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## **Committee on Rights of Child examines reports of Iraq under Convention, on children in armed conflict and sale of children**

22 January 2015

The Committee on the Rights of the Child today completed its consideration of the combined second to fourth periodic report of Iraq on its implementation of the provisions of the Convention on the Rights of the Child and its initial reports under the Optional Protocols on children in armed conflict and on the sale of children, child prostitution and child pornography.

Presenting the reports, Mohammed Mahdi Ameen Al-Bayati, Minister of Human Rights of Iraq, said that Iraq was facing serious challenges at all levels. Terrorist groups had taken control of several areas and had perpetrated war crimes and genocide, including disappearances and sexual slavery against children. The current situation had a direct effect on children, causing displacement and affecting their rights to access to education and health. Despite challenges, Iraq had achieved progress in combatting poverty, illiteracy, domestic violence and human trafficking, ensuring alternative care and access to education, and protecting the rights of persons with disabilities.

In the interactive dialogue, Committee Experts acknowledged that Iraq was facing tremendous challenges due to the emergence of terrorist armed groups. They believed, however, that many issues impeding the implementation of the Convention were caused by laws and legislation that dated back long before the invasion of ISIL. They were particularly concerned about harmful practices targeting girls, such as female genital mutilation, early and forced marriage and honour crimes. They also expressed deep concerns about discrimination against women and girls, including in terms of access to education, and about the dire situation in which children from ethnic minorities lived. Experts considered that the implementation of the legislation prohibiting child labour was lacking, and that sentences for concerned employers were too low. Experts inquired about measures taken to support children who had psychological problems as a result of the multiple armed conflicts that had taken place in Iraq.

Under the Optional Protocol on children in armed conflict, Committee Experts were deeply worried about the recruitment of children by armed groups, particularly in refugee camps in Iraq, and about the use of children, including children with disabilities, for terrorist acts. Iraqi law seemed to have gaps in terms of punishing the enrolment of children and more had to be done for the protection and rehabilitation of former child soldiers and children traumatized by armed conflicts. Efforts also had to be made to address the root causes of terrorism, including discrimination against and exclusion of vulnerable groups.

On the Optional Protocol on the sale of children, child prostitution and child pornography, Committee Experts were concerned that although Iraq had laws against trafficking, the issue of the sale of children was not properly defined and fully covered in the law. General laws against trafficking were not sufficient, and children had to be covered by specific laws. Experts asked about efforts to protect children who had been victims of exploitation and to rehabilitate them.

In concluding remarks, Renate Winter, Committee Member and Rapporteur for the report of Iraq, said that some problems in Iraq had existed before ISIL, and that the challenge was for Iraq to implement its laws and overcome cultural beliefs that were behind harmful practices and gender inequalities.

Hatem Kotrane, Committee Member and Rapporteur for the report of Iraq, acknowledged that efforts were being made and encouraged the Government to pay close attention to the implementation of the recommendations that the Committee would make.

Mohammed Mahdi Ameen Al-Bayati, Minister of Human Rights of Iraq, said that Iraq was committed to continue cooperating with the Committee despite the challenges it currently faced, and looked forward to the recommendations that the Committee would issue.

The delegation of Iraq included representatives of the Ministry of Human Rights, the Ministry of Interior, the Ministry of Labour and Social Affairs, the Ministry of Health, the Ministry of Foreign Affairs, and the Permanent Mission of Iraq to the United Nations Office at Geneva.

The Committee's two Chambers will meet in private tomorrow and next week, before holding the public closing of the sixty-eighth session on Friday, 30 January at 3 p.m.

## **Reports**

The combined second to fourth periodic report of Iraq under the Convention on the Rights of the Child can be read via the following link: [CRC/C/IRQ/2-4](#). The initial reports of Iraq under the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on children and armed conflict can be read via the following links: [CRC/C/OPSC/IRQ/1](#) and [CRC/C/OPAC/IRQ/1](#) respectively.

