

In the Name of the People

The Presidency Council (PC)

Based on approval by the Council of Representatives, ratification by the Presidency Council, and provisions of Articles [61/First and 73/ Third] of the Constitution, the following law was promulgated:

Law (number) of 2012

Trafficking in Persons

Article 1: First: For purposes of this law, the term “Human Trafficking” shall indicate recruiting, transporting, housing, or receiving individuals by force, threat to use force, or other means, including by coercion, kidnapping, fraud, deception, misuse of power, exchange of money, or privileges to an influential person in order to sell and exploit the trafficked individuals by means of prostitution, sexual abuse, unpaid labor, forced labor, enslavement, beggary, trading of human organs, medical experimentation, or by other means.

ACCEPTED AMENDMENT

Proposed amendment:

Article 1 First: For purposes of this law, the term “Human Trafficking” shall indicate recruiting, transporting, housing, or receiving individuals by force, threat to use force, or other means, including by coercion, kidnapping, fraud, deception, misuse of power, exchange of money, or privileges to an influential person in order to sell and exploit the trafficked individuals by means of prostitution, sexual abuse, unpaid labor, forced labor, enslavement, beggary, trading of human organs, medical experimentation.

Second: the victim here means, the person who suffered from material or moral damage caused by one of the crimes stipulated in this law

Article 2: There shall be established a “High Committee to Prevent Human Trafficking” within the Council of Ministers Secretariat (COMSEC) that shall be composed of:

First: The Minister of Interior (as Chairman)

Second: Deputy Minister of Labor and Social Affairs (as Deputy Chairman)

Third: Representatives at the Director General (DG) grade at a minimum from the following ministries and entities:

- A. Ministry of Foreign Affairs
- B. Ministry of Justice
- C. Ministry of Finance
- D. Ministry of Health
- E. Ministry of Transportation
- F. Ministry of Labor and Social Affairs
- G. Ministry of Immigration and Displaced Persons
- H. Ministry of Human Rights
- I. The Iraqi National Intelligence Agency
- J. The High Commission of Human Rights
- K. Other entities to be selected by the Council of Ministers

ACCEPTED AMENDMENT

Proposed amendment:

Article 2: Formation of a committee within the Ministry of Interior called (the Central Committee to Prevent Human Trafficking) with Representatives from the irregular Regions and Governorates in the region, Ministries and relevant agencies shall undertake fulfillment of the goals of this law.

Article 3: To fulfill the goals of the law, the Commission is charged with the following duties:

First: Designing plans and programs to combat and curb the phenomenon of human trafficking.

Second: Providing guidelines necessary to combat human trafficking and monitor implementation in coordination with concerned entities.

Third: Preparing reports on the topic of human trafficking according to related international agreements and submitting them to the Council of Ministers.

Fourth: Cooperating and coordinating with concerned entities to assist victims of human trafficking and exchanging information and expertise with neighboring countries and others in this field.

Fifth: Proposing necessary measures to assist victims of human trafficking and to protect witnesses.

Sixth: Launching awareness and education campaigns to warn of the dangers of human trafficking in cooperation with civil society organizations, academic and religious establishments, and research centers.

Seventh: Issuing an annual report on human trafficking stating government efforts in combating it.

Eighth: Any other duties designated by the Council of Ministers.

ACCEPTED AMENDMENT

The proposed amendments:

Article 3: To fulfill the goals of the law, the Commission is charged with the following duties:

First: Designing plans and programs to combat and curb the phenomenon of human trafficking.

Second: Providing guidelines necessary to combat human trafficking and monitor implementation in coordination with concerned entities

Third: Preparing reports on the topic of human trafficking according to related international agreements and submitting them to the Council of Ministers.

Fourth: Cooperating and coordinating with concerned entities to assist victims of human trafficking and exchanging information and expertise with neighboring countries and others in this field.

Fifth: Proposing necessary measures to assist victims of human trafficking and to protect witnesses and victims.

Sixth: Launching awareness and education campaigns to warn of the dangers of human trafficking in cooperation with civil society organizations, academic and religious establishments, and research centers.

Seventh: Issuing an annual report on human trafficking stating government efforts in combating it.

Eighth: Pursuing Iraq's accession to the International Conventions on combating human trafficking

Article 4:

First: A subcommittee named, "the Subcommittee to Combat Human Trafficking" shall be established in each province to help the victims of the human trafficking; the subcommittee shall be headed by the governor and shall include members from the ministries of Interior, Finance, Justice, Immigration, Health, Labor and Social Affairs, Human Rights, and the Iraqi National Intelligence Agency. This subcommittee shall undertake the same tasks of the Higher Commission stipulated in Article (3) of this law.

Second: The subcommittees mentioned in Item (4/First) shall submit their proposals and recommendations to the Higher Commission.

Third: The committee President shall determine dates, quorum, procedures for decision-making, and work progress of the committee and provincial subcommittee.

ACCEPTED AMENDMENT

The proposed amendment:

First: A subcommittee named, "the Subcommittee to Combat Human Trafficking" shall be established in each district or irregular province to help the victims of the human trafficking; the subcommittee shall be headed by the governor and shall include A from the Ministry of Interior. this committee will handle the fulfilling of this law, and can use the representatives of ministries and relevant agencies.

