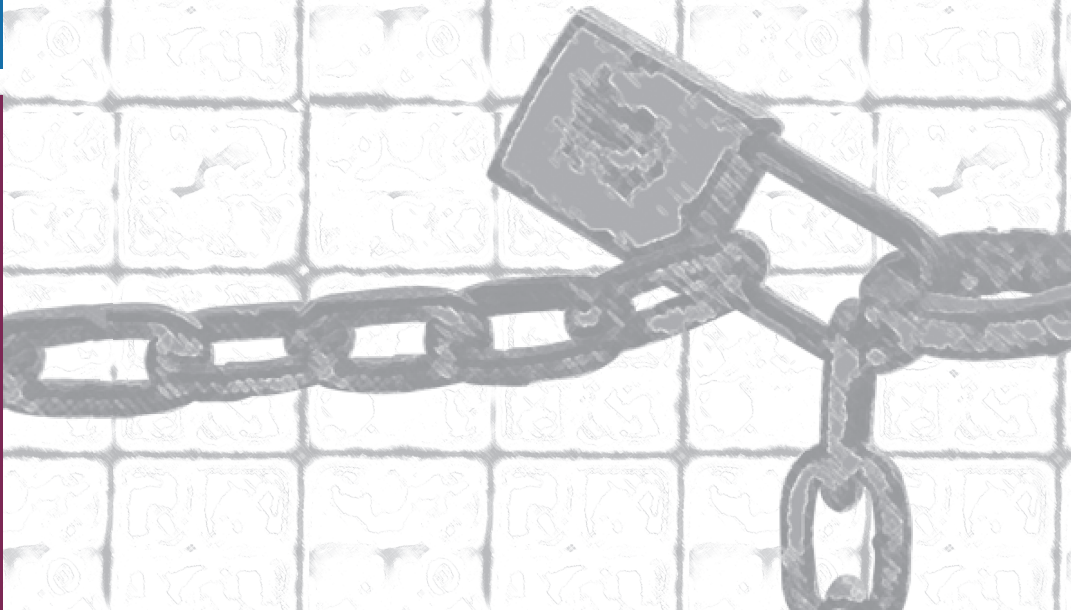




**NORWEGIAN CHURCH AID**  
**actalliance**

**Trafficking, Sexual Exploitation  
and Prostitution of Women and  
Girls in Iraq**



# TRAFFICKING, SEXUAL EXPLOITATION AND PROSTITUTION OF WOMEN AND GIRLS IN IRAQ

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Prepared for the Norwegian Church Aid (NCA) by Malka Marcovich with  
Organizations in Iraq Participating in the NCA Consultation Process

Al Mustaqbal Center for Women  
ASUDA for Combating Violence against Women  
Baghdad Women's Association  
Khanzad Culture and Social Organization  
Organization of Women's Freedom in Iraq  
Women's Leadership Institute

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## TABLE OF CONTENTS

**Foreword by Rachel Eapen Paul, Regional Programme Manager**

### **EXECUTIVE SUMMARY**

#### **I. INTRODUCTION**

Aims and Methodology

The Consultation Process

#### **II. THE SITUATION OF WOMEN IN IRAQ BEFORE THE WAR IN 2003**

Highest Rate of Women's Literacy in the Arab World and its Decline

Discrimination and Violence against Ethnic Groups

Islamization of the Regime, the Backlash against Women's Rights and the Terrorizing of Women

Rape, Kidnapping and Government-Protected Prostitution Areas

Women's Struggles in Kurdistan

#### **III. THE SITUATION OF WOMEN IN IRAQ AND THEIR RIGHTS AFTER 2003**

Women in the Political Realm

Sectarian Conflict and Violence against Women

Honor Crimes

Marriage, Unmarried Women and Widows

## **IV. THE PROSTITUTION SYSTEM AND THE RISE OF SEX TRAFFICKING IN IRAQ SINCE 2003**

The Women Victims of Trafficking

Methods of Recruitment

Perpetrators of Trafficking and Sexual Exploitation

Men Who Buy Women for Sex in the Sex Industry

Protection of Victims of Sex Trafficking and Prostitution

## **V. RECOMMENDATIONS FOR CHANGE**

Legislative and Policy Measures

Security Measures that Protect Women

Measures to Prevent Violence against Women

## **VI. CONCLUSION**

**Acknowledgments**

**Bibliography**

## **FOREWORD**

**By**

**Rachel Eapen Paul**

**Regional Programme Manager**

**Norwegian Church Aid Civil Society and Human Rights Programme**

This report is the result of a collective effort.

Towards the end of 2007, the NCA Capacity Building Democracy and Human Rights program for Iraq (CBDHR) took the initiative to explore into the question of trafficking in women and girls in Iraq. Earlier that year, the Norwegian Ministry of Foreign Affairs, referring to information they had received from the UNHCR about the disappearance of women and girls in Iraq and about the possibility that the women were being recruited into the sex industry, asked NCA for any relevant information that we might gather through the CBDHR program in Iraq.

A first consultative meeting was held in December that year. It was clear at this meeting that the issue of trafficking and prostitution was extremely sensitive and taboo in the country. Some of the participants were hesitant to broach the topic at all and some others denied the existence of the problem in Iraq. However, during the course of the next year, more reports appeared in the media of women and girls being recruited into the sex industry and being trafficked. A Policy paper written by Ellen Baalsrud at the end of the meeting in 2007 proposed among other things, the strengthening of women's organising against trafficking in women and prostitution. Consequently, NCA held two more regional meetings in 2008 and 2009, focusing on women's organizations in Iraq. The last meeting concluded that there was very little documented information about the issue and that there was a real need for a situational study to be carried out. This report is thus in response to this recommendation. The report was compiled in January and finalized in April 2010.

The report is an effort to shed light on this extremely difficult and sensitive topic through a qualitative consultation process with 6 organizations in Iraq: Al Mustaqbal Center for Women, ASUDA for Combating Violence against Women, Baghdad Women's Association, Khanzad Culture and Social Organization, Organization of Women's Freedom in Iraq and Women's Leadership Institute. It is meant to add to the knowledge that is being accumulated on violence against women in general, by bringing forward the knowledge and experience of women's human rights defenders in Iraq in the course of their work on the ground. I commend the women's courage in venturing on this project despite the constant resistance they face.

On behalf of the above organizations and the NCA gender team, I wish to thank Malka Marcovich for the sensitive, dedicated and respectful manner in which she steered the consultation and interview process. I also thank the experts and activists from the region as well as from different parts of the world who contributed with their knowledge and expertise, among others: Janice Raymond, Gudrun Jonsdottir, Ghada Jabbour, Sidsel Aas, Gunilla Ekberg, Reda Shokr, Afaf Jabiri, Boriana Jonsson, Briseida Mema, Luljeta Buza, and Sr. Marie Clauda Naddaf.

I thank the NCA team – Thora Holter in Oslo and Dima Al-Baqain in Amman for their perceptive input, and Sara Al Khateeb and Carmen Issa for support and commitment.

I thank also Anne Havnør, senior advisor at the Ministry of Foreign Affairs in Norway, for her constant encouragement and support in promoting gender equality.

And last but not least, the Norwegian Ministry of Foreign Affairs for funding the NCA CBDHR program for Iraq.

NCA hopes that this report could be a useful tool for NGOs and other women's human rights defenders in Iraq, in their advocacy work.

Rachel Eapen Paul

Amman, April 2010

## EXECUTIVE SUMMARY

Trafficking, Sexual Exploitation and Prostitution of Women and Girls in Iraq is particularly based on firsthand knowledge gained through a consultation process with women and women's organizations in Iraq and the neighboring region, over a period of three years.

