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**The Protection of Human Trafficking Victims through Humanitarian Response:
the Case of Yazidi Women survived from ISIS captivity.**

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Abstract

The prevalence of sexual violence associated with conflict was extensive throughout the period of Islamic State (ISIS) dominion over significant regions of Iraq. Numerous Yazidi women and girls have encountered diverse manifestations of sexual assault, encompassing instances of sexual slavery and coerced matrimonial unions. Although local authorities and Non-Governmental Organizations (NGOs) have made significant efforts, survivors continue to require sustained aid and support. This study provides a clear demonstration of the unmet demands of Yazidi survivors, which are not aligned with the human rights criteria outlined in international documents. The paper posits that it is imperative to ensure that Yazidi survivors receive sufficient, all-encompassing, and targeted medical, legal, and economic assistance, while also requiring continuous physical and psychological support. The report examines the endeavors undertaken by national authorities and NGOs to provide assistance and safeguard Yazidi survivors in Iraq. The document offers suggestions for various stakeholders, such as United Nations (UN) agencies, local authorities, and NGOs with the objective of enhancing and fortifying their endeavors.

Keywords: Human Trafficking, Victim Needs, ISIS, Yazidi Survivors.

Introduction

Human trafficking is a pervasive global occurrence that has transcended national boundaries, encompassing a wide range of countries, particularly those that have experienced periods of conflict or war. This crime encompasses various manifestations that cannot be confined to a single objective. One of the most notable examples is the act of trafficking individuals for the explicit goal of sexual exploitation. There exist numerous factors contributing to this phenomenon, encompassing economic and social dimensions, with conflict being particularly prominent.

The emergence of extremism in Iraq precipitated the emergence of ISIS, resulting in severe repercussions for the civilian populace. The control of ISIS experienced significant growth in 2014. The organization experienced an increase in its strength due to the escalating influx of fighters joining it.

The city of Mosul, the capital of Nineveh Governorate, was captured by ISIS on June 10, 2014. On August 3, 2014, ISIS militants launched an assault on the Sinjar region, leading to the evacuation of tens of thousands of Yazidis who sought safety in the mountains. Additionally, a significant number of Yazidis sought refuge in cities inside the Iraqi Kurdistan Region (KRI), including Dohuk and Erbil. Those who were unable to flee were promptly executed, while other women and girls were abducted, subjected to sexual enslavement, sold, assaulted, and compelled to labor .

The city of Sinjar and the entire Nineveh Governorate were successfully freed from ISIS within a span of less than two years, by the collaborative efforts of the Iraqi forces and the KRI forces (Peshmerga), with the support of the coalition troops. The majority of women who were abducted were subsequently reunited with their relatives residing in camps within KRI by either escape or ransom payments facilitated by their families with the local authorities' support . Upon their return, survivors are confronted with a new environment that must confront the physical repercussions of the terrible experiences they endured while in captivity.

Following the repatriation of the survivors, local authorities and NGOs undertook numerous initiatives to cater to the survivors' needs, provide assistance, and safeguard their human rights, with the ultimate objective of facilitating their reintegration into their new circumstances. This study aims to assess the extent to which the needs of Yazidi survivors after captivity have been met in a manner that aligns with the safeguarding of human rights outlined in international treaties. This article provides an overview of the theoretical frameworks surrounding human trafficking as stipulated in international agreements, especially those pertaining to human rights. Additionally, it chronicles the experiences endured by Yazidi survivors during their period of captivity. The study additionally examines, from an impartial perspective, the requirements of survivors and the actions undertaken by local authorities and NGOs.

Methodology

In the first phases of formulating this paper, a proposed field research was designated, including a comprehensive methodology that entailed conducting interviews with survivors, service providers advocating for Yazidi survivors, and engaging with leaders within the Yazidi community.

Nevertheless, the study team faced an obstacle when they were refused permission by the appropriate regulating authority to gather data in the field. The rationale presented by the authority was based on the sensitive nature of the topic, perceiving it as possibly detrimental to the welfare of survivors and the wider Yazidi community.

The sensitivity of the subject was emphasized by the authorities, which provided examples of NGOs that, after obtaining authorization, later released information regarding survivors. Regrettably, these publications were seen as potentially harmful, exacerbating the suffering of survivors by reigniting traumatic memories. Furthermore, the governing body emphasized apprehensions pertaining to specific establishments offering deceptive assurances of assistance, undermining the confidence of survivors in both the governmental bodies and the wider society. As a result, there is a limited granting of approvals for research activities that deal with delicate subjects. The relevant Authority has shown a preference for allowing research undertaken by humanitarian organizations which are also subject to rigorous limitations. This highlights the complex ethical terrain associated with research with people that are susceptible to damage, requiring a careful examination of potential negative consequences and the protection of the welfare of all parties involved. Therefore, the study employed a descriptive analytical technique, which is widely acknowledged as an appropriate methodology for researching social phenomena, specifically relevant to the complex problem of human trafficking. This study aims to examine and evaluate the conditions experienced by Yazidi women following their release from ISIS captivity, with a specific emphasis on the support provided by various stakeholders. Based on a diverse range of reports and researches published from 2014 to the end of 2023 by humanitarian institutions and consulates operating in Iraq, including UNHCR, SEED NGO, Amnesty International, and the United States Embassy. These documents provide researchers with an in-depth understanding of the subject matter. This comprehensive collection of data provides a solid basis for doing a thorough examination of the various complex factors related to the lives of Yazidi women following their traumatic event.