## **Presentation of the Report**

MOHAMMED MAHDI AMEEN AL-BAYATI, Minister of Human Rights of Iraq, said that Iraq attached great importance to the implementation of the Convention and its Optional Protocols. The reports considered today had been drafted with the participation of several government agencies, as well as representatives of the Kurdish region and of civil society organizations. Iraq was facing serious challenges at all levels, including at the security and economic levels. Terrorist groups had taken control of several areas in a hostile and barbaric manner; they had threatened minorities and perpetrated crimes that amounted to war crimes and genocide. Children had been targeted and many of them had disappeared. Amnesty International had reported cases of sexual slavery against children by these terrorist groups. Iraq depended on the support of the international community for addressing the needs of refugees and displaced persons.

Iraq had been undergoing a process of democratization since 2003, and things had been slowly returning to normal until Iraq had been targeted for its democratic aspirations. The attacks had had a direct effect on the rights of children, causing displacement and affecting their rights to access to education and health. Despite the challenges, Iraq had achieved progress in the field of combatting poverty. Enrolment in primary education for girls and boys had reached 94 per cent in 2012. Iraq had established a Family Court, four courts dealing with domestic violence, a Directorate of Family Protection in the Ministry of Interior, offices receiving individual complaints in all government institutions affiliated to the Department of Citizens Affairs, and a High Commission for Human Rights responsible for receiving complaints of violations. The Ministry of Labour and Social Affairs in the

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Kurdistan region operated a hotline to protect children and refer them to social or health services, alternative care, sheltering services or judicial services. A set of laws had also been adopted to deal with issues of human trafficking, violence-motivated crimes, access to education, illiteracy and persons with disabilities. Terrorist attacks by the Islamic State armed group required that the Government should undertake an urgent action plan to resolve the consequences of these attacks and address the needs of displaced persons and their children.

### **Questions from the Experts**

RENATE WINTER, Committee Member and Rapporteur for the report of Iraq, said that the Committee was well aware of the current situation in Iraq, including its division into three different parts and the situation resulting from the terrorist attacks. The Committee had created a task force of four Committee Members to consider the situation of children in Iraq. First, she said, some challenges existed independently from the current security situation, and resulted from past governance. Girls' rights were a huge problem in Iraq. Trafficking in persons was also a big issue, which had worsened since the appearance of these terrorist groups. It was the duty of the Government to protect children, and to address all situations that impacted their rights. Attacks against schools and hospitals would be addressed. Another problem related to the identity of children. Female genital mutilation, which had decreased in the past, was now increasing again. Internally displaced children, poverty in the camps for the displaced, malnutrition, forced marriage, children living in the street, and the administration of justice would all be issues discussed during the dialogue.

HATEM KOTRANE, Committee Member and Rapporteur for the report of Iraq, welcomed constitutional and legislative reforms that had taken place and that contained provisions on the protection of families and children, although many of these legislative improvements fell short as regard to the dispositions of the Convention. Many bills were under consideration, such as the Child Protection Act, the Children's Parliament Act and the Child Welfare Act, Mr. Kotrane noted. He then welcomed that Iraq had ratified the two first protocols to the Convention, and demanded whether the ratification of the Third Additional Protocol on a communication procedure was envisaged. Instability, insecurity, ethnic sectarianism and attacks by terrorist groups had led to violations and vulnerability for minorities and particularly for children. Mr. Kotrane regretted that Iraq had failed to take initiatives on the rule of law, combatting corruption and more importantly on combatting impunity for violations.

Iraqi law did not criminalize racism and hatred speech, which was worrisome in light of the current situation. He was concerned that Iraq had made a reservation to articles 9 and 14 of the Convention, dealing with gender equality and freedom of religion respectively. He also regretted that the Convention had no direct applicability into domestic law, and expressed concerns about legislative provisions that led to inequality between boys and girls. He asked what measures would be taken to compel judges to hear and record the viewpoint of the child and to implement the principle of the best interest of the child. What measures were being taken to end harmful practices against girls, such as female genital mutilation, early and forced marriage and crimes of honour? It was problematic that the rules for the transmission of Iraqi nationality were not the same for women and men, making children of Iraqi mothers and unknown fathers unable to receive the Iraqi nationality.