Many factors combine to promote the rise of sex trafficking and prostitution in the area: the US-led war and the chaos it has generated; the growing insecurity and lawlessness; corruption of authorities; the upsurge in religious extremism; economic hardship; marriage pressures; gender based violence and recurrent discrimination suffered by women; kidnappings of girls and women; the impunity of perpetrators of crimes, especially those against women; and the development of new technologies associated with the globalization of the sex industry.

Organizations that have experience aiding victims of gender based violence, who are in contact with women in the brothels and in prisons, and who have done research in the field, as well as reports from international agencies and NGOs, address these factors. Not only war and economic insecurity push women and girls into prostitution but also the social situation of widows and single women who, without resources, are also without social networks and protection. Male violence, including battering of wives, incest and honor crimes are also push factors.

Women and children have been the primary victims who have suffered the consequences of both the brutal reign of Saddam Hussein and the Baath Party and the war begun in 2003. The backlash against women and women's rights and the terrorizing of women has become commonplace. The impotence of authorities has encouraged a culture of impunity in which crimes against women are minimized, neglected and denied.

Security is a key issue for both victims of trafficking for sexual exploitation and other forms of violence against women, and for those who assist and advocate for victims.

This report investigates the factors that promote trafficking in women for prostitution, identifies the obstacles in preventing sexual exploitation and in punishing perpetrators, and recommends ways of addressing violence against women and protecting victims of trafficking and prostitution in Iraq.

## I. INTRODUCTION

The process of writing this report on Trafficking, Sexual Exploitation and Prostitution of Women and Girls in Iraq began in December 2007. Organized by Norwegian Church Aid (NCA), three conferences were held in Kuwait, Amman and lastly in Istanbul in December 2009 with various women's organizations from Iraq and the Middle East and with invited experts from other parts of the world.

Many of the participants in the consultation process are women involved with organizations that work against violence against women and some provide services for victims.

This report is based in part on firsthand knowledge gathered through these three conferences and follow-up interviews with women in Iraq and in the region who have knowledge of violence against women. In the report, we refer to the totality of conferences, meetings and interviews and human rights organizations, media articles and international reports that have previously documented the situation of trafficking and sexual exploitation in the region, such as those published by the UN Development Fund for Women (UNIFEM) and the International Organization for Migration (IOM). Reports from Iraqi NGOs, such as Khanzad Social and Culture Organization and the Organization of Women's Freedom (OWFI) were of great assistance.

Our report is developed within the context of recognizing trafficking and prostitution as violence against women, using the framework of women's rights recognized in the UN Convention to Eliminate Discrimination against Women (CEDAW). Especially relevant to the situation in Iraq is UN Security Council Resolution 1325 on Women, Peace and Security, which has become a vital tool for women in the region who fight for a free, democratic and equal society.

We hope that this report will add to the information and knowledge about the trafficking and sexual exploitation of women in Iraq and the Middle East and contribute to a global analysis of the situation. Most importantly, we hope the report will open new avenues of thought and vision to combat and prevent sexual exploitation, as well as help to empower women who have been victimized in this inhuman system.



## **Aims and Methodology**

The aims of this research are to identify the ways in which women are trafficked for sexual exploitation in the region with a focus on the situation of women in Iraq. Our research investigates the factors that promote trafficking in women for prostitution, identifies the difficulties faced in preventing sexual exploitation and in punishing perpetrators, and discusses ways of protecting victims and potential victims, which ultimately help victims to recover their lives.

This report is a qualitative study that provides basic information. It is knowledge which, hopefully, will add to that which is steadily being built up on all forms of violence against women in the region. Given the instability in Iraq, it was not possible to do a quantitative and more scientific study.

The collection of information was achieved through several means: a literature search of research addressing violence against women in the region; articles, books and reports relevant to trafficking and sexual exploitation in particular; the viewing of films on trafficking and prostitution produced by NGOs and other groups; outcome reports of the three regional conferences summarized below; working group sessions with Iraqi women's organizations, and individual interviews with participants and representatives of women's organizations from Babel, Baghdad, Basra, Erbil and Sulaymaniyah in Iraq and others in the region.

Central to the information gathering for this report was the consultation process with women and organizations in the region. Key data from the regional conferences and working sessions was amplified in informal meetings and interviews.

Through the Internet, we also shared information and electronically conferenced.

This collaboration during the entire consultation process demonstrated that there is great potential for information-gathering when regional women's organizations are involved in the research process and work in a spirit of complementarity and solidarity. With this report, we hope to enlarge the picture of sexual exploitation of women and girls in Iraq so that we can improve understanding of violence against women in the region, promote awareness campaigns including media actions, develop legislation that strengthens women's rights and assist NGOs and civil society to put pressure on governments to address the problem and protect victims.

## **The Consultation Process**

The consultation process included the three regional conferences, the working group meetings, follow up interviews with individuals and representatives of organizations working in the region who participated in the project, and electronic conferencing online.

Because of the risk taken by the Iraqi researchers and organizations and the consequences of discovery, many participants asked not to be named nor their organizations cited in relation to specific information. Thus, all information that is not otherwise referenced in this report, and that comes from these women and organizations participating in the consultation process, is cited as from "Participants in the Consultation Process."

Three regional conferences provided much of the information that is included about women in this report. The aims of the 3 regional conferences were several: 1) bring together a critical mass of Iraqi women to network and share information and viewpoints; 2) gather representatives from other countries in the region and internationally who have launched anti-trafficking initiatives and good practices; 3) help establish a mutual learning process in which those from outside the region can learn about the dynamics of sexual exploitation and the barriers to resisting it in Iraq and the region; and for those from inside the region, understand the global framework on prostitution and trafficking, the connections between sexual exploitation and violence against women and identify “good practices.” This has been a process where participants from inside and outside the region have vastly increased their knowledge about trafficking and sexual exploitation in Iraq.

## **A. Summaries of the Regional Conferences<sup>1</sup>**

NCA organized three regional conferences on trafficking in 2007, 2008 and 2009.

1. In December 2007, NCA in collaboration with the Coalition against Trafficking in Women (CATW) held the first regional conference in Kuwait entitled “Sexual Exploitation, Prostitution and Trafficking in Women and Girls in the Middle East, with a Focus on Iraq.” Twenty-seven persons attended, including 16 from Iraq and the others from Egypt, Jordan, Lebanon, Denmark, Norway, and Sweden. The aim of the first meeting was to create a network of organizations and individuals in the region to gather information on violence against women and girls, including sex trafficking and prostitution, that could be used to address the issue.

Due to the war in Iraq, there is widespread displacement of women, men and their families in the country. Figures quoted from the UN Office of the High Commissioner on Refugees (UNHCR) gives an estimate of 4.4 million Iraqis who have been forced to flee their homes. Many of these refugees fled before the 2003 war and an equal number have fled since sectarian violence escalated in 2006. UNHCR says that 2.2 million Iraqis are internally displaced, with 2.2 million having escaped to neighboring countries such as Jordan and Syria.<sup>2</sup> Refugees in these countries are experiencing seriously deteriorating economic, social and political situations, and their legal status, especially that of women and girls, is uncertain.

Participants emphasized that every year, hundreds of thousands of women and children, mostly girls, are recruited, transported, marketed and purchased for sexual exploitation by individual procurers, traffickers and buyers within their countries and/or taken across national borders. In times of disasters, political crises and instability, armed conflict and war, women and children flee from conflict-ridden areas into other countries or are internally displaced and become more vulnerable to traffickers, pimps and other procurers.

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<sup>1</sup> The three narrative reports of the regional conferences may be found on the NCA website at <http://www.kirkensnodhjelp.no/trafficking-in-iraq>

<sup>2</sup> IRIN, 2010, quoting figures from UNHCR. It is not clear what years these figures span.

