

A Review of the Implementation of the UN Convention on the Rights of the Child
August 2011



Country Profile of Iraq

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The Child Rights Governance Programme in Save the Children Sweden's Regional Office for the Middle East and North Africa implemented the activities of the Manara Network: A Civil Society for Child's Rights in the Middle East and North Africa Region.

Work on Child Rights Governance aims to build societies that fulfil children rights by establishing and strengthening the infrastructure necessary for states to effectively implement the United Nations Convention on the Rights of the Child and other child rights obligations. It seeks to support a vibrant civil society pushing children up the political agenda and holding states to account for what they have or haven't done to realise children's rights. It is an effective strategy for impacting at scale the lives of millions of children, resulting in structural and lasting change.

Our long-term vision is that far more children have their rights fulfilled because:

- All states meet their obligations to monitor and implement children's rights
- A strong civil society, including children, holds states and the international community to account for children's rights

To advance this vision the Child Rights Governance Programme will have significantly contributed to two key objectives:

- Strengthened State institutions and mechanisms for the implementation and monitoring of children's rights,
- Increased awareness and capacity among civil society and children to promote children's rights and hold duty bearers to account

This publication was created by:

Save the Children Sweden, Regional Office
for the Middle East and North Africa - Beirut

Sanna Johnson, Regional Director
Ibrahim Faltas, Child Rights Governance Programme
Adviser
Mohamad Alasmar, Child Rights Governance Com-
munication Officer
Abdullah Alkhamissy, CRC/Civil Society Specialist -
Yemen
Marina Pinheiro, Child Rights Governance Pro-
gramme Officer

International Bureau for Children's Rights - Montréal

Nadja Pollaert, Director General
Guillaume Landry, Programmes Director
Elodie Le Grand, Project Manager - Middle East and
North Africa

Iraqi Child Rights Network - Erbil

Nazim Ahmed Ali, General Director of the Network
Yahya Adnan Lafta, Representative of the Network
Management Council
Samer Noorden Hassen, Representative of the Net-
work Management Council
Wajdy Ali Hasson, Representative of the Network
Management Council
Alaa Gatea Shanshool, Representative of the Network
Management Council
Srood Ismail Jalal, Translator

*Save the Children's vision is a world in which every child attains the
right to survival, protection, development and participation.*

*Save the Children's mission is to inspire breakthroughs in the way
the world treats children, and to achieve immediate and lasting
change in their lives.*

*The Manara Network is a regional network focused on coordinat-
ing and promoting information and action on children's rights in the
Middle East and North Africa. Based on the belief that civil soci-
ety can and should play a key role in the protection and promotion of
human rights in general and child rights in particular, Manara aims
to support civil society organisations and children in the MENA
region in their role as advocates and active development partners for
the rights of the child.*

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Project management: Ibrahim Faltas

Production management: Mohamad Alasmar

Authors: Iraqi Child Rights Network, with contributions
from Save the Children Sweden and the International
Bureau for Children's Rights

Editor: Charmaine Seitz, independent consultant

Graphic design: Charmaine Seitz

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Save the Children Sweden Regional office
P.O. Box 113-7167, Beirut, Lebanon

Phone: + 961 1 738 654/5

Fax: + 961 1 739 023

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Foreword

The project “Manara Network: A Civil Society for Child’s Rights” was designed and has been implemented by Save the Children Sweden in a time when the Middle East has experienced an Arab spring.

Our partners, the International Bureau for Children’s Rights and The Iraqi Child Rights Network, were key in producing this country report, a component of the Manara Network project.

The objective of this innovative project is to assure and contribute to effective development and implementation of policies, strategies and legislation in line with the Convention on the Rights of the Child at the national and regional levels in Middle East and North Africa countries. The overall project aim is to establish a regional child rights network of civil society organisations by supporting and strengthening the capacity of local organisations in four main components: analysis and reporting, coordination and networking, advocacy and child rights programme mainstreaming with a high degree of children’s participation. During the year, children across the region have been actively involved in the newly-developed child-led data collection. Based on their findings, the children developed their own animated movies for advocacy purposes, which can be found at www.manaracrc.org.

On behalf of Save the Children Sweden’s Regional Office for the Middle East and North Africa, I am happy to introduce you to one of the key components of the Manara project, the country profile, a report highlighting the commendable practices implemented by government, civil society (parents, non-governmental organisations, media, religious leaders, etc.) and the international com-

munity (United Nations agencies and international non-governmental organisations) towards compliance with the Convention on the Rights of the Child and its Optional Protocols.

The country profile component of the Manara project is a rigorous and exhaustive report on the status of the implementation of the Convention on the Rights of the Child. It aims to be a resource for identifying gaps and challenges on the status of the implementation of the Convention, to highlight the recommendations of the Committee on the Rights of the Child on specific matters, and to identify commendable practices implemented by the State, civil society and the international community in addressing these issues.

We encourage its use as an inspiration to neighbouring countries, since the exchange of experiences presented in the country profiles can only lead to positive changes in the promotion and protection of children’s rights in the region. I would also like to thank the Swedish International Development Cooperation Agency and their regional office in Cairo who believed in this idea and made the funding available.

Sanna Johnson
Regional Director, Save the Children Sweden

Regional Office for the Middle East and North Africa



Acronyms

| | |
|--|-------|
| Accelerated Learning Programme | ALP |
| Child Welfare Authority | CWA |
| civil society organisations | CSOs |
| Convention on the Elimination of Discrimination against Women | CEDAW |
| Convention on the Rights of the Child | CRC |
| Improvised Explosive Devices | IEDs |
| International Bureau for Children's Rights | IBCR |
| International Committee of the Red Cross | ICRC |
| international nongovernmental organisation | INGO |
| Iraqi Child Rights Network | ICRN |
| Iraq Health and Social Care Organisation | IHSCO |
| Iraq Rights Information Network | IRIN |
| Middle East and North Africa | MENA |
| Ministry of Labour and Social Affairs | MoLSA |
| Ministry of Migration and Displacement | MoMD |
| non-governmental organisations | NGOs |
| Office of Development and Humanitarian Support | ODHS |

| | |
|--|--------|
| Public Aid Organization | PAO |
| Return, Integration and Community Centres | RICCs |
| unexploded ordnance | UXOs |
| United Nations Assistance Mission in Iraq | UNAMI |
| United Nations Educational, Scientific, and Cultural Organization | UNESCO |
| United Nations Economic and Social Council | ECOSOC |
| United Nations High Commissioner for Refugees | UNHCR |
| World Health Organization | WHO |

Introduction

The Iraqi Child Rights Network

The Iraqi Child Rights Network (ICRN) is an Iraqi non-profit alliance of non-governmental organisations (NGOs) and activists that focuses on children and on the implementation of the rights of the child. The Network is guided by international human rights commitments and, particularly, by the Convention on the Rights of the Child (CRC). Its mission is to improve the status of Iraqi children, enabling them to enjoy a stable, safe, developed, and healthy life. In addition, its aim is to coordinate and work with official bodies in Iraq to promulgate laws concerning children, in accordance with humanitarian standards and international conventions directed at children. The Network's activities are principally carried out at a national level, while they are striving to expand internationally.

The Network's guiding objectives include: 1) building the capacity of Iraqi NGOs working on behalf of children and their rights, as well as building Iraqi children's trust in these organisations; 2) advocating for children's rights and creating and developing active channels for the realization and elimination of violations against children's rights; 3) establishing participatory, child rights-based mechanisms of development that respect Iraqi children's rights; and 4) contributing to the global movement to realise children's rights.

The International Bureau for Children's Rights

Created in 1994 and based in Montreal, Canada, the International Bureau for Children's Rights (IBCR) is an international nongovernmental organisation (INGO) with special consultative status with the United Nations Economic and

Social Council (ECOSOC). IBCR offers its expertise, particularly in the legal sector, to contribute to the protection and promotion of children's rights in conformity with the 1989 CRC and its Optional Protocols. IBCR is involved in projects around the world that facilitate the sharing of knowledge and good practices and the development of tools and models to inspire implementation of children's rights. IBCR's expertise also lies in raising awareness about children's rights to persuade decision-makers to adopt laws and programmes that more effectively respect the rights of the child. In recent years, IBCR's main successes include its exceptional contribution to the elaboration of the Guidelines on Justice in Matters Involving Children Victims and Witnesses of Crime, as well as their adoption by ECOSOC.

Save the Children Sweden

Save the Children Sweden was established in 1919 as an independent rights-based non-governmental organization (NGO) with no religious or political affiliations. The basis of its work is the CRC and the United Nations' Declaration on Human Rights. These build on the principles that all people are equal, children have special rights and everyone has a responsibility—but governments have a special obligation. Save the Children Sweden believes that children themselves can also fight for their rights, if they are given the chance to do so and if they receive support and encouragement.

Save the Children Sweden works both in Sweden and in eight regions around the world, carrying out its own programmes and in cooperation with other organizations. It is also part of Save the Children International, comprised of 27 Save the Children organizations. Save the Children's vision is a world in which every child attains the right to survival, protection, development and participation. Its mission is to inspire breakthroughs in the way the



world treats children, and to achieve immediate and lasting change in their lives.

About This Country Profile

All Middle East and North Africa (MENA) states have ratified the CRC since its adoption in 1989. Following ratification, MENA countries have enacted or proposed the enactment of laws to protect children from violence, abuse, neglect, and exploitation. Demonstrating a willingness to realise the promotion and protection of children's rights, states have introduced legislation that provides for the protection of the child. Some states have gone further by implementing comprehensive mechanisms to not only prevent violations of children's rights, but also to monitor the situation and ensure justice for victims of violations. Despite these initiatives, however, the rights of children in the 17 countries of the region continue to face challenges.

In fact, child protection remains a sensitive issue in MENA countries, some of which have yet to comply fully with international standards. The nature and extent of child protection concerns varies from country to country, and includes issues such as violence against children, harmful practices (particularly female genital mutilation and early marriage), juvenile justice, exploitative child labour, and birth registration. Children in Lebanon, Yemen, Iraq and the occupied Palestinian territories have been exposed to political violence and conflicts, and have been affected by the deteriorating humanitarian situation. In other countries around the region, children also face violence, abuse, neglect, and discrimination. However, all children deserve the full enjoyment of their rights including the right to education, health, housing, and a basic standard of living, as well as the right to express their views, to be heard, and to participate in matters concerning them.

Civil society organisations (CSOs) are a driving force of society. Their continual and often thankless work has resulted in increased awareness, sensitisation, monitoring, and reporting of violations of children's rights. As guardians of international human rights instruments, and more specifically of the CRC, CSOs have played a key role in raising awareness, denouncing violations, protecting victims and advocating, promoting and defending children's rights against abuse, violence, exploitation, ignorance, and contempt. In many parts of the world, including in the MENA region, CSOs have above all served to denounce violations of children's rights, often in conflict with public authorities, at the risk of grave consequences.

However, too few local CSOs obtain recognition from the international community for their competency in these areas. Often, international organisations will rely on local organisations, who are rooted in the reality on the ground and working directly with children afflicted by the problems under study, to obtain their data and analysis of the situation. The international organisations then produce reports that are considered credible and speak on behalf of these affected populations. By being actors of public policy and therefore essential in the development of democratic governance, local CSOs should also be heard at the international level.

About the Manara Network

Bearing in mind the importance of the role of civil society organisations (CSOs) in ensuring the respect, protection and fulfilment of children's rights, the project "Manara Network: A Civil Society for Child's Rights" was designed and implemented by Save the Children Sweden in collaboration with IBCR, along with local civil societies from the region. This innovative project was made possible thanks to the funding of the Swedish International Development Agency.

The objective of the project is to contribute to the effective development and implementation of policies, strategies and legislation in line with the CRC in MENA countries but also at the regional level. The project aims to establish a regional child rights network of CSOs by supporting and strengthening the capacity of local organisations in four main components: analysis and reporting, coordination and networking, advocacy and child rights programming mainstreaming.

One of the components of the project is the production of a country profile. This report highlights commendable practices implemented by the government, civil society (including parents, local non-governmental organisations, media and religious leaders, among others) and the international community (both United Nations agencies and INGOs) to improve compliance with the CRC and, where applicable, its Optional Protocols.

The country profile component of the Manara project is two-fold: it includes the publication of a credible and exhaustive report on the status of implementation of the CRC in each country, but also involves strengthening the capacity of local CSOs in conducting research and analysis. To this end, the IBCR provided technical expertise and support to partners. During the project, a one-week training workshop on research methodology on children's rights was given on site to each partner, followed by a complementary training session a few weeks later. Throughout the project, the IBCR provided support

“Child protection remains a sensitive issue in MENA countries, some of which have yet to comply fully with international standards.”

.....

in drafting the report in order to ensure its credibility and reliability.

Methodology Used

In order to paint a clear picture of the situation of children's rights in its respective country, each partner conducted an exhaustive literature review to identify existing reports and documents on all issues affecting the rights of children, followed by field research involving a series of interviews with identified stakeholders. Key respondents in relevant government ministries and institutions, local and INGOs, academics, unions and professional associations, media, religious authorities and United Nations agencies were contacted and interviewed. These interviews contributed to filling the gaps identified through the desk research. By meeting with relevant stakeholders, partners were able to gather information about the practices implemented by governmental and non-governmental actors following the recommendations of the Committee on the Rights of the Child in its latest Concluding Observations, as well as the challenges they faced.

The availability of respondents contacted in the course of the research for this project, and their willingness to share their experiences, allowed partners to identify praiseworthy initiatives implemented by a variety of stakeholders, at the same time as noting the gaps and overlaps that may prevent children from the full enjoyment and exercise of their rights. Therefore, the results of the research are based on responses given by a wide range of interlocutors in corroborating and completing data collected from secondary sources, so as to depict as accurately as possible the situation of children's rights in the country.

The country profile was drafted by Srood Ismail Jalal. Nazim Ahmed Ali managed the project, coordinated the research team and liaised with the IBCR. Sameer Noo-

radeen Hassan was responsible for all legal issues, while Alaa Gatea Shanshool, Yahya Adnan Lafta, and Wajdi Ali Hasson were in charge of collecting information and conducting interviews nationwide. Moreover, other coordinators and members of ICRN from various Iraqi provinces cooperated on this project by conducting interviews with different stakeholders. In the course of this research, the ICRN conducted 93 interviews with representatives of the Kurdistan Parliament, the Iraq Council of Representatives, Iraqi government ministries, the Kurdistan Regional Government, and representatives of international organizations and CSOs. The ICRN would like to express its sincere gratitude for the availability of these interviewees, which allowed for a more comprehensive understanding of the situation.

Constraints and Challenges

Besides the contextual challenges specific to each country, the writing of the country reports has faced some constraints. The lack of up-to-date statistical data or information was a challenge common to all partners. While each country has rather extensive expertise on children's rights, accessing it remains a challenge as reports and studies conducted by experts and other stakeholders are not available to the public. Also, taboos and cultural considerations sometimes prevented partners and respondents from having reliable and accurate data on issues that remain unspoken of, underreported and therefore, unaddressed. On the other hand, stakeholders were at times reluctant to share their experience on the initiatives implemented. Therefore, the report reflects only information that was corroborated by various stakeholders.

Most country profiles were written by January 2011. While some countries have undergone major changes following uprisings in the MENA area, these reports do not reflect

legislative amendments or projects implemented in the first quarter of 2011.

Specifically in Iraq, interlocutors assisting with the writing of the country report were often reluctant to share information about their projects because of the unstable security situation and concern that the information they presented could be used to undermine their credibility. While the ICRN tried to gather as much information as possible on initiatives implemented, the results remained incomplete.

There are numerous practices that were not included in the profile as a result, but will hopefully be presented in future revisions. In producing this country profile, the ICRN hopes to provide a basis for coordination and advocacy in the country in order to support meaningful and lasting improvements in the lives of Iraqi children.

General Statistics on Iraq

| | |
|---|-------------------------------|
| Official Name | Republic of Iraq |
| Capital | Baghdad |
| Official Language/s | Arabic & Kurdish |
| Type of Political Regime | Parliamentary |
| Date of Independence | 3 October 1932 ¹ |
| Date of Admission to United Nations | 21 December 1945 ² |
| Total Population | 30.747 million ³ |
| Youth (under 18) | 14.432 million ⁴ |
| Children (under 5) | 4,450 million ⁵ |
| Density (people per km ²) | 70 ⁶ |
| Urban Population (%) | 67% ⁷ |
| Life Expectancy (2008) | 68 ⁸ |
| Fertility Rate | 4.1 ⁹ |
| Adult Literacy Rate (% over 15, 2003-07) | 89/81 ¹⁰ |
| People living on less than USD 2.20/day (%) | 23 ¹¹ |
| Average annual GDP growth per capita (%) | N/A |

Country Overview

1. Demographic and Geographic Presentation

Iraq is located in the Middle East and shares borders with Kuwait (240 km), Iran (1,458 km), Turkey (352 km), Syria (605 km), Jordan (181 km), and Saudi Arabia (814 km). The geography of Iraq can be divided into four main zones or regions: the Tigris-Euphrates alluvial plains in central and south-eastern Iraq; Al-Jazirah, an upland region in the north between the Tigris and Euphrates rivers; deserts in the west and south, covering about two-fifths of the country; and highlands in the northeast.