ASEIL AL-SHEHAIL, Committee Member and Member of the Task Force on Iraq, regretted that there was no dedicated budget to the rights of children, and asked whether measures would be taken to avoid dropout from schools. Data collection was lacking on some aspects of the Convention. Dissemination and awareness on the Convention was not sufficient, she noted. Workshops were not enough, and broad awareness raising campaigns were needed.

MARIA RITA PARSI, Committee Member and Member of the Task Force on Iraq, referred to harmful practices in Iraq, such as female genital mutilation, early and forced marriage and honour crimes. Honour crimes were a cultural problem allowed in some cases by the penal code, she said. What measures had been taken to repeal these provisions? In the absence of legal protection mechanisms, young people fearing to be victims of honour crimes had to flee. What alternative housing was offered to these young people in order to guarantee their safety? Female genital mutilation was persistent in

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 ... being people in order to guarantee their safety, female genital mutilation was persistent in the Kurdistan region despite it being prohibited under the law. What measures were being taken to raise awareness on this prohibition, hold perpetrators accountable and protect the victims? She was deeply worried that early marriage and marital rape were legal under Iraqi law, which was in clear violation of the Convention.

Other Committee Members raised questions about corporal punishment, training of judges, birth registration, the situation of children in camps for refugees and the displaced, the High Commission for Human Rights, children's participation and gender discrimination.

Birth registration in rural areas remained low, one Expert said. Would measures be taken to improve this situation?

Experts regretted the lack of information on whether judges received training on human rights and on the rights of the child, including on the principle of the best interest of the child? Hearing the opinion of children during proceedings had to be mandatory and should not be left at the discretionary power of the judge, an Expert underlined.

On children's participation, an Expert asked whether children had space to express their views and opinion, and whether children had access to the internet.

An Expert underlined that children living in camps for refugees or displaced persons were particularly vulnerable to violations of their rights, including to harmful practices.

Experts asked about the membership, mandate and budget of the High Commission for Human Rights. How many complaints had it received? What was its position regarding reservations made by Iraq to articles of the Convention of the Rights of the Child? Did its composition make it truly independent?

An Expert asked whether measures were taken to address discrimination and violence against girls.

### **Response by the Delegation**

The High Commission for Human Rights was unable to elect a chairperson until today, and was presided by a rotation of its members. The Iraqi Parliament had provided the Commission with the necessary advising and counselling, and hoped that the Commission would soon resolve this problem. The Commission was operating nonetheless. It supervised the implementation of human rights in Iraq and submitted reports regularly. There was no specific body working only on the rights of the child.

In order to spread information on human rights and a culture of non-violence, a number of structures had been set up among State agencies to train public personnel. The Ministry of Human Rights was responsible for raising awareness on human rights with institutions dealing with children, including other ministries and civil society organizations, and among children themselves. Children in primary schools had received training on the rights of the child. Data gathering on this was still in progress, and would be better next year.

Judges could decide to hear the views of children during judicial proceedings affecting them.

Access to the internet had been banned before 2003. Today, the distribution and availability of the internet had been regulated, and internet access was available throughout the country. Restrictions on the internet access fell under legitimate restrictions on freedom of speech in a democratic society.

Regarding violence against children, a draft Domestic Violence Act aimed at criminalizing domestic violence, punishing perpetrators and supporting the victims. This draft was under consideration before the Parliament. A Social Directorate liaised with other State agencies and could receive complaints regarding violence against children, including trafficking and drug abuse. Iraq had worked on strengthening the rule of law in areas affected by terrorism by providing support to families and

ensuring that children were enrolled in schools. Measures had been taken to address the situation of street children. Police rounds were taking place around the schools to ensure the safety of pupils.

The minimum age for marriage was 18, a delegate said. Judges had the ability to allow the marriage of children under 18 under certain circumstances. If a judge determined that a girl was not psychologically ready to marry, she could be referred to a body of medical experts that could take a decision.

Regarding the nationality of a child, the Iraqi Constitution was very clear in saying that an Iraqi was any person born from an Iraqi mother or father. All children born of an Iraqi woman, including outside of the territory, had the right to obtain the Iraqi nationality. Birth registration in Iraq had reached the level of 96 percent.