The participants stressed that gender based violence, including rape, battering by husbands, sexual abuse of girls, honor-related crimes and other serious violations are serious concerns. In Iraq, women are increasingly becoming the targets of sectarian violence in which they are marked for attacks and sexual assaults by militias and rival factions. Domestic violence has become more deadly because of the proliferation of guns.

2. The second regional conference, held in Amman took place in December 2008 and was entitled "Trafficking in Women and Girls, an International Workshop on Strategy and the Way Forward." Twenty-eight persons attended this meeting, the majority from Iraq, but also from Jordan, Palestine, Syria, the United Arab Emirates, Albania, Denmark, Norway, and Sweden.

There was also representation from the UNIFEM-Iraq office. The aims of the meeting were to explore new methods for understanding prostitution and trafficking within a gender-based framework, learn from parallels in other country contexts, and form a "strong thinking group" that can develop reports and analyses, including "shadow reports" to apply pressure on governmental systems.

During this session, the condition of women in Iraq and the region was revisited. The situation of trafficking and prostitution in the region before the war began in 2003 was also discussed, as well as places where prostitution was organized inside Iraq. Participants highlighted the situation of Kurdish women after Saddam's genocidal Al-Anfal campaign against the Kurds conducted from 1986-1989. They also discussed the link between women's dire economic conditions and their resorting to commercial and temporary marriages with Saudi and Emirati men.

The participants underlined that trafficking was sometimes addressed in a vague formulaic way, and that the very word prostitution remained taboo.

Victims of prostitution were stigmatized and criminalized. In contrast, the traffickers, pimps and buyers go unpunished most of the time. Kvinna til Kvinna particularly highlighted that in Sweden, prostitution was clearly addressed as male violence against women and children.

Albanian participants discussed the success of media awareness campaigns organized by Albanian and other women's media networks in the Balkans, Spain, Italy, and France. Participants discussed the ways in which media presents the situation of trafficked and prostituted women and how the weight of tradition, culture and religion impact on societal perceptions and the terminology used.

Organizations helping victims of prostitution and trafficking in Abu Dhabi, Egypt and Lebanon shared their grassroots experience. Discussion also ensued about ways to implement regional and international agreements, such as the Palermo Protocol on trafficking.

Security is a key issue for both victims and those who assist and advocate for victims. Victims need secure shelters, those who assist women also need security, and advocates need safe forums where they can discuss sensitive issues without fear of being monitored or exposed.

At the end of the conference, the participants proposed a list of measures to be undertaken in the region in order to address the issue. Among this list of recommendations was the need for producing a regional study on the situation of trafficking in women and girls.

3. The third regional conference, entitled "Trafficking in Women and Girls for Sexual Exploitation: Uncovering Trafficking during Conflict and Post Conflict," took place in Istanbul in December, 2009. A working meeting between the NCA and the participants from Iraq was held prior to the general session for purposes of finalizing the information to be presented in this report.

Fifty participants took part in the meeting from Iraq, Egypt, Jordan, Palestine, Syria, Albania, Denmark, France, Germany, Greece, Iceland, Norway, South Africa, and the United States. Nineteen of the participants were from Iraq and there were also representatives of UNHCR, journalists, lawyers and sociologists.

The aims of this conference were to strengthen networking already created among organizations and individuals who work to combat violence against women and girls in the region, and to find ways to continue work against the sexual exploitation of women and girls. A special emphasis was placed on the necessity to carry out awareness campaigns with professional media.

## **B. Summary of Informal and Working Meetings, Individual Interviews and the Issue of Confidentiality**

Three working meetings took place attached to the regional conferences during the year 2009. These meetings were with representatives from the six partner organizations involved in the production of this report. Additionally, individual interviews with women from the region led to greater in-depth knowledge on a number of topics including representations of the relationships between men and women, sexuality, marriage, and gender equality. Women also shared their experience from their grassroots activities that uncovered knowledge on trafficking, prostitution and violence against women. Those who had been in contact with victims of prostitution in jails, nightclubs and brothels, and who had themselves conducted interviews with these women, provided vital information.

A last informal meeting was organized attached to the final regional conference where the information and recommendations contained in a draft of the report were presented and amended by the participants. Post-conference data was shared through the process of consultation conducted on the Internet.

## II. THE SITUATION OF WOMEN IN IRAQ BEFORE THE WAR IN 2003

For over 30 years under the authoritarian leadership of Saddam Hussein and the Baath Party, ethnic and religious minorities were brutally suppressed, and Iraq was the scene of several wars with foreign powers. A large number of the estimated 4 million displaced Iraqis in 2007 were displaced under Saddam, and before the US-led war began in 2003.<sup>3</sup> Additionally, the government exercised violence against opponents of all kinds, and the economic sanctions imposed by the international community severely affected Iraqi society at several levels. During those years, women and children were the primary victims who suffered from the consequences of this violence and deprivation in their daily lives.<sup>4</sup>

### Highest Rate of Women's Literacy in the Arab World and Its Decline

During the first years of Saddam Hussein's regime, women's education dramatically improved, and most of the restrictions on women outside the home were lifted. In 1980, women were granted the right to vote and to be elected. Before the outbreak of the Gulf War in 1991, Iraq witnessed the highest rate of women's literacy and the largest number of professional women in the Arab world. Although family law continued to favor men, the "temporary" constitution of 1970 inscribed the principle of equality between men and women.

Some observers argue that women's strides during the 1980s were mainly due to the absence of able-bodied men who were mobilized for the war with Iran, which lasted for eight years.<sup>5</sup> The lack of a labor force of men in Iraqi society during these years favored the emergence of highly qualified women in formerly male-dominated positions such as engineering, science, and medicine. In the 1980s, women comprised 46 % of teachers, 29% of doctors, 46 % of dentists, 70 % of pharmacists, 15 % of factory workers and 16 % of civil servants.<sup>6</sup>

If in the 1970s and the beginning of the 1980s, Iraq had been considered as the best country in the Arab world in terms of education for women, illiteracy among women suddenly rose after the Iran-Iraq War, quadrupling between 1985 and 1995 from 8 % to 45 %.<sup>7</sup> Iraq was also considered to have the top health system in the region in which 97 % of the population in urban areas had access to health care. After the Gulf War and the embargo on Iraq, the health system was also severely affected, and more than half of the women in Iraq became anemic.<sup>8</sup>

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<sup>3</sup> UNHCR, 2007.

<sup>4</sup> Many reports in the bibliography develop this history and its consequences at length. For example, see UNIFEM, 2009.

<sup>5,6</sup> Neshat, Saeid. *A look into the Women's Movement in Iraq*. Farzaneh, 2003.

<sup>7</sup> UNIFEM, 2009.

<sup>8</sup> UNIFEM, 2004.

## Discrimination and Violence against Ethnic Groups

Under the oppressive regime of Saddam Hussein, many Iraqi citizens were subjected to arbitrary detention, torture, rape, religious persecution, forced relocation, and execution. Others faced systematic denial of basic individual, civil, political and workers' rights.

Discrimination against religious groups such as the Shia, and the attempted genocide of the Kurdish population through the Al-Anfal campaign, led to the racialization of discrimination in the Baathist program of "arabization."<sup>9</sup> Ethnic minorities such as the Assyrians, Kurds and the Turkmen had to sign "national correction forms" that required them to renounce their ethnic identities and declare themselves to be Arabs. Members of the Kurdish, Turkmen, and Assyrian populations were forcibly expelled from oil-rich areas, particularly around Kirkuk and Mosul. Non-Arab Iraqi citizens were forced to adopt Arabic names, under threat of having their assets expropriated and their ration cards withdrawn. Non-Arabs were prohibited from inheriting or buying businesses or real estate, and they are routinely subject to harassment, arrest, torture and expulsion.<sup>10</sup>

Shia and Kurdish women were raped by Saddam Hussein's militias and military personnel. As a result of the demolition of their homes and villages, hundreds of thousands of Kurdish women and their families were forcibly displaced. Many women were smuggled, trafficked and pimped, sometimes by their relatives, into the Islamic Republic of Iran, Egypt, Sudan or Turkey.<sup>11</sup> Women, who suffered sexual violence, could not then find security within their highly traditional communities. They were stigmatized as immoral, and might even be killed for having violated religious morality codes and the honor of their family or tribe.