Second: The subcommittees mentioned in Item (4/First) shall submit their proposals and recommendations to the central Commission.

Third: The committee President shall determine meetings of the central committee and subcommittees in the irregular regions and governorates, quorum, procedures for decision-making, and work progress of the committee and provincial subcommittee.

Article 5:

First: A person who commits the crime of Human Trafficking stipulated in Article (1) of this law shall be punished by temporary imprisonment and a penalty not less than 5 million, and not exceeding 10 million, Iraqi dinars.

Second: A person who commits the crime of Human Trafficking by the following means shall be punished by imprisonment not exceeding 15 years and penalty not exceeding 10 million Iraqi dinars:

- A. The use of any form of coercion, including blackmail, threat, and/or confiscation of travel or official documents.
- B. The use of fraudulent means to deceive or victimize victims.
- C. Giving or receiving money or privileges in exchange for approval from a person of authority or guardianship over the victim.

Article 6:

First: A person who commits the crime of Human Trafficking under one or more of the following circumstances shall be punished by life imprisonment and penalty not less than 15 million, and not exceeding 25 million, Iraqi dinars:

First: If the victim is under 18 years of age, female, or disabled

Second: If the crime was committed by an organized crime group or of international nature

Third: The crime was committed by kidnapping or torture

Fourth: The perpetrator is an immediate or second relative, guardian, or spouse of the victim

Fifth: The trafficking resulted in terminal illness or permanent disability to the victim

Sixth: The trafficking affected multiple persons or for a multiple of times

Seventh: The trafficking was carried out by a government employee or a person commissioned to public service

Eighth: Exploitation of influence or a victim's weakness or need

ACCEPTED AMENDMENT

WITH ADDITION S

The proposed amendment:

First: If the victim is under 18 years of age

Second: if the victim is female, or disabled

Third: If the crime was committed by an organized crime group or of international nature

Fourth: The crime was committed by kidnapping or torture

Fifth: The perpetrator is an immediate or second relative, guardian, or spouse of the victim

Sixth: The trafficking resulted in terminal illness or permanent disability to the victim

Seventh: The trafficking affected multiple persons or for a multiple of times

EIGHTH: The trafficking was carried out by a government employee or a person

commissioned to public service

NINTH: Exploitation of influence or a victim's weakness or need

Article 7: A person who committed one of the following acts shall be punished by imprisonment of not less than 3 years or by a penalty not less than 10 million, and not more than, 20 million, Iraqi dinars, or both penalties:

First: Established or managed an internet website to engage in human trafficking

Second: Engaged or facilitated a human trafficking contract using the internet

Article 8: If the act of Human Trafficking leads to death of the victim, the punishment shall be capital punishment.

Article 9:

First: A legal person who is proved to be an accomplice in a crime (committed in person, through an accomplice, or to his personal benefit) shall be punished by a fine not less than 5 million Iraqi dinars and not higher than 25 million Iraqi dinars, provided this punishment does not contravene a sentence determined against a person (authorized or responsible for) administering the legal person if this administrator was proven to have participated in the crime.

Second: A court may permanently or temporarily revoke the status, stall the activities, or close the Office of a legal person if it were proven that he has committed a criminal act prohibited by this law.

Article 10: Consent by a victim to human trafficking shall not be accepted as a defense.

Article 11: Concerned State directorates shall commit (while taking into consideration the needs of the babies) to assisting the victims of human trafficking with special consideration to children needs, as follows:

First: To provide victims medical examination by a specialized doctor.

Second: Provide linguistic assistance to non-Iraqi victims.

Third: Provide assistance, legal consultation, and guidance to victims.

Fourth: Secure contact with the victim's family (if any), country of citizenship, and civil society organizations to obtain necessary assistance.

Fifth: Provide necessary protection to victims and witnesses.

Sixth: Guard information privacy, respect privacy, and preserve the dignity of victims.

Seventh: Provide financial assistance and a temporary shelter based on gender and age classification.

Eighth: To provide social, psychological, and physical rehabilitation by establishing specialized rehabilitation centers or care houses based on special program to reintegrate the victims in society.

Ninth: Provide work opportunity, training, and education.

Tenth: Facilitate their stay in Iraq by granting temporary entry and residence visas and, if necessary, pertinent travel documents.

Eleventh: Provide diplomatic support to non-Iraqi victims to facilitate their return to their home countries.

Article 12: The provisions of law number (111) of 1969 (Penal Code) shall apply to provisions not specifically stipulated in this law.

Article 13:

First: The Council of Ministers may issue rules to facilitate the implementation of provisions of this law.

Second: The Council of Ministers may issue regulations to facilitate the implementation of provisions of this law.

ACCEPTED AMENDMENT

The proposed amendment:

Article 13: The Minister of Interior may issue rules to facilitate the implementation of provisions of this law.

Article 14: This law shall be effective upon publication in the Official Gazette.

Justifying Reasons

To counter, curb the expansion, reduce the effects, punish the perpetrators, and establish mechanisms to assist victims of human trafficking (that insults human dignity,) this law was enacted.