On alternative care, State-sponsored shelters and homes allowed for hosting children separated from their parents, including children with parents in detention and children of unknown parentage. These homes provided children with leisure activities, education and healthcare, and emphasized support to victims and rehabilitation of children and adolescents. These institutions were present in many parts of the territory.

### **Follow-up questions from the Experts**

An Expert explained, with regard to early marriage, that people under 18 were considered children under the Convention, and said that this was unrelated to medical aspects. The collegial body of medical experts referred to by the delegation therefore should not be in a position to decide whether a girl could marry. The legal provision allowing judges to authorize the marriage of children aged between 15 and 18 was in contradiction with the Convention. In addition, another Expert underlined that judges had been bribed to allow early marriages.

### **Response by the Delegation**

Iraq was committed to address the issue of early marriage, but this remained a traditional practice in many parts of the country. The law prohibited marriage for children under 15, and this was implemented. As to the corruption of judges, a delegate rejected allegations just made by a Committee Member.

On the legal framework, all the laws in Iraq were in line with international standards, a delegate said. Iraq would consider acceding to the Third Optional Protocol on a communication procedure, but the country was still in a transitional period and was still building its institutions and protection mechanisms for the rights of the child. Laws that allowed marital rape and granted impunity for rapists marrying their victim had been inherited from the previous regime, and amending the legislation took time. Changing mind-sets was also a long and difficult process. All rules prohibited corporal punishment, the delegate said.

### **Questions from the Experts**

An Expert underlined that the number of children deprived of their family environment had increased during the past year. Old legislation did not reflect the current needs of children, the Expert noted. Would Iraq plan to bring its legislation in line with today's challenges? What was the status of polygamy in Iraq? Access to foster care seemed to be lacking in rural areas, an Expert said. What measures were taken to identify the remaining family of children of parents who had been subjected to the death penalty?

Iraq had a very good legislation concerning child labour, an Expert said, but implementation was lacking, particularly for street children.

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Children in conflict with the law were vulnerable to violence, including sexual violence and exploitation, an Expert said. Were measures taken to protect children in conflict with the law from such abuse, and could they receive free legal aid? An Expert raised deep concern about the death penalty being used against young people with an unknown birth date and who could potentially be children. On detention conditions, an Expert noted that children imprisoned with their mothers lived in dire health conditions, and referred to cases of leprosy. There was also a huge problem of overcrowding in prisons, an Expert noted.

Children belonging to minorities were in a desperate situation, an Expert said. This situation existed before the appearance of the Islamic State armed group, and had considerably worsened since.

On education, an Expert said one of the main issues was the high dropout rate. Combatting indoctrination and raising awareness on human rights in schools was important.

On health, an Expert asked what efforts had been taken to reduce maternal mortality.

An Expert asked whether health services were accessible for children and adolescents without their parents. More than 3 million children in Iraq suffered from post-traumatic stress as a result of the successive armed conflicts there, and many committed suicide. Was the Government providing psychological support to children and adolescents?

On education, an Expert said that while efforts had been made to improve enrolment in schools, challenges remained in term of access to education for girls, particularly in rural areas. The low level of education of mothers had a direct impact on the development of their children. A child raised by an illiterate mother had a greater risk of not surviving. Dropouts from school were also really high, an Expert said. The low enrolment rate at secondary schools was another concern. What specific attention was given to ensure access to education to children with disabilities and children of refugees? An Expert asked what measures were taken to tackle discrimination and negative stereotypes against children and persons with disabilities.

On alternative care, an Expert asked whether Iraq had policies to prevent separation between children and their families, avoid institutionalization and reintegrate children with their families. An Expert pointed at gaps in the legal protection of children deprived of their families, making them particularly vulnerable to exploitation and forced labour.

Child labour was very concerning in Iraq, an Expert said. The efforts to prohibit and monitor child labour were insufficient, and sentences for people employing children were far too low.

Article 14 of the Convention was a key article for the recognition of the role played by families, an Expert said. Most countries in the region had reconsidered their reservation on this article, and Iraq would hopefully do the same.