Iraq has a total surface area of 438,446 km², which includes 4,910 km² of water area, and 58 km of coastline on the Persian Gulf. The climate in Iraq is dominated by the desert air, with mild winters and cool to hot dry summers. The average temperature ranges from 48 degrees Celsius in July and August to below zero in January. Moreover, the winter in the northern areas of Iraq near the Iranian and Turkish border is cold with heavy snowfall. Melting snow in early spring causes flooding in central and southern Iraq. Most rainfall occurs from December to April, with more showers in the north of Iraq. Natural disasters seen in Iraq include dust storms, sand storms, and floods. The main natural resources found in Iraq are oil, natural gas, phosphate, and sulphur.¹²

Iraq includes many ethnicities and religions. The population is mostly Arab with a Kurdish minority. Islam is the official state religion and Arabic and Kurdish are the two official languages.¹³ It is the fourth most populated country in the Middle East and has one of the highest fertility rates in the region.¹⁴ Hence, the population has



doubled 11 times during the 20th century. Despite the fact that there has not been any national population census since the 1980's, the population of Iraq was estimated at 31,234,000 inhabitants in 2009.¹⁵

2. Historical Overview

Iraqi territory is home to one of the oldest civilisations in the world and has a rich cultural history spanning more than 10,000 years. In the time of antiquity, the territory of modern day Iraq was referred to as Mesopotamia, the birthplace of civilisation. Many of the world's most renowned archaeological treasures lie in Iraq. The fertility of its land, made possible by irrigation systems fed by the Euphrates and Tigris rivers, brought hordes of invaders to the area throughout its history. After being occupied by the Ottoman Empire and Britain, Iraq gained its independence in 1932.

Once a constitutional monarchy, Iraq has been a republic since the 1958 coup d'état that brought the reign of King Faisal II to an end. In the aftermath of the overthrow, a period of instability followed punctuated by attempted coups, counter coups, and fierce Kurdish uprisings. It was only after the rise of Saddam Hussein and the signing of the Algiers agreement in 1975 that settled disputes with Iran that Iraq was able to gain back its political stability and economic prosperity.

However, the 1980s saw the country return to instability and economic hardship as the long-lasting Iran-Iraq war took a deadly toll. The war also caused Iraq's national debt to grow immensely. In August 1990, Iraq invaded Kuwait and in response the United Nations Security Council (UNSC), on 6 August 1990, passed Resolution 661 which imposed economic sanctions on Iraq. The sanctions prevented almost all types of economic exchange from occurring. On 17 January 1991, with the participation of

28 countries, a military campaign was launched to remove Iraq from Kuwait. From 6 August 1990 until April 2003, the Iraqi people endured a complete economic blockade. On 14 April 1995, the UNSC passed Resolution 986 allowing Iraq to export some of its oil and oil products to buy food and medicine under the 'Oil-for-Food Programme'.¹⁶ In 2003, the United States launched a war against Iraq, without the approval of the UNSC, resulting in the overthrow of Saddam Hussein's regime and the subsequent occupation of the country by US forces. The lack of political progress since the 2003 invasion has produced resentment against the occupation, which has in turn fuelled the insurgency in the country.¹⁷

3. National Political System

Following the overthrow of Saddam Hussein's government in 2003, the United States and its coalition allies established the Coalition Provisional Authority (CPA). The CPA appointed the 25-member Iraqi Governing Council (IGC) which assumed limited governing functions. In March 2004, the IGC approved an interim constitution.¹⁸ On 30 June 2004, the Iraqi Interim Government was formed.¹⁹ However, it was later dissolved and replaced by the Iraqi Transitional Government after the elections of 2005. The main tasks of the interim government were to pave the way to democratic elections, choose a permanent Iraqi Council of Representatives, and ratify a permanent Iraqi constitution.²⁰ On 15 October 2005, the permanent Iraqi Constitution was approved by referendum.²¹ The Constitution addresses a range of human rights standards and principles, especially in articles 14 to 46.

According to the Constitution, the Republic of Iraq has a federal system of government. It consists of three branches, the legislative, executive, and judicial. The Legislative branch consists of the Council of Representatives

and the Federation Council. The Council of Representatives is composed of 325 members with a ratio of one seat per 100,000 Iraqis. In total, 11 out of the 325 seats are for minorities (eight seats for Christians, one seat for Yazidis, one seat for Mandaean Sabeans and one seat for Shabak). No less than 25% of the members of the Iraqi Council of Representatives should be women.²²

The mandate of the Council of Representatives includes enacting federal laws, monitoring the executive branch, and electing the President of the Republic. The Federal Council had not been formed at the time of writing.

The executive power is exercised by a Presidency Council consisting of one President, up to three Vice Presidents, and a Council of Ministers comprising of one prime minister, three deputy prime ministers, and 43 cabinet ministers. The President is the Head of State, while the Prime Minister is the direct executive authority. The President and Vice Presidents are elected by the Council of Representatives, and the Prime Minister is nominated by the President. However, he/she must be approved by a majority of the members of the Council of Representatives. Once nominated, the Prime Minister names the members of his cabinet, the Council of Ministers, which should be approved by the Council of Representatives. Members of



An Iraqi boy, Mahmoud Subah, runs in the street, elated that it is finally clear of water and he is able to play outside.. *Courtesy of the Iraqi Child Rights Network*

the executive branch serve for four years, similar to the Council of Representatives.²³

The judicial authority is comprised of the Higher Judicial Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission, and the other federal courts.²⁴

According to Article 119 of the Constitution, each governorate has the right to become a region. The procedure for becoming autonomous includes the submission of a request by one-third of the Council members of each governorate intending to form a region, followed by a request supported by one-tenth of the voters in each of the governorates concerned.²⁵

A request for referendum should then be submitted to the Council of Ministers, who will ask the independent High Commission of Election within 15 days from the date of submission to organise a referendum in the region concerned within three months. To be successful, the referendum should win a majority of votes, and participation in the referendum should not be less than 50% of all voters.⁶²

Article 120 of the Constitution states that “each region shall adopt a constitution of its own that defines the structure of powers of the region, its authorities, and the mechanisms for exercising such authorities, provided that it does not contradict this Constitution.” More importantly, the first paragraph of Article 121 of the Constitution states that “the regional powers shall have the right to exercise executive, legislative, and judicial powers in accordance with this Constitution, except for those authorities stipulated in the exclusive authorities of the federal government.”²⁷

Iraq is comprised of 18 governorates and one autonomous region. Kurdistan Region has a Council of Ministers, a President of the province, and a local Parliament

that consists of 11 members. It is divided into three governorates (Erbil, Sulaimaniya, Dohuk).²⁸

In March 2010, legislative elections were held, however a Government was only established in December 2010. Portfolios of the government were assigned according to the proportion of seats to political parties. At the time of writing, three ministries were still missing a minister (defence, interior and planning).

4. Social and Economic Situation

The Iraqi economy generally depends on oil, agriculture, and industry. Ninety percent of revenues come from oil production. In 2010, the gross domestic product (GDP) was USD 113.4 billion, with a growth rate of 0.8%. In the same year, 63% of the GDP came from industry (petroleum, chemicals, textiles, leather, construction, food processing, fertilizer, and metal fabrication and processing), 9.7% came from agriculture (wheat, barley, rice, vegetables, dates, cotton, and livestock), and 27.3% came from services. External debt was estimated at USD 52.58 billion in end 2010.²⁹

Official sources estimated governmental debt at USD 92.3 billion in 2010, including USD 87.7 billion in external debt and USD 4.6 billion in domestic debt. In spring 2003, the country's entire debt was estimated at USD 130-140 billion.³⁰

Iraq achieved a growth income per capita, from USD 815 in 2003 to USD 2,810 in 2007.³¹ In addition, while inflation characterised the 1990s, reaching 500%, it was down to 36% in 2007³² and 4.2% in 2010.³³ The agricultural sector was characterised by a significant deficit in domestic production of food, especially crops, and main products. Iraq's economy lacks competitiveness in the production of vegetables and livestock due to limited water resources,

despite the existence of the Tigris and Euphrates rivers. Furthermore, a small percentage of the country's arable land is exploited for agriculture.

Fifty-two percent of the population aged 15 to 64 was economically active in 2008. Eighty-three percent of the active population was male and 17% was female. The unemployment rate was 28% in 2003 but fell to 15% in 2008.³⁴ In 2008, 25% of the population was estimated to live under the poverty line.³⁵

In 2008, 79% of the population had access to safe drinking water (95% in urban areas and 75% in rural areas). As a result of war and instability, as well as the economic sanctions that were imposed on Iraq, the production of electricity has been in decline in the country since 1994. Therefore, in spite of the increase in the production of electrical energy, the country suffered from a shortage of 38% in electricity in 2008.³⁶

Iraq has yet to ratify the United Nations Convention against Corruption (UNCAC) and corruption is common. Religious, ethnic and tribal affiliations are prioritised over national interests. In late 2006, Iraq ranked 160 out of 163 countries in a survey by Transparency International measuring global corruption. By 2007, it was ranked 178th out of 179 countries measured. This is the worst ranking in the Middle East.³⁷

5. General Human Rights Situation

The general human rights situation in Iraq has been a matter of concern to the international community since former President Saddam Hussein's rule. Under his regime, numerous human rights violations were reported such as the use of chemical weapons in Halabja, mass executions, systematic assassinations, torture and arbitrary imprisonment, and allegations of genocide. There were

also restrictions on freedom of movement, expression, and the press. Political parties were prohibited. In addition, Faily Kurds were displaced, orchards razed, property confiscated, and homes of citizens demolished.³⁸

After the fall of Saddam Hussein, a new constitution was voted on in 2005 granting Iraqis more constitutional rights. Although Iraq now has a freely-elected government, the general human rights situation in the country is affected by its insecurity and instability. Constitutional rights are restricted in certain provinces due to the ongoing state of emergency. Moreover, it is alleged that many citizens continue to be detained in secret without any legal proceedings. Federal prisons are overcrowded and prisoners frequently have their rights violated. Journalists are subjected to beatings and imprisonment.³⁹ Moreover, the insurgency inside the country has caused a large part of the population to be displaced.⁴⁰

From 2006 to 2009, Iraq saw struggles over religious, sectarian, political, national, and ethnic identities. Violence killed and injured hundreds of civilians each month. Government buildings, checkpoints, embassies, hotels, factories, markets, and mosques, weddings, funerals, and those gathered for religious pilgrimages were targeted. As a result of the ongoing attacks, civilians were displaced both internally and internationally.⁴¹ In the absence of security, it is estimated that there are more than one million displaced people and a large number of refugees.

The death penalty is still enforced in Iraq and 122 executions were carried out between 2005 and 2010. Women are considered a "cheap commodity" and are trafficked inside Iraq and outside.⁴² In sum, "[w]idespread poverty, economic stagnation, lack of opportunities, environmental degradation and an absence of basic services constitute 'silent' human rights violations that affect large sectors of the population."⁴³

The Children of Iraq

.....

The children of Iraq are exposed to a wide range of threats, including death and injury from sectarian violence, military operations, unexploded ordinance, and the lasting effects of war. In addition, children are attacked at school and cases of abduction have been reported. Disruptions, poor quality education, and displacement have prevented children from receiving education. Children have also been severely impacted by poverty. Chronic malnutrition and child labour rates are rising. Reports indicate that children are victims of sexual violence, forced marriages, ‘honour crimes’, and trafficking. Accessing essential services is a daily challenge to the whole community, which has a particular impact on children’s well-being, mental health, and development.

The Iraqi and Kurdistan governments have made efforts to address the needs of children; these are augmented by initiatives from civil society organisations. Since Iraqi civil society is quite young, initiatives are often sporadic and uncoordinated with a lot of energy dedicated to finding resources and funds for implementation. Most projects aim to fulfil children’s needs in terms of education, nutrition, shelter, and health. However, there is a lack of initiatives addressing issues related to children through a rights-based approach. Since knowledge of the Convention on the Rights of the Child remains limited throughout Iraq, there is a need for a more coherent and coordinated approach to increase awareness on children’s rights and the ways that they can participate in society.

1. The Convention on the Rights of the Child and the Optional Protocols

i. General Overview

Iraq acceded to the Convention on the Rights of the Child on 15 June 1994. The first report was submitted to the Committee on the Rights of the Child on 6 August 1996 and the Committee issued its first Concluding Observations on 26 October 1998. Iraq was supposed to submit the second report on 14 June 2001, but it is still pending. On 24 June 2008, Iraq acceded to the Optional Protocol to the Convention on the Rights of Child on the involvement of children in armed conflict and to the Optional Protocol to the Convention on Rights of Child on the sale of children, child prostitution and child pornography. However, it has not yet submitted any reports regarding these Optional Protocols.

“Since Iraqi civil society is quite young, initiatives are often sporadic and uncoordinated with a lot of energy dedicated to finding resources and funds for implementation.”

.....

In its initial report to the Committee on the Rights of Child, Iraq expressed concern about the “tragic circumstances brought about by the ongoing economic embargo that was imposed on it under the terms of Security Council Resolution 661 of 6 August 1991, the serious consequences of which have affected all aspects of life, particularly in the case of children who constitute the most vulnerable section of the population.” Parts of the report were dedicated to discussing the impact of the economic embargo on rights ensured in the Convention on the Rights of the Child.⁴⁴

**ii. Ratification and Reporting to the
Committee on the Rights of the Child by Iraq and Relevant Alternative Report Submissions**

| | REPORT NUMBER | TYPE OF REPORT | DUE DATE | DATE OF SUBMISSION | CODE OR NAME OF OR- GANISATION |
|---|------------------|----------------------------|----------------------|-----------------------|--------------------------------------|
| Convention on the Rights of the Child Accession 15 June 1994 | 1 | State report | 14 July 1996 | 6 August 1996 | CRC/C/41/Add.3 |
| | 1 | Concluding Observations | | 26 October 1998 | CRC/C/15/Add.94 |
| | 2 | State report | 14 July 2001 | Not yet received | |
| Optional Protocol to the CRC on the in- volvement of children in armed conflict Accession 24 June 2008 | 1 | State report | 24 August 2010 | Not yet received | |
| Optional Protocol to the CRC on the sale of children, child prostitution and child pornography Accession 24 June 2008 | 1 | State report | 24 July 2010 | Not yet received | |