Definition of Human Trafficking

Human trafficking has emerged as a pervasive phenomenon in contemporary society, exerting a profound impact on the well-being of individuals and communities. This issue has been further exacerbated by the evolving techniques employed in its perpetration, rendering it a global concern that impacts nations around the globe. According to estimates provided by governmental bodies and international organizations, a significant number of individuals are subjected to trafficking on a global scale each year. Hence, nations throughout the globe have emphasized the imperative to address this illegal occurrence through the ratification of agreements and protocols, as well as the diligent implementation of their provisions [1]. Despite the significant focus on human trafficking, there is a lack of consensus among legal experts, decision-makers, and lawmakers over its precise definition. The majority of these definitions posit human trafficking as a kind of organized crime, encompassing both lawful and unlawful activities that transform individuals into commodities. [2] Accordingly, for the purpose of this paper, as per the definition stipulated in the article 3 /A of the

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime issued in 2000, which states that "trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of exploitation. This includes, at the very least, the use of people for prostitution or other types of sexual exploitation, coerced work or services, slavery or activities resembling slavery, servitude, or the extraction of organs" [3]. It is noteworthy to emphasize that the concept of human trafficking as outlined in Iraq Anti-Terrorism Law No. (13) of 2005 closely aligns with the provisions contained in Article 3 of the agreement.

According to the definition, human trafficking necessitates the presence of a specific collection of elements in order to take place. These components encompass the topic (goods), mediator, and the market. The concept of goods involves the transformation of human beings into commodities that are exchanged in the market through numerous methods. These behaviors can occur either freely or coercively. The individual in question is compelled to engage in activities that are in violation of legal and ethical standards, such as engaging in sexual exploitation through prostitution or endangering physical well-being by extracting organs for commercial gain. The term "mediator" refers to individuals or organized entities responsible for facilitating the mediation process between the victim and other parties, with the objective of obtaining monetary compensation [4]. The mediator is typically not an individual, but rather a structured initiative that resembles profitable multinational businesses. The victims are chosen by facilitating mediators to aid in their relocation from one region to another, whether inside or outside the nation where additional mediators are present. These mediators then engage the victims in various activities. The term "market" refers to the last stage of human trafficking when victims are gathered at a designated location or hub in order to facilitate their transit to the ultimate destination where they are subjected to exploitation. The market for human trafficking is interconnected with other marketplaces. Supplier zones are typically characterized by political, economic, or social crises, particularly in countries experiencing conflicts that result in the migration of victims to other zones that exhibit political, economic, and social stability [5].

The Victim of Human Trafficking

Despite its emphasis on the need of caring for, protecting, and supporting victims, the Protocol to Prevent Human Trafficking does not provide a particular description of these individuals. In contrast, the protocol acknowledges several manifestations of trafficking. It encompassed all those who are susceptible to falling as victims of this offense, rather than confining the offense to a particular demographic such as women and children, who are particularly vulnerable to it. One possible explanation for this phenomenon might be attributed to the extensive and diverse nature of human trafficking methods, which poses challenges in terms of detection. Nevertheless, if the trafficked individual is not accurately identified, it might lead to further deprivation of their rights. This will need the quest for a precise delineation of the individuals who are affected.

Other intranational documents do not contain the victim's determination. However an international publication that categorizes victims across many types of crimes might also be applied to victims of human trafficking. The present paper constitutes the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which was formulated during the Seventh United Nations Congress convened in Milan in 1985. In article 1, the declaration provides a definition of the victim as “persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power”

According to Article 2 of the declaration, an individual can be classified as a victim irrespective of the recognition, capture, prosecution, or conviction of the criminal, as well as the familial connection between the perpetrator and the victim. According to Article 3, the scope of coverage is expanded to encompass all individuals, irrespective of their color, sex, race, language, religion, nationality, political or other opinion, cultural beliefs or practices, age, birth or family status, property, ethnic or social origin, or disability [6]. However, the study relied on the Iraqi Yazidi Survivors Law No. (8) of 2021 to define the victim of human trafficking. The legislation recognizes survivors as victims of human trafficking crimes perpetrated by ISIS, which will be elaborated upon in subsequent parts.

The task of identifying victims is an essential undertaking, particularly within the realm of human trafficking. A victim is an individual who finds themselves in a particularly vulnerable situation, often owing to factors such as age, physical condition, or mental state, which may render them susceptible to engaging in criminal activities. They are not accountable and should not be penalized for an action they were compelled to perform or are compelled to be subjected to exploitation without any choices. Furthermore, there exists a prospective target who belongs to a susceptible group and possesses distinctive circumstances that render them susceptible to trafficking [7]. Therefore, it is necessary for governments to establish clear definitions of the victim and formulate definitions that acknowledge traffickers as victims in their domestic laws.

Human trafficking in international instruments

Human trafficking is a pervasive global tragedy that has been confronted throughout the twentieth century. Addressing this issue requires a collaborative and international approach. Consequently, the global community has demonstrated considerable commitment to combating diverse forms of human trafficking by means of numerous international accords, declarations, protocols, and covenants. Some of the documents indirectly address human trafficking as they cover a broad spectrum of human rights concerns. While the remaining legislations just pertain to human trafficking and have directly tackled this matter. The study examines prominent worldwide articles that have addressed human trafficking indirectly, as well as those specifically dedicated to this topic.

1- International Legal Instruments Addressing Human Trafficking indirectly.

There are international instruments related to the issue of human trafficking within the context of broader human rights issues. These documents encompass the (Bill of Human Rights) Universal Declaration of Human Rights (UDHR). The International Covenant on Civil and Political Rights (ICCPR) 1966, the International Covenant on Economic Rights (ICESCR) 1966, and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979.

The United Nations General Assembly adopted the UDHR in December 1948, marking a significant milestone in the global safeguarding of human rights. The declaration text is widely regarded as a comprehensive and all-encompassing framework for human rights, encompassing several dimensions such as civil and political rights, as well as economic, social, and cultural rights. Upon further examination of its articles, the publication encompasses a wide range of topics pertaining to the human condition. However, it also includes texts that delve into the subject of human trafficking, addressing topics such as the preservation of human dignity, coating slavery and racial bias, the rights of women and children, as well as the prohibition of torture [8].

The declaration makes reference to the issue of human trafficking in many sections, specifically in the preamble and article 1. It emphasizes the importance of safeguarding human dignity by asserting that everyone possesses equal dignity and rights. Article 4 of the declaration explicitly forbade the practice of slavery in any slave trade. Article 5 guarantees that individuals shall not be subjected to torture or any form of cruel penalties or treatment that infringes upon their dignity [9]. The aforementioned articles serve as evidence of the international community's strong belief in protecting human rights and fundamental freedoms, while also highlighting their efforts to combat slavery and human trafficking [10].