Regarding the participation of children, an Expert asked whether children had the opportunity to assemble and create associations in schools, and whether they had access to a mechanism for forming complaints. What was the Government doing to change cultural habits with regard to the participation of children?

### **Response by the Delegation**

Regarding juvenile justice, children and adolescents were kept in police facilities until their case was brought before a judge. Authorities attached a great deal of importance to making sure that no violence was perpetrated against these children. The Ministry of Human Rights monitored these detention facilities and their respect for human rights. It had also conducted workshops and training for police personnel in order to prevent violence or abuse.

On alternative care, a delegate explained that the Law on Social Protection, adopted in 2012, provided

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On alternative care, a delegate explained that the Law on Social Protection, adopted in 2015, provided for better social welfare and services for children. The admission of children to institutions was often due to family problems. Social workers did their utmost to reintegrate children with their families. Several children were accepted in foster families the year before. Children remained with their imprisoned mothers until the age of three, and were then sent to their relative families. The Central Statistics Bureau had carried out a survey on orphans, in order to improve the protection provided to them. These children received financial compensation in case their parents had died because of terrorism or conflict. Reintegration of orphans into families was prioritized when close family members were identified.

Once street children were found by the juvenile police and referred to a judge, they were placed in a rehabilitation centre, a delegate said. There, children were tested, treated and provided with the necessary counselling. Each child had a file and was encouraged to seek education. Children of unknown parentage were hosted by social institutions in Bagdad by court order until they reached adulthood. These children received the Iraqi nationality before the age of six so that they could attend education. Care continued to be provided to them until they reached the age of 18.

As for child labour, Iraq's legislation set the minimum age for labour and set a number of obligations for employers. Inspections were carried out in areas where child labour was prevalent. The Ministry of Labour was implementing projects to combat child labour and improve informal education in rural areas. More than 500 inspectors monitored any violations of the law and cases of children under 15 being employed.

Regarding education, the increase of the population had caused problems and led the Government to adopt a new strategy for access to education. This would include the building of a number of new schools and universities throughout the territory. This required funding, and the budget allocated to education amounted to seven per cent of the global budget. A committee was in charge of monitoring and modifying school curricula every year. Human rights education had recently been incorporated. A special strategy to eradicate illiteracy had been adopted with the support of the United Nations Educational, Scientific and Cultural Organization and had already shown positive results. A huge number of teachers existed in Iraq. The problem was not the shortage of teachers but the shortage of schools, many of them having been destroyed. Around 300,000 children were displaced and needed access to education. In collaboration with the United Nations Educational, Scientific and Cultural Organization, Iraqi authorities had drawn up programmes and ad hoc school premises in camps to ensure that these children had access to education.

On the participation of children, a delegate explained that civil society organizations existed only since 2003, and that their independence was guaranteed under the law. Many of these organizations worked on child issues and included children in their activities. Children were encouraged to form and express their opinions.

There was no discrimination between girls and boys in the legal system, including in terms of access to education. The enrolment rate for girls was even higher than the one for boys in some areas.

With regard to health and the impact of conflicts on children, the delegation agreed that atrocities perpetrated before the eyes of children caused psychological trauma. Certain healthcare centres included psychological counselling, and social workers in schools had been trained to deal with children with such trauma.

In response to the questions relating to drugs, the delegation said that the Iraqi Government sought to apprehend any gangs involved in drug trafficking. Authorities in charge of border areas had been trained on how to deal with this particular crime in compliance with human rights. The Ministry of Health provided healthcare for drug addicts and provided prevention campaigns on the dangers of drug abuse.

A Commission on combatting corruption had been put in place, and had conducted inspections in

various administrations.

### **Follow-up questions from the Experts**

On health access, an Expert asked what access existed for children to contraceptive and abortion services in case of sexual violence.

A question was also raised on measures to prevent and punish torture perpetrated in detention facilities.

With regard to harmful practices against girls, an Expert noted that the Kurdistan region was making progress to avoid child and early marriage under the law, but the law was being circumvented in practice. Experts were deeply concerned about sexual offenders having the possibility to avoid prosecution by marrying their victims, and about the lack of protection for these victims from honour crimes. Experts underlined that the State had the responsibility to protect girls from those crimes, and asked whether campaigns had been conducted to change mentalities on this.