iii. Reservations

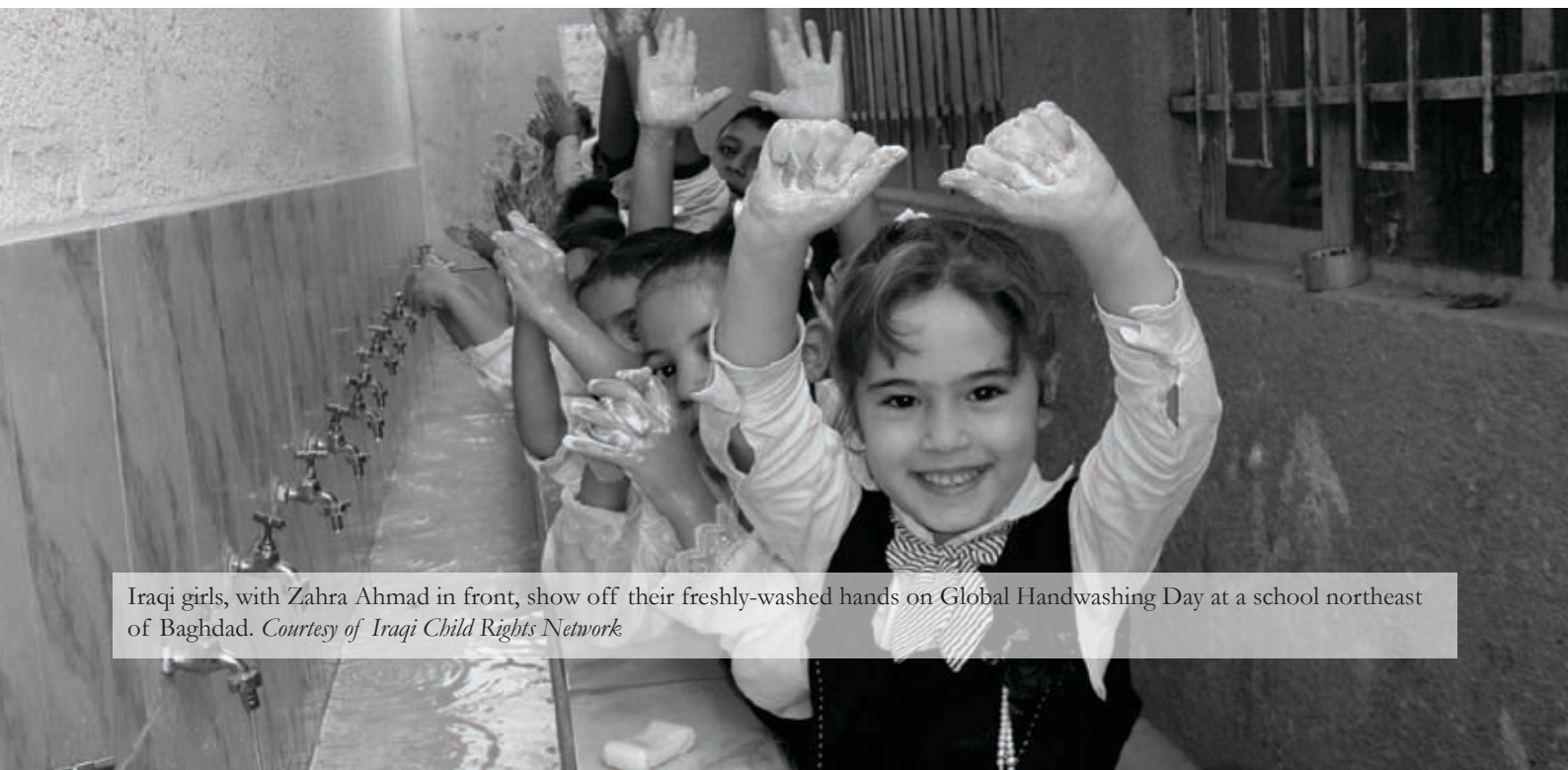
Upon ratification of the Convention on the Rights of the Child, Iraq made one reservation regarding article 14, paragraph 1. It said that the Convention, on this issue, “was applicable only in certain cases. According to Muslim law (*Sharia*), a child born of parents who were not both Muslims could, on attaining his or her majority, choose between the Christian and Muslim religions.” The report writers went on to say that this reservation was not “specific to the Convention” but rather “attested to the country’s social values which were based on national sovereignty and the Islamic Sharia.”⁴⁵ According to the Government, it is not possible for Iraq to cancel the reservation as it contradicts the Iraqi Constitution, which affirms that Islam is the official state religion and is a basic source of legislation. Also, children inherit religion from fathers and Muslims are not given the freedom to choose a religion.⁴⁶

iv. Punctuality/Quality of State Report

Iraq submitted its first report to the committee on 6 August 1996. There was no alternative report submitted. The Committee’s Concluding Observations were published on 26 June 1998. Out of 28 paragraphs in its Concluding Observations, the Committee included 22 concerns and recommendations to Iraq. Since the submission of the last Concluding Observations, Iraq has not submitted any new report to the Committee.

v. The Concluding Observations of the Committee

The Committee responded positively to “the fact that the Convention is self-executing within the State party and that its provisions may be invoked before the courts.” It also noted the development of a Child Protection Policy,



Iraqi girls, with Zahra Ahmad in front, show off their freshly-washed hands on Global Handwashing Day at a school northeast of Baghdad. *Courtesy of Iraqi Child Rights Network*

a programme for reproductive health implemented by the Association for Family Planning and the Ministry of Health, and the Mother and Child Unit established within the Central Statistical Office. Further, the Committee applauded the introduction of compulsory education and the development of a programme to combat illiteracy.⁴⁷

vi. Main Factors and Difficulties Impeding the Implementation of the CRC and the Optional Protocols

In its Concluding Observations, the Committee noted that it remained concerned that, while the Government of Iraq had developed a substantive legislative framework, the provisions and principles of the Convention were not fully reflected in law. The Committee recommended that the State party take all appropriate measures to engage a process of legal reform, for example, by enacting a children's code to ensure full compliance with the Convention.⁴⁸ In addition, in light of Article 4 of the Convention, the Committee was concerned that insufficient attention had been paid to allocating budgetary resources in favour of children to the maximum extent available and, where needed, within the framework of international cooperation. It recommended that the State party prioritise budgetary allocation to ensure the protection of the economic, social, and cultural rights of children, especially taking into account articles 2, 3, and 4 of the Convention. Further, the Committee also recommended that the State party seek to eliminate the disparities between urban and rural areas and between provinces.⁴⁹

The Committee also expressed its concern that the State party did not appear to have fully taken into account the provisions of the Convention in its legislation, its administrative and judicial decisions, or its policies and programmes relevant to children. It was recommended that further efforts be undertaken to ensure that the general

principles of the Convention guide policy discussions, decision-making, and are appropriately reflected in any legal revision or judicial and administrative decisions, as well as in the development and implementation of all projects and programmes impacting children.⁵⁰

vii. Overview of the Response of the Government to the Committee

In its response to the Committee, Iraq mainly focused on two issues: the effect of economic embargo on Iraqi children, and the “military aggression of 1991”.⁵¹ In the Summary Record of the Committee's 482nd meeting, the Iraqi delegation emphasised these issues, saying “it was widely known that Iraqi children were the foremost victims of the military aggression perpetrated by coalition forces against Iraq in 1991 and of the effects of the embargo imposed on the country over the course of eight years.”⁵²

2. Applicable International and Regional Human Rights Instruments

i. Overview

Iraq has acceded to a number of international treaties that have had an impact on children's rights. As stated earlier, these include the Convention on the Rights of Child and both its Optional Protocols, the Convention against Discrimination in Education, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. However, Iraq still has not acceded other international treaties similarly important for the rights of children.

ii. Relevant International and Regional Human Rights Conventions and Treaties and their Status of Ratification by Iraq

| INTERNATIONAL AND REGIONAL HUMAN RIGHTS CONVENTIONS/TREATIES | STATUS | STATE'S REPORTING RECORD |
|--|--------------------------------|------------------------------------|
| Admission to the UN | 21 December 1945 | Does not apply |
| Convention on the Rights of the Child (CRC) | Accession – 15 June 1994 | CRC/C/41/Add.3 – 6 August 1996 |
| Optional Protocol to the CRC on the involvement of children in armed conflict | Accession – 24 June 2008 | Not yet submitted |
| Optional Protocol to CRC on the sale of children, child prostitution and child pornography | Accession – 24.06.2008 | Not yet submitted |
| International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) | Ratification – 14 January 1970 | CERD/C/320/Add.3 – 16 June 1998 |
| Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) | Accession – 13 August 1986 | CEDAW/C/IRQ/2-3 – 13 October 1998 |
| Optional Protocol to CEDAW | No action | Not yet submitted |
| International Covenant on Economic, Social and Cultural Rights | Ratification – 25 January 1971 | E/1994/104/Add.9 – 8 December 1995 |
| International Covenant on Civil and Political Rights (ICCPR) | Ratification – 25 January 1971 | CCPR/C/103/Add.20-5 February 1996 |
| Optional Protocol to the ICCPR | No action | Not yet submitted |
| Second Optional Protocol to the ICCPR | No action | Not yet submitted |
| Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) | No action | Not yet submitted |
| Optional Protocol to the CAT | No action | Not yet submitted |
| Convention on the Rights of Persons with Disabilities | No action | Not yet submitted |
| Optional Protocol to the Convention on the Rights of Persons with Disabilities | No action | Not yet submitted |

| | | |
|--|---------------------------------|----------------|
| Convention for the Protection of All Persons from Enforced Disappearance | No action | Does not apply |
| Convention Related to the Status of Refugees | No action | Does not apply |
| Protocol Relating to the Status of Refugees | No action | Does not apply |
| Convention on the Reduction of Statelessness | No action | Does not apply |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | No action | Does not apply |
| Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others | Accession – 22 September 1955 | Does not apply |
| Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children | No action | Does not apply |
| Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages | No action | Does not apply |
| Convention concerning the Minimum Age for Admission to Employment (C-138) | Ratification – 13 February 1985 | Does not apply |
| Convention concerning the Elimination of the Worst Forms of Child Labour (C-182) | Ratification – 9 July 2001 | Does not apply |
| Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption | No action | Does not apply |
| Convention on the Civil Aspects of International Abduction | No action | Does not apply |
| Convention against Discrimination in Education | Ratification – 8 June 1977 | Does not apply |
| Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field | Accession – 14 February 1956 | Does not apply |
| Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea | Accession – 14 February 1956 | Does not apply |
| Geneva Convention (III) relative to the Treatment of Prisoners of War | Accession – 14 February 1956 | Does not apply |

| | | |
|---|--------------------------------|----------------|
| Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War | Accession – 14 February 1956 | Does not apply |
| Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Protocol I) | Ratification – 1 November 1979 | Does not apply |
| Protocol Additional to the Geneva Conventions Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) | Ratification – 1 November 1979 | Does not apply |
| Rome Statute of the International Criminal Court | No action | Does not apply |
| Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personal Mines and on Their Destruction | Accession – 15 August 2007 | Does not apply |
| Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementing the UN Convention Against Transnational Organized Crime | No action | Does not apply |
| Convention on Cluster Munitions | Signature – 12 November 2009 | Does not apply |

3. National Legal Framework and Practices Affecting Children's Rights

i. The National Legal Framework

Under the previous regime (1963-2003), the Constitution was temporary and therefore subjected to unexpected modification. Since 2005, the new Iraq Constitution is permanent and amendments can only be made through a specific process. According to Article 126 of the Constitution, the President of the Republic and the Council of the Ministers collectively, or one-fifth of the Council of Representatives members, may propose to amend the Constitution. However, the fundamental principles

mentioned in Section One and the rights and liberties mentioned in Section Two of the Constitution may not be amended except after two successive electoral terms (i.e. after 2013) with the approval of two-thirds of the members of the Council of Representatives, the approval of the Iraqi people in a general referendum, and ratification by the President of the Republic within seven days.

Since the latest Concluding Observations by the Committee on the Rights of the Child, no law has been amended in relation to provisions of the Convention on the Rights of the Child, except for Labour Law No. 71 of 1987, which was amended by the Coalition Provisional Authority (Order 89) in December 2006. One of the amendments

made defined and prohibited child labour, providing for punishment of those who violate the law.⁵³

Specifically, this amendment prevents juveniles from working in difficult or harmful environments. It also prohibits the worst forms of child labour (defined as slavery or practices similar to slavery), including child trafficking, serfdom, and recruitment of child soldiers. Exploitation of children for prostitution or the production of pornography also falls into this category.

Under the previous legal framework, the provisions of the Convention had legal effect within the domestic legal system. The Ministry of Human Rights was responsible for “ensuring the compatibility of domestic legislation with the Convention,” and “all legislation adopted since the accession to the Convention was compatible with its provisions.” This was viewed positively by the Committee.⁵⁴

However, under the new Constitution of 2005, the Convention can no longer be invoked before the Courts. In case of a contradiction between the Convention and the national legislation, Iraqi law has precedence over the Convention. The main laws impacting children’s rights are Personal Status Law No. 188 of 1958, Labour Law No. 71 of 1978, Juvenile Care Law No. 76 of 1983, Minors Care Law No 78 of 1980, and the Compulsory Education Law.

ii. The Main Stakeholders on Children’s Rights

a. *Government Bodies*

The Child Welfare Authority (CWA) is the primary government mechanism responsible for children. It was established under Act No. 272 of 1982 and incorporates 12 members, representatives from 12 different ministries.⁵⁵ The CWA is part of the Ministry of Labour and Social Affairs but has no budget of its own. However, the CWA

observes the work of various institutions and departments, including for example the school of observation, the Department of Labour and Vocational Training, and the Department of Care for People with Special Needs. In 2008, the CWA was established in Kurdistan Region.

The responsibilities of the CWA include: drawing up general policies for the protection and promotion of child rights; coordinating the activities of bodies working in this field; improving children’s services; monitoring the progress of programmes established by various authorities; promoting the amendment or promulgation of legislation; coordinating with authorities the organisation of conferences, seminars and international events; coordinating with authorities the research and collection of statistics on children; submitting proposals for agreements between Iraq and other states relating to the protection of children; and consulting national and international experts.⁵⁶ Furthermore, the CWA is to ensure children’s participation in the writing of Iraq’s report on the Convention on the Rights of the Child and its two Protocols. The mechanism of the CWA’s work depends on the related ministries. According to the CWA, these mechanisms need to be developed and require greater coordination, particularly that the children in Iraq face many difficult challenges.⁵⁷

The CWA based in Baghdad presented a Bill of Iraqi Children and a bill establishing a Children’s Parliament to the Council of Representatives in 2010. However, no related laws were in process at the time of this writing. It was reported that UNICEF and the CWA have been considering ways to implement the Child Parliament law in Iraq.⁵⁸ For the draft Bill of Iraqi Children to be adopted, it must be reviewed by members of the Council of Representatives and discussed and approved by the majority of its members.⁵⁹ The content of the draft bill remains confi-



dential until the first reading by members of the Council of Representatives.

The CWA is working with Danish officials in drafting a Child Protection Policy. The main objectives of the Child Protection Policy are to protect children from violence, poverty, and reduce the incidence of children who drop out of school. The plan is expected to be finalised by the end of 2011. UNICEF and Save the Children are supporting the members of the CWA by providing training on children's rights.⁶⁰

In 2010, the CWA also formed a committee headed by the Ministry of Labour and Social Affairs to analyse the problem of children 'begging' in the streets. This committee made two recommendations: first, to reduce the number of children dropping out of schools and second, to increase Iraq's social protection system through a stipend provided to poor families.⁶¹

The Ministry of Human Rights was established in September 2003. The ministry reports regularly on the state of human rights in Iraq, including to committees in charge of international conventions signed by Iraq.⁶² The National Institute for Human Rights, established 1 January 2008, is the centre for scientific and academic training in the Ministry of Human Rights. The Institute uses experienced trainers to provide field training in centres, government institutions, and civil society institutions inside and around Baghdad, including in rural areas. In cooperation with the Ministry of Human Rights and other ministries, the institute prepares seminars and workshops.⁶³ A Ministry for Women's Affairs was established in 2004 but it is no longer in existence.⁶⁴

The Ministry of Migration and Displacement (MoMD) was formed on 4 September 2003 by the interim government to address the needs of the displaced and migrants.

Comprised of four ministers, the MoMD aims to facilitate services and support for the displaced and coordinate with humanitarian and United Nations organisations agencies.⁶⁵

In addition, to better respond to Iraq's humanitarian needs, emergency cells were created including representatives of governmental and non-governmental organisations. Governors, Provincial Council members, representatives of the ministries of Health, Education, Labour and Social Affairs, and Displacement and Migration work alongside representatives of the International Organization for Migration, the United Nations High Commissioner for Refugees, the United Nations Office for the Coordination of Humanitarian Affairs and other international organisations. These emergency seek to address issues arising from displacement, among them emergency response, displacement, and humanitarian assistance. The emergency cells also facilitate administrative matters, providing, for example, official documents allowing children to enrol in schools. Each cell is headed by the Governor and meets monthly or in an emergency. There is an emergency cell in all provinces except for the provinces of Nineveh, Kirkuk, and Maysan.⁶⁶

b. National Councils and Independent Human Rights Institutions

In 1998, the Committee expressed concern at the absence of "an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention." It recommended that an independent mechanism be made accessible to children to address complaints of rights violations and to provide remedies for such violations.⁶⁷

In 2008, the Government issued Law No. 53 of 2008 for the Establishment of an Independent High Commis-

sion for Human Rights.⁶⁸ The Commission was to consist of 15 members: five deputies from the Parliament, four members of the Secretariat of the Council of Ministers, three members of the Supreme Judicial Council, two members of civil society organisations, and one member of the United Nations in Iraq.⁶⁹

The United Nations Assistance Mission in Iraq (UNAMI) provided technical assistance and worked closely with the Council of Representatives on the appointment of members to an expert committee that would select the commissioners. However, due to procedural concerns regarding the composition of the expert committee, the Council of Representatives tabled this issue for review until after the election of 2010.⁷⁰ So far, the Commission's members have not yet been selected.⁷¹

c. Local Civil Society Organisations and Networks

There are almost 8,200 civil society organisations (CSOs), associations, and syndicates in Iraq. While civil society is new to Iraq, since 2003, it has played an important role in highlighting human rights and children's issues.⁷² Organisations specialize in monitoring child rights violations and focus on violence committed against children in schools, state shelters, and children living and working in streets.