In a manner similar to the UDHR, the preamble to the ICCPR recognizes the inherent human rights and the safeguarding of human dignity for every human being. The statement asserts that everyone within the human family possesses inherent dignity and is entitled to equal and inalienable rights. It is imperative for human beings to experience both civil and political liberty, together with economic, social, and cultural entitlements, and to be devoid of apprehension and deprivation. The convention emphasized the necessity of criminalizing various manifestations of slavery, exploitation, and other types of human trafficking in its article. According to Article 8, it is stipulated that the act of enslavement is strictly outlawed, encompassing any form of slavery and the slave trade. The same article also indicates that individuals shall not be subjected to the institution of slavery, nor shall they be compelled to engage in forced labor or compulsory labor. [11].

The ICESCR does not explicitly tackle the issue of human trafficking. Its articles contribute to the wider framework of human rights protection, which indirectly address human trafficking by addressing its underlying causes. The convention's substance emphasized the entitlement of individuals to the enjoyment of all human rights. This encompasses a wide range of subjects that are interconnected with the matter of human trafficking. (5) One of the themes covered is gender

equality in rights, as well as the right of every individual and their family members to an adequate level of living. The convention mandates the implementation of specific measures to protect and support all children without any bias. It emphasizes the importance of protecting children from economic and social exploitation, ensuring that they are not engaged in any activities that could pose risks to their lives, or hinder their natural growth and development. Therefore, this convention requires the state parties to undertake the requisite legal procedures and measures, while utilizing their utmost capabilities, to protect human rights, including strategies to prevent human trafficking [12].

It is important to acknowledge that both covenants stressed the requirement for state parties to undertake the necessary material and legal measures to enforce human rights, and to allocate as many resources as possible to activate these rights. Additionally, they emphasized the necessity of implementing measures that criminalize acts deemed to be human trafficking and slavery.

The adoption of the CEDAW by the General Assembly signifies a noteworthy achievement in the endeavor to achieve gender equality and eliminate all forms of gender-related bias against women. The convention consists of a total of 30 articles that provide a legal framework that would bind the countries who have signed it [13]. States were obligated to include the principle of gender equality into their national constitutions and legislation. The convention also established a legal framework to combat all forms of women's trafficking. It demands state parties to take all necessary steps, including legislative action, to outlaw all forms of women's trafficking and the exploitation of women in forced prostitution. Hence, it is evident that the convention is highly concerned with human trafficking and criminal activities. This is reinforced by the provisions outlined in Article 6, which emphasizes the imperative for governments to implement appropriate measures to combat the trafficking of women and their exploitation in prostitution [14].

2- International Legal Instruments Addressing Human Trafficking directly

The United Nations Convention against Transnational Organized Crime, along with its two additional protocols, is a major piece of international legislation that directly addresses the subject of human trafficking.

The major international instrument in the fight against transnational organized crime is the United Nations Convention against Transnational Organized Crime, which was enacted through UN General Assembly Resolution 55/25 in November 2000 [15]. Member States were provided with the opportunity to sign the Convention during a high-level political summit in Palermo, Italy, in December 2000. The Convention became effective on September 29, 2003. Three protocols were added to the Convention to specifically handle particular elements. These documents encompass the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo protocol), the protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol). A country must first become a party to the Convention before it may become a party to any of the protocols [16].

This convention is widely regarded as a crucial tool in the fight against human trafficking, since it outlines a comprehensive set of norms and strategies at both domestic and global levels to combat this offense [17]. Furthermore, it emphasizes the methods of providing assistance to the victims of this crime. The instrument's key sections include the obligation of States Parties to enact legislative and other measures aimed at criminalizing deliberate acts performed with the intention of laundering the revenues derived from human trafficking. Furthermore, enhancing international collaboration to combat human trafficking can be achieved by urging states parties to establish bilateral or multilateral agreements, as well as facilitating the exchange of experiences and information to strengthen the implementation of the law. The States Parties are obligated to offer mutual legal support in the investigation and prosecution of those who have committed or are involved in the commission of crimes covered by this treaty[18].

In Regard to Palermo Protocol, its preamble emphasizes the imperative for governments to actively engage in efforts aimed at preventing and combating human trafficking, with a particular focus on women and children trafficking. States must implement appropriate measures to penalize the individuals responsible for the crime and safeguard the victims by ensuring the protection of their recognized fundamental rights. The protocol illustrates the notion of human trafficking and enumerates the actions deemed as trafficking that require nations to enact legal measures for criminalization. In addition, it requires governments and NGOs to safeguard the victims of such crimes by ensuring they have sufficient shelters and providing them with medical and psychological support [19]. Likewise, it is important to provide them with access to employment and educational prospects, as well as assist them in returning to their place of origin, even if they do not possess the necessary documentation to comply with the rules. Based on the provisions outlined in the protocol, it is expected that the state parties will make efforts to engage in research, facilitate the exchange of information, implement media campaigns, and undertake other measures aimed at addressing the issue of trafficking [20]. State governments also make efforts to mitigate issues such as poverty, security instability, and illiteracy that render individuals more vulnerable to trafficking. Further, the protocol did not specify criteria such as statue, gender, or age for identifying a person as a victim. It criminalizes any conduct that causes harm to human beings. In order to provide a comprehensive scope, the legislator refrains from confining the protocol to a specific level. Instead, it covers all internal, regional, and international levels that are subject to the implementation of the protocol requirements [21].