Pre-trial detention of juveniles had to be avoided or, at the least, regulated, one Expert said, and should not exceed one day.

In the education sector, discrimination against girls remained in practice, an Expert said. As an illustration, the Expert said that the illiteracy rate was much higher among girls. Another Expert asked whether the rules for inheritance in Iraqi law were the same for women and men. Experts also referred to de facto discrimination against persons, including children, belonging to minorities and discrimination on the ground of sexual orientation and gender identity. The delegation was also asked about the status of sexual intercourse outside of marriage and whether divorce was allowed for women.

### **Response from the Delegation**

Detention centres were monitored closely to avoid human rights violations there. Mothers in detention had the right to keep their children with them until they reached the age of three years. Detention facilities had nurseries and privacy was granted for breastfeeding.

On discrimination, a delegate said that the law of inheritance was indeed different for women and men, but conferred women with a special pension, which amounted in the end to positive discrimination. There were very few cases of lesbian, gay, bisexual and transgender persons in Iraq, but the law had been accommodated to address their needs. Lesbian, gay, bisexual and transgender persons were equal under the law. Sex change had for example been made legal. Sharia law and legislative dispositions allowed men to divorce, and guaranteed that men did not use this right in an abusive manner. Measures had been adopted to protect women in case of the right to divorce being misused by men.

The delegation believed that sexual offenders should not be allowed to escape prosecution by marrying their victims. On the other hand, marrying the offender was often a way for the victim to avoid honour crime from members of their family or community. The society was not yet ready to amend this law, unless a certain level of awareness was reached.

On health, the delegation denied the presence of leprosy cases in Iraq.

### **Questions from the Experts relating to the implementation of the Optional Protocol on the involvement of children in armed conflict**

Concerning the legal status, an Expert regretted that the Optional Protocol on the involvement of children in armed conflict had not been completely integrated in domestic law.

An Expert welcomed that children could not be enrolled in the army under the law, but regretted that there were no preventive measures to ascertain false identity documents being used for the enrolment of children in the armed forces. Questions were raised with regard to efforts to prevent and raise awareness on the use of children in armed conflicts.

Experts were deeply concerned about ISIL using children to take part in hostilities.

An Expert was concerned about children being de facto held on charges of terrorism due to lack of information about their age, and asked whether these children had access to legal counsel and the opportunity to challenge justice decisions against them.

### **Questions from the Experts relating to the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography**

An Expert regretted that the response by Iraq to the list of issues sent out by the Committee did not contain enough information on the implementation of the Optional Protocol, particularly with regard to definitions of offenses covered by the Protocol in domestic law. The Protocol required that States parties expended their laws to cover all the crimes described in it.

An Expert asked whether perpetrators of offenses relating to child pornography, sexual exploitation and sexual slavery of children outside of Iraq could be prosecuted before the Iraqi courts. Extradition of criminals had to be facilitated between all States parties to the Protocol.

There seemed to be no data on the number of children who were victims of trafficking or sexual exploitation, one Expert regretted. Was there any structure dealing with the implementation and monitoring of the provisions of the Protocol? Were there measures to protect victims and witnesses of trafficking or exploitation? Was a hotline in place for children being subjected to trafficking or exploitation?

### **Response by the Delegation on the Optional Protocol on the involvement of children in armed conflict**

The recruitment of children constituted a war crime, a delegate said. The Government had identified gaps in the criminal law regarding sentences for crimes under the Optional Protocol on the involvement of children in armed conflict, including the recruitment of child soldiers and the use of children for terrorist acts. Iraq prohibited the recruitment of children, and was monitoring activities in camps of displaced persons and refugees to prevent such recruitment. Iraq was in the process of adopting new laws to strengthen the prohibition of recruiting children.

International law did not prohibit self-defence, a delegate said. There had been cases of children using weapons in self-defence against attacks from terrorist groups. These should not be considered as child soldiers, he said.

