

Law On Combating Prostitution No. 8 of 1988

Article 1:

The following expressions shall mean:

Prostitution: The practice of fornication or sodomy with more than one person in exchange of payment.

Brokerage: The mediation between two persons with the intention of facilitating the act of prostitution in any way. This includes the incitement even with the consent or request of one of them. It also includes the exploitation for prostitution of a person wither complicit or under duress.

The Brothel: It is a place geared to the act of prostitution, facilitating, publicising, inciting or doing any act that leads to prostitution.

Article 2:

Prostitution and Brokerage are banned.

Article 3:

A prison sentence of no more than seven years shall be imposed on:

- a. Every broker, his associate or whoever assisted him in the act of brokering.
- b. Every user or a manager of a public place or any place open to the public, making use of persons engaged in prostitution for the purpose of exploiting them.
- c. Whoever owns or manages a house, rooms or a hotel allowing others to practice, facilitate or assist in the act of prostitution.

Article 4:

The prostitute, if her practicing of prostitution is proved, shall be punished by lodging her into one of the reforming houses established for the direction and rehabilitation of women, for a period not less than three months and not to exceed two years.

Article 5:

- 1- One who kept, in some place, a male or a female of more than eighteen years of age for prostitution or sodomy by deception, coercion, force or threat shall be punished with imprisonment for a period not to exceed ten years.
- 2- If the age of the victim is less than eighteen years, the penalty shall not exceed fifteen years of imprisonment.
- 3- The court must decide on a fair compensation for the victim in both cases.

Article 6:

Every person with direct or indirect relations to a case initiated out of acts of brokering or prostitution or claiming a civil right initiated or resulting accordingly may be considered a party in the case.

Article 7:

- 1- Clause (1) of Article (130) of the Civil Code No. 40 Of 1951¹ as amended shall be applied to any claim of civil right initiated out of an act of brokering or prostitution.
- 2- It is banned for enforcement departments to process bonds signed by a prostitute to a broker including bonds geared to third parties if they are edited to a broker, his associate or any other person colluded with them. This does not preclude recourse to court on that bond.

Article 8:

Provisions on recidivism, complicity, multiple crimes, conspiratorial agreements and any other general rule stated in the Penal Code on lawfully punishable criminal acts shall be applied.

Article 9:

Extradition rules stated in the law shall be applied to the criminal in accordance with international conventions concluded with Iraq, if relevant, otherwise provisions of the Iraqi law shall be applied.

Article 10:

First: On the enactment of this law, the Ministry of Labor and Social Affairs shall prepare houses for reforming, directing and rehabilitating women as needed, and in the places it deems necessary to implement ethical, cultural and professional programs for the prostitutes aiming to empower them to earn their living by decent means.

Third: The Ministry shall allocate a special section in the Rehabilitation Directorate for Adults and Juveniles to lodge males convicted with practicing prostitution.

Article 11:

The competent judge, with the agreement of the detained prostitute, may terminate the reformatory detention in the following cases:

- 1- If one of the ascendants of the detainee, her spouse, guardian or a relative made a pledge committing him to her good upbringing, behavior and ethics and to pay the amount determined by the court in the pledge if a breach occurred.

¹ Article 130(1) of the Civil Code No. 40 of 1951 states: “The object of the obligation must not be legally banned nor must it be to the prejudice of public order and morals otherwise it must be null and void.”

- 2- If the detainee got married and the court is satisfied that the marriage is not for the purpose of evading provisions of this law.
- 3- If it is proved to the court by official reports that the detainee became capable of living with honor.

Article 12:

Every person sentenced with detention and escaping from Reformatory Houses shall be punished with no more than one year imprisonment or with a fine of not less than (100) Dinar and shall be returned to the house to complete the duration of detention.

Article 13:

A bylaw shall be issued to define the management of Reformatory Houses, study, vocational education, food, clothing, payments for the detainee in exchange for tasks assigned to her and all that is relevant to facilitate the application of provisions of this law.

Article 14:

Law on Combating Prostitution No. (54) of 1958 shall be canceled.

Article 15:

This law shall come into force from the date of publication in the Official Gazette.