The Protocol Against Migrant Smuggling by Land, Sea, and Air provides as a supplementary measure to the United Nations Conventions against Organized Crime. The convention sets frameworks for cooperation among member nations to accomplish the objectives of safeguarding the rights of smuggled migrants. It has developed many compelling mechanisms to differentiate migrant smuggling from exploitation and human trafficking. The protocol established specific terminology, including "migrant smuggling," "illegal entry," and "counterfeit document for entry (exit) or identity card" [22]. The Protocol aims to address the issue of illegal migration from sea, land, or air, with the main goals of preventing such migration and holding accountable those who aid in its facilitation. There is a strong emphasis on the importance of implementing effective

policy measures to prevent migrant smuggling, hold smugglers accountable, and safeguard the rights of smuggled migrants. In order to accomplish this objective, it necessitates a collaboration of international, regional, and national levels. It is crucial to note that the Protocol does not aim to impose limitations on individuals' freedom of movement or regulate official entry. Also, it does not aim to impose legal penalties on unauthorized migrants who are trafficked. The primary focus of the Protocol is to address the criminal networks that enable the illicit transportation of migrants, while simultaneously safeguarding the rights of migrants [23].

Human trafficking and Human Smuggling

There is a tight overlap between unlawful human trafficking and human smuggling, as most illegal immigrants rely on human traffickers to organize their escape to the countries where they desire to live. The distinction between the two crimes is relatively narrow, and the similarities and distinctions can be noticed. This link can develop when it is obvious that the two crimes threaten societal stability. The unauthorized entry of individuals into a state might result in the emergence of unpaid labor due to the imposition of forced labor. These two offenses may also result in an outbreak of contagious diseases due to the arrival of people outside of legally defined ports. Another resemblance can be found in relation to the action and the victim. The two crimes are committed against humans, and those who are regarded victims must be protected [24].

The distinction between human trafficking and migrant smuggling depends on the level of satisfaction gained by the victims. In the context of immigrant smuggling, it is possible for the victim to willingly and intentionally agree to be taken across the border under risky and degrading circumstances. While, the victims of human trafficking were deprived of the option to clearly express their consent to relocate to somewhere else. They may implicitly accept it in the case of deceptive advertisements and stressing the strategies for rapid profit. Deception is employed by people traffickers as a tactic to exploit victims, as outlined in the Palermo Protocol [25]. Furthermore, the act of immigration smuggling is distinct from human trafficking in terms of its objective. The process of smuggling concludes upon the migrant's arrival at the destination, potentially terminating their exploitation. In contrast, victims of human trafficking endure ongoing exploitation, prolonged by their traffickers in pursuit of illegal financial gains. Distinguishing between migrants smuggling and human trafficking necessitates a critical criterion of spatial scope that is pertinent to the act of transfer [26].

Migrant smuggling can only occur if the victim is carried over international borders. The act of surpassing the geographical boundaries of a state is a fundamental aspect of this crime. In other words, the act of smuggling migrants only occurs when the smuggled individual is granted entry into the territorial boundaries of the receiving state. Article 3, Paragraph A of the protocol against migrant smuggling by land, sea, and air provides confirmation of this. Human trafficking does not view the transfer of victims across international borders as a fundamental requirement for its realization. In accordance with Article 3, Paragraph A of Palermo protocol, individuals may still be considered victims even if they are located within the borders of a country and are exposed to

an act that is referred to as human trafficking. It is worth noting that immigrants occasionally engage in smuggling activities as a means to facilitate human trafficking (1). By selecting for the illicit path facilitated by smugglers, the victim becomes susceptible to the exploitation of traffickers' directives, resulting in unwelcome employment or actions [27].

The Relationship of Human Trafficking and Human Rights

Individual trafficking is a grave violation upon fundamental human rights. Individuals are compelled to engage in harmful behaviors that infringe upon their inherent dignity. There is a clear and solidly established connection between human rights and the fight against human trafficking. Throughout history, numerous human rights international conventions have explicitly declared the prohibition of appropriating the legal personality of any human being. Discrimination based on race and gender is explicitly prohibited by human rights law. These legal frameworks also criminalize the forced labor, human organ trafficking, all kinds forced marriage, sexual exploitation of children and women. Additionally, they safeguard the freedom of movement right for any person to leave and return to the country, as well as the right to choose a career and spouse [28]. Human rights violations are both the cause and consequence of human trafficking. Human trafficking operations are typically based on the capitalistic exploitation of individuals, particularly women and children. The relationship between several human rights occurs at various stages of the human trafficking cycle. Some rights are particularly relevant to the grounds for trafficking. For example, a violation of the right to an appropriate standard of living increases the likelihood of an individual being a victim of human trafficking. Human trafficking related acts such as sexual exploitation, child labor, forced labor, and forced marriage, are all abuses of essential human rights that are prohibited by human rights law. Furthermore, access to some rights is addressing human trafficking, such as the right of suspects to a fair trial [29].

In contemporary times, human trafficking has emerged as a form of slavery, characterized by a clear violation upon human rights and fundamental freedoms. Human trafficking is a violation of human rights that mostly affects vulnerable individuals, such as women and children. Hence, it is indisputable that there exists a substantial connection between human rights and various forms of human trafficking, primarily due to the profound detrimental impact imposed upon individuals and society. This is particularly evident in the rapid expansion of trafficking, which adversely affects many countries, particularly in cases where unstable economic, social, and political conditions create conducive environments for the perpetration of such illicit activities [30].

Criminal phenomena invariably yield adverse economic, social, and political ramifications, particularly when humans are perceived as commodities and subjected to severe exploitation. Human trafficking violates fundamental rights such as the right to life, liberty, freedom from slavery, access to medical care, freedom from slavery, protection against cruel or inhuman treatment, and freedom from violence. On the contrary, human rights constitute an integral component of the ethical framework that supports human civilization. The protection of human beings from any type of violence is advocated within national laws and international accords, with the aim of enabling individuals to contribute to the advancement and prosperity of society [29].

It is widely recognized that human rights are inherent to every human being and have existed prior to the foundation of the state. These rights are commonly seen as the core elements of human dignity and are considered to be fundamental values that should be universally granted to all individuals, regardless of their geographical location [31]. Human trafficking is a complex problem that exacerbates the risks to worldwide health and has the potential to result in permanent levels of poverty. In addition, it hinders progress in specific areas within communities. It has complicated and profound consequences and ramifications. Physical and mental abuse may be inflicted upon the victims and their family members, potentially resulting in fatal consequences. The ramifications of trafficking extend beyond the individuals affected, as it undermines the overall well-being, safety, and security of nations.

