



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2010

Iraq*

[23 July 2013]

* The present document is being issued without formal editing.



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I. Introduction

1. The Republic of Iraq, as part of its international obligations towards the United Nations and its unequivocal belief in human rights principles in general and the rights of the child in particular, is pleased to submit its initial report on implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

2. Upholding the efforts to promote and protect human rights, it acceded without reservation to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which was adopted and opened for signature by United Nations General Assembly resolution 54/263 of 25 May 2000 and entered into force on 18 January 2002. The accession procedures were completed on 24 June 2008. In order to make an objective assessment of the situation of the rights of the child in Iraq, reference must be made to the political, economic, social and cultural changes that occurred before and after the spring of 2003. From the early 1980s onwards, Iraq experienced a series of reckless wars and an economic embargo on account of misguided policies, which left in their wake thousands of orphaned, homeless and street children as a consequence of the loss of breadwinners, poverty, unemployment, the post-2003 instability and insecurity, and the terrorism targeting civilians and the infrastructure. These were all reasons for the violation of children's rights.

3. The Republic of Iraq is working to secure for children the full enjoyment of their rights but faces a host of challenges and difficulties on the domestic front. These include primarily the issues of street children, child labour, early marriage, displaced children, child orphans, homelessness, school dropout and terrorism.

4. In conformity with the General Assembly resolution proclaiming the year 1979 as the International Year of the Child, a Higher National Committee for Children composed of representatives of relevant ministries and entities was formed. It proposed the establishment of a Child Welfare Authority, presided over by the Minister of Labour and Social Affairs and comprising representatives of the Ministries of Labour, Education, Health, Culture, and Planning, the General Union of Iraqi Students and Youth, the General Federation of Iraqi Women, and the Ministry of Foreign Affairs. Following the change of regime in 2003, the General Union of Iraqi Students and Youth and the General Federation of Iraqi Women were replaced by the Ministry of Youth and the Ministry of State for Women's Affairs and other entities were additionally included, such as the Ministries of Justice, the Interior, Environment, and Human Rights. Given the concern of the Government of Iraq for children, the Child Welfare Authority reports directly to the Prime Minister. Key accomplishments recently achieved by the Child Welfare Authority are outlined below.

5. The Child Welfare Authority worked in conjunction with the constitutional drafting committee to incorporate into the new Iraqi Constitution of 2005 the principles of the Convention on the Rights of the Child. This effort was crowned with success in that the Constitution, under articles 29 and 30, guarantees protection for mothers and children, the welfare of children and young persons, and their protection from all forms of economic exploitation (see paragraph 29 below).

6. Through the Second Scientific Conference for the Defence of Children's Rights, held in Arbil in 2005, the Authority made exceptional efforts to secure Iraq's ratification of the two Optional Protocols to the Convention on the Rights of the Child. Its efforts paid off, with Iraq acceding to both Protocols pursuant to Act No. 23 of 2007.

7. The Authority recently presented three draft laws (dealing with, respectively, child protection, a fund for foster care of orphans, and a children's parliament).

8. Six scientific conferences for the defence of children's rights were held: four in Baghdad and two in Arbil and Najaf governorates.

9. The report will also later indicate the concern of the Ministry of Human Rights and all governmental and non-governmental partners to prevent and combat the offences provided for in the Optional Protocol in all spheres. While highly important questions prevail in the areas of politics, security and terrorism and in matters relating to displaced persons and unemployment, the Republic of Iraq devotes no less attention to the subject of children's rights and the Optional Protocol than to serious issues of that ilk with a direct impact on society. This attention on its part is prompted not so much by its sense of responsibility in giving effect to the Protocol as by the human, moral and religious imperatives for rejecting offences of the type concerned.

10. It is essential to recognize that, together with their unprecedented outcomes, the circumstances to which Iraq was subjected before and after the events of 2003 created political and social instability and insecurity and left their impact on children. No quick solutions were found for implementing the children's rights set out in the Convention and the two Optional Protocols thereto. The competent entities are nonetheless working tirelessly and continuously to centre attention on education, health care and protection in order to promote implementation of the Convention through development of the legal framework for child protection and the establishment of child-focused institutions.

II. General guidelines

A. Report preparation process

11. In accordance with article 12, paragraph 1, of the Optional Protocol, the Iraqi Government formed a sectoral committee to undertake the drafting of the report on the Protocol. Chaired by the Ministry of Human Rights, this committee had a membership comprising the Ministry of Education, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Health, the Ministry of Youth and Sports and the Child Welfare Authority. It additionally called on the assistance of a national expert — an assistant professor of international law — in drafting the report.