## Islamization of the Regime, the Backlash against Women's Rights and the Terrorizing of Women

After the invasion of Kuwait and the Gulf War, Saddam Hussein increasingly portrayed himself as a devout Muslim in order to gain the support of conservative religious segments of society. Elements of Sharia law were reintroduced. The ritual phrase, "God Is Great," in the dictator's own handwriting was added to the national flag. Men who committed honor crimes were given immunity in 1990.

In 1998, all women secretaries working in government agencies were dismissed. Women were also prohibited from leaving Iraq without a male relative to escort them. The burden, financial and otherwise, of having an escort made foreign travel impossible for many women. Foreign spouses of Iraqi citizens were forced to apply for naturalization as citizens, thus becoming subject to travel restrictions placed on Iraqi-born women. In 2000, Saddam Hussein passed a law barring women from working outside the home.<sup>12</sup>

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<sup>9</sup> UNIFEM, 2009.

<sup>10</sup> Unlike the Shiite Muslim majority concentrated in southern Iraq and the empowered Sunni Muslims primarily based around Baghdad, the loyalties of Kurds, Assyrians and Turkmen who comprise Iraq's non-Arab populations were always suspect under Saddam.

<sup>11</sup> Khanzad Culture and Social Organization, 2007.

<sup>12</sup> UNIFEM, quoting the Iraq Foundation, 2009.

From June, 2000 to April, 2001, the “Faith Campaign” was organized in the major cities of the country. During that period, Saddam’s fedayeen publicly beheaded women branded as prostitutes, allegedly to whitewash the “sins” of the red light districts. Their heads were displayed on the doors of the women’s families who were required to show them in public.

Estimates of those women killed during the “Faith Campaign” are as high as 2,000.<sup>13</sup> Many of the women had been abused in prostitution. Others were opponents of the regime or were related to family members who were. Many women intellectuals and academics were also killed during this campaign, and it is reported that 80 gynecologists and midwives were specially targeted.<sup>14</sup>

## **Rape, Kidnapping and Government-Protected Prostitution Areas**

Dissident women, and women and girls whose relatives were alleged opponents of the government, were kidnapped, harassed, imprisoned, beaten, raped and tortured in other ways. The Technical Operations Directorate of Saddam’s Intelligence Service, the Mukhabarat, videotaped the rape of female relatives of suspected opponents and used the tapes for blackmail or coercion. These terror tactics and violence against women were used to extract confessions from male prisoners whose female relatives were even killed in front of the prisoners.<sup>15</sup> Widows of executed prisoners were required to pay the cost of execution and bullets in order to recover the bodies of their husbands.

Senior officials of the regime, with impunity, kidnapped women for sexual purposes. Some women known as “prostitutes” lived with government officials. Their names were sometimes displayed such as that of the “famous” Regina. Until today, people recall her name and her origin, an alleged Jewish woman at the service of dignitaries. For ordinary men prostitution took place in certain areas but was much more hidden.<sup>16</sup>

Saddam Hussein and officials of the Baathist regime enjoyed designated sex clubs in districts called “entertainment” areas. Here, prostitution was organized into legal nightclubs, or “entertainment neighborhoods” restricted to Gypsies (Ghajar) who, in exchange for the protection of the authorities, would supply dancers,<sup>17</sup> women in prostitution and alcohol.

## **Women’s Struggles in Kurdistan**

After the Gulf war in 1991 and the creation of the northern no-fly zone, Iraqi Kurdistan became de facto independent. This had an important impact on the development of women’s organizations in Kurdistan in fighting for their rights and for the eradication of legal discrimination against women.

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<sup>13</sup> UNIFEM, 2009.

<sup>14</sup> UNIFEM, 2009.

<sup>15</sup> UNIFEM, 2009.

<sup>16</sup> Participants in the consultation process

<sup>17</sup> See Qawliya (Kawliya) dances with the presence of dignitaries such as Tariq Aziz, Minister of Foreign Affairs under Saddam Hussein on <http://www.youtube.com/watch?v=8cB9I56gDCQ>

One of the important victories of the women's movement in Kurdistan in the year 2000 was the end of immunity for those committing honor crimes. Women were also integrated into the police forces. The first shelter and counseling programs for women victimized by violence and sexual exploitation were created during the 1990s, some with the support of foreign organizations and donors. The women's movement launched campaigns, prevention programs against violence against women, and assisted women imprisoned for prostitution or adultery. The construction of a democratic Kurdistan with the participation of women has been cited as a model by international institutions.<sup>18</sup>

### III. THE SITUATION OF WOMEN IN IRAQ AND THEIR RIGHTS AFTER 2003

In 2004, a survey done by Women for Women International showed that over 90 percent of women in Iraq were hopeful about their future. By 2008, this figure declined to almost 27 percent.

One of President Bush's justifications for the war in Iraq was to establish democracy. Women's rights were alleged to be a priority of the U.S. administration. The use of women's rights discourse by the United States to legitimize the War in Iraq has led to a backlash against feminist activists and others in Iraq, accused of supporting the "American Agenda," when they advocate for women's rights.

The chaos of the war in Iraq opened old and new avenues of discrimination and violence against women. Men in general became freer to abuse women with impunity. Women's bodies and women's independence became the battleground of ethnic, religious and political strife.

A report by MADRE, an international women's human rights organization, researched in cooperation with the Organization of Women's Freedom in Iraq (OWFI), confirmed that gender based violence was indeed on the rise in Iraq. Increasingly, women, and girls between the ages of 15 and 18, are arrested, charged with prostitution and jailed for up to two years, and in some cases given death sentences.<sup>19</sup>

#### Women in the Political Realm

*"I received a death threat for campaigning to repeal the 2004 Governing Council's decision to place family law under religious rather than civil jurisdiction"<sup>20</sup>*

In July 2003, only 3 women were chosen by the U.S. administration to be included in the Iraqi Governing Council, and women were underrepresented in all other sectors of decision making. From the very start, women's groups in Iraq asked for their rights, demonstrating by the hundreds as early as July, 2003. Women demanded, in accordance with Security Council Resolution 1325, to be included in the shaping of the political future of their country.

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<sup>18</sup> For their work against violence against women, the Independent Women's Organization (IWO), which closed in the years 2000, ASUDA for Combating Violence against Women, and the Khanzad Culture and Social Organization have been especially mentioned.

<sup>19</sup> Susskind, 2007; and OWFI, 2007-2008.

<sup>20</sup> Consultation with Yanar Mohammed, President of OWFI.



Although the new constitution of October, 2005, establishes equal opportunities for all Iraqis, it also mandates Islam as the foundation of state legislation. Moreover, most of the discriminatory laws against women adopted during the last 10 years of Saddam Hussein's regime remain. A quota of 25 percent women in parliament was imposed on the political parties, but the party lists have mostly excluded secular-minded women in favor of including sisters, daughters and wives of male conservative leaders.

Women activists, politicians, and professional women, have been targeted, threatened and killed. The majority of these murders occurred in Baghdad, Mosul, Basra and Kirkuk. Iraqi Women working for the U.S. forces, such as laundry women and translators, were also targeted. Those who worked as translators, interpreters or English teachers were also stigmatized as prostitutes for the Americans. Many women who spoke English erased this fact from their resumes to avoid suspicion of being in prostitution.