CSOs are required to be registered at the Office for Non-Governmental Organizations in Baghdad and at the Ministry of Interior in Kurdistan Region. Organisations receive their funding from international organisations, United Nations agencies, the Council of Representatives, and private sources. They can also receive resources from domestic political parties. While the Child Welfare Authority (CWA) should coordinate the work of these CSOs, such organisations are not obliged to report to the CWA. CSOs working on children's rights activities conduct seminars and training courses,⁷³ form monitoring com-

mittees on specific issues (sometimes in cooperation with the Government),⁷⁴ and document and report violations to the related authorities.⁷⁵

CSOs often become politicised by political parties in exchange for funding, which CSOs need. CSOs are also attractive to political parties because they can reach citizens at the grass-roots level. As such, some CSOs have become a front for political parties and their activities.⁷⁶

d. Media

The media in Iraq started to develop after 2003, but it remains in a chaotic situation due to the lack of regulation and the lack of security. In general, the Iraqi media is not independent and is predominantly partisan in nature.⁷⁷ More than 300 journalists have been killed in Iraq. There are more than 300 daily or weekly newspapers in Iraq, as many as 30 magazines, more than 40 terrestrial TV channels, more than 50 radio stations, and approximately 15 satellite channels.⁷⁸

In Kurdistan Region, there is no official record of the numbers of active media outlets, but numbers are believed to be higher there due to the prevalence of Kurdish language newspapers, radio stations, and TV channels. No regulations or common practices guide the work of the media in reporting on children's rights and related issues. The media's attention to the issues affecting the children of Iraq is considered inadequate.⁷⁹ Since 2003, media

“Civil society organisations (CSOs) often become politicised by political parties in exchange for funding, which CSOs need. Some CSOs have become a front for political parties and their activities.”

institutions have coordinated with government agencies to conduct awareness-raising campaigns regarding children's rights. In particular, the media have used press reports and special programmes to encourage families to enrol their children, particularly daughters, in schools.

In coordination with the Ministry of Health, the media has also focused on issues related to orphans, environmental pollution and its impact on children, vaccinations, and children living with disabilities. While media outlets most child-friendly programming is cartoons, some media outlets have broadcast awareness-raising programmes on the problem of violence against children and the proliferation of landmines and small arms.⁸⁰ It is believed that children's participation in these issues, especially the participation of girls, is very limited.⁸¹ There are also programmes that discuss mental health issues in families, including those concerning children.⁸² The media avoids more sensitive issues such as the sexual exploitation of children, however.⁸³ Media institutions also suffer from a lack of competent staff specialised in children's issues.⁸⁴ On 6 December 2010, a Memorandum of Understanding between UNICEF and the Council for Research and International Exchange (IREX) was signed to train journalists and Iraqi media institutions. The goal was also to enable children to produce their own media content on children's issues.⁵⁸ Public trust in the media is overwhelmingly low.⁸⁶

e. Donors and Diplomatic Community

Due to the security situation prevailing since 2003, very few embassies conduct work in Iraq and those that do, avoid exposing their projects to the public. These mainly provide funds for civil society organisations (CSOs), who act as implementing partners. The United Kingdom, United States, Denmark, and Norway are present in Iraq and active in the field of children's rights. Other countries

provide funds to CSOs through their respective international development agencies.

f. United Nations Agencies

The United Nations presence in Iraq is comprised of 16 agencies, programmes, and funds working in 18 governorates. The United Nations Assistance Mission for Iraq contains the Office of Development and Humanitarian Support (ODHS) which coordinates the delivery of humanitarian assistance.⁸⁷

UNICEF has been present in Iraq since 1952, implementing projects to control of malaria, provide maternal and child health services, and train health personnel. In 1983, it established a permanent presence in Iraq with a specific focus on child survival and development.⁸⁸ It has since been supporting immunization campaigns and routine outreach services. Therapeutic feeding was provided for about 5,000 severely malnourished children under five years old. Since 2003, three million people have been provided with improved access to primary health services. UNICEF has assisted with the rehabilitation of 105 schools, thereby providing educational access to 167,700 students. Moreover, UNICEF has provided emergency water and sanitation services to 500,000 vulnerable Iraqis across the country, mine risk education to around two million people, and protection services to 3,000 vulnerable children.⁸⁹

The United Nations Assistance Mission for Iraq (UNAMI) was established by Security Council Resolution 1500 on 14 August 2003. Its mandate includes the promotion and protection of human rights and the development of the rule of law in Iraq. UNAMI collaborates with the Government as well as the non-governmental sector to monitor the human rights situation. It also "assists in the rehabilitation and reconstruction of state and civil society

institutions” and works with human rights groups in order “to maintain direct contact with victims and witnesses of human rights violations.”⁹⁰

Other United Nations agencies work in Iraq in their respective fields, such as the World Food Programme (in Iraq since 1991) in addressing the food security needs of the population,⁹¹ the United Nations Educational, Scientific, and Cultural Organization (UNESCO) in rehabilitating the education sector (in Iraq since 2004) after the damage caused by the previous wars and economic sanctions,⁹² and the World Health Organization (WHO) working in partnership with the Ministry of Health and other relevant ministries and national bodies, international and national organisations, and academics and universities to improve the health status of the Iraqi population since 2008.⁹³

g. International Civil Society Organisations

International organisations are rare in Iraq, considering the lack of security. The International Committee of the Red Cross (ICRC) has been present since 1980 and has worked on providing assistance to victims of conflict. Save the Children started working again in Iraq in 2008 on child protection and education programming, psychological services in and out of schools, child protection awareness campaigns, and providing support for local organisations. The organisation has an office in the north of Iraq to support the psychosocial care of children in the districts of Sulaimaniyah and Kalar (Sulaimaniyah governorate) and Khanaqeen (Diyala governorate).⁹⁴ The Heartland Alliance has been present in Iraq since 2005, working on issues related to gender-based violence, institutionalized persons, torture survival, mental health, human trafficking, media support and the promotion of human rights.⁹⁵ Norwegian People’s Aid is working to support human rights and public development of the country’s resources. It established its programme in the

Kurdistan Region in Iraq in 1995, but is currently working on development and mine clearing in other regions as well.⁹⁶

4. Identifying Child Rights Commendable Practices in Light of the CRC’s Main Principles

i. The Right to Non-Discrimination (Article 2)

a. Gender

Iraq is a signatory to all key international human rights conventions addressing the equality of women, including the Convention on the Elimination of Discrimination against Women (CEDAW). Article 14 of the Constitution of 2005 guarantees equality by stating that “all Iraqis are equal before the law without discrimination based on gender”.⁹⁷ Likewise, there are many “equality provisions” within the Constitution, and key constitutional articles acknowledge the potential vulnerability of women and seek to protect their position. Article 2 of the Constitution, which subordinates the implementation of other rights to the respect of Islamic principles, is viewed as an obstacle to the advancement of legislation regarding gender equality.⁹⁸ Furthermore, Article 89 of Personal Civil Status Law No. 188 of 1959 states that males are to receive twice the portion of inheritance than females.⁹⁹

In practice, women and girls in Iraq face tremendous challenges in trying to cope with cultural and institutional violence and discrimination prevailing in the country. Women and girls are limited in the public or economic roles they can adopt due to ethnic and sectarian conflicts marginalising them. Girls suspected of dishonouring their families risk losing their lives through the practice of ‘honour killing’. The Iraqi legal system discriminates

“The current state of insurgency has had a significant negative impact on women and girls’ enjoyment of economic, social and cultural rights.”



tention, if their families are made aware of their criminal wrongdoings. Iraq lacks a gender-focused approach in the handling of judicial proceedings involving women.¹⁰⁰

The current state of insurgency has had a significant negative impact on women and girls’ enjoyment of economic, social and cultural rights. For example, despite the fact that Article 34 of the Constitution guarantees “the right of education for girls and boys without discrimination”,¹⁰¹ in practice gender disparities are still prevalent. UNICEF states that “the right to education of Iraqi girls, a key Millennium Development Goal, is increasingly out of reach”.¹⁰² This statement is corroborated by statistics showing that only 88 girls for every 100 boys attend primary school, and 75 girls for every 100 boys attend secondary school.¹⁰³ In rural areas, the disparity is more pronounced, with only 79 girls for every 100 boys attending primary school and 40 girls for every 100 boys attending secondary level schools.¹⁰⁴

Between 2003 and 2008, the primary school enrolment rate was 87% for males and 82% for females, and the attendance rate was 91% for males and 80% for girls. The enrolment for secondary school was 45% for boys and 32% for girls, with an attendance rate of 46% and 34%

against girls and women by overlooking male violence while chastising women who transgress cultural norms and practices. Girls and women in detention are subjected to frequent abuse while simultaneously lacking access to the most basic needs such as clothing and food. They also risk honour crimes when they are released from de-

respectively.¹⁰⁵ Sixty-three percent of children not attending schools are girls, due to insecurity and rising social conservatism in many areas.¹⁰⁶ The high dropout and low enrolment rates among girls are also the result of a lack of schools and services and restricted access to schools.¹⁰⁷ In addition, following customs and traditions, parents prefer to marry girls off at an early age.¹⁰⁸

A survey conducted by UNICEF in 2000-2001 among Iraqi mothers showed that 79.5% of urban women consider education to be important for girls, and that 15.2% of them support higher levels of education for girls. The same study found that 65.1% of urban women wish their daughters would pursue education until college, as opposed to only 32.1% in rural areas. Less than 10% (9.3%) of urban mothers prefer their daughters to end education after primary school; this rate increases to 34.1% in rural areas. Forty-one percent of urban mothers and 63% of rural mothers prefer that boys advance their education further than girls.¹⁰⁹

A survey conducted in 2003-2004 by the Iraqi Ministry of Education revealed important gender discrepancies in vocational education for youth aged 15 to 18. Out of 275 vocational schools, 70% were reserved for males only. Of the 89,902 students registered that year, 81% were male. Also, 93% of enrolment was in urban areas, with very few opportunities existing for vocational education in rural areas.¹¹⁰

Although access to education for females has been negatively impacted by the current insurgency, disparities have been present for many years. The Committee has expressed its concern since 1998, when it stated in its Concluding Observations that “besides the legal prohibition of discrimination based on gender, there were still disparities between boys and girls, particularly with respect to inheritance rights and the right to education.”¹¹¹

In 2004, in cooperation with Norwegian People's Aid, the Public Aid Organization (PAO) implemented a project on gender education for teachers in the Directorate of Education in Erbil. The organisation has trained 280 teachers in 14 sessions on the concept of gender and the role of educational institutions and curricula in reducing gender disparities and encouraging girls to continue studying.¹¹²

The majority of interlocutors from civil society organisations met in the course of this research have conducted awareness-raising activities in rural areas to encourage the enrolment of girls in schools. Activities have included seminars for communities and parents, and provided incentives such as gifts to encourage the enrolment of girls in schools and enforce the Compulsory Education Law. No further details on these awareness campaigns or their implementation were available at the time of publication.¹¹³

b. Birth Out Of Wedlock

Article 28 of Civil Status Regulation No. 32 of 1974 states that if a child is born out of wedlock ("illegitimate") and that one of the parents is known, the child can be registered by that parent if the family agrees.¹¹⁴ Article 24 paragraph 1 of the same law states that children born out of wedlock should be registered and provided with a birth certificate. Further, a court decision determined that, when a child's birth certificate is issued, there should be no reference to the circumstances of birth recorded in the civil registry.¹¹⁵

In Iraq, children born out of wedlock may be abandoned; the social stigma of being an unmarried mother prevents some women from keeping their children. In this situation, according to articles 1 and 7 of Nursery Regulation No. 42, any child who meets the conditions set forth will be admitted to a nursery house. Nurseries are charged

with creating conditions and an atmosphere suitable for the development of children aged zero to five years old. When the child reaches five years old, he will be transferred to kindergarten or an orphanage.¹¹⁶

Since Iraqi society views children born out of wedlock with shame, there are no programmes or plans to ensure that the rights of these children are fully respected.¹¹⁷ The majority of interlocutors met in the course of this research agreed that children born out of wedlock are seen as inferior and are treated as such by society. While their basic needs are provided for, they continue to face social discrimination.¹¹⁸

c. Rural/Urban Areas

Since 1997, there has been an increase in the Iraqi urban population, as compared to the rural population. Development policies have been implemented, mechanisms for distributing investments amongst the provinces have been created, and the effects of internal migration have all played a role in redefining the population distribution in Iraq.¹¹⁹ In 2008, 35.76% of the population lived in rural areas, while 64.24% lived in cities.¹²⁰

There is a clear disparity between education levels in rural and urban areas. This variation is reflected in the quantity and quality of educational infrastructure in remote rural areas.¹²¹ Most educational services are based in urban areas, while rural areas have been neglected.¹²² Large proportions of children are not attending school in rural areas, mainly due to the lack of schools and difficulties in accessing existing schools.¹²³

In its Concluding Observations, the Committee on the Rights of the Child recommended that the State party

“seek to eliminate the disparities between urban and rural areas and between provinces.”¹²⁴

One of the objectives within the Iraqi National Development Plan for 2010 to 2015 is to increase the quantity and quality of educational infrastructure in rural areas. It is hoped that, through this action, the disparities between urban and rural education are reduced. The goal of increasing equality in education can also be furthered by enforcing the law stipulating compulsory primary education, especially in rural areas. Priority should be given to building elementary, intermediate and preparatory schools in poor areas and improving efficiency of education equally in poor, urban and rural areas.¹²⁵

Most interlocutors met in the course of this research have confirmed that, while there are discrepancies in the services provided between urban and rural areas, there is no systematic discrimination against children coming from rural areas.

d. Refugees, Migrants and Internally Displaced Status

One of the consequences of armed conflict is the exponential growth of internally displaced children. It was estimated in 2007

that one out of six Iraqis was internally displaced.¹²⁶ This situation has had a direct impact on the right to education for children. To evaluate this impact, the United Nations High Commissioner for Refugees (UNHCR) conducted a survey among internally displaced children in December 2009. The results indicated that 42% of boys and 47% of girls under age 14 did not attend school. The reasons reported for the high rates of absenteeism were the need to work, the inability to afford school materials and transportation fees, overcrowding in schools, and missing admission documentation.¹²⁷ Those working in the field also report that displaced children frequently face difficulties in



Two boys embrace during a community clean-up sponsored by civil society organisations in Iraq. Courtesy of Save the Children Sweden

enrolling in schools because they lack official documents or suffer from poverty.¹²⁸

In 2007, Emergency Cells were established in the three provinces of Dhiqar, Missan, Karbala, and later throughout the remaining provinces. Emergency Cells are comprised of 13 to 18 members of the Government and may include representatives from United Nations agencies. They are led by the Governor of the province and coordinate with all ministries to facilitate the access to services for internally displaced persons. Among other things, the cells facilitate the enrolment of children without proper documentation in schools for a period of one year.¹²⁹

While on her visit to Iraq in 2008, Radhika Coomaraswamy, the Special Representative of the Secretary General for Children in Armed Conflict, “[e]ncourage[d] the Government of Iraq to develop a coordination body in the Office of the Prime Minister, for the coordination of internally displaced people and refugee policy and support, with outreach at both the central and regional levels as well for refugee populations”.¹³⁰ The Special Representative also stated that “the Government of Iraq should consider allocating additional funds, both at the regional and central levels, for internally displaced people and ensure their equitable treatment.”¹³¹

More than 20 organisations throughout the country confirmed that no official discrimination exists against internally displaced children.

e. Ethnicity and Religion

The new Constitution of 2005 clearly states in its preamble and Article 2 that Islam is the “official state religion”.¹³² However, Article 3 states that Iraq “is a country of multiple nationalities, religions and sects” and that “this Constitution guarantees the Islamic identity of the

majority of the Iraqi people and guarantees the right to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabians”.¹³³

The Committee expressed concern, however, that domestic legislation does not do enough to prevent the discrimination on the basis of national or ethnic origin.¹³⁴

While the previous Constitution afforded the same rights to all citizens regardless of their ethnic origin or religion, these rights were not respected under the previous regime. Since 2005, the new Constitution has been disseminated and discussed, and the incidence of systematic discrimination based on ethnicity and religion has been reduced. However, sectarian violence has also targeted religious minorities in recent years. It was reported that more than 800 Christians, including 12 members of the clergy, were killed between 2003 and 2010, and that 5,000 Christians had been kidnapped and tortured. The same report states that 51 churches were attacked in that time period, mainly in Mosul and the Ninawa plains. Other minorities were targeted such as the Turkoman minority, the Yezidi community and the Sabeian Mandaean community. As a result, the Council of Representatives appointed a parliamentary committee to identify ways to enhance the rights of minorities. The committee’s recommendations have included conducting public “anti-terrorism campaigns” during religious occasions and events, facilitating and encouraging recruitment and support of Christian and Yezidi minorities by Government entities, and increasing the recruitment of Christians and members of other minorities within the security forces. In Kurdistan Region, a task force was created in November 2009 to facilitate the normalisation of the legal and residence status of minority families who had fled. This procedure eased the enrolment of children in the education system.¹³⁵

A majority of interlocutors interviewed for this publication confirmed that there is no systematic discrimination against children on the basis of religion or ethnicity in the provision of services such as health and education in Iraq.¹³⁶

f. Disabilities

Article 32 of the 2005 Iraqi Constitution stipulates that “[t]he State shall care for the handicapped and those with special needs, and shall ensure their rehabilitation in order to reintegrate them into society, and this shall be regulated by law.”¹³⁷

“It is estimated that between the years 1999 and 2006, 15% of Iraqi children were living with a disability.”