The judiciary was an independent body, and many programmes were targeting judges to train them on children's rights.

### **Follow-up questions from the Experts**

An Expert asked what was being done to prevent the recruitment of children by non-State armed forces, including ISIL. Would these children have to face charges in court? Was anything being made for their rehabilitation?

Another Expert raised the issue of children being accused of and convicted for terrorism acts under the United States' presence in Iraq. This had been an issue because the United States was not at the time

OHCHR | Committee on Rights of Child examines reports of Iraq under Convention, on children in armed conflict and sale of children a State Party to the Optional Protocol. Had the Government taken any measures to put an end to these convictions?

A Committee Member asked whether the Government had taken measures to verify the age of young soldiers and identify fake identity documents.

### **Response from the Delegation**

The recruitment of children continued only in areas controlled by ISIL, a delegate said. Laws in Iraq and the Kurdistan region were very clear. Iraq did not use capital punishment against children, and ISIL was seeing this as a gap in the Iraqi legislation. This was why ISIL was using children.

On the case of prosecutions carried out by the United States, cases had been transferred to the Iraqi Government after the Americans left. Juveniles then transferred under the authority of the Iraqi Government benefitted from due process, and those found guilty were detained in juvenile detention facilities. Iraq did not use the death penalty against any of them.

In case a soldier was suspected of being under age, investigations and tests were carried out to determine their actual age.

International humanitarian agencies had offices in Iraq and addressed issues regarding the situation in refugee camps, and there was no information of any child having been recruited in these camps.

### **Follow-up questions form the Experts**

An Expert disagreed with the delegation and referred to reports by Turkey, Syria and Lebanon mentioning the recruitment of children by gangs and armed groups from refugee camps in Iraq.

An Expert asked whether efforts were made to reunite former child soldiers, even those in detention, with their families.

An Expert said there was a vast problem about the frequent use of children, including children with disabilities, in terrorist acts. Children with disabilities were made to believe that engaging into terrorist acts would take their disability away. Children were very easy to manipulate by terrorist groups, the Expert said. The structural causes of this, including the fact that these children were not included in the society, had not been addressed. Iraq had to address the causes of the marginalization of children with disabilities in order to prevent their recruitment by terrorist groups.

An Expert underlined that the Sunni minority was discriminated against, which had made its members more attracted to terrorism.

An Expert was deeply concerned that children enrolled in armed groups had been arrested and imprisoned by Iraqi authorities, and were therefore particularly vulnerable to torture and other ill-treatments. Experts encouraged Iraq to ratify the Optional Protocol to the Convention against Torture, which would allow the Subcommittee on the Prevention of Torture to visit detention facilities in Iraq.

On self-defence, an Expert said that the situation required the State to do its best in order to protect children.

An Expert suggested that Iraq create an inter-ministerial committee to look at the situation of children facing violence. Conducting a broad study on children would help identifying gaps and providing adequate responses.

### **Response from the Delegation**

Cases of recruitment or abduction of children in refugee camps were isolated and rare, a delegate

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Cases of recruitment or abduction of children in refugee camps were isolated and rare, a delegate said. Iraq had information that ISIL gangs had abducted 858 children since June 2014.

There had been a decrease in the number of juveniles accused of terrorist acts, a delegate said. International and civil society organizations conducted visits of correctional institutions, and there had been no report on cases of torture or mistreatment there.

Rehabilitation programmes ensured that children did not fall victims of these gangs again after they left.

Children with disabilities were registered and were the responsibility of the Ministry of Labour and Social Affairs, which had programmes to protect these children from armed gangs. Activities were also coordinated with the families of these children. Transportation was provided to them from the school to their homes, or if unavailable schools had to verify that parents came personally to get their children from school. Subsidies were also provided to children with disabilities. An independent body had been created to monitor and address the needs of children with disabilities. A specialized education programme had been created, which mandated certain schools to ensure that the practical needs of children with disabilities were accommodated.

As to children who had been traumatized by their involvement in an armed conflict, programmes had been implemented to measure their trauma and provide them with the necessary medical support.