## Sectarian Conflict and Violence against Women

*"Since 2003, we women have endured waves of gender based violence including public beatings, death threats, rapes and beheadings. In Basra, hundreds of women have been killed in a horrific manner. Their bodies were mutilated and then dumped in the garbage with notes saying that they were violating Islamic teaching."<sup>21</sup>*

Ethnic, religious and political conflicts took a particularly dramatic turn and attacks against minorities increased after 2004. The Shia leader, Moqtaba al-Sadr, and his militiamen, destroyed Gypsy villages such as Qawliya because of its reputation for being a district of sin and sexual activities. Local reports underline that bulldozers were used to flatten the houses. Also because of its alleged protection by Saddam Hussein, some 1,500 were killed in Qawliya. Sharia courts were installed in many cities and regions, such as Najaf or Basra.<sup>22</sup>

War and urban guerrillas promoted the availability, trafficking and sale of weapons. For many men in Iraqi tribal society, to possess a gun is an expression of masculinity and a part of male identity as the protector of the family and of the family's honor. The climate of fear pushed many girls out of school and women out of work.

Sunni and Shia groups in many places launched campaigns pressuring women, through flyers and graffiti, to wear the hijab and to avoid "immoral" or "un-Islamic" behavior. Christian women have also been forced to wear headscarves in many areas, including in Baghdad. Unmarried women without head scarves are often targeted as immoral women in prostitution.

There has been an increase of reported cases of women being used as bargaining tools or as gifts between tribes and as compensation in tribal disputes in rural areas. Forced marriages, kidnapping, and the selling of women and girls are also reported to be on the increase. In some areas such as Kurdistan, ancient traditional practices are on the rise, such as genital mutilation.

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<sup>21</sup> Participants in the Consultation Process.

<sup>22</sup> Participants in the Consultation Process.

## Honor Crimes

Women and girls are killed and subjected to violence (including mutilation) under the terminology of honor crimes. Women's alleged crimes include the act or even suspicion of adultery, sexual relations out of marriage, refusal to marry a man chosen by the family, and attempting to marry someone of whom the family does not approve. In some cases, women and girls have been used as suicide bombers to promote the honor of the family.<sup>23</sup> Some cases have been reported of girls being kidnapped, trafficked into prostitution, drugged, fitted with a suicide belt, and then sent to bomb. Knowledge of such cases is confirmed by the testimonies of women themselves who went to the police before exploding the bombs.<sup>24</sup>

Survivors of so-called honor crimes are afraid to report or access medical treatment if they are victims of sexual violence. They could be blamed for the sexual violence, leading to rejection and re-victimization for shaming the family. In case of rape or kidnapping, some families negotiate with the captor to marry the victim so as to restore the honor of the family.

## Marriage, Unmarried Women and Widows

*"The husband of a woman who lived on my street had been killed in the war. The neighbours started to harass her. One of her male cousins who lived in another city came to visit her for some days and brought her food and presents. When the cousin left, the neighbours accused her of prostitution. She was arrested, and then disappeared. Today the neighbours have occupied her house".<sup>25</sup>*

With the rise of religious and traditional practices, there are increasing pressures for women to marry. Unmarried women are stigmatized and considered immoral.

Since the war with Iran that resulted in one million deaths, unmarried women and widows are considered to be an increasing problem in Iraq. The situation worsened in 2003 after the collapse of Saddam's regime and the resulting sectarian violence. When the sectarian war was at its peak, 90-100 women became widows each day.<sup>26</sup> Some cases have been reported of widows whose neighbors accuse them of prostitution in order to have them arrested (or killed) and then take possession of their apartments.

Although polygamy was allowed under certain conditions during Saddam's reign, it was not considered a common practice. Today, it is becoming an increasing phenomenon throughout the country, as well as in Kurdistan where there is a strong backlash against women. Religious affiliation of women is becoming essential, and interfaith marriages are on the decline.

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<sup>23</sup> Participants in the Consultation Process estimated that the total of female suicide bombers number in the 20s, whereas women killed for the so called honor crimes since 2003 number in the thousands. They also stated that female suicide bombers came from cities/neighborhoods, such as Dyala and Fallujah, where Al Qaeda prevailed.

<sup>24</sup> Heartland Alliance, 2007.

<sup>25</sup> Participant in the Consultation process

<sup>26</sup> AFP, 2010, quoting Sawсан al-Barrack, in charge of women's issues at the Iraqi Ministry of Human Rights.

## IV. THE PROSTITUTION SYSTEM AND THE RISE OF SEX TRAFFICKING IN IRAQ SINCE 2003

Iraqi law defines prostitution, adultery and sodomy as similar offenses. The way in which these offenses are defined reflect norms that govern the status and representation of women in Iraqi society, relationships between women and men, and ideas about and practices of sexuality. In a society where women who are raped are charged with adultery, or where women who engage in sex outside of marriage are accused of being in prostitution, then not only men but women internalize these norms.

When women are interviewed about sex trafficking and prostitution, some use certain words that reflect these cultural assumptions about prostitution and the women in prostitution.<sup>27</sup> For example, victims of prostitution interviewed often internalize the legal and cultural representation of themselves as immoral and lost women. Also, they use terms such as “improper sex” (anal, fellatio) or “proper sex” (traditional intercourse) to describe the acts they are subjected to in prostitution. “To turn a girl into a woman” means to have sex with a virgin. As reported by the Khanzad Organization, taking a woman or girl’s virginity in Iraqi Kurdistan is considered a conquest and an act of pride for a man.

Iraq is a country of origin, transit and destination for trafficking in persons, including trafficking for sexual purposes, bride trafficking, fraudulent marriages and labor trafficking. Reports underline that corruption is a major part of the trafficking process.

Women in Iraq are trafficked within Iraq and to neighboring countries such as Syria, Lebanon, Kuwait, the Emirates and Jordan. Women’s organizations in the region emphasize that domestic trafficking takes place in all regions inside Iraq. It is important to investigate and address internal trafficking because government and NGOs sometimes limit trafficking to that which crosses borders. Internal sex trafficking is included within the scope of trafficking contained in the 2000 Palermo Protocol and the 1949 Convention for the Suppression of Trafficking in Persons and the Exploitation of Prostitution of Others, both ratified by Iraq.

Many factors combine to promote the rise of sex trafficking and prostitution in the region: the US-led 2003 war and the chaos it has generated; the growing insecurity in areas of lawlessness; corruption of authorities; the upsurge in religious extremism; economic hardship; marriage pressures; gender based violence and recurrent discrimination suffered by women; kidnappings of girls and women; the impunity of perpetrators of crimes, especially those against women; and the development of new technologies associated with the globalization of the sex industry.

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<sup>27</sup> Participants in the Consultation Process.

## The Women Victims of Trafficking

Women and girls are trafficked from all regions within and out of Iraq. Within Iraq, Kurdish women are trafficked into Baghdad or Basra in the south. Southern women may be trafficked northwards to Sulaymaniyah or other cities in Kurdistan. Iraqi women who are refugees and living outside the country often end up in the sex industries of Syria and also are trafficked directly from Iraq to Syria and Jordan. Iraqi women are also found in the brothels of Iran and Turkey (mainly Kurdish women). Vulnerable women and girls are trafficked to Kuwait, the United Arab Emirates, Saudi Arabia, and possibly Yemen.<sup>28</sup>

Within Iraq, private houses or apartments known as brothels or houses of “customers” , restaurants, massage parlors, and places of entertainment are used for prostitution. Since January 2009, night clubs are legal in Baghdad and prostitution may take place there. Outside Iraq, sexual exploitation happens in similar venues in Syria and Jordan, as well as in hotels in Turkey and Iraq, and clubs in the Emirates.