.....

is now higher as Iraq has been engaged in war for more than three decades. Iraqi families tend to view children with mental or sensorial disabilities with shame and hide them from society,¹³⁸ whereas children living with a physical disability are viewed with mercy and compassion.

In its Concluding Observations of 1998, the Committee recommended that the Iraqi government envisage awareness-raising programmes to decrease the prevalence of discrimination against children with disabilities. They further recommended that Iraq establish educational programmes that integrate children with disabilities into the regular school system and society.¹³⁹

Interlocutors met in the course of this research confirmed that there are almost no services provided for children living with a disability.¹⁴⁰ When specialised centres for care and treatment of children living with disabilities are available, they are severely deficient and underfunded. This, combined with the rising cost of the equipment used to help children, has caused the situation of children living with disabilities to worsen.¹⁴¹

It was reported, however, that children with physical disabilities are often visible in the media, where they assist in fundraising activities and their achievements in schools and other activities are highlighted and praised.¹⁴²

g. HIV/AIDS

Figures about the prevalence of HIV/AIDS in Iraq are contradictory, ranging from 44¹⁴³ to 260 cases.¹⁴⁴ The last study conducted by the Iraqi Ministry of Health confirmed that the total number of people infected with HIV/AIDS was at 260 cases by the end of 2004, including 160 HIV-infected people who had been registered that same year.¹⁴⁵ According to Dr. Waddah Hamid, director of the National Programme to Combat AIDS, in February 2010, 49 Iraqis were infected with HIV/AIDS.¹⁴⁶

Infection rates are higher among males than females, with 85% of patients being male. According to the study that reported 260 people living with HIV, 20% were children under 15, and 50% were aged between 15 and 29.¹⁴⁷

Baghdad has at least 11 medical centres that provide free monthly check-ups for those who are infected, as well as services for their parents and other family members. Each province also has one such centre.

All persons diagnosed with HIV/AIDS receive treatment periodically according to an international plan to com-

bat AIDS, which is implemented by the Iraqi Ministry of Health. It is stipulated in the plan that the dignity of patients is to be respected throughout their treatment.¹⁴⁸

In February 2010, a wide-scale national programme was launched to combat HIV/AIDS. The programme is steered by a committee composed of members of the Ministry of Health, the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Food Programme, the Anti-tuberculosis and Chest Diseases Society in Iraq, along with five local organisations, including the Family Planning Association, the Association of Women, the Intellectual Students Association, Family Physicians Association, and the Development of Iraqi Society Center. The Committee will be responsible for monitoring HIV/AIDS, malaria and tuberculosis throughout Iraq.¹⁴⁹ In addition, the Ministry coordinates with the World Health Organisation to provide people with medication free of charge.¹⁵⁰

ii. The Best Interests of the Child (Article 3)

Paragraphs one and two of Article 29 of the Constitution of 2005 stipulate that the family is the foundation of society and that the State shall preserve its entity and its religious, moral and patriotic values. In addition, the State guarantees the protection of motherhood, childhood and the elderly, and shall care for children and youth by providing them with the appropriate conditions to develop their talents and abilities. Furthermore, “[c]hildren have right over their parents in regard to upbringing, care and education. Parents shall have right over their children in regard to respect and care especially in times of need, disability and old age.”¹⁵¹

Article 30 of the Constitution guarantees that the state will ensure social and health security and the basic requirements for leading a free and dignified life to individuals

and the family, especially women and children. The state is also mandated to provide such persons with a suitable income and appropriate housing.¹⁵² When the child is in a family environment that is considered unsafe, the child will be removed and placed under the custody of the Court, which will relocate him or her to an orphanage.¹⁵³

Article 57 of Personal Status Law No 188 of 1959 stipulates that in the case of divorce, mediation will occur for one year between the spouses. If, after one year, divorce is considered inevitable, then the child (if under age 10) will be placed under the custody of his/her mother, so long as the mother is deemed suited to care for the child. When the child reaches 10 years old, or if the child is 10 or older at the time of the divorce, the judge will ask the child where he/she wants to stay. The judge will then decide, according to the child’s best interest, who should have custody. Over the course of two months, the Court will monitor the financial and social situation of both parents and take this into consideration in its custody decision. At the age of 15, the child is considered able to decide which parent he/she prefers to live with. If the parents have requested a divorce, the judge can initiate a mediation period for the parents to think about their decision.¹⁵⁴

According to Juvenile Care Law No. 76 of 1983, children in conflict with the law will be judged according to their age. If the child is under nine years old, she/he will not be considered criminally responsible for his actions. Between the ages of nine and 15, if a child is found guilty of a serious crime he will be sent to a Rehabilitation Centre based on her/his age. Those under age 15 will be sent to a Children’s Rehabilitation Centre, while those aged 15 or older will be sent to a Juvenile Rehabilitation Centre. In court proceedings, the identity of the child is kept confidential. In contrast, in KRG, the age of criminal responsibility is above age 11.

Children are provided with educational services while in a Rehabilitation Centre. When a juvenile studies and earns a certificate, there is no indication on the certificate that she/he has been in such a centre. This is intended to prevent discrimination.¹⁵⁵

iii. The Right to Life, Survival and Development (Article 6)

a. *Health*

Article 31(1) of the 2005 Iraqi Constitution states that “[e]very citizen has the right to health care” and that “the State shall maintain public health and provide the means of prevention and treatment by building different types of hospitals and health institutions.”¹⁵⁶

Before 2003, health system plans and strategies were orientated toward central planning and implementation. The government sector was dominant in this process and the role of the private sector was marginalised. The only main provider of health services at that time was the Ministry of Health. Iraq has since adopted a health care model where health services are provided first in primary level healthcare centres and coordinated with services offered in public hospitals and specialised centres. The health system in Iraq includes prenatal health centres, school infirmaries, mobile clinics, health centres, laboratories and pharmaceutical companies.¹⁵⁷

The Healthy Visitor system is a programme providing primary health care such as vaccinations, mother and child care, care for women of childbearing age, and treatment of chronic diseases to everyone covered by health care who resides within the coverage area of the health centre. The system utilizes software that makes accessible a family medical history, as identified by the head of the fam-

ily. The software was first piloted in the Department of Health in Maysan in 2005, and its success has allowed it to be applied in the rest of the Iraqi governorates.¹⁵⁸

The World Health Organization (WHO) school health initiative was first implemented in 1995 in Iraq,¹⁵⁹ but the programme had to halt operations due to security concerns. In 2005, the Ministry of Health, in collaboration with WHO, tried to re-activate the initiative in 20 schools throughout Baghdad.¹⁶⁰ In 2007, Iraq chose 46 schools across the provinces in which to activate its national plan, which now provides health and mental health support in those schools. In addition, 150 schools in more stable areas have been screened to fall under the plan, and glasses and hearing aids distributed to children who needed them.¹⁶¹ A school survey was conducted in 2007/08 by the Ministry and the Central Bureau of Statistics, in cooperation with WHO, in 150 schools located in eight provinces. The survey concluded that 48% of those schools were unclean, and that minimum requirements necessary for a safe and healthy learning environment were not met in half of the primary schools. Moreover, only 63% of schools were found to test their drinking water, a gap that exposes children to a high risk of contracting diseases transmitted through contaminated water. Additionally, 65% of the school water supplies come from government networks that suffer from leakage and, as a result, contamination. In May 2009, WHO expressed its deep concern about school environments in Iraq and the health of Iraqi students.¹⁶²

In Kurdistan Region, a health care and vaccination programme is operated through health centres, where medical records are started for every child patient. Periodic vaccination campaigns against polio, tuberculosis and measles are carried out equally in both rural and urban areas. Moreover, special centres provide health services for children with chronic illnesses. Financial support up

to USD 100 per month is available for children suffering from child thalassaemia.¹⁶³

Iraq's total health expenditure is the lowest of all budgetary items. In 2008, health expenses represented only 2.5% of its Gross Domestic Product.¹⁶⁴ Between 2002 and 2006, Iraq spent 4.9% of its total expenditure on health.¹⁶⁵ In 2008, the budget allocated for public health was 3.4% of total government expenditures, and more than half of that amount was spent on salaries and staff incentives.¹⁶⁶ More money has since been allocated to the health sector. The health budget in 2008 neared USD 1.995 billion, and it reached USD 3.512 billion in 2009, with a per capita increase from USD 91 in 2008 to USD 125 in 2009.¹⁶⁷

Prolonged war has greatly affected the health situation of Iraqi children, causing rising poverty, dire living conditions, and an inability to access health facilities due to insecurity.¹⁶⁸ The Ministry of Health reported in 2008 that

more than one-third of children living in rural communities in southern and minority communities in central Iraq were being provided deficient health services due to the low number of health workers and the deteriorating security situation.¹⁶⁹ Additionally, government public health programmes such as immunisations and maternal and child healthcare serve mainly the provinces of Baghdad, Anbar, Diyala, Salah al-din, Mousl Wassit, Basra and Babil; the southern regions of Iraq generally have little access to such resources.¹⁷⁰

The mortality rate of Iraqi children under five declined steadily between 1990 and 2008. It dropped from 62 deaths per 1,000 children between 1990 and 2005 to 34 deaths per 1,000 children in 2008.¹⁷¹

In its 1998 Concluding Observations, the Committee noted "with grave concern the deteriorating health situation of children, particularly the high and increasing infant and

| HEALTH INDICATORS | 2008 | 2009 | 2010 |
|---|---------------------|------|---------------------|
| Infant death rate per 1,000 live births | 35 | 35 | 43.4 |
| Percentage of underweight children, under age five | 9.1 | 9.1 | 8.7 |
| Maternal death rate 100,000 per live births | for 2006-2007 84 | 84 | 82.8 |
| Percentage of one-year-old children who are immunized against measles | 80 | 80 | 82 |
| Percentage of immunization coverage for pregnant women | 80 | 80 | 82 |
| Percentage of immunization coverage for women of child-bearing age | 29 | 29 | 39 |
| Child-friendly hospitals | 32 | 33 | 43.4 ¹⁷⁶ |

child mortality rates and serious long-term malnutrition”. It recommended that Iraq “consider [seeking] technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO”.¹⁷²

In her 2008 visit to Iraq, Special Representative of the Secretary General for Children in Armed Conflict Radhika Coomaraswamy reiterated similar concerns. She recommended that the “[c]entral and regional governments should ensure that all children have access to health. This includes the urgent need to build new Health Centres, ensuring safe access to services, as well as launching awareness campaigns to reach vulnerable groups such as girls and children in remote communities.”¹⁷³

In 2009, six new hospitals were built with a capacity of 552 beds, including two hospitals for children (one in Basra with a capacity of 102 beds and the other one in Diwaniyah with a capacity of 100 beds). Also, 179 health centres were opened across Iraq, 107 of them in the Kurdistan Region. Eighty-one hospitals, including nine maternity hospitals, were rehabilitated and expanded. By 2009, the total number of health centres reached 2,168. Thirty-two primary health centres were rehabilitated in 2008 and 132 in remote areas in 2009, including delivery wards and emergency wards.¹⁷⁴

Systematic vaccination of children has been underway since the early 1980s in Iraq. In 2009, more than 99% of children under five years old were vaccinated against tuberculosis and measles and 86% against polio. In 2010, 86% were vaccinated against tuberculosis, 91% against measles, and 83% against polio.¹⁷⁵

b. Nutrition

Under the ‘Oil-for-Food’ programme established as a temporary measure by the United Nations Security Council in 1995, Iraq was given the opportunity to sell oil to buy humanitarian goods.¹⁷⁷ Under this programme, finally terminated in 2010, every family in Iraq received rations of flour, oil, beans, salt, sugar, rice, tea and detergent on a monthly basis. Families with young children also received milk.

Since the end of the previous regime, the Ministry of Health has conducted awareness-raising campaigns on breastfeeding, using media such as television commercials to spread its message. Imams have also been involved in disseminating this key message during Friday sermons.¹⁷⁸

Iraq’s global malnutrition level is regarded as acceptable. In 2007/08, nearly 4.7% of children under five in Iraq were malnourished. In addition, 21.8% of children were stunted due to chronic malnutrition.¹⁷⁹

Statistics from 2005 and 2009 indicate that 15% of infants in Iraq were born with low birth weight, 31% of infants initiated breastfeeding early on, 25% of infants aged six months were exclusively breastfed, and 51% of infants aged six to nine months were breastfed with complementary food. Statistics from 2005 and 2009 also indicate that 36% of children aged 20 to 23 months were still breastfed.¹⁸⁰

According to the World Health Organization, the proportion of children who are underweight, stunted, and wasted increased from the early 1990s until the beginning of the 2000s, only to decrease again by 2006. In 1991, underweight children represented 10.4% of all children; in 2000 they represented 12.9%; and in 2006 7.1%. Stunting was recorded among 27.6% of children in 1991, 28.3%

in 2000, and 27.5% in 2006. Wasted children represented 4.4% in 1991, 6.6% in 2000 and 5.8% in 2006. Alternatively, the proportion of children under five years old who are overweight has increased from 5.5% in 2000 to 15% in 2006.¹⁸¹

In its Concluding Observations of 1998, the Committee encouraged Iraq to develop policies and programmes to improve breastfeeding practices and prevent malnutrition among children. The committee recommended that Iraq seek technical assistance in child health improvement and integrated management of childhood illnesses from UNICEF and the World Health Organization.¹⁸²

c. Physical Environment

Over the past three decades, Iraq has experienced wars that have led to the spread of small and heavy arms and substantial environmental pollution from radioactive materials and chemicals. This appears to be linked with high rates of cancer among children and congenital abnormalities.¹⁸³ It has been reported that more than 150,000 Iraqis are currently diagnosed with cancer, and that 7,500 persons die of cancer and malignant tumours every year. These diagnoses affect a higher proportion of children in Iraq than in Western countries.¹⁸⁴ A report published by the Iraq Rights Information Network (IRIN) affirmed that 56% of cancer patients in Iraq in 2004 were children under the age of five, compared with 13% 15 years ago. Since 2003, the cancer rate among children in government hospitals alone has increased by 20%.¹⁸⁵ Additionally, it is believed that numerous children with cancer are not being diagnosed.

