



Legislation

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Anti-Human Trafficking Law No. (28) Of 2012

قانون مكافحة الإتجار بالبشر

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Laws

In the name of the people

The presidency

Resolution No. (29)

In accordance with what was approved by the parliament pursuant to the provisions of the Item (First) of the Article (61) and the Item (Third) of the Article (73) of the constitution; the president decided on 4/ 4/ 2012/ issuing the following law:

Law No. (28) Of 2012 Anti-Human Trafficking Law

Article 1

First: For the purposes of this law, the human trafficking means recruiting, transporting, harbouring or receiving the humans by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, exploitation of power, giving or receiving payments or benefits in order to obtain the consent of a person having an authority or jurisdiction over another person with a view to selling or exploiting them in the works of the prostitution, sexual exploitation, forced labour, slavery, begging, trading their human organs or for the purposes of the medical trade.



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Second: The victim is defined as the natural person who has suffered material or moral damage resulting from any of the offences provided for in this law.

Article 2

A committee in the Interior Ministry called (The Central Committee for Anti-Human Trafficking) along with the representatives of the regions, the not-attached-to-region provinces, the ministries and the relative authorities shall be formed. This committee shall assume achieving the objectives of this law.

Article 3

With a view to fulfilling the objectives of this law, the committee shall undertake the following tasks:

First: Laying the plans and programmes to combat and lessen the phenomenon of human trafficking.

Second: Making the recommendations for Anti-human trafficking and following up their implementation in coordination with the relevant authorities.

Third: Preparing reports on human trafficking in accordance with the relevant international conventions and referring them to the relevant authorities.

Fourth: The cooperation and coordination with the relevant authorities to assist victims of human trafficking and exchanging the information and experiences with the neighbouring states and the relevant international organizations.

Fifth: Suggesting the appropriate measures to aid the victims of human trafficking and protecting the witnesses and victims.



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Sixth: Conducting awareness and education campaigns to warn of the dangers of human trafficking in cooperation with the civil society organizations, academic and religious institutions and search centres.

Seventh: Issuing annual reports on the human trafficking cases and the government efforts to combat them.

Eighth: Making every effort to achieve Iraq's accession to the international conventions against human trafficking.

Article 4

First: A sub-committee shall be called (The sub-committee on Anti-Human Trafficking) headed by the governor shall be established in each region or not-attached-to-region province. This committee shall comprise the representatives of the interior ministry, relevant ministries and authorities. This committee shall fulfil the objectives of this law.

Second: The committees provided for in item (First) of this article shall submit its proposals and recommendations to the central committee.

Third: The meetings, quorums, making decisions and workflow of the central committee and the sub-committees in the regions and the not-attached-to-region provinces shall be determined by instructions issued by the head of the central committee.

Article 5

First: Whoever commits any of the acts stipulated in Article (1) shall be punished by a temporary imprisonment and a fine of not less than (5000000) five million Iraqi dinars, and not more than (10000000) ten million Iraqi dinars.



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Second: The penalty shall be imprisonment for a period is not exceeding (15) fifteen years, and a fine is not exceeding (10000000) ten million Iraqi dinars for whoever commits the crime of human trafficking by using the following means:

- a. Using any form of coercion, blackmail, threat or seizing the travel or official documents.
- b. Using fraudulent methods to deceive the victims or lure them.
- c. Giving or receiving payments or benefits to obtain the consent of those who have authority or curatorship over the victims.

Article 6

The penalty shall be life imprisonment and a fine of not less than (15000000) fifteen million Iraqi dinars and not more than (25000000) twenty five million dinars for anyone who commits the crime of human trafficking if the crime occurs under one of the following circumstances:

First: If the victim is under 18 of age.

Second: If the victim is female or of those with disabilities.

Third: If the crime is committed by an organized criminal group or has international nature.

Fourth: If the crime is committed through abduction and torture.

Fifth: If the perpetrator is of the victim's origins or branches or has the curatorship over the victim or his/her spouse.

Sixth: If the victim is stricken by an incurable disease or sustainable disability as a result of trafficking in him.

Seventh: If the human trafficking comes over several persons for several times.

Eighth: If the trafficking committed by an employer or a public service officer.



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Ninth: Exploiting the influence or exploiting the vulnerability or needs of victims.

Article 7

The penalty shall be imprisonment for a period of not less than (3) three years, and a fine not less than (10000000) ten million Iraqi dinars and not more than (20000000) twenty million Iraqi dinars or either of them for:

First: Whoever sets up or manages an information network for the purpose of human trafficking.

Second: Whoever contracts a human trafficking deal or makes it easy to use the information network.

Article 8

The penalty shall be death if the act leads to the death of the victim.

