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In the Name of the People

Presidency of the Republic (Presidency Council of Iraq)

Resolution No. 29

Pursuant to the House of Representative's decision in accordance with the provisions of item "First" of Article 61 and item "Third" of Article 73 of the Constitution

The President of the Republic of Iraq has decided on 4/4/2012 to promulgate the following law:

Law No. 28 of 2012

Combating Trafficking in Persons Law

Article 1 – First: For the purposes of this law, trafficking in persons shall mean the recruitment, transportation, harbouring or reception of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or the giving or receiving of payments or benefits to have the consent of a person having control or guardianship over another person, for the purpose of exploitation or the prostitution of others or other forms of sexual exploitation, forced or compulsory labour, slavery or begging or the removal of organs or for purposes of medical experiments.

Second: Victims shall be natural persons subjected to physical or moral harm resulting from a crime of the crimes provided for in this Law.

Article 2 – A committee shall be formed at the Ministry of Interior called the "Central Committee for Combating Trafficking in Persons" with representatives of the regions, governorates not organized in a region (non-federated governorates), and the stakeholder ministries and entities to fulfil the objectives of this Law.

Article 3 – The committee shall take on the following duties (tasks) to fulfil the objectives of this Law:

First: Create plans and programs to combat and curtail the phenomenon of trafficking in persons.

Second: Make the necessary recommendations to combat trafficking in persons and follow up their implementation in coordination with the relevant entities.

Third: Draft the reports on trafficking in persons in accordance with the relevant international conventions and submit them to the related entities.

Fourth: Cooperate and coordinate with the stakeholders to assist victims of trafficking in persons and exchange information and expertise with the neighbouring countries and competent international organizations.

Fifth: Propose the appropriate measures to assist victims of trafficking in persons and protect witnesses and victims.

Sixth: Organize awareness and education campaigns to warn of the risks of trafficking in persons in cooperation with civil society organizations, academic and religious institutions, and research centres.

Seventh: Publish an annual report with regard to cases of trafficking in persons and government efforts to combat them.

Eighth: Seek to have Iraq join international conventions on trafficking in persons.

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Article 4 – First: A subsidiary committee shall be formed in every region, or governorate not organized in a region called the “Subsidiary Committee for Combating Trafficking in Persons”. It shall be chaired by the governor, with a representative from the Ministry of Interior and representatives from the stakeholder ministers and entities working on the fulfilment of this Law’s objectives as its members.

Second: The committees provided for in Item “First” of this Article shall submit its proposals and recommendations to the Central Committee for Combating Trafficking in Persons.

Third: Instructions issued by the Chair of the Central Committee shall set out the dates of the meetings of the Central Committee and the subsidiary committees in the regions, and governorates not organized in a region, their quorum, decision making and work progress.

Article 5 – First: A penalty of temporary imprisonment and a minimum fine of (5,000,000) five million dinars and a maximum of (10,000,000) ten million dinars shall be imposed on each and every one committing an act provided for in Article 1.

Second: The imprisonment shall be a maximum of (15) fifteen years and maximum fine of (10,000,000) ten million dinars for each and every one who commits the crime of trafficking using one of the following means:

- A. Using any form of coercion such as extortion, threats or seizure of travel or official documents.
- B. Using fraudulent methods to deceive victims or mislead (allure) them.
- C. Giving or receiving payments or benefits to obtain the consent of a person having control or guardianship over another person.

Article 6 – First: A penalty of life imprisonment and a minimum fine of (15,000,000) fifteen million dinars and a maximum of (25,000,000) twenty-five million dinars shall be imposed on each and every one committing the crime of trafficking in persons if it is committed in any of the following circumstances:

First: If the victim has not turned (18) eighteen years of age.

Second: If the victim is a female or a person with disability.

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

Fourth: If the crime is committed by means of kidnapping or torture.

Fifth: If the perpetrator of the crime was an ascendant or descendant of the victim, a guardian of the victim, or the victim’s spouse.

Sixth: If the victim is afflicted with an incurable illness or a permanent disability as a result of trafficking.

Seventh: If the trafficking affected multiple persons or occurred multiple times.

Eighth: If the trafficking was perpetrated by an official/employee or a person mandated with public service.

Ninth: Abuse of power or exploitation of the victim’s vulnerability or needs.

Article 7 - A penalty of imprisonment for a minimum of (3) three years and/or a minimum fine of (10,000,000) ten million dinars and a maximum of (20,000,000) twenty million dinars, shall be imposed on anyone who:

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First: Creates or manages a website with the purpose of trafficking in persons.

Second: Concludes a deal relevant to trafficking in persons or facilitated it using the Internet.

Article 8 – The penalty shall be the death penalty if the act leads to the victim's death.

Article 9 – First: A minimum fine of (5,000,000) five million dinars and a maximum of (25,000,000) twenty-five million dinars shall be applied to any juridical persons proven to be an accomplice in a crime or committed the crime in its name, on its behalf, or for its benefit. This shall not prejudice the penalty imposed on the authorized manager or person in charge of managing the juridical person if it is established that he has been an accomplice.

Second: The court may disband the juridical person, suspend its activities permanently or temporarily, or shut down its headquarters if it is proven that it committed any of the acts provided for in this Law.

Article 10 – The consent of the victims of trafficking in persons shall not be regarded in all circumstances.

Article 11 – State departments mandated with assisting victims of trafficking in persons shall abide by the following, taking into account the special needs of children:

First: Presenting victims to a competent physician to check on their health condition.

Second: Offering verbal (language) assistance to victims if the victims are non-Iraqi.

Third: Offering them assistance, legal counselling, and guidance.

Fourth: Facilitating contact with their families, if any, their country of nationality, and civil society organizations, to secure the necessary assistance for them.

Fifth: Providing the necessary protection for victims and witnesses.

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

Seventh: Providing financial assistance to victims and providing a temporary place of residence for them - appropriate for their gender and age group.

Eighth: Rehabilitating them socially, psychologically and physically through the establishment of specialized shelter and rehabilitation centres or care homes for them under the umbrella of the Ministry of Labour and Social Affairs in accordance with special bylaws to reintegrate them into community/society.

Ninth: Providing job, training and education opportunities.

Tenth: Facilitating the process of their residency in Iraq by granting them entry visas and temporary residencies in Iraq as well as special travel documents for this purpose, when necessary.

Eleventh: Offering diplomatic support to non-Iraqi victims to facilitate the process of their return to the countries.

Article 12 – The provisions of the Penal Code No. 111 of 1969 shall apply to anything not provided for in a special provision of this Law.

Article 13 – The Minister of Interior may issue instructions to facilitate the enforcement of the provisions of this Law.

Article 14 – This Law shall come into force from the date of publication in the Official Gazette.

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Jalal Talibani
President of the Republic

The Rationale

This Law was promulgated to combat the crime of trafficking, limit its spread and its impact, punish the perpetrators of this dangerous act that insults human dignity, and create mechanisms that ensure assistance to victims of trafficking in persons.