The most recent World Health Organization statistics after 2003 confirmed that leukaemia comprises 30.5% of all cancers prevalent among children in Iraq. It is followed by cancer of the thyroid, lymphatic system (25.7%),

brain (13.6%), endocrine system (5.9%), bone (5.1%), eye (4.5%), and soft tissue, kidney and ovarian cancer.¹⁸⁶ Furthermore, the average age of individuals affected by cancer has been dropping, and incidents of breast cancer at age 16, colon cancer at age eight, and liposarcoma at one and a half years old have been reported. Six percent of the population diagnosed with cancer is aged between 11 and 20, and 18% between 21 and 30.¹⁸⁷ These high rates of congenital abnormalities cancer among young people can be linked to radiation exposure and depleted uranium rounds that have contaminated the land throughout Iraq.¹⁸⁸

Other factors contributing to the increase in cancer rates are the use of chemicals and pesticides in fishing and agriculture. These chemicals contaminate the water, and are especially prevalent in the southern governorates.¹⁸⁹

Many Iraqis do not have access to a proper sewage system. A 2005 environmental survey showed that 25.7% of residents were served by sewage systems, 51.2% utilized a separate treatment system (such as a septic tank), and 23.1% did not have access to either of those systems. The survey also recorded 38 central sewage processing stations and one small sewage processing station; 14 of these are central and 24 are more marginal. Of all the stations, 31.6% were operational, 31.6% were partially operational, and 36.8% were idle.¹⁹⁰ Ten percent of outlying Baghdad households are currently connected to sewage systems, but the systems are subject to frequent breakdowns that have allowed for the spread of disease among children. One example was the outbreak of cholera in Iraq in 2007.¹⁹¹

d. Reproductive Health

Figures about the prevalence of HIV/AIDS in Iraq are contradictory, ranging from 44¹⁹² to 260 cases.¹⁹³ Accord-

ing to a study carried out by the Iraqi Ministry of Health in 2004, the infection rate among males is higher (at 85%) than among females (at 15%). The study also found that 20% of those infected were children under age 15, while half were adults between age 15 and 29. Eighty-four per cent of those infected had contracted the virus through contaminated blood imported from abroad. The study concluded that 19% of people living with HIV/AIDS had died by the end of 2004, 63% of those infected were undergoing treatment, while 18% were not getting treatment at all.¹⁹⁴

People with sexually transmitted diseases in Iraq receive treatment without discrimination by gender, but the medicine available does not meet needs and treatment is available only in urban areas. Patients from rural areas have to go to the city for treatment, causing feelings of shame and embarrassment.¹⁹⁵

There is a lack of awareness about reproductive health among females and males, particularly young people. The lack of pedagogy in health institutions, a general absence of awareness programmes, and the fact that reproductive health is a culturally sensitive subject mean that HIV/AIDS is rarely discussed and about 70% of young people in Iraq have never heard of it.¹⁹⁶ Reproductive health is only addressed in one chapter of the ninth grade biology book, but most teachers ask students to read the chapter without explaining it because such matters are so sensitive.¹⁹⁷ UNICEF reported that 2% of female adolescents aged 15 to 19 were aware of HIV/AIDS; no data was available for males of the same age group.¹⁹⁸

In its concluding observations, the Committee on the Rights of the Child recommended that the State party promote “adolescent health policies and the strengthening of reproductive health education and counselling services.”¹⁹⁹

“A 2008 study by the Association for Crisis Assistance and Development Co-operation (Wadi), a German Iraqi organisation, found that 8,200 women (78%) out of 10,500 surveyed in Kurdistan Region had been subjected to female genital mutilation.”

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public and vulnerable groups; sterilizing and screening of donated blood before its use; and provision of care, medicine and social and financial support to those living with HIV/AIDS.²⁰⁰

In 2008, the Iraqi Ministry of Health started the first phase of the HIV/AIDS health education plan, which was followed by a second phase in May 2009 that consisted of workshops in city centres and their environs. Each workshop lasted three days and sought to train trainers in HIV/AIDS public awareness programmes targeted for young people in middle schools, high school, colleges and institutes. Civil society organisations working in the field of education have also been involved.²⁰¹

The problem of female genital mutilation (FGM) is prevalent in Kurdistan Region. In January 2009, the Ministry of Human Rights carried out a study on the prevalence of FGM among 521 girls and women in the district of Chamchamal. Over 40% (40.7%) of girls aged 11 to 24

The Ministry of Health in Iraq, in cooperation with relevant ministries and organisations and with the support of the World Health Organization, applied an effective prevention programme to reduce the spread of infection within the country and developed a national plan for follow-up. This programme is renewed annually, taking into account epidemiological developments on global, regional and local levels. It focuses on awareness and education of the general

had been circumcised. Twenty-three percent of girls under 13 years of age were circumcised, compared to 45% of girls between the ages of 14 and 18.²⁰² A 2008 study by the Association for Crisis Assistance and Development Co-operation (Wadi), a German Iraqi organisation, found that 8,200 women (78%) out of 10,500 surveyed had been subjected to this practice.²⁰³

The Kurdistan Ministry of Justice in 2007 ordered a halt to female genital mutilation. In March 2007, the organisation Wadi and 14 other civil society organisations drafted a law on female genital mutilation that was presented to the Special Committee for Women in Parliament. In February 2008, 68 out of 111 parliament members supported the bill.²⁰⁴ In September 2008, 10 members of the Kurdish Parliament introduced a draft law on domestic violence.

In June 2009, it was announced that a joint public campaign on female genital mutilation would be held in cooperation with the Kurdistan Ministry of Religious Endowments later that same year. The campaign was supposed to include posters and other written materials about the dangers of this practice, but at the time of this report, the campaign has not yet begun.²⁰⁵

In July 2010, the High Committee for Issuing Fatwas at the Kurdistan Islamic Scholars Union, the highest Muslim religious authority in Iraqi Kurdistan on religious pronouncements and rulings, issued a *fatwa* (a religious edict) that female genital mutilation is not required by Islam. The fatwa did not explicitly ban the practice but rather encouraged parents not to have the procedure performed on their daughters because of the negative health consequences.²⁰⁶

On 21 June 2011, the Kurdistan parliament approved the Family Violence Bill, which includes several provisions criminalising the female genital mutilation. Article Six of

the law includes four provisions about female genital mutilation, criminalising the practice and penalizing anyone, including medical professionals and midwives, who “instigate, assist, or carry out” the procedure. Criminal penalties include imprisonment from six months to three years, in addition to fines of up to USD 8,500.²⁰⁷

Iraqi Penal Code No. 111 of 1969 addresses the issue of abortion in its Article 417, stating that any woman who wilfully provokes her own miscarriage or enables another woman to do so with her consent is punishable by a period of detention not exceeding one year plus a fine not exceeding 100 dinars, or by one of those two penalties. The same penalty applies to any person who willfully performs an abortion with the woman’s consent. If the abortion or the means used to perform the abortion result in the death of the victim, the penalty will be a term of imprisonment not exceeding seven years. If the offender is a doctor, a pharmacist, a chemist, a midwife or their assistant, the offence is considered an aggravating circumstance. If a woman provokes her own miscarriage out of shame, it is considered to be a legally mitigating circumstance.²⁰⁸

e. Education

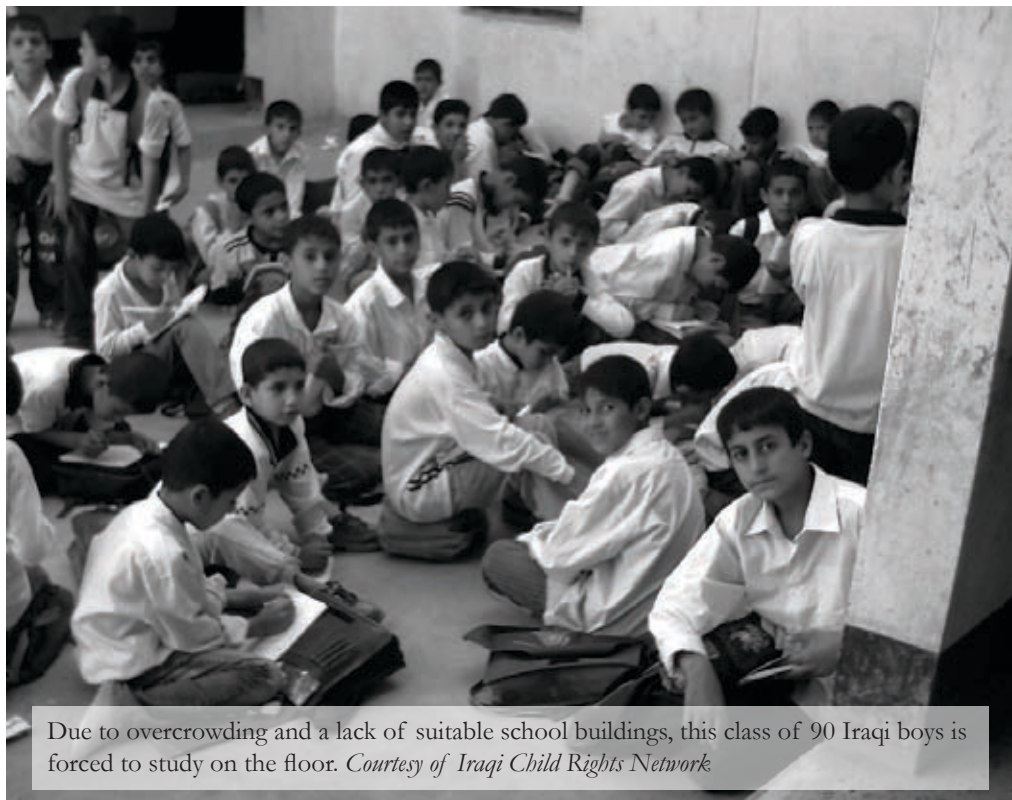
Article 34 of the 2005 Iraqi Constitution guarantees the right of education for all Iraqis. Education is regulated by Compulsory Education Code No. 118 of 1976, which states that “[e]ducation is a fundamental factor for the progress of society and is a right guaranteed by the state. Primary education is mandatory for children aged between 6 and 12 and the state guarantees that it shall combat illiteracy.”²⁰⁹

The Ministry of Education estimated that the net primary school enrolment dropped from 86% in 2004 to 46% in 2007.²¹⁰ UNICEF estimated that net enrolment in pri-

mary school was 93% for males and 81% for females during the period of 2005 to 2009. Enrolment rates for secondary school were 55% for males and 37% for females during the same period.²¹¹ The Iraqi education sector has faced many difficulties because of declines in public expenditures, the unavailability of teaching materials, deteriorating infrastructure, and crowded classrooms.²¹²

In 2008, it was reported that Iraq needs 19,000 primary schools to serve all its students, while the current number of available schools buildings is 15,815. Half of these schools require major rehabilitation to meet acceptable standards. Similarly, 133 of 306 vocational school buildings require comprehensive rehabilitation.²¹³ There are also an estimated 656 schools constructed of mud bricks, distributed throughout Iraq.²¹⁴ The lack of adequate schools has led to an increasing practice of teaching students in two or three shifts; 35.8% of primary schools and 42.1% secondary schools in Iraq had double shifts between 2007 and 2008.²¹⁵

The education crisis is worse in rural areas, where there are fewer schools and fewer services.²¹⁶ Besides infrastructural problems, the education sector is in need of teachers. In 2006, violence and fleeing teaching staff affected the



Due to overcrowding and a lack of suitable school buildings, this class of 90 Iraqi boys is forced to study on the floor. *Courtesy of Iraqi Child Rights Network*

quality of education and schools in Baghdad and its surroundings did not open as usual.²¹⁷

In Kurdistan Region, there exist nearly 5,000 schools, but 3,000 more schools are needed. Sixty percent of all schools are not suitable to be used, and the average number of pupils is approximately 50 in each class.²¹⁸ In Kurdistan Region, 99% of children attend schools, and the proportion of girls enrolled in schools is 89.9%.²¹⁹

The structural problems found throughout Iraq are compounded by the prevalence of classical teaching methods that focus on lectures, memorization, and a failure to stress analysis, deductive skills, and the spirit of initiative

and creativity—all of which do not optimally encourage student engagement.²²⁰

In its Concluding Observations of 1998, the Committee recommended that Iraq take measures to provide equal access to education, in particular encouraging girls to stay in school.²²¹ In her visit to Iraq in 2008, Special Representative of the Secretary General for Children in Armed Conflict Radhika Coomaraswamy recommended that “[c]entral and regional governments should ensure that all children have access to education. This includes urgent building of new schools, ensuring safe access to services, as well as awareness campaigns for reaching vulnerable groups such as girls and children in remote communities.”²²²

In the spring of 2007, to support Iraqi schools, UNICEF worked with UNHABITAT to add classrooms and washrooms to schools in 15 provinces of Iraq and also to provide recreation kits for children and boost training and support to teachers. In addition, with the support of the European Commission in 2007, educational materials such as books, bags, pencils and pens were distributed to over 4.7 million primary schoolchildren.²²³

The United States Agency for International Development has rehabilitated 2,962 schools in full or in part since 2003 and distributed desks, chairs, cabinets, chalkboards, and more than three million school kits countrywide. More than 8.7 million math and science textbooks have been edited, printed, and distributed throughout Iraq.²²⁴

In order to give children and youth an opportunity to continue their education, an accelerated learning program, targeting out-of-school youth, was implemented in 10 of Iraq’s 18 governorates in 2005. UNICEF trained new teachers in the Accelerated Learning Programme (ALP), which condenses the primary school curriculum, ordinar-

ily six years of school, into a three-year period. UNICEF supported the printing and distribution of 30,000 Accelerated Learning Programme textbook sets in Centre/South governorates and 10,000 textbook sets in two northern governorates.²²⁵ In 2006, more than 14,000 young people who participated in the Accelerated Learning Programme passed their primary and intermediate exams.²²⁶

UNICEF also trained 36 master trainers on child rights, good citizenship, and dealing with violence in the classroom as well as the importance of teaching life skills.²²⁷

f. Violence Against Children

Article 29 Paragraph 4 of the 2005 Iraqi Constitution prohibits all forms of violence against children in family and school and society.²²⁸ However, Article 41 of Iraqi Penal Code No. 111 of 1969 allows the use of discipline and states that “[t]here is no crime if the act is committed while exercising a legal right. The following are considered to be in exercise of a legal right: The punishment of a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by law or by custom.”²²⁹

If a related case is heard in court, the judge determines what is considered ‘discipline’ or ‘violence’.

It has been reported that 86% of the children of Iraq aged 2 to 14 years are subjected to severe methods of discipline amounting to psychological violence or corporal punishment.²³⁰ A study by the Ministry of Labour and Social Affairs in 2010 indicated that, in the region of Kurdistan, 83% families practice violence against children.²³¹ Interlocutors interviewed in the course of this research affirmed that custom and tradition encourage violence against children.²³² Domestic violence in Iraqi families takes the form of beatings, neglect, marginalisa-

tion and reprimands, in addition to forced labour.²³³ Interlocutors report that domestic violence is more evident in rural areas.²³⁴

The Family Violence bill, adopted by the Kurdistan Parliament in June 2011, criminalises child abuse and provides for special courts to handle family violence cases, making it easier for victims to press charges. The law also establishes mechanisms for police and courts to issue and enforce restraining orders to protect victims, besides setting penalties, including prison sentences, for these crimes.²³⁵

Although schools were instructed in 2007 to prohibit the corporal punishment of children, these instructions are not applied, as confirmed by most people interviewed in the course of this research.²³⁶ Teaching staff justify beating as a means of education and controlling the class, especially when there is a large number of students in the class.²³⁷

A report by UNICEF indicates that 15 million Iraqi children are directly affected by violence and instability in the country, with repercussions for their health, education, nutrition, and security—basic rights enjoyed by children in other countries.²³⁸

Official Iraqi figures indicate that, in 2008, 376 children were killed and 1,594 injured. In 2009, 362 children were killed and 1,044 injured. The United Nations Monitoring and Reporting Mechanism indicated in 2010 that at least 194 children were killed and 232 others injured in violence in Iraq. Other reports indicate that from January to September of 2010, 134 children were killed and 590 injured in armed conflict-related violence.²³⁹

In its Concluding Observations in 1998, the Committee expressed concern that Iraq had not expressly prohibited corporal punishment and recommended that authorities

adopt legislation to prevent corporal punishment in every area of society.²⁴⁰ In her visit to Iraq in 2008, Special Representative of the Secretary General for Children in Armed Conflict Radhika Coomaraswamy stated that “[m]ore intensive monitoring and reporting on children killed in insurgent violence and terror attacks should be undertaken with a view toward responsabilising those parties for policies which intentional kill children and innocent civilians.”²⁴¹

Awareness campaigns have been carried out through seminars and the media in order to reduce violence against children in the home.²⁴² However, little information was available on how these campaigns were conducted and their impact on reducing violence.

In 2007, the Ministry of Education of the Kurdistan Regional Government issued instructions banning corporal punishment of children in schools.²⁴³ A directorate was established to monitor implementation of the instructions, with observers tasked with follow-up. Through headmasters, parents and teachers were to be informed about the regulations. Teachers who broke the rules could receive a warning for a first offence, then a written warning, then finally, a transfer or being barred from teaching. Similar regulations (No. 4143 of April 2009) exist in Iraq, but merely rule out corporal punishment without any monitoring mechanism. If the corporal punishment used is considered serious (causing visible injuries), the offending teacher can be charged.

“The United Nations Monitoring and Reporting Mechanism indicated in 2010 that at least 194 children were killed and 232 others injured in violence in Iraq.”

