment agencies that violate the law or procedures.**

**2.6. Build a network of private lawyers and organizations qualified and able to represent victims of trafficking in court, both for fee and pro bono.**

**2.7. Develop a list of trusted interpreters capable of assisting lawyers and judges in communicating with VOTs and those at-risk who do not speak the local languages.**

### 3. Robust Protection of Victims of Trafficking



In order for victims of trafficking to feel safe and confident in seeking help from government and civil society actors, appropriate protection mechanisms must be in place, implemented, and clear to all relevant actors. VOTs should be afforded necessary protections regardless of their ability or willingness to press criminal charges against alleged perpetrators. The following recommendations will strengthen protections for VOTs in the KRI:

#### 3.1. Create standard operating procedures for action once TIP is identified, including:

- Clear referral pathways for VOTs to access necessary services;
- Victim/witness protection mechanisms within the court system;
- Ensuring that VOTs are treated as victims and not perpetrators; and
- Provisions for victim confidentiality throughout process.

#### 3.2. Work with government and civil society actors to meet emergency and long-term protection and other needs for VOTs, including:

- Creating emergency shelter;
- Providing appropriate medical care;
- Building a coalition of NGOs/civil society who collaborate to ensure holistic, well defined services are available to VOTs, including economic empowerment opportunities, MHPSS services, medical care, legal support, and support in safely connecting with a support system; and
- Provision of transitional shelter for VOTs requiring additional assistance in reintegration

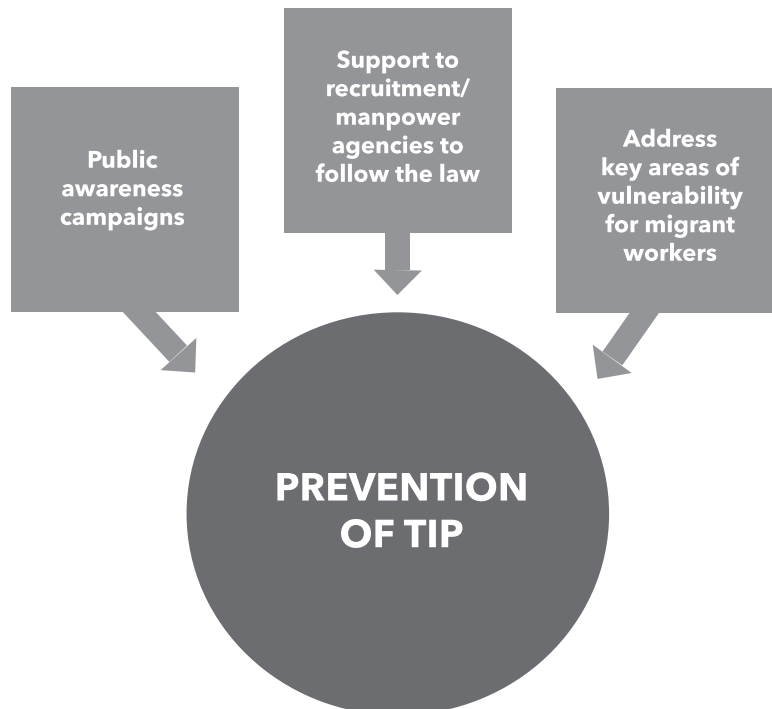
to safe environments within the community.

### 3.3. Ensure repatriation or re-employment option for migrant workers, including:

- Creation of a list of recommended employment agencies that adhere to ethical practices in recruitment and job placement for migrant workers;
- Clear mechanisms for ensuring sponsors/employers are responsible for provision of flights for VOTs to their country of origin and making clear process for accessing the KRG's collateral fund for repatriation of migrant workers; and
- Creation of an amnesty scheme wherein migrants are able to leave the country without fines for overstaying once per year or waiving immigration fees for VOTs.

### 3.4. Provide a mechanism for children born in ISIS captivity to be provided identification card/forms without identifying them automatically with their father's religion.