Article 9

First: The penalty shall be a fine of not less than (5,000,000) five million Iraqi dinars and not more than (25,000,000) twenty-five million Iraqi dinars for every legal person his/ her involvement in the crime is proven, or he/ she commits the crime by his/ her name, account or in his favour, and this shall not be a prejudice to the punishment decided against the authorised manager or responsible for the management of the legal person if his involvement in crime is proven.

Second: The court may dissolve the legal person or suspend his/ her activity temporarily or permanently or close his/ her headquarters if it is proven that he committed any of the acts stipulated in this law.



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Article 10

The consent of victims of human trafficking is not always considered.

Article 11

The relevant state departments shall be committed to assisting victims of human trafficking, taking into account the special needs of children, as follows:

First: Showing the victims to a specialist physician for checking their health.

Second: Providing the language assistance to victims if they are non-Iraqis.

Third: Providing the legal assistance, advice and guidance information to the victims.

Fourth: Securing the contact with the families of the victims, if any, or the states possessing their nationalities and the civil society organizations for the necessary assistance.

Fifth: Providing the adequate protection for victims and witnesses.

Sixth: Maintaining the confidentiality of information about victims, respecting their privacy and preserving their dignity.

Seven: Providing financial support for victims and interim residence convenient for their gender and age.

Eight: Rehabilitating them from the social, psychologist and physical aspects through specialized establishing harbouring and rehabilitation centres, or care houses related to Ministry of Labour and Social Affairs in accordance with special system for reintegrating them into society.

Ninth: Providing work opportunities for training and education.



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Tenth: Facilitating their staying in Iraq by granting them temporary visa and residence in Iraq and travel documents for this purpose if necessary.

Eleventh: Providing diplomatic support for non-Iraqi victims to facilitate their return to their countries.

Article 12

The provisions of Penal code no (111) of 1969 shall take effect on all that has not mentioned in a provision in this law.

Article 13

The Minister of Interior may issue instructions to facilitate execution of provisions of this law.

Article 14

This law shall be come into force from date of its publishing in the official gazette.

Jalal Talabani

The president



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ANNEX
TO THE ANTI-HUMAN
TRAFFICKING LAW



Laws

Cabinet's Resolution No. (385) of 2017

The Cabinet, in its thirty-fifth regular session that held on 6/ 9/ 2017, decided the following:
Issuing the Regulation no. (7) of 2017, the Care House of Victims of Human trafficking, that audited by the Cabinet, based on the provision of Article (80/ Item Third) of the Constitution, and Article (11/ Item eighth) of Human Trafficking Law no.(28) of 2012.

Dr. Mahdi Mohsen Al-Alaaq

Acting Secretary General of the Cabinet

19/ 11/ 2017

It was published in Official Gazette of Iraq; Issue No. (4471) on 27/ 11/ 2017



Laws

Regulation of Human Trafficking Victims Care Houses

Cabinet Council

Based on the provisions of the Item (Third) of Article (80) of the constitution and the Item (Eighth) of Article (11) of Anti-human trafficking law no (28) of 2012; the following regulation was issued:

No (7) of 2017

Regulation of Human Trafficking Victims Care Houses

Article 1

1. One or more houses shall be established in the province of Baghdad called (Care house of Victims of Human Trafficking) linked to the department of Social Protection in the Ministry of Labour and Social Affairs and shall be at the level of a division.
2. The Minister of Labour and Social Affairs may establish care house of victims of human trafficking in other not-annexed-to-a-region provinces.



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Article 2

The House shall undertake caring victims of human trafficking, rehabilitating them from the social, psychological and physical aspects and reintegrating them into society through the following:

- First: Victims' participation in social activities and events that restore their self-confidence after rehabilitating them healthily, psychologically and socially in coordination with relevant authorities.
- Second: Providing educational opportunities for victims of educational age in coordination with Ministries of Education and Higher Education and Scientific Research.
- Third: Providing vocational training and job opportunity for those of working age by engaging them in qualification and vocational training courses in coordination with vocational training centers in the Ministry of Labour and Social Affairs or any other vocational training body.
- Fourth: Facilitating residency procedures of non-Iraqi victims and facilitating their return to their countries in coordination and cooperation with relevant authorities.

Article 3

Human Trafficking Victims Care House shall be consisted of the following centres:

- First: Childcare: It shall receive children under (12) twelve years of both sexes distributed in accordance to gender and age.
- Second: Care for male children who have completed (12) twelve years old and have not completed (18) eighteen years old.



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Third: Care for female children who have completed (12) twelve years old and have not completed (18) eighteen years old.

Fourth: Care for male adults who have completed (18) eighteen years old.

Fifth: Care for female adults who have completed (18) eighteen years old.

Article 4

First: Human Trafficking Victims Care House shall be run by an employee with at least a primary university degree in psychology or sociology with experience in his/ her field.