Human trafficking has emerged as a significant peril to worldwide health. Occasionally, it depends on business investment in illegal migrant movements. The victims carry an enormous burden, experiencing profound psychological and bodily impairment due to the intense trauma. The possibility for individuals to acquire life-threatening illnesses, such as AIDS, is heightened due to the growing acceptance of immigrants by numerous countries [29]. Additionally, the likelihood of human trafficking is on the rise. Human trafficking has emerged as a major threat to global health. It occasionally depends on business investments in illegal migration movements. The victims bear a massive burden, suffering deep psychological and physical disability as a result of the intense trauma, as well as the risk of acquiring life-threatening illnesses such as AIDS. This threat is heightened by the increasing influx of immigrants into various countries [29].

Background

1- ISIS Attacks on Sinjar

In 2013, ISIS significantly increased its operational base in Iraq. In late December of that year, ISIS seized control of Al-Anbar Governorate. By the beginning of June 2014, the organization commenced attacks in Nineveh, Salah al-Din, and Diyala. This ultimately led to their complete capture of Mosul city on June 10, 2014, which is the capital of the Nineveh Governorate and afterwards became the capital city of ISIS in Iraq [32]. The Iraqi army troops and personnel affiliated with the Iraqi Ministry of Interior withdrew, relinquishing their weaponry and equipment, therefore enabling ISIS to seize control of them with minimal opposition. This occurrence marked the commencement of a significant civilian relocation on a wide scale. Subsequently, on June 23, 2014, the Tal Afar district was captured by ISIS [47].

Following the abrupt retreat of Kurdish Peshmerga troops to defensive positions along the border with the Dohuk Governorate, ISIS entered the villages and then Sinjar city during the early hours of August 3rd, 2014. The Yazidi civilian population and certain combatants are left on the front lines with an inadequate supply of light weapons and ammunition. The front line of the Yazidis saw a collapse due to a depletion of ammunition. Consequently, ISIS infiltrated the area and carried out abhorrent killings against the Yazidis residing in the towns and villages of Sinjar [32].

Following ISIS's takeover of Sinjar, a significant number of people, encompassing men, women, and children, lost their lives. A significant number of individuals sought refuge in the Sinjar

mountain. Many infants, children, women, elderly, and sick perished on their journey as a result of dehydration, extreme heat, , and distress amidst the scorching summer of 2014. Those who successfully reached the mountain successfully had severe humanitarian circumstances for a duration of ten days, as they found themselves surrounded by ISIS soldiers and supporters from several directions [34].

During the first five days, there was a lack of relief assistance and food supplies, leading to a higher number of deaths among children and women as a consequence of extreme thirst and hunger. Iraqi forces and the United States Air Force collaborated to execute a humanitarian operation aimed at delivering essential provisions by aerial means to provide assistance to residents confined on Sinjar Mountain. On August 14, 2014, the Kurdistan Workers' Party (PKK) and the People's/women Protection Units (YPG/YPJ) fighters stationed in Syria, with the help of U.S airstrikes, were able to create a pathway for relocating displaced people from the mountain to northern Sinjar and then westward into Syria [35]. The implementation of this strategic enhancement enabled the successful evacuation of roughly 55000 persons, therefore relocating them to more secure regions within Syria. Subsequently, a significant number of these individuals who had been displaced managed to repatriate to Iraq via the Pesh Khabur crossing border [32]. In late 2015, the Peshmerga and fighters associated with the PKK, with significant assistance from the US and the coalition forces, successfully expelled ISIS from Sinjar city and the northern regions. The Hashd al-Shaabi militias and the Iraqi security forces regained control of Sinjar after a period of two years [36]. Nevertheless, a significant number of Yazidies are still now residing in camps situated in KRI.

2- Yazidis Women and ISIS

Sinjar witnessed a tragic incident involving the kidnapping of women. The event occurred in the presence of their respective families. A multitude of women, girls, and children were apprehended within a short span of time on that fatal day, evoking a sense of horror and apprehension among those who sought refuge in Sinjar mountain. Upon the infiltration of ISIS into the towns of Sinjar, a significant number of Yazidi women and children, exceeding five thousand, were kidnapped and held captive [37].

ISIS members perpetrated a multitude of cruel acts against Yazidi girls and women, a significant number of whom were carrying their newborns. These activities encompassed coerced sexual assault, when individuals were sold at exorbitant prices. Yazidi girls have documented multiple instances of being subjected to rape, trafficking, and physical torment before managing to escape and survive [38].

Following the apprehension of numerous Yazidi civilians, ISIS proceeded to segregate men from women and children. ISIS routinely engaged in the abduction of young girls subsequent to the detention of women and children. The children below the age of eight are placed under the care of their mothers, whereas girls above this age are subjected to abduction by members of ISIS. Married women, individuals with young children, and pregnant women did not exempt from experiencing sexual assault. Women are often imprisoned in large buildings such as public buildings,

educational facilities, and correctional facilities. ISIS members engaged in the act of forcibly removing girls and women from their homes, subjecting them to physical violence, and engaging in acts of abuse [38].

According to the a number of documents produced by ISIS , engaging in sexual contact with a captured female who has not yet attained the age of puberty is deemed permissible. The captured females referred to as "slaves" are considered as private assets that are eligible for distribution upon the owner's demise as a component of the inheritance [50]. In addition, these documents outline the value of money assigned to women and children who are held in captivity. The pricing structure is decided based on age. The cost for children ages of 1 - 9 is 200,000 Iraqi dinars, for girls aged of 10 - 20 is 150,000 Iraqi dinars, for women aged of 20 - 30 is 100,000 Iraqi dinars, for women aged of 30 - 40 is 75,000 Iraqi dinars, and for women ages of 40 -50 is 50,000 Iraqi dinars. It has been reported that the acquisition of more than three captives is restricted to foreign militants coming from Turkey, Syria, and the Gulf countries [39].