Women from other countries are also trafficked into and through Iraq. From the Philippines and China, women are trafficked into Baghdad. Women from Iran are trafficked through Kurdistan and Basra, sometimes spending time in Baghdad. From Basra, they may be re-trafficked to the Emirates. Ethiopian women are initially trafficked for domestic servitude<sup>29</sup> and often end up being sexually exploited as well.

There are many factors facilitating the trafficking and prostitution of women and girls. Organizations that have experience aiding victims of gender based violence, those who are in contact with women in the brothels and in prisons, and those who have done research in the field, as well as reports from international agencies, address these factors. Not only war and economic insecurity push women and girls into prostitution but also the social situation of widows and single women who, without resources, are also without social networks and protection. Male violence, including battering of wives, incest and honor crimes are also push factors. According to a 2009 report by the International Organization for Migration (IOM) on trafficking, the majority of women and girls interviewed who were victims of internal trafficking in Iraq had received limited or no education and came from poor and abusive backgrounds.<sup>30</sup>

As outlined earlier, the Iraqi wars, the rise of ethnic and religious conflicts, religious extremist pressures and terrorizing of women, combined with the impotence of authorities, have encouraged a male culture of impunity in which crimes against women are minimized, neglected and denied. In 2007, the Organization of Women’s Freedom in Iraq (OWFI) documented that of the 4,000 women who have disappeared since March 2003, 20 percent were younger than 18.<sup>31</sup>

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<sup>28</sup> CIDA, 2009; OWFI, 2008; Heartland Alliance, 2007

<sup>29</sup> Heartland Alliance, 2007

<sup>30</sup> IOM, 2009

<sup>31</sup> OWFI, 2007-2008.

## Methods of Recruitment

There are multiple methods used by a variety of perpetrators in the region to recruit women and girls for sexual exploitation and the sex industry. Taxi drivers may serve as recruiters for pimps and lure vulnerable women and girls with offers of help. Often women who are involved in the sex industry are used as intermediaries who pretend to offer assistance, such as bringing the girls to shelters when, in fact, they bring them to brothels. Recruiters prey on girls who have left their families because of violence, abuse, forced marriage or threat of honor crimes and who often go to transportation centers, hoping to escape. Some of them have heard of shelters in Kurdistan and try to reach them. The following excerpt from a victim's testimony quoted in the Khanzad Report illustrates these patterns of recruitment and exploitation.

*I am 14, originally from Baghdad. I finished 6th year class primary school. My father is a teacher. My mother is a housewife. We are 5 children at home (3 girls and 2 boys)...I am the youngest among them... my father...was beating me all the time... I escaped from his hands... and went to the terminal to go to Sulaymaniyah City.<sup>32</sup> I met a woman who...told me "you can work with me... I will make you my daughter." I was very happy to hear that...when the woman was counting money (US \$1200-1500) I asked her "what is this money?" She replied "They are paying me back for all the money I spent on you"...We went to the market...They bought me everything (pants, jeans, shoes, bag, makeup, underwear, perfume, watch... In the evening, so many guests were coming and leaving, mostly men ...They asked me to have a shower...The woman came and prepared me...She asked me to shave the sensitive places of my body...I had my entire body shaved...*

Hair salons are another place of recruiting girls for the sex industry. Poor girls who want to buy cosmetics or go to hair dressers but cannot afford them are recruited in these venues by women who propose an advance of money or goods in exchange for services. The Khanzad Organization interviewed a female pimp in a Sulaymaniyah prison. She stated:

*I am sometimes in one of the goldsmith's shops. I see a customer and suddenly know she is fit for our business. Or you just sit in a coiffeur's shop and in half an hour, you will find who is fit for this business.*

These girls are then trapped in the prostitution industry and find themselves raped and abused by buyers and pimps. The pimps often film their rapes in order to blackmail them.

Prison is a recruiting ground for bringing women into the sex industry. It is both a trap and a punishment for prostitution, or acts that are alleged to be acts of prostitution. In a Sulaymaniyah prison in 2007, 39 percent of the women had been charged for acts of prostitution and 49 percent for adultery.<sup>33</sup> Wandering girls who beg are often arrested and put in prison. There they meet women intermediaries who themselves are detained for pimping and who offer to protect and free them. The bail is paid by a male partner of the female recruiter who remains free on the outside. Having been befriended in prison, the girls go with the female recruiter called a madam. However, once the girls and the madam are released, she becomes threatening, demands reimbursement for the bail and other expenses and forces the girls into providing sexual acts.

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<sup>32</sup>This girl heard that there are shelters in Sulaymaniyah

<sup>33</sup>Khanzad Culture and Social Organization, 2007.

The system of polygamy functions as a system of recruitment that allows pimps to marry several women, sell them into prostitution and marry new ones.<sup>34</sup> Although Article 188 of the Iraqi family code stipulates that the courts must judge whether a man has the means to take several wives and obtain the consent of the first wife, the reality of obtaining court authorization remains purely formal. Most often, judges give authorization to any man who asks to marry several wives without conducting any real investigation or imposing any conditions. Repudiation of wives, after being sold into prostitution, is enshrined in the system of polygamy.

Teenage boys or older men recruit teenage girls, rape them, film the sexual acts and blackmail them into the sex industry. Since sexuality outside marriage is forbidden, some young people contract temporary marriages and have sex in specific places where the boyfriend uses his cell phone to film the sexual act and blackmail them into brothels. Places where couples are temporarily married are used as brothels.<sup>35</sup>

Temporary marriage is used as a euphemism for prostitution. In 2007, OWFI estimated that a large number of widows were drawn into these marriages in order to be able to feed their children. Many found they had no choice but to enter temporary or so-called marriages for pleasure, which can last between one hour and one year and are mainly practiced in Shia communities. But it seems that more and more Sunnis in Iraq today resort to temporary marriages as well.

## **Perpetrators of Trafficking and Sexual Exploitation**

Women who have survived a number of years in prostitution often themselves become recruiters and enforcers and exploiters of girls and young women in the sex industry. For many, this is a way out of the daily exploitation and years of providing sex and sexual services in the sex industry for men. These women may operate in beauty parlors and in central bus stations where girls who may be orphans, fleeing from abusive men, or threatened with honor killings, roam alone. Female intermediaries also recruit in prisons where they pay the bail for girls taken under their protection.<sup>36</sup>

Female intermediaries are always placed in the front line of recruiting and pimping, whereas male pimps, traffickers and managers of prostitution venues remain invisible. Often brothels are known by women's names. However, female intermediaries themselves cannot operate without the protection of male controllers, nor engage in the negotiations and deals needed to set up prostitution venues such as brothels and sex clubs. For example, a single woman cannot rent an apartment alone. All brothels in houses or apartments that seem headed by women are actually rented on behalf of a man who may be a husband or close relative to whom the woman hands over or shares the proceeds.<sup>37</sup>

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<sup>34</sup> Participants in the Consultation Process.

<sup>35</sup> Participants in the Consultation Process.

<sup>36</sup> Consultation Process, Khanzad Culture and Social Organization, 2007 and A report on the Crime of Trafficking in Women 2009, Women Lawyers from Qurna (Unpublished report in Arabic)

<sup>37</sup> Khanzad Culture and Social Organization, 2007.

More and more young Iraqi girls and women are sold by their parents or relatives to other relatives or acquaintances for alleged marriages or for prostitution. As an example, the Khanzad organization reported that one father sold his virgin daughter to pimps for US \$2,000.