In June 2010, a Monitoring and Reporting Mechanism Country Task Force was created, co-chaired by the United Nations Assistance Mission in Iraq and UNICEF. The task force consists of United Nations entities, international and national non-governmental organisations. The Task Force mission is to develop action plans and involve and maintain dialogue with governmental and other parties, in order to prevent violence against the children of Iraq and to provide better protection for children victims of war.²⁴⁴

In late 2010, the Kurdistan Region established a telephone hotline for children who have fallen victim to violence.²⁴⁵

g. Sexual Exploitation and Abuse

The minimum legal age for marriage in Iraq is 18 for boys and girls. If a child aged 15 to 18 wants to get married, a court must decide whether or not it should be permitted. The burden of the proof is on the child's father, who is asked to provide a good reason for marrying his child off underage. According to Personal Status Law No. 188 Article 10, punishment for marrying a child off underage without court sanction is between six months to one year in prison for a first offence and three to five years in prison for the second offence.

According to Iraqi Penal Code No. 111 of 1969, sexual assault is a crime. Any person who has sexual intercourse with a female without her consent or commits 'buggery' with any person without their consent is punishable by a term of imprisonment not exceeding 15 years. If the victim at the time of the act was under 18 years of age, it is considered aggravating circumstances. Article 394 states that any person, who, outside of marriage, has sexual intercourse with a woman with her consent, or commits buggery with a person with their consent, is punishable by a period of imprisonment not exceeding seven years if the victim is between the ages of 15 and 18. If the victim

is under the age of 15, the offender is punishable by a period of imprisonment not exceeding 10 years.²⁴⁶

According to the Juvenile Care Law, if a child is found to be involved in the sex trade, he/she will be considered 'deviant'. If the child is younger than seven years of age, the parents will be charged with a fine and the child may be sent to a Juvenile Care house. If the child is aged between seven and 15, he/she will be sent to a Child Rehabilitation centre. If the child is above 15 years old, he will be sent to a Juvenile Rehabilitation Centre.

UNICEF reports that between the years of 2005-09, 19% of girls married were aged 15 to 19 years old.²⁴⁷ The Child Welfare Authority has conducted research on the effects of psychological and physical violence against children and also prepared a report on early marriage among girls. This latter report concluded that early marriages during the years 1998-2007 accounted for 17% of the total marriages.²⁴⁸

After 2003, children increasingly fell victim to sexual exploitation in Iraq. Two main factors contributed to this phenomenon: families were under increasing economic pressure and the State had other priorities to tackle before focusing on child protection. Therefore, this problem was neglected by the transitional government. It has been reported that there are as many as 4,000 male sex workers in Iraq, most of them children.²⁴⁹ However, according to the Ministry of Interior, unconfirmed reports indicate that there are as many as 4,000 children working in the sex trade.²⁵⁰ In 2005, statistics from Iraqi Ministry of Labour and Social Affairs showed that girls represent 70% of victims of sexual exploitation, and boys, 30%. The numbers show that many children who are sexually abused or exploited are less than 16 years old.²⁵¹

To talk openly about exploitation and abuse is quite difficult in Iraq because of customs and traditions that can shame a family or the child. Furthermore, while sexual exploitation and abuse are present in Iraq society, there is also no accurate information about the phenomenon, and society keeps trying to keep that phenomenon confidential.²⁵²

In light of Article 19 of the Convention, the Committee recommended in 1998 that the State party “undertake studies on ill-treatment and abuse, including sexual abuse, and adopt adequate measures and policies, with a view to, inter alia, changing traditional attitudes.”²⁵³

In June 2011, the Kurdistan Parliament passed the Family Violence Bill to combat domestic violence in the Kurdistan Region of Iraq. According to the law, those who marry their children off before the age permitted can be fined and imprisoned for six months to a year. The Court will also invalidate the marriage.²⁵⁴ The bill has yet to be ratified by the president of the Kurdistan Regional Government.²⁵⁵

In order to help the victims of sexual exploitation and to ensure their safe return to society without social discrimination, the Ministry of Labour and Social Affairs has reportedly developed a programme of non-judgemental psychological counselling. Unfortunately, no details were provided. Two non-governmental organisations, Iraqi Peace and Better Future and the Iraq Red Crescent Society, with the assistance of the Ministry of Labour and Social Affairs, work to rehabilitate child victims of sexual exploitation.²⁵⁶

b. Child Trafficking

Article 37 of the 2005 Iraqi Constitution states that “trafficking in women or children, and sex trade shall be prohibited.”²⁵⁷

The government has no official data on this issue because no centralised statistic gathering exists. However, in 2009, it was estimated that around 150 children are trafficked each year. The price paid for these children ranges from USD 286 to USD 5,720 per child.²⁵⁸ Anecdotally, it is said that children in Iraq are cheaper and easier to traffic than anywhere else in the world because of the willingness of government officials to assist in forging documents for money due to their low salaries.²⁵⁹

Women and girls who are trafficked for the purposes of prostitution and domestic servitude are believed to constitute the majority of trafficking victims in Iraq, with other uses including sexual exploitation, forced labour or services, slavery or similar practices and servitude.²⁶⁰

Eighty percent of trafficked children are sold in the local market; 15% are trafficked to Syria and 5% to the Gulf.²⁶¹ Iraqi children have also been sold in Jordan, Switzerland, Ireland, the United Kingdom, Portugal and Sweden. Trafficking of Iraqi girls was most prominent in five European countries: Turkey, Greece, Italy, France and the United Kingdom.²⁶²

The National Institute for Human Rights conducted workshops on human trafficking from 27 December 2010 until September 2011 in all provinces of Iraq. The aim of the workshops was to train officials of the Ministry of Human Rights and its technical institutes in putting an end to human trafficking.²⁶³ In the course of this research, no other initiative to address the issue of child trafficking was mentioned.



An Iraqi teen points a toy gun, popularized through TV and video games, at the photographer. *Courtesy of the Iraqi Child Rights Network*

*i. Children Associated
with Armed Groups and Armed Forces*

According to Military Service Order No. 65 of 1969, every Iraqi male over the age of 18 and out of school must complete compulsory military service of 36 months.²⁶⁴ In April 2003, however, the Coalition Provisional Authority (CPA) dissolved the Iraqi military and the Ministry of Defence and in August 2003 of the same year established the New Iraqi Army. In the process, conscription was abolished.²⁶⁵ In 2008, Iraq ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

While there has been reported use of children by Iraqi armed forces, a great number of children have been recruited by insurgent and militia groups since 2004. By 2008, 1,500 of these children had already been held in detention centres and charged with terrorist acts.²⁶⁶

Hundreds of children, some as young as 10 years of age, have been used in various tasks including scouting, spying, digging holes for and planting Improvised Explosive Devices (IEDs), videotaping attacks, as well as more traditional combat roles. There have also been reports that children have been used as suicide bombers.²⁶⁷ Between 2009 and mid-2010, nine teenagers carried out suicide attacks and nearly a dozen were caught intending to do so.²⁶⁸

In its Concluding Observations of 1998, the Committee was concerned about the early legal minimum age of enlistment into armed forces, and it recommended that Iraq raise the legal minimum age of enlistment in accordance with international human rights and humanitarian law.²⁶⁹

In 2010, the Council of Representatives issued Law No. 3 of 2010 stipulating that an individual must be at least 18 years old to join the armed forces.



The Special Representative of the Secretary General on Children in Armed Conflict also recommended expansion of the delivery of basic social services for children, including poverty alleviation programmes such as the social safety net programme under the Ministry of Labour and Social Welfare to prevent the military recruitment and use of children. Also, she recommended the criminalisation of “recruitment and/or use of children as an immediate measure and to invigorate investigations and prosecutions of the crime of recruitment and use of children as a priority.”²⁷⁰

When caught, children associated with armed groups are sent to Juvenile Rehabilitation Centres where they are interrogated and rehabilitated. A few programmes for children who have been associated with armed groups provide vocational training in detention centres. Little can be done by civil society organisations to address the needs of these children as they mostly do not have access to these children while in detention.²⁷¹

It is estimated that nearly 800 children aged 10 to 17 were held in the Multi-National Forces Iraq base in 2007 on charges of participating in “terrorist activities”. In 2006, 25 children were caught every month; this number rose to 100 per month in 2007.²⁷²

j. Landmines and Small Arms

Iraq ratified in 2007 the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. As such, Iraq is obliged under the Convention to destroy its stockpiles of mines by the year 2012 and to clear its territory of mines by February 2018.²⁷³ The Ministry of Environment has attested to its inability to fulfil the terms of the Treaty, however.²⁷⁴

Iraq counts more than 25 million mines and nearly three million tons of rockets, bombs and ammunition in its territory. Furthermore, there are more than 4,000 contaminated sites and two-thirds of Iraq’s population lives near these contaminated areas. About 11 million people are directly affected by this problem. Reportedly, 99% of the victims of landmines and unexploded ordnance (UXOs) have been civilians, most of them children under the age of 14.

Rural areas are the most vulnerable to landmine accidents.²⁷⁵ Between 2003 and 2006, 178 children were impacted by cluster ammunitions.²⁷⁶ Mine clearance in Iraq requires about 19,000 specialized personnel, sixty times more than the number currently available. According to some reports, mine clearance in Iraq would require more than 10 years of work.²⁷⁷ Indeed, Iraq is considered the country in the world most contaminated with mines and UXOs.²⁷⁸

An Iraq Household Socio-Economic survey conducted in 2007 found that 8.7% of children and adolescents between 10 and 19 years, and 5.7% children under four years of age have war-sustained disabilities. The highest disability rates from landmines and UXOs are found in the northern provinces of Iraq.²⁷⁹ Children are most affected by this problem due to their domestic duties such as herding sheep, harvesting vegetables and fruits, and collecting water and firewood.²⁸⁰

In its Concluding Observations of 1998, the committee recommended that Iraq “review the situation with respect to landmines within a framework of international co-operation, including from United Nations agencies. The Committee further suggested that the State party become a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and of Their Destruction (1997).”²⁸¹ (As stated above, Iraq did join the treaty in 2007.)

In her visit to Iraq, the Special Representative of the Secretary General for Children in Armed Conflict recommended that “[b]oth central and regional governments should mobilize more funds for de-mining and Explosive Remnants of Wars removal and increase the level of awareness among the population by campaigns in schools and in public media.” She also recommended that the Iraqi government “support financially the work and coordination of the Mine Awareness Committees, and the International community is called upon to provide technical support to increase the capacity of such committees.”²⁸²

With the assistance of UNICEF, non-governmental organisations and communities in Iraq conduct Mine Risk Education programmes in those areas that are most affected. Mine Risk Education programmes teach children how to avoid Explosive Remnants of Wars and to be careful about warning signs. These messages are used in school lessons, advertisements and cell phone SMS campaigns. It was estimated that 10,000 children, teachers, and parents benefitted from Mine Risk Education Programmes in 2007.²⁸³

More than 10 physical rehabilitation centres are supported by the International Committee of the Red Cross (ICRC) in Iraq, and in 2010, 9,071 children benefitted from their services.²⁸⁴

In the Kurdistan Region, the Physical Rehabilitation Centre provides assistance to 6,000 victims, 52% of them mine victims. This percentage has since decreased, however, due to the great efforts extended to locate the minefields.²⁸⁵

A project managed by Handicap International and implemented by the Iraq Health and Social Care Organisation (IHSCO) in six governorates in central and southern Iraq provides assistance to people with injuries or disabilities

or living in a vulnerable situation. Distribution of kits and assistive mobility devices and referral to rehabilitation centres helps people to meet their basic needs. The project is managed from Amman.²⁸⁶ Handicap International also held awareness-raising campaigns in parallel with a campaign against mines, distributing posters and leaflets to schools and mosques and hospitals to warn of the danger of mines. The material was produced to be child-friendly.

²⁸⁷

k. Internally Displaced Children and Refugees

On 30 August 2003, a Ministry of Migration and Displaced was established in order to improve the life of internally displaced persons in Iraq.²⁸⁸ The Ministry of Migration and Displaced implements Law No. 21 of 2009.²⁸⁹ In order to be registered in any region as a displaced family and thus benefit from assistance and administrative support, citizens must present documentation and a food ration card. Each displaced family is to receive a monthly allowance of USD 250 dollar.²⁹⁰

There are 2.7 million internally displaced people in Iraq, one million of them having been displaced prior to 2003. An additional estimated 1.5 million Iraqi refugees are in neighbouring countries. The majority of these Iraqis were displaced in the aftermath of 2006 sectarian violence. Many displaced families in Iraq face economic hardship and lack of basic services such as access to clean water and health services. They are also extremely vulnerable to eviction if they settle on land they do not own.²⁹¹

It was reported in 2008 that the Iraqi parliament had allocated USD 706,000 since December 2007 for the assistance of internally displaced people living in makeshift camps and compounds. These funds were to be distributed among internally displaced people or used for buying materials.²⁹²

“There are no accurate statistics on the number of orphans in Iraq, however, the number is estimated at between 2.5 million to five million.”



An estimated 350,000 IDPs and nearly 60,000 refugees returned spontaneously in 2008 and 2009, but returns slowed in the first half of 2010, with only 60,000 IDPs and 16,000 refugees returning.²⁹³ It was reported that the Iraqi government allocated USD 833 for each returnee family to resume their lives.²⁹⁴

The United Nations High Commissioner for Refugees (UNHCR) has established Protection and Assistance Centres coupled in mid-2009 with the launching of a network of Return, Integration and Community Centres (RICCs). Both initiatives increase outreach to communities through the provision of legal services, such as legal counselling, personal documentation, and legal interventions for around 20,000 IDPs. Also included is protection monitoring, operations coordination, needs assessment and social and information assistance.²⁹⁵ In addition, the UNHCR coordinates the provision of emergency shelters and water and sanitation assistance to 500,000 internally displaced people living in squatter settlements.²⁹⁶

In 2005, the Public Aid Organisation (PAO) with the support of the UNHCR established a Centre for the Protection and Need Assessment in Erbil to provide legal advice and collect information on migrants and displaced persons. The centre has 20 employees, among them lawyers, engineers, social workers and administrative staff, as well as mobile teams. In 2009, 4,4553 people had benefitted from these services.²⁹⁷ In April 2006, the Cultural Society of Iraqi Youth in the province of Wasit implemented psychological rehabilitation programming in the camp of Al-Anwar in the city of Kut for 160 displaced children.²⁹⁸

In implementing humanitarian assistance, international organisations and United Nations agencies work in collaboration with local organisations as implementing partners.²⁹⁹ While actions are undertaken by the government and international organisations to provide humanitarian assistance to the displaced, and encourage the return of Iraqi refugees and internally displaced people, very few initiatives have been implemented specifically to address the needs of displaced children.

1. Orphaned, Separated and Unaccompanied Children

According to *Sharia* law, a person is considered an orphan when his/her father dies and he/she has not reached puberty. There is no specific definition of the word “orphan” in Iraqi law but there are descriptions and substitutes for the word.

The Minors Care Law No. 78 of the year 1980 and its amendments state in Article 34 that the father has the right to assign a caretaker to manage his child or embryo’s affairs, but the mother has the prerogative of caretaking. This procedure is to be established by the court. In case no caretaker is found in the extended family, the Minor Care Office will be the caretaker for the child until the court assigns someone to be the caretaker.

Since Islamic *Sharia* prohibits adoption, there is no reference to adoption in Iraqi legislation.³⁰⁰ Children are sometimes abandoned by their families due to violence and poverty. In most cases, these children have serious illnesses and their families abandon them because they cannot afford treatment.³⁰¹

There are no accurate statistics on the number of orphans in Iraq,³⁰² however, the number is estimated at between 2.5 million³⁰³ to five million.³⁰⁴ Statistics from the Ministry of Planning and Development Cooperation are similar, with

the number of orphans reported at about 4.5 million.³⁰⁵ The Ministry of Human Rights estimate that the number of orphans is increasing.³⁰⁶

Iraq has 19 orphanages, four of them in Baghdad and the rest in other provinces.³⁰⁷ These orphanages have registered about 500 orphans—a very small number compared to the large number of orphans.³⁰⁸ Orphans are vulnerable to trafficking, begging, child labour, dropping out of school, and recruitment by organised crime organisations. Because health institutions are largely absent in providing health care for orphans, the majority of orphans suffer from disease.³⁰⁹ UNICEF concluded a study in 2007 that showed that one-third of these children did not go to school, are engaged in work at an early age, and are denied most basic needs.³¹⁰

The Ministry of Labour and Social Affairs has a programme of social protection that provides monthly assistance of about USD 55 to USD 125 to single woman-headed households, orphans, the elderly and people living with a disability who cannot work.³¹¹ Civil society organisations also supply food, clothes and other material assistance for orphans.³¹² Some organisations offer financial support,³¹³ medical support,³¹⁴ school uniforms, and school stationary.³¹⁵

Besides these initiatives, some organisations offer opportunities for orphans to have leisure activities. In 2005, a summer camp opened for 600 orphans and provided them with assistance.³¹⁶ In May 2005, Public Aid Organization set up a camp for 50 orphans, who also received assistance.³¹⁷

Unaccompanied children are taken charge of by the police. When a child is found, the police are in charge of investigating and locating the family through public information campaigns. However, most interlocutors met

in the course of this research stated that this instance is very rare.

m. Birth Registration

Articles 1, 2 and 3 of Iraqi Civil Status Law No. 65 of 1972 and its amendments establish that birth registration can be conducted in all maternity wards. The record of the newborn is sent to the registration office of births and deaths, an office belonging to the Ministry of Health, which then issues a birth certificate. Birth certificates are given to children from all religions and nationalities without discrimination.³¹⁸

If the child is born outside a maternity ward, a midwife has the power to issue a temporary birth certificate that parents can later bring to the hospital to receive an official birth certificate. Parents have 15 days to finalise this process.