Second: The director of the House shall be assisted by two employees, one for administrative affairs and the other for technical affairs both with at least a primary university degree and experience in his/ her field.

Article 5

A medical unit shall be opened in every Care House for victims of human trafficking and its cadre shall be provided by Ministry of Health .

Article 6

First: A reception committee shall be formed consisted of the following:

- | | |
|--|--------|
| a. Care house Manager | Head |
| b. Administrative Manager Assistant | Member |
| c. Technical Manager Assistant of the House | Member |
| d. General physician nominated by Ministry of Health | Member |
| e. Psychologist nominated by Ministry of Health | Member |



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- f. Social Researcher nominated by Ministry of Labour and social affairs. Member

Second: The committee stipulated in Item (First) of this article shall undertake the following:

- a. Receiving Iraqi and non-Iraqi victims of human trafficking who have been referred by judicial decisions.
- b. Preparing a preliminary study on the victim's case.
- c. Making recommendations regarding the necessary care, referral to the competent center, classifying the nature of trafficking, the proven negative impact on the victim, and determining the need for education and vocational rehabilitation.
- d. Submitting a recommendation to end the victim's stay in the House in the following cases:
 1. Disappearance of the social, psychological and physical effects of the victim and his/ her acquisition of the necessary care and rehabilitation to reintegrate and return him/ her to his/ her original community.
 2. Victim's desire to return to his/ her country and family.
 3. Any case that requires his/ her leaving the House.

Third: The committee may use an interpreter and others who have experience and specialization.

Article 7

The Care House of Victims of Human Trafficking shall provide non-Iraqi victims with a detailed report on the services provided to them for their social, psychological and physical rehabilitation upon their repatriation.



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Article 8

First: The Social Protection Department shall bear the costs of accommodation and movement for the purposes of treatment, education and training for the victim until he/ she leaves the House.

Second: The victim shall be paid daily pocket money allowances for the duration of his/ her stay in the House by a decision issued by the minister of Labour and Social Affairs.

Article 9

This regulation shall be into force from its publication date in the Official Gazette.

Dr. Haider Al-Ibadi

The Prime Minister



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Cabinet Resolution No. (18) Of 2019

The Cabinet, in its second regular session held on 15/ 1/ 2019, decided the following:

Issuing the Regulation No. (1) Of 2019, the first amendment to the Regulation of Human Trafficking Victims Care Houses No. (7) Of 2017, based on the provisions of Item (Third) of Article (80) of the Constitution and Item (Eighth) of Article (11) of the Anti-Human Trafficking Law No. (28) Of 2012.

Dr. Mahdi Mohsen Al-Alaaq

Acting Secretary General of the Cabinet

28/ 1/ 2019

It was published in Official Gazette of Iraq; Issue No. (4528) on 11/ 2/ 2019



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Law No. (1) Of 2019
First Amendment Law of the Care House of
Victims of human Trafficking
No. (7) Of 2017

The Council of Ministers

Based on the provisions of Item (Third) of Article (80) of the Constitution and Item (Eighth) of Article (11) of the Anti-Human Trafficking Law No. (28) Of 2012, the following regulation was issued:

Law No. (1) Of 2019
First Amendment Law of Human Trafficking Victims Care Houses No. (7)
Of 2017

Article 1

The text of Item (First) of Article (1) of the regulation shall be repealed and replaced by the following:

Article 1

First: One or more homes shall be established in Baghdad province called (The Care House of the Victims of Human Trafficking) shall be linked to the Department of People with Special Needs in the Ministry of Labour and Social Affairs and shall be at the level of a division.



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Article 2

This regulation shall be effective from the date of its publication in the Official Gazette.

Adel Abdul-Mahdi,
Prime Minister

It was published in Official Gazette of Iraq; Issue No. (4528) on 11/ 2/ 2019



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Resolution No. (2) Of 2020

Based on the provisions of Article (8/ Second) of the Regulation of Human Trafficking Victims Care Houses no. (7) Of 2017, we decided the following:

Resolution No. (2) of 2020

1. A Pocket money shall be allocated to each victim of The Care House of the Victims of Human Trafficking, in accordance with the following:
 - a. Children from the date of their birth until they reach the age of (18) years of both sexes, an amount of (50,000) fifty thousand dinars per month to be deposited in the savings book.
 - b. b. Adults of both sexes who have completed the age of (18) years and above, an amount of (60,000) sixty thousand dinars per month.
2. The pocket money shall be withheld from the victim if one of the cases mentioned in Article (6/ Second/ d) of the Regulation of Human Trafficking Victims Care Houses is realized.

Dr. Adel Hashoush Al-Rikabi,
Minister of Labour and Social Affairs

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