Unscrupulous fathers seeking gain also force their daughters to marry men they know are pimps. Abusive husbands and mothers-in-law also pimp wives/daughters-in-law into prostitution. Girls who are "adopted" by families have been turned out for prostitution when they reach puberty and sold to pimps and traffickers who market them as virgins to wealthy men.<sup>38</sup>

Some families are also traffickers. For example, the family can use the visit of an alleged cousin who spends the night as a disguise to cover the act of trafficking young female relatives out of the family house into another country. There have been numerous cases of trafficking by families in cities close to the borders such as Basra.<sup>39</sup>

Drug traffickers using the Saudi border also engage in trafficking for sexual purposes. From the port of Al Faw, traffickers use the maritime channels of oil smugglers and also operate with fishing boats. The corpses of women who die during the crossing are thrown into the water. Traffickers have the support of corrupt police inside and outside the country, as well as of authorities in neighboring countries.<sup>40</sup>

Many recruiting companies engage in trafficking or in abetting trafficking in persons for labor. The worker receives no contract and documents are routinely withheld by the company of destination. Women who work in these companies are often retained for sexual services.

Young women who use hymen surgery to recover virginity may be pushed into prostitution or sexually exploited by abusive surgeons, especially if they cannot pay for the surgery. Unmarried young women or girls who become pregnant and cannot afford abortions are also exploited by doctors who abort them in exchange for sexual services.<sup>41</sup>

A variety of other persons, groups and businesses function to recruit women into prostitution: hairdressers, cosmetic entrepreneurs and jewelers when young women cannot pay; fruit vendors on the streets who use this trade as a cover for selling young women who work with them into prostitution; and persons who furnish girls to officials in exchange for needed documents to start businesses or other services.<sup>42</sup>

Another assumption is that women who work inside the Green and international zones may be both recruiters of women for foreign personnel and themselves be in prostitution.<sup>43</sup>

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<sup>38</sup> Participants in the Consultation Process.

<sup>39</sup> Consultation Process, NCA Reports from the Regional meetings 2007, 2008 and 2009

<sup>40</sup> Participants in the Consultation Process.

<sup>41</sup> Heartland Alliance, 2007.

<sup>42</sup> Khanzad Culture and Social Organization Report, 2007 and the Consultation Process

<sup>43</sup> Consultation Process and Khanzad Culture and Social Organization Report, 2007

There are reports that Chinese restaurants, which also function as massage parlors especially in the Green Zone of Baghdad, are façades for procuring women for foreign contractors and/or military personnel. In one publicized case, the attention generated by the publicity in foreign newspapers impelled the authorities to close down the restaurant/massage parlor. Some sources point to organized Chinese involvement in the Iraqi sex trade in citing the example of Chinese gangs who have organized prostitution venues for foreign buyers in other conflict contexts, such as in Pakistan and Afghanistan.<sup>44</sup>

## Men Who Buy Women for Sex in the Sex Industry

As in other countries, internet sex sites, such as the “International Sex Guide,” have been instrumental in recruiting men to places of prostitution.<sup>45</sup> On these sites, men pay to participate in discussion forums and exchange information online about prostituted women and prostitution venues.

Pimps make use of cell phones to access buyers and send photos of the women. Buyers then “order” the kind of women of their choice. Buyers often know the locations of brothels, which are identified and publicized by other buyers and taxi drivers. If buyers solicit women or pimps directly, coded language is used. Some examples are: “can you invite us in,” or the phrase, “can you wash dishes” is used to question if the girl or women has ever engaged in sex.<sup>46</sup>

Pornography is used to train women for the buyers. The satellite pornography channels play an important role in shaping the male demand for sex. Young women and girls in the brothels are obliged to watch pornographic videos and channels and “learn” how to act sexually with buyers.

Wealthy buyers can demand virgins. Virgins who are worth more on the sex market are sodomized and subjected to oral sex by pimps. Pimps also subject young girls and women to multiple hymen surgeries in order to be sold as often as possible to buyers who want virgins.<sup>47</sup> Rape and gang rape by pimps and customers are also used to “train” girls and women for commercial sex.

Buyers come from all socio-cultural backgrounds and include government officials, police, businessmen, intellectuals, students, laborers, farmers, and tribal men. Most of them are married and go to brothels during the day. Men with more money can pay for spending the night with the women or girls that they buy.<sup>48</sup>

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<sup>44</sup> McNutt, 2007.

<sup>45</sup> McNutt, 2007.

<sup>46</sup> Participants in the Consultation Process.

<sup>47</sup> Participants in the Consultation Process.

<sup>48</sup> See Khanzad Culture and Social Organization Report, 2007, where buyers and women in prostitution have been interviewed; and OWFI's 2010 report on prostitution in Iraq.



In a report, OWFI stated that 65 percent of females purchased by men were under 18 years old.<sup>49</sup> The going rate for 2 nights with a young girl is US \$1,000. In some brothels of Sulaymaniyah, men pay US \$200-500 "to turn a girl into a woman." When a teenage girl is trafficked to a sheik in a country outside Iraq, the price is US \$10,000-20,000. The girl often remains with the sheik from one month to one year before she is returned to the trafficker who brings her back into a local sex industry.<sup>50</sup>

An excerpt from the Khanzad Report documenting an interview with a young victim of trafficking, testifies to the role of a wealthy buyer who, as the girl testifies, was likely a governmental official.

*The man took all my clothes off and practiced improper sex with me...They moved me to another house...I know it was an important person in the government because there were guards in front of his house ...No one was there except him and another person... During that night, the man practiced sex with me for more than twenty times, he and another person who was younger ...*

## **Protection of Victims of Sex Trafficking and Prostitution**

The insecurity generated by war and sectarian conflicts, the stigma faced by women in prostitution, and the threat to activists and women's organizations who assist victims make it extremely difficult to reintegrate victims into their communities. Religious authorities have no history of protecting women, even driving out female beggars from the mosques. The police do not protect women in prostitution and instead remain silent often in exchange for free sexual services.

It is a cruel irony that, in some cases, prison becomes the only place where women feel secure. The Khanzad organization states that prostituted women in prison say that life in the brothels is worse than life in jail. Women in brothels are subjected to multiple forms of violence from both pimps and buyers who humiliate them, burn them with cigarettes, batter and torture them. In Basra, women arrested on charges of prostitution and/or adultery have remained in prison after the end of their sentences to be protected from honor crimes.<sup>51</sup>

There are almost no shelters for women in Iraq, and among them are very few that are open to women and girls victimized in sex trafficking and prostitution. The first shelters for women in Iraq were established at the end of the 1990s in Kurdistan. But few of them accept prostituted women and girls because they consider that prostitution is a sin. Among those assisting victims is the NGO ASUDA for Combating Violence against Women in Sulaymaniyah, which rescues women and girls who have been sexually exploited. And in Baghdad, OWFI the Organization of Women's Freedom in Iraq provides shelter, counseling and other assistance to victims of trafficking and prostitution.

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<sup>49</sup> OWFI, 2008.

<sup>50</sup> Participants in the Consultation Process.

<sup>51</sup> Consultation Process and Women Lawyers from Qurna 2009 (Unpublished report in Arabic)

As in Iraq, there are few shelters for women who have been victimized in the sex industries of other countries in the region. In Abu Dhabi, one shelter called Ewa has existed since January, 2009, and another will be established in the region in 2010. In Syria, the Sisters of the Good Shepherd in Damascus who work with supporting refugee women from Iraq provide shelter and counseling to women who have been trafficked. The Sisters work in cooperation with a network of embassies in Syria and with the UN High Commissioner for Refugees, which has developed strong programs to help Iraqi refugees in the region. In February, 2009, the International Organization of Migration (IOM), in collaboration with a Syrian NGO, the Association for Women's Role Development, opened a shelter in Damascus for victims of human trafficking. Other shelters have been developed in Lebanon and Jordan with the support of the government.