The activities of ISIS demonstrate that their perpetration of sexual assault was motivated by a desire to undermine the reputation and humiliate the Yazidi community, rather than being driven by sexual gratification. According to Yazidism, engaging in any form of sexual connection with an individual who is not a member of the Yazidi faith, regardless of whether it is consenting or not, is considered a reason to leave the religion. 40. Certain individuals inside ISIS intentionally engaged in the act of rape, taking turns with a single female, and asserted that these actions were deemed permissible based on their understanding of Islamic Sharia law [39].

Survivor Needs and Humanitarian Response

In order to guarantee the protection of the rights and welfare of women who have experienced violence from ISIS, it is crucial to comprehend the essential services required to effectively meet the immediate and long-term needs of survivors. A significant number of individuals have encountered challenges in obtaining services following their release from captivity, leading to persistent requirements for those who returned in 2014 and subsequent years. Upon their repatriation, survivors and their families encounter a range of requirements encompassing: 1) Provision of medical treatment and psychological aid, 2) Accommodation, 3) sustenance and financial aid, and 4) Legal and social assistance. In order to ensure a comprehensive rehabilitation for survivors, it is imperative to identify and effectively address these needs.

1- Health and mental care

Post-trafficking victims have serious concerns about their physical health needs due to the significant impact on their daily activities. Trafficking victims commonly have various physical ailments, such as headaches, stomachaches, breathing difficulties, alopecia, recurrent colds, hypotension, sexually transmitted infections, recurrent urinary tract infections, and bowel incontinence. These symptoms can be interpreted as manifestations of the body's response to psychological stress through physical symptoms, which may be linked to complex trauma [41].

Given the aforementioned, it is essential for these vulnerable women to promptly get medical intervention in order to address their physical ailments, as well as their psychological well-being. The significance of mental health needs cannot be ignored, as they have a profound impact on

individuals' daily functioning. Numerous scholarly works underscore the prevalence of Post Traumatic Stress Disorder (PTSD), melancholy, anxiety, self-hatred, dissociation, hopelessness, and challenges in interpersonal relationships among survivors[42].

Since the ISIS attack in 2014, a significant proportion of the survivors have experienced the loss of at least one family member. Also, a significant proportion of women have reported experiencing symptoms of PTSD as a result of the traumas they have endured during the ISIS attack.

Yazidies survivors frequently experienced adverse health conditions and sustained substantial injuries as a result of their hard captivity and forced relocation to combat zones. Frequently mentioned medical conditions encompass renal ailments such as renal calculi, musculoskeletal distress, dermatological infections, dental complications, as well as gynecological disorders including sexually transmitted infections and fistulas. Similar to other medical requirements, certain survivors may encounter acute demands that necessitate therapy and/or medications for a restricted duration. Conversely, other illnesses may be chronic in nature, demanding prolonged intervention and care due to the intricate trauma they encountered during their imprisonment under ISIS [43].

Numerous individuals who have survived traumatic events encounter suicide thoughts as they grapple with comprehending their encounters, managing their symptoms, and reintegrating into their social environment. To effectively handle intricate trauma of this scale, it is necessary to receive thorough, enduring, and high-quality mental health care from proficient professionals. This will assist survivors and their families in managing and recovering from the trauma[44]. The insufficient response to the physical and mental health needs of survivors can be attributed to the insufficiency in governmental capacity and specialized institutions, as well as the lack and continual decrease of NOGs programs aimed at supporting survivors.

2- Safe Shelter

The provision of secure and suitable housing serves as a crucial means of immediate emergency safeguarding for individuals who have been liberated from human trafficking acts. Consequently, this facilitates the implementation of subsequent interventions aimed at achieving effective and enduring victim rehabilitation, thereby diminishing the probability of relapse. However, the provision of housing services for victims of human trafficking remains limited in the majority of countries. The existing housing services face several significant challenges, including the prevalence of male-centric housing models that enforce stringent curfews, inadequate emotional support for women's recovery, and a lack of resources to facilitate women's employment opportunities [45].

In KRI, multiple NGOs have the capacity to offer secure shelter for survivors of Yazidis. NGOs have attempted to grant a temporary haven to victims of trafficking and offer women a secure environment to contemplate alternatives and strategize for their future. Although temporary housing can be offered, the potential for a woman to achieve long-term independence is constrained in the absence of sustained financial support. After being liberated from captivity, numerous survivors have obstacles that hinder their ability to return to their original areas due to

substandard living conditions and apprehensions over security. The city of Sinjar, is widely regarded as unstable by a significant number of Yazidis due to its contested status, political disputes, inadequate provision of services, substandard infrastructure, and the presence of various armed groups. It is worth mentioning that the federal government's lack of concern and its failure to create a suitable atmosphere in the survivors' areas of origin hindered their ability to feel secure, receive compassion, and a sense of belonging to their country [46].

Surviving individuals often face heightened stress and diminished safety due to their living situations, which are crucial for their rehabilitation from the trauma they have endured. A limited cohort of survivors and their respective families have repatriated to their respective areas of origin. Deprived of their houses, the majority of survivors reside in camps or informal settlements in KRI, where they coexist in cramped and overcrowded environments. Certain survivors are left to reside independently, with their parents, spouses, children, and other relatives either absent or deceased due to ISIS assaults. Culturally, this phenomenon poses significant challenges and renders the victim susceptible to subsequent acts of violence and exploitation. The majority of individuals opt to reside with their extended family members, often residing in close proximity, which can pose challenges, contingent upon the nature of their connections. Frequently, male relatives assume accountability and authority over survivors' decisions, further constraining survivors' capacity to exercise autonomy. Certain survivors encountered instances of abuse and violence within their households, as their family members grappled with the symptoms of the survivors, while simultaneously attempting to navigate their own traumatic experiences. Evidence suggests that survivors and their families frequently experience a scarcity of clothing, , food provisions, kerosene for heating, hygiene products, and other essential household supplies. Surviving individuals often face heightened stress and diminished safety due to their living situations, which are crucial for their rehabilitation from the trauma they have endured[44].