The last complete census conducted in Iraq was in 1987, although the law calls for a census every 10 years. In 1997, a census was conducted excluding Kurdistan Region. Therefore, there are no official statistics regarding the birth registration rate in Iraq. However, UNICEF reported a birth registration rate of 95% between 2005 and 2009.³¹⁹

Article 4 of Iraqi Citizenship Law No. 43 of 1963 states that anyone who is born inside or outside Iraq to a father with Iraqi citizenship shall be considered an Iraqi and that anyone who is born inside Iraq to an Iraqi mother and unknown father shall be considered Iraqi.³²⁰

In 1998, the Committee was “concerned that in the light of the State party’s legislation regarding citizenship, nationality may only be obtained by a child from his/her Iraqi father, except in cases where the father is unknown

or stateless. The Committee recommends that domestic legislation be amended to guarantee that the acquisition of Iraqi nationality is determined in the light of the provisions and principles of the Convention, especially articles 2, 3 and 7.”³²¹

Article 18 of Iraq’s Constitution of 2005 now stipulates that a child born from an Iraqi father or an Iraqi mother shall be considered Iraqi. To enforce this provision, Article 3 of Iraqi Citizenship Law No. 26 for the year 2006 states that anyone who is born to an Iraqi father or an Iraqi mother shall be considered an Iraqi.³²²

n. Children Living and Working in the Streets

Article 24 of the Juvenile Care Law No. 76 of 1983 and its amendments states that a child is considered homeless if he or she is found in the following conditions: begging in the streets, selling goods at less than age 15, without a father or caretaker, without a place to live, or having left his/her house or place where he/she is taken care of without reason. Also, child are considered homeless when they work with someone who is not their relative. The NGO Coordination Committee in Iraq stated that the number of children living and working in the streets has risen since 2003 due to the worsening economy.³²³

In its Concluding Observation, the Committee noted with concern the situation of children living and/or working on the streets, particularly due to fears of economic and sexual exploitation. In this regard, the Committee “encourage[d] the State party to increase preventive measures and its efforts to ensure the rehabilitation and reintegration of these children.”³²⁴

A study of children working in the streets was conducted in Babylon by the University of Babylon and the Babylon Centre for Human Rights and Civil Development between

January and March 2010. The study showed that children were not sleeping in the streets but were spending their days in the streets, returning home at the end of the day. The report led to recommendations that the government conduct further studies on the issue, provide a mobile clinic giving these children access to health services, open a day centre and encourage the police to protect these children.³²⁵

The Ministry of Labour and Social Affairs supported the opening of Mercy House in Baghdad. Mercy House offered assistance for children working in the streets, offering them education and protection from violence and abuse. It ultimately found it was unable to provide assistance to these children and then closed its doors.³²⁶

In Kurdistan Region, children working in the streets are taken in by the police for investigation. If the child has a family, the police will refer the family to the Ministry of Labour and Social Affairs for them to receive a social welfare allowance of USD 120 per month. If the family is found not to be in difficult economic circumstances, the parents may face criminal charges. If the child has no family, he/she will be transferred to an orphanage.

a. Child Labour

Article 29 of the Constitution stipulates that economic exploitation of children is prohibited and the State should take measures necessary to prevent and protect children from economical exploitation. According to Labour Law No. 71 of 1987, amended in 2004, the minimum age a child is allowed to work is age 15. According to Article 97, those who violate the provisions related to protection of juveniles will be sentenced to at least 10 days and not more than three months in prison and be fined between 12 times the minimum daily payment and 12 times the minimum monthly payment. The Ministry of Labour

and Social Affairs has special Inspectors to monitor child labour, but these officials cannot access most of Iraq's territory due to insecurity.³²⁷ The rate of employment of children under the age of 18 is currently estimated at 6%, amounting to 840,000 children.³²⁸ However, this rate is considered inaccurate, because there are children who are working but not registered.

In 2004, a study was conducted by UNICEF, the Ministry of Health, the Ministry of Labour and Social Affairs, and the Ministry of Education that demonstrated that 1.3 million children between the ages of eight and 16 were working, some of them for more than eight hours at a time. Over one million children were found to be working in hazardous conditions and vulnerable to violence and sexual abuse in the workplace. It was reported in 2005 that 58% of working children were subjected to violence.³²⁹ Interlocutors met in the course of this project confirmed that, in recent years, the phenomenon of child labour has become more serious.³³⁰ This position is shared by the Child Welfare Authority (CWA), which has studied the causes of the phenomenon of child labour. The CWA considers the phenomenon widespread and dangerous.³³¹

In 2007, the proportion of child labourers in Iraq in 2007 was estimated to be 30.46% of the total labour force (17.41 % male and 13.05% female). The main cause of child labour is poverty, as parents force children to go to work to earn an income.³³² Some children are driven into the labour market as the sole breadwinner for their family.³³³ This situation is exacerbated by local tradition that children should learn to work at an earlier age to be able to earn a living later on. In addition, weak enforcement of the Labour Law and the Law of Compulsory Education encourage the impression that education is useless.

In 1998, the Committee on the Rights of the Child was already concerned “that the economic exploitation of

children has increased dramatically in the past few years and that an increasing number of children are leaving school, sometimes at an early age, to work to support themselves and their families.” In this regard, the Committee was also “concerned about the existing gap between the age at which compulsory education ends (12 years old) and the minimum legal age for access to employment (15 years old).” It recommended that studies be undertaken to identify the causes and the extent of the problem. The Committee added that domestic legislation protecting children from economic exploitation should also cover the informal labour sector and that the State party should consider raising the age at which compulsory education ends to coincide with the minimum legal age for employment.³³⁴

In Kurdistan Region, a study was conducted in 2010 by the Kurdistan Save the Children Foundation and the Ministry of Labour and Social Affairs in Erbil, Dohok and Sulaimaniya. It found that 99% of working children are male and that 87% of working children are also attending school. The study showed that nearly 55% of working children are under the age of 15.³³⁵

Media awareness campaigns on the subject have been conducted by local civil society organisations,³³⁶ although little additional information was available. Besides monthly assistance provided by the Ministry of Labour and Social Affairs of USD 50, civil society organisations provide monthly financial assistance to encourage working children to remain in school. This aid does not support more than 1,000 children, however.³³⁷

p. Juvenile Justice

According to the Penal Code, the age of criminal responsibility is seven years old, while Juvenile Care Law No. 76 of 1983 sets the age of criminal responsibility at nine

years old.³³⁸ Before trial, the child suspected of being in conflict with the law is monitored physically and psychologically at an observation centre. During the trial, the Judge will determine under which law the child will be judged (according to his/her best interest) and whether or not the child will be sent to a rehabilitation centre. The child must have a parent present during interrogation.³³⁹

In Kurdistan Region, the age of criminal responsibility is 11 years old. Juveniles are prosecuted in juvenile courts and trials are conducted in accordance with the Juvenile Care Law. Very few judges are dedicated to the juvenile courts in Iraq, however.³⁴⁰

Juveniles cannot be detained with adults and are to be kept in special centres where their relatives can visit them twice a week (actual practice may be different). Boys are separated from girls in detention centres.³⁴¹ In addition, Article 79 of Iraqi Penal Code No. 111 of 1969 states that: “No person between the ages of 18 and 20 at the time of committing an offence can be sentenced to death. In such a case, he will receive life imprisonment instead of the death sentence.”³⁴²

In case a child is a victim of or witness to a crime, the testimony of a child under 15 years old cannot be submitted as proof alone, but only to support conviction. A child under age 15 cannot file a complaint without his parents.

³⁴³

UNICEF reported in 2007 that there were 561 children in detention centres, including 473 boys detained in institutions run by the Ministry of Labour and Social Affairs (MoLSA) and 88 girls in institutions run by the Ministry of Justice.³⁴⁴ Other sources place the number of juvenile detainees at 1,350 during the same period.³⁴⁵

It was also reported that some juveniles remain in the custody of the Ministry of Justice due to a lack of facilities at the Ministry of Labour and Social Affairs and are held outside Baghdad. The report expressed concern over the lack of judicial oversight for these juveniles, as Baghdad has only one investigative judge for juvenile cases. Living conditions in detention centres were reportedly deplorable, and children in detention had been victims of physical and sexual abuse.³⁴⁶

Between 2003 and 2008, a reported 2,400 children were detained by the United States Military Authorities as potential threats to security. Because US officials never release statistics on such matters, an unknown number of children were later transferred to Iraqi custody.³⁴⁷

In its Concluding Observations in 1988, the Committee was “concerned at the situation with respect to the administration of juvenile justice and in particular its incompatibility with the Convention, as well as other relevant United Nations standards.”³⁴⁸ The Committee recommended that the State party “consider taking additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.”³⁴⁹

“Initiatives have been implemented to provide conflict mediation training to children at risk of being in conflict with the law.”

.....

In April 2006, UNICEF organised a workshop on juvenile justice at the request of the MoLSA to develop strategies, policies, programmes and initiatives aimed at securing a more protective environment for children in line with international standards.³⁵⁰

In 2009, the MoLSA, supported by UNICEF, initiated a 'Justice for Children' project that combined prevention, protection, reintegration and restorative justice for children and youth. MoLSA granted access to pre-trial detention facilities to UNICEF and its implementing partners in four facilities in Baghdad, Mosul, and Al-Maqal. Four mobile legal teams provided assistance to 185 children in pre/post trial detention in Baghdad and Basra between 2009 and 2010, among them children detained because of their alleged association with armed groups.³⁵¹

Recently, efforts by UNICEF and other actors created alternatives to detention and allowed the diversion of children away from the formal justice system. While Iraq's Juvenile Care Law provides for alternatives to detention, these options have rarely been used except for in the resolution of communal disputes.³⁵²

In addition, initiatives have been implemented to provide conflict mediation training to children at risk of being in conflict with the law. UNICEF trained over 7,000 children and 1,020 teachers, police and community leaders in Baghdad and Basra.³⁵³

Six illiteracy eradication centres have opened in juvenile detention centres. Eight teachers have been hired to teach at these centres and 22 teachers employed for primary school programmes for adolescents. Two hundred juveniles have graduated from the illiteracy eradication centres and 75 juveniles graduated from the primary school for adolescents. Moreover, 108 social, educational, psycholog-



An Iraqi teen holds a bouquet of silk flowers, smiling after a day of activities organised by a teacher at her school in southern Iraq. *Courtesy of the Iraqi Child Rights Network*

ical lectures and 72 lectures on related religious teachings were also given to juveniles.

Finally, in 2009, a workshop on HIV/AIDS was held for juveniles, who were also vaccinated against certain diseases and offered 48 lectures on maintaining good health.³⁵⁴

iv. The Right to Express Views/ Be Heard/Child Participation (Article 12)

In Iraq, there are no policies or mechanisms in place to guarantee children's participation. Since the Iraqi government has other priorities, children's participation is neglected. Culturally, decision-making is left to adults and children must obey. Furthermore, civil society organisations and mass media have not done enough to raise community awareness on the importance of child participation.³⁵⁵

In its Concluding Observations of 1998, the Committee noted "that professional groups, children and the public at large are not sufficiently aware of the Convention and its principles." It recommended that the Convention be translated into all minority languages and that child rights be taught in professional workshops and retraining programmes. It also suggested that the Convention be integrated into school and university curricula, with the assistance of the Office of the High Commissioner for Human Rights, the International Committee of the Red Cross and UNICEF.³⁵⁶ Furthermore, the Committee expressed concern regarding the participatory rights of children. "The Committee urges the State party to encourage children to take an active role in the promotion and implementation of the Convention. The Committee suggests that non-governmental organisations, such as the National Federation of Iraqi Students and Youth, be given a more significant role in promoting the Convention."³⁵⁷

In its four-year (2011 to 2014) Country Programme of Cooperation with the Government of Iraq, UNICEF prioritised child protection, child-participation and the well-being of children. More specifically, UNICEF seeks to contribute to the development of cities that are child-friendly, and empowerment of children to participate in decision-making processes that affect their lives.³⁵⁸

In 2004, there was an initiative to implement a Child Parliament in the city of Amara, but no additional information could be found on this project, and information gathered led to the conclusion that the project was halted.

In Kurdistan Region, human rights education has been included in the secondary school curriculum since 2007. In the rest of Iraq, Public Aid Organisation and Norwegian People Aid are working together to include human rights education in the school curriculum over five years. A first phase will be implemented in four cities, and if this succeeds, the programme will be implemented on a larger scale, becoming a compulsory part of the national school curriculum.³⁵⁹

Since February 2010, posters and TV spots have been disseminated to increase children's awareness about their rights. Each poster or TV spot, as well as drawings made by the children themselves, explains one article of the Convention on the Rights of the Child. The project is the initiative of the Iraqi Child Rights Network, supported by Save the Children in Iraq and is ongoing at this writing. Awareness-raising sessions were also conducted for parents and teachers to sensitise them about children's rights, with pamphlets and booklets distributed to support the discussion. Ten thousand copies of each material were distributed throughout the country, in Kurdish and in Arabic.

Concluding Remarks and Way Forward

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Since the last Concluding Observations of the Committee on the Rights of the Child, Iraq has undergone major changes, the most tangible being the war underway since 2003 and the establishment of a new political system in 2005.

“Given the poor security situation, the Government has invested its effort in addressing the needs of children in health and education, and the humanitarian requirements of displaced children.”
.....

The new Constitution combined with national legislation is, to a certain extent, in line with the Convention. Laws in place aim at protecting children from violence, neglect, abuse and discrimination. However, the legal system in place leaves little room for a child to express his/her views and be heard on matters of concern, especially of the child is less than 15 years old.

Given the poor security situation, the Government has invested its effort in addressing the needs of children in health and education, and the humanitarian requirements of displaced children. Vaccinations campaigns are ongoing, education is compulsory and free of charge until the end of secondary school, social welfare is available for families in need, and the establishment of emergency cells have allowed a rapid response for displaced families. However, the resources available do not satisfy the needs identified, especially in rural areas, where access is limited.

The most visible area where instability and the lack of security will impact children over the long term is education. Schools are being built or rehabilitated, but the needs remain tremendous, both in infrastructure and in human resources. Also, methods of teaching should be revised to create a better environment for students and teaching staff. In addition, the economic situation, along with local traditions praising work over education, has a deterrent effect on school attendance.

Ultimately, there is a need for a better understanding of the situation of child rights in Iraq, as no comprehensive and exhaustive studies have been conducted nationwide. While some small-scale research has been conducted, the results remain in the hands of the institutions, without public dissemination.

Efforts have been made in this regard, as civil society organisations (mostly non-governmental organisations) and the media have begun shedding light on children's rights issues, conducting awareness campaigns, monitoring, and reporting violations. Their impact is limited, however, as these activities are sporadic and geographically scattered. Better coordination among organisations and cooperation with other stakeholders would probably have greater impact. The situation can be expected to deteriorate if insecurity and instability prevails.

One of the biggest challenges at this point is public and professional awareness of Iraqi legislation and its enforcement. A better understanding of the situation and increased knowledge about the Convention by Government representatives, civil servants, parents and teachers can only lead to improvement.



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Save the Children Sweden
Regional Office for the Middle East and North Africa
P.O. Box 113-7167, Beirut, Lebanon
Phone: + 961 1 738 654/5
Fax: + 961 1 739 023
<http://mena.savethechildren.se>
info@mena.savethechildren.se

**Manara Network: A Civil Society
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www.manaracrc.org



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