Iraq is in the process of drafting a new law against trafficking in women. However, the network of women's organizations who participated in the process of our report, who have members in all the major cities of Iraq, and who are informed about the situation of sex trafficking and sexual exploitation in Iraq, have thus far not been asked to participate in the drafting or finalizing of this law. This is unfortunate because these women's organizations can contribute much to the sections relating especially to protection and reintegration of victims and the prevention of trafficking for sexual exploitation.

## V. RECOMMENDATIONS FOR CHANGE

### Legislative and Policy Measures

*"While we need to recharge all capacities and involve all citizens to be able to meet the challenges and dangers that are awaiting our country, shortsighted regulations pop up that discriminate against women and marginalize their role and accomplishments. It seems as if some of the law-makers are provoked and feel threatened to see women as equal in rights and obligations".<sup>52</sup>*

*Amend all existing discriminatory laws that promote violence against women:*

- ❑ Amend Art. 398, No. 111, of the Iraqi Penal Code of 1969 that exempts the defendant in rape and sexual assault cases if he marries the victim. Under current law, the victim is forced to live with her rapist for three years at which point he can divorce her.
- ❑ Amend Art. 409, No. 111, which provides for lenient sentences for men who kill their wives or female relatives for alleged adulterous offenses, thereby minimizing this crime against women.
- ❑ Pass legislation against domestic violence that criminalizes those who batter.
- ❑ Amend the prostitution law of 1988 that criminalizes women, and that associates prostitution with adultery and sodomy.

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<sup>52</sup> Sundus Abbas, Director of Women Leadership Institute, during Consultation process

- ❑ Pass legislation prohibiting prostitution and sex trafficking that sets severe penalties for pimps and traffickers, penalizes those who purchase sexual activities, and provides assistance to victims. Penalties should also apply to those who pimp and purchase women via the Internet.

- ❑ Adopt the UN policy prohibiting the purchase of sexual activities by Iraqi military, police, and related personnel. Extend this policy to all government authorities in the country and personell who travel abroad.

## **Security Measures That Protect Women**

*Create appropriate mechanisms for protecting women from the various forms of violence against women, including prostitution and sex trafficking:*

- ❑ Urge international organizations working in Iraq to support the establishment of safe shelters in the country and the training of staff to provide services for women.

- ❑ Establish centers where victims of violence against women, including women who have been victims of trafficking and prostitution, can obtain health care, psychological support, legal counseling, employment training and financial aid..

- ❑ Monitor penal institutions to ensure that no women languish in jail for charges of prostitution and adultery, and ensure that women's human rights are upheld in these contexts.

- ❑ Renew and strengthen currently existing procedures, such as social welfare remuneration, and create new mechanisms for supporting poor families, especially those headed by women.

- ❑ Establish witness protection programs that enable victims of violence against women, including trafficking and prostitution, to file complaints with the police in safe and secure settings and give voluntary testimony against their perpetrators.

## **Measures Preventing Violence against Women**

- ❑ Collaborate and coordinate with governments and NGOs in the region to combat trafficking and prostitution in order to prevent the victimization and revictimization of women and girls.

- ❑ Establish a database of traffickers and their known modes and countries of operation.

- ❑ Train judges, prosecutors and police in policies and programs that address violence against women.

- ❑ Activate the role of NGOs in preventing violence against women, including trafficking and prostitution, by creating information and awareness raising programs that educate potential or actual victims, as well as potential and actual offenders, and civil society.

□ Encourage media to play a role in preventing violence against women, including trafficking and prostitution, by not blaming women for their own exploitation; and by making the perpetrators, including pimps, traffickers and buyers, visible. Promote articles and programs that de-construct sexist stereotypes of violated women and that encourage meaningful discussion and strategies.

## VI. CONCLUSION

Many of the women involved in this project are working to address violence against women, including trafficking and prostitution, by providing help to victims and urging the government to change repressive legislation against women and women's rights. It is here important to remind governments of what they have ratified, especially in an international context.

Iraq has ratified important UN instruments that address prostitution and trafficking including the 1949 *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*; the *Convention to Eliminate Discrimination against Women* (CEDAW); and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime* (Palermo Protocol).

Countries that have ratified the 1949 convention, including Iraq, are obligated to do several things; prohibit brothels, punish procurers and other perpetrators of prostitution; "...repeal or abolish any existing law, regulation or administrative provision" used to register women in prostitution and treat the women in prostitution as victims, not as criminals. Most important, the Convention states that the consent of the victims is irrelevant and is thereby not a defense for perpetrators. Countries cannot make distinctions between "forced" and "free" prostitution because all prostitution is viewed as exploitation. Countries are also obligated to encourage and provide services for the social, economic and personal reintegration of victims of prostitution. Clearly, this does not mean that prostituted and trafficked women should be thrown into jail with the justification of "protecting them."

*The UN Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) is another important tool that NGOs can use to address the failure of governments to comply with their obligations to prevent and prosecute discrimination against women. Governments who have ratified the CEDAW Convention, including Iraq, have to make reports to the UN CEDAW committee every 4 years and document how they are complying with their obligations. Art. 6 of the CEDAW Convention stipulates that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

Iraq has reserved on Art. 2 f and g of CEDAW stipulating that countries "take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;" and "repeal all national penal provisions which constitute discrimination against women." Iraq has also reserved on Art. 16 providing for equality in marriage.

Iraqi and international NGOs can submit their own reports, both in writing and in oral testimony to the CEDAW committee. These reports are most often critical of the governmental reports and are called “shadow reports.” They have been very effective in embarrassing governments into changing some of their policies and procedures, especially when these shadow reports are mentioned by the international media.

The Palermo Protocol reinforces many of the provisions in the 1949 Convention. It expands the definition of trafficking to include the means under which persons are trafficked, including not only force, coercion, fraud, abduction and deception, but also abuse of a victim's vulnerability. Given the use of any of these means of trafficking, the definition stipulates that the consent of the victim is irrelevant.

As the first UN instrument to address the demand which results in especially women and children being trafficked, the Palermo Protocol calls upon countries to take or strengthen legislative and other measures to discourage the demand that fosters all forms of exploitation. The Protocol also lists important protection measures for victims, including legal information, appropriate housing, medical, psychological and material assistance, and employment, educational and training opportunities.

Iraq has also signed the Arab Charter on Human Rights of 2004 stating that “All forms of slavery and trafficking in human beings are prohibited and are punishable by law. No one shall be held in slavery and servitude under any circumstances.” Forced labor, trafficking for purposes of prostitution or sexual exploitation, or any other form of trafficking are prohibited.

The Arab Charter was drafted in accordance with Islamic standards and, thus, sex trafficking and sexual exploitation must be interpreted in the light of Islamic principles for the prohibition of slavery and the decriminalization of victims.

Art. 37 of the new Iraqi constitution prohibits the “trade in women and children.” It is the first Arab country that explicitly states this important provision.

Although Iraq has taken some steps to address the equality of women, this report illustrates that much remains to be done as Iraq goes forward in the aftermath of the war of 2003 and drafts its new legislation. Importantly, it must bring its national legislation on violence against women, including its legislation on trafficking and prostitution, into conformity with its international and regional obligations.

Repressive laws, policies and traditions weigh heavily on women. The impact of the war, discrimination in many spheres such as inequality in marriage, polygamy, rape, domestic violence, sex trafficking and prostitution, and the sexual autonomy of women, must be addressed together.

This report documents and demonstrates the important grassroots work on women's rights that women's organizations in Iraq are undertaking. Women's NGOs are a vital part of Iraq's future with the potential to help the new Iraq move in the direction of a gender equal society. Women's organizations have a key role to play in the political construction of their country. Their vision of a democratic region without trafficking, prostitution and violence against women should be supported by international, regional and national institutions.

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