3- Livelihood and Cash assistance

Due to potential unemployment and lack of financial resources, survivors have been unable to engage in employment. A significant number of these survivors possess insufficient skills to acquire employment and ensure long-term economic stability following their escape from trafficking. The provision of economic assistance has a crucial role in addressing instances of sexual violence that arise from conflicts. The program should be structured to cater to the specific requirements of survivors, facilitating their social reintegration and promoting their economic empowerment. Iraq, under international law and the Constitution, acknowledge that access to basic services is a fundamental human right. The intervention pyramid for health care and psychosocial support is founded on addressing these needs [47].

The majority, if not all, of the individuals who have survived ISIS lack significant employment experience or opportunities. Additionally, many of these survivors are illiterate, due to their lack of schooling or the years they lost while in captivity. Survivor women face challenges in meeting fundamental medical and humanitarian requirements within the context of a broader family structure. NGOs have collaborated with the Iraqi government to establish programs that provide

periodic cash aid to survivors. Nevertheless, the cash support programs continue to exhibit significant limitations, pose challenges in terms of accessibility, and prove inadequate in addressing prevailing requirements. The sum obtained from monetary aid programs is insufficient to adequately address fundamental humanitarian necessities or medical crises. Moreover, survivors and their relatives who have unattended medical needs, whether it be for medical care or medicine, frequently lack the means to afford it [45]. The Yazidi Survivors Law No. (8) of 2021 mandates the provision of a monthly salary to survivors, with the aim of ensuring career prospects and facilitating their economic prosperity. Nevertheless, the majority of the survivors have not yet been provided with these services [48]. They are on the verge of losing optimism. As a result of the sluggish enforcement of laws and the overall economic conditions in IDP communities, conditions have gradually worsened.

4- Social and legal support

Internal stigma manifests itself through humiliation, self-blame and psychological and social distress, which arises from the societal acceptance and reinforcement of established norms. Survivors often withdraw from social interactions because of apprehension towards being interrogated about their experiences and face social exclusion. The attack perpetrated by ISIS on the cultural heritage of the Yezidi community, led survivors to exacerbate difficulties in the process of reintegrating and reestablishing support networks [47].

Upon their return, survivors face several problems, such as the community's attitude towards them as well as their attitude towards children born as a result of war. In the initial stages, Yazidi religious authorities issued declarations expressing their support for the reintegration of survivors into the community [44]. The initial declaration was made by Baba Sheikh, the esteemed religious figurehead of the Yezidi community in Iraq, endorsing the reintegration of female survivors into the society in 2015. Also in April 2019, Mir Hazim Tahsin Beg, the Prince of the Yezidis and spiritual leader, restated the significance of familial and communal acceptance of survivors, while emphasizing the exclusion of children born as a result of armed conflict. The community's stance on children born from survivors while they were in captivity or who became pregnant upon returning, is one of the most challenging obstacles they face[44]. Acquiring documentation for children born as a result of ISIS rape is exceedingly challenging and it is frequently identified as a major obstacle to establishing parentage. In the absence of civil documents, children are unable to obtain benefits and are deprived of their fundamental rights.

According to Iraqi law , it is prohibited to assign a child the name of only one parent for these children's cases where the father is unknown. Additionally, the identity card would necessitate the father's name and religion, which in these cases would be Muslim. The Yezidi community would not accept the registration of the children as Muslim. In addition, survivors have significant legal requirements upon their release, as they misplaced or lost their legal papers during their period of captivity. A number who have experienced trauma lack the requisite legal documents that are essential for accessing specific services, such as relocation opportunities and registration in nearby educational institutions [45].

Despite the existence of the Iraqi National Action Plan on Women Peace and Security, Iraq has yet to adopt any interventions aimed at addressing stigma. The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Government of Iraq have signed a joint statement on preventing and responding to conflict-related sexual violence. This statement emphasizes the need for collaboration in facilitating the return and reintegration of survivors. As of now, there have been no known efforts specifically focused on reintegration [49].

Governmental Response

A number of international resolutions have been issued in international forums and United Nations platforms, denouncing the acts of violence perpetrated against the Yazidis. One notable event was the extraordinary session of the Human Rights Council in Geneva on September 1, 2014, which resulted in the establishment of a committee tasked with conducting an investigation into the crimes committed by ISIS in Iraq. The decision (2014/2971) made by the European Parliament in November 2014 related to Iraq and specifically addressed concerns related to the abduction and mistreatment of women. This signifies the inaugural global document that verifies the transgressions committed by ISIS against Yazidis, namely pertaining to the subjugation of women, enlistment of minors, homicide, and religious conversion. In addition, several governments have officially recognized ISIS crimes as acts of genocide. Notable examples include the decision made by the United Kingdom House of Commons in April 2016, the action taken by the US Senate in March 2016, the resolution passed by the French National Assembly in May 2016, the decision made by the Australian Parliament in February 2018, and the decision made by the House of Commons of Canada in June 2016 [50].

Furthermore, the attempt to build a system of responsibility with a directive from the United Nations has endured since the emergence of 'ISIS' and its establishment of territorial control over the northern region of Iraq, particularly during the assault on Sinjar. In light of multiple appeals made by national and international entities, including the Iraqi and KRI governments, directed towards the United Nations Security Council, authorization has been sought for an inquiry into the offenses perpetrated within Iraq. In September 2017, resolution number 2379 was passed to establish an 'investigation team' with the purpose of assisting local initiatives in holding 'ISIS' accountable. This team was responsible for gathering, safeguarding, and storing evidence in Iraq pertaining to acts that constitute war crimes, crimes against humanity, and genocide [51]. Also inside Iraq, Following the attack on Sinjar, the KRI government promptly established a committee in the Dohuk governorate. This committee was formally assigned the responsibility of conducting investigations, documenting, and gathering information pertaining to the genocide crimes perpetrated by members of ISIS against the Yezidi population. The composition of this Committee comprised of judges and legal specialists, with the Minister of Anfal and Martyrs serving as its leader. The committee played a vital role in gathering data pertaining to survivors of mass killings, information on women who were kidnapped, survivor women who were rescued or managed to escape, and the documentation of information retrieved from ISIS publications. The committee lacks the jurisdiction to conduct interrogations on individuals who possess Iraqi or foreign citizenship, irrespective of their location of confinement, be it within the KRI or in Iraqi federal

correctional facilities [51]. It is noteworthy to emphasize that the Kurdish authorities officially supported the rescue operations carried out by the families of the victims, assisted by a network of smugglers and mediators, thereby financially compensating them for the “buyback” amounts they paid [38].