### **Response by the Delegation under the Optional Protocol on the sale of children, child prostitution and child pornography**

Trafficking of children did not really happen in Iraq, a delegate said. Cases were very isolated. The penal code prohibited trafficking and contained provisions to punish perpetrators. The punishment was stiffened if the victim was a child, or in case the perpetrator was a public official. The definition for trafficking was very broad in the law, and included all forms of exploitation, forced enrolment, forced labour, etc. A Commission was currently working on the harmonization of the law with the dispositions of the Optional Protocol and other international standards on trafficking. The Ministry of Interior had a unit working specifically on combatting trafficking, in cooperation with civil society organizations and international agencies.

Some judges were specialized in dealing with cases of trafficking in persons. Training sessions were organized for law enforcement officials on how to deal with cases of human trafficking.

Protection and rehabilitation efforts were provided to the victims. Shelter was provided to the victims and a law protected the confidentiality of their identity. Diplomatic assistance was also provided to foreign victims to facilitate their return to their homeland. A hotline had been set by the Human Rights Ministry for the victims.

Particular attention was given to begging children being exploited by gangs. Measures had been taken to combat organized crime.

The law on trafficking indirectly covered the sale of children, even though this was not referred to explicitly. It was commonly agreed that selling children amounted to trafficking them.

### **Follow-up questions from the Experts**

An Expert said that although Iraq had laws against trafficking, the issue of the sale of children was not properly defined and fully covered in the law. The act of selling a child had to be precisely defined and criminalized. Forced adoption also had to be included in this definition, even though adoption was not possible in Iraq. General laws against trafficking were not sufficient, and children had to be covered by specific laws. The Committee stood ready to assist Iraq in drafting such laws and ensuring their implementation. Forcing a child to work did not necessarily amount to trafficking, an Expert said. This

particular case therefore was not covered by the Iraqi law on trafficking and had to be explicitly and strongly criminalized.

### **Response by the Delegation on remaining issues under the Convention**

Regarding harmful practices, cases of female genital mutilation were isolated, and took place in the Kurdistan region only. Islam permitted marriage to be permanent or temporary. Temporary marriages were made secretly and the Government could not do anything to prevent such marriages. Regarding reproductive health, the Ministry had adopted a strategy and allocated the necessary resources to combat maternal mortality. Iraq had progressed a great deal on this, and mortality rates had decreased. Healthcare centres were present in all municipalities, and complied with standards set by the World Health Organization. Homosexual and lesbian behaviours were not regulated by law, and private behaviour was not criminalized as long as public morals were not violated. Homosexuality had never been punished, and courts had prosecuted people perpetrating violence against lesbian, gay, bisexual or transgender persons.

The State provided shelters for children victims of trafficking and supported their rehabilitation. Shelters had doctors and experts, and worked closely with civil society organizations. The State protected children, and civil society organizations did not have the right to open shelters for children. Civil society organizations could provide support and assistance, but could not manage shelters.

### **Concluding Remarks**

RENATE WINTER, Committee Member and Rapporteur for the report of Iraq, said in concluding remarks that the Committee was perfectly aware of the current situation in Iraq and had a lot of information and experience to help it identify gaps and room for improvement for the protection of children. Some problems had existed before ISIL and were inherited. The huge challenge of Iraq was to implement its laws despite cultural beliefs. Cultural issues could be overcome, and often had no link with religious beliefs, she said. Gender inequality remained a problem, and Iraq would tackle this problem despite the current situation. Assistance could be brought to girls engaged in temporary marriage, despite what the delegation said. The Government could also assist families and prevent them from selling their children for poverty reasons.

HATEM KOTRANE, Committee Member and Rapporteur for the report of Iraq, welcomed the participation of the delegation in the dialogue, and thanked delegation members for their openness, and acknowledged that efforts were being made. He encouraged the Government to pay close attention to the implementation of the recommendations that the Committee would make.

MOHAMMED MAHDI AMEEN AL-BAYATI, Minister of Human Rights of Iraq, said that Iraq was committed to continue cooperating with the Committee despite the challenges it currently faced, and looked forward to the recommendations that the Committee would issue.

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*For use of the information media; not an official record*