## 4. Prevention of Trafficking in Persons



Prevention of TIP is a strategic approach to addressing root causes of TIP, including lack of awareness of trafficking and correcting loopholes perpetrators exploit to traffic vulnerable individuals. Recommendations for prevention efforts include:

### 4.1. Promote public awareness campaigns targeting vulnerable groups, including:

- Campaigns targeting migrant workers in areas they frequent, such as the residency office, recruitment agency offices, employment agency offices, etc.
  - Potential to include information on migrant workers' rights under local law, how to report problems, provision of local language classes, etc.
  - Translation of key materials into key languages to be provided directly to migrant workers, based on most vulnerable groups identified.
- Campaigns targeting local individuals through social media, religious leadership, television, and radio.

- Information to include what human trafficking is, what the laws says, workers' rights, and how to report suspected cases of TIP.
- Potential to include trends in TIP to help vulnerable individuals be more aware of potential trafficking schemes.

### **4.2. Support recruitment/manpower agencies to follow the law, including:**

- Database for sponsors monitored by the KRG to guard against fake sponsors who can not be held accountable for TIP;
- Provision of recommendations/guidelines and training for private sector on rights-based approach in dealing with migrant workers;
- Development of a network of ethical management companies/recruitment agencies to refer migrant workers who wish to stay in KRI for work;
- Use of standard contracts that are in accordance with the local labor law and provide clear and fair procedures that account for early cancellations of the contract for both parties;
- Ensuring provision of pay slips for migrant workers;
- Regular visits by diplomatic missions of sending countries to employers/sponsors employing their constituents;
- Development of a rights and responsibilities matrix for all parties in the employment relationship and other tools to support ethical labor practices; and
- Ensuring availability and visibility of TIP reporting mechanisms within agencies.

### **4.3. Address points of vulnerability for migrant workers within the KRG control, including:**

- Increase resources to regulate recruitment agencies and enforce Labor and Immigration Laws;
- Ensure screening for VOTs at land-border checkpoints within the KRI and at the border with federal Iraq;
- Consider bilateral agreements with sending countries to provide more discernment regarding issuance of tourist visas, better screening of migrants entering the KRI, ratification of work permits in both the KRI and sending countries to ensure legal contracts, registration of foreign nationals with their appropriate Embassies/Consulates, provision of list of employers/sponsors to the Embassies/Consulates, and permission for diplomatic missions to conduct visits of their nationals in their places of work to ensure appropriate conditions;
- Increased screening of migrant workers at the KRG's residency office, ensuring privacy of the migrant worker and necessary translation;
- Improved coordination with sending countries on prosecution of trafficking rings located both in the KRI and sending countries, including recruiters in the sending countries;
- Countries supplying work force to consider implications of travel bans/work bans that might cause migrant workers to be less visible and more at-risk; and
- Enforce stricter penalties for recruitment agencies that are blacklisted.

### CONCLUSION

Despite the limitations of data on the prevalence of TIP, it is clear that trafficking for forced labor, commercial sexual exploitation, and organ trafficking exists in the KRI and is negatively impacting a variety of people including migrant workers; local and regional women, children, and men; and individuals identifying as LGBT+. The needs of VOTs are extensive and unique; it is unsurprising that the current demand for services exceeds available resources through government and NGO providers, especially within a post-conflict environment wherein many resources have been allocated to meet emergency needs of IDPs and refugees and protect national security.

It is also evident that while the KRG is committed to addressing TIP, there is much work to be done within the PJS to better identify victims, prosecute perpetrators, protect and serve victims, and prevent trafficking within the KRI. Further, there is ample opportunity for increased collaboration among actors to coordinate in the fight against TIP. Notwithstanding the limitations of this report, the information herein can be used to strengthen robust conversations among anti-TIP actors, strategize innovative solutions for combating TIP in the KRI, and build partnerships to effectively implement anti-trafficking programming. With the passing of the Anti-Trafficking Law in the KRI and establishment of the Directorate to Combat Human Trafficking, these partnerships then can bolster the work of the KRG as it seeks to implement this critical legislation.



## NOTES

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## APPENDIX A: DESK REVIEW RESOURCES

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