Numerous survivors lack knowledge regarding the identities of the offenders, rendering them unable to initiate legal proceedings against criminals. Furthermore, the Iraqi legislation does not specifically include provisions for the legal pursuit of foreign crimes, such as those perpetrated by "ISIS" against the Yazidi women. Iraq is a signatory to a variety of human rights conventions, encompassing provisions pertaining to preventive measures against sexual violence arising from conflicts. Accordingly, the Iraqi government has a responsibility to carry out thorough investigations, prosecute anyone involved in such crimes, and administer appropriate punishments. Iraq is not a signatory to the Rome Statute, which established the International Criminal Court [47]. Hence, the proceedings relating to ISIS crimes are carried out in accordance with the Counter-Terrorism Law, which does not include measures addressing gender-based violence related to conflicts. Thus, it is deemed inadequate and fails to meet the victims' expectations in attaining justice.

Yazidi Women Survivors Law was enacted by the Iraqi Parliament in March 2021, and subsequently, the Iraqi government established the General Directorate for the Affairs of ISIS Survivors in July of the same year. and was appointed as the general director. Iraq has a significant track record in the implementation of reparations programs. However, it is worth noting that the Yazidi Survivors' Law stands as the only initiative specifically focused on offering justice to individuals who have experienced sexual abuse as a consequence of atrocities committed by ISIS. The law encompasses every form of sexual violence against women or girls, including abduction, sexual enslavement, trafficking in slave markets, separation from family, coercion to convert to a different religion, forced marriage, pregnancy, forced abortion, or physical and psychological harm inflicted by ISIS [52]. To be eligible, the survivor must have experienced abuse on or after August 3, 2014, and subsequently been rescued. The law is a highly comprehensive framework that encompasses many measures aimed at addressing issues such as reparation, restitution, rehabilitation, compensation, satisfaction, and guarantees of non-repetition.

According to the law, the eligible survivors are entitled to get a complimentary residential piece of land or a housing unit. Additionally, they are entitled to receive a monthly salary that is at least twice the minimum retirement salary, equivalent to 400 thousand Iraqi dinars. Although survivors derive numerous advantages from the law, it is essential to acknowledge that certain gaps persist in relation to significant matters. Article 5 and 6 of the law specifically target direct victims of crimes, excluding indirect victims such as widows and orphans. Moreover, this legislation does not include any provisions safeguarding the privacy or secrecy of survivors throughout the remainder of the reparation procedure. Moreover, the absence of any mention regarding the provision of a secure shelter during the process of claiming compensations is evident. Furthermore,

it should be noted that the existing law fails to address the issue of children born to fathers of ISIS fighters [48]. It is noteworthy that a delay in the approval of the law arose as a result of disagreements regarding objections pertaining to this matter. This delay ultimately led to a situation that can be characterized as an "evasion" in addressing the issue concerning the children of survivors who were born while in captivity to fathers who were engaged in combat against ISIS. The deletion of the paragraph pertaining to these children occurred without the provision of a resolution. Many Yazidis, especially community leaders, hold the belief that the fathers of these children are regarded as criminals [53]. Moreover, the disparity in religious affiliation between the children and their families hinders the adoption of these youngsters within the Yazidi community. This is due to the fact that based on the Iraqi personal status law, children are registered as Muslims based on their fathers' lineage where the parentage of the child is unknown, Iraqi legislation mandates that the child be registered as Muslim. The unsolved nature of this issue persists, despite its humanitarian implications concerning numerous Yazidi women who bear children from ISIS fighters. Simultaneously, this legislation holds religious concern and pertains to the broader Yazidi community [45].

Conclusion

Since August 2014, ISIS has been committed to massive and systematic acts of sexual and gender-based violence targeting the Yazidi community. These acts can be classified as crimes of genocide and crimes against humanity. The repercussions of these atrocities on society were destructive. This study investigated factors impacting the rights of Yazidi survivors who have been held captive by ISIS. These factors include their immediate needs, challenges in accessing resources to meet those needs, and approaches to empowering survivors as they strive to overcome their traumatic experiences and progress forward. The study emphasizes that survivors still have considerable requirements, while there is a shortage of resources to offer them. Although some services are accessible for Yazidi survivors in KRI and Iraq, the quality of these services often falls below expectations. The findings of the study indicate that addressing the needs of survivors of sexual abuse requires a sustained and enduring approach. The formulation of this response should be approached from a gender perspective, taking into account the unique challenges encountered by Yazidi women survivors.

Recommendation

1. Deliver specialized and long-term services, such as medical and psychological support, safe housing, and legal aid specifically designed to address the need of Yazidi survivors.
2. Create health and social care institutions to facilitate the reintegration of survivors into society. Additionally, establish educational facilities tailored to their specific interests. Ensure that the educational activities and programs offered to survivors are varied and inclusive, while also involving them in the process of rebuilding their self-assurance.

3. It is essential to establish a collaborative effort between the Federal Government and KRI in order to formulate programs and provide social and health services aimed at mitigating the psychological repercussions experienced by survivors.
4. Enhance the implementation of the Survivors' Compensation Law to guarantee that survivors have access to the rights and benefits outlined in the law.
5. Execute awareness initiatives that specifically target survivors and the wider Yazidi community, with the aim of educating them about the relevant legislation, including survivor compensation laws, as well as the available resources and facilities that can aid in their holistic recovery.
6. Offering job opportunities to survivors in order to facilitate their reintegration into the community. Those who are unable to work or lack the necessary abilities should participate in vocational skills training and livelihood-focused programs so that survivors can acquire resources for self-sufficiency and diversify their expertise.
7. The Iraqi federal government and KRI engage in collaborative efforts with countries and organizations that possess expertise in rehabilitating those impacted by conflict, in order to gain insights from their respective responses to diverse situations.

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