B. Compliance with the general principles of the Convention on the Rights of the Child

Right to non-discrimination – primacy of best interests of the child – right to life, survival and development – right of the child to be heard

12. In striving to implement the Convention on the Rights of the Child and the Optional Protocol, the Republic of Iraq is guided by the letter and spirit of the Convention, as is clear in its initial report of 1996 and in its current report. Based on the general principles of the Convention, it is also working to implement those rights in a holistic manner across three levels, namely legislation, general policies and programmes. Key national programmes implemented by Iraq to combat the offences covered by the Optional Protocol are set out below.

Programme for gifted children

13. The Ministry of Education concerned itself with identifying and catering for gifted children at an early age by way of a purpose-designed study on the practice of exempting from the age requirement for admission to the first or second years of primary school gifted

children with mental ability levels above their chronological age. The Welfare of Gifted Persons Act of 2001 provides for the establishment of a school for the gifted, headquartered in Baghdad and overseen by the Minister of Education, who is authorized to open one such school in each governorate when the number of students is appropriate to warrant it. The aims of the school are to:

- (a) Continue developing and building all aspects of the child's personality;
- (b) Develop the child's scientific and exploratory skills through special curricula;
- (c) Encourage the child to generate ideas.

14. School learning takes place in two consecutive stages: the primary stage, starting at grade 4 and continuing until the completion of grade 6; and the secondary stage, the duration of which is six years, comprising an intermediate and a preparatory level, both lasting three years. A child's success at the latter level denotes completion of the secondary stage.

15. In the context of the importance attached to gifted children, the National Committee for Children was formed, in coordination with the Ministry of Human Rights and other relevant ministries. In discharging its functions, the Committee focuses on bringing together creative children in the artistic, literary and intellectual fields in order to promote their participation in international forums. A total of 350 such children have been identified and efforts are being made to involve them in various children's festivals at the international and local levels.

Programme and publications of Dar Thaqaafat al-Atfal (Children's Culture Publishing House)

Introduction to Dar Thaqaafat al-Atfal

16. In late 1969, the Office of the Editor-in-Chief of the magazine *Majallat-i* (My Magazine) was instituted as an editorial body at the Ministry of Information. The first issue of the magazine was published on 24 December 1969, followed one year later by the first issue of *al-Mizmar* (The Oboe), a magazine for girls. Both of these were monthly publications with a run of 10,000 copies per issue. In 1971, the Office of the Editor-in-Chief published 1,000 copies of numerous individual story booklets in a series entitled *Hikayat majallat-i wal-mizmar* (Stories from My Magazine and The Oboe). It continued to issue these publications with a significantly increased print run until 1979, when the Office of the Editor-in-Chief was turned into a directorate-general known as Dar Thaqaafat al-Atfal.

Aims of Dar Thaqaafat al-Atfal

17. The aims of Dar Thaqaafat al-Atfal are to broaden and encourage attention to children's culture in order to heighten children's awareness, in accordance with sound and advanced scientific and educational principles, as well as direct their abilities, release their creative energies and prepare generations capable of moving society on towards progress and prosperity inasmuch as they — meaning children — are the future itself. Key activities undertaken by Dar Thaqaafat al-Atfal in pursuit of its aims consist in:

- Publishing the magazine *Majallat-i* for young persons up to 18 years of age;
- Publishing the girls' magazine *al-Mizmar*;
- Publishing the *Makatabat al-atfal* (Children's Library) series, which covers different branches of knowledge and caters to all age groups;
- Publishing targeted educational and cultural posters, leaflets and newsletters;

- Publishing books and magazines for the benefit of those involved in children's culture;
- Arranging children's drawing exhibitions and competitions;
- Staging exhibitions of children's publications;
- Organizing local and international seminars and conferences;
- Putting on cultural, literary and art festivals for children;
- Running courses for children in drawing, writing, acting, music, sports, computing and so on;
- Producing theatrical and cinematic works for children;
- Participating in international children's book and drawing exhibitions and competitions;
- Organizing literary and art competitions for authors and artists involved in children's culture;
- Cooperating with departments and organizations concerned with children;
- Helping researchers to complete their research in the area of children's culture.

18. The main cultural activities undertaken by Dar Thaqaafat al-Atfal in 2008, 2009 and 2010 were as follows:

<i>Activities</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
1 Publication of <i>Majallat-i</i> magazine	8	6	11
2 Publication of <i>al-Mizmar</i> magazine	7	8	12
3 Publication of the <i>Maktabat al-atfal</i> book series	10	12	12
4 Publication of <i>Thaqaafat al-tifl</i> (Children's Culture) magazine for those involved in children's culture		-	3
5 Organization of cultural festivities	23	29	15
6 Organization of children's drawing exhibitions	12	21	18
7 Organization of children's courses	3	4	4
8 Presentation of theatrical performances	11	13	20
9 Production of theatrical works	6	11	8
10 Organization of children's drawing competitions	3	3	5
11 Organization of literary and artistic competitions for persons working in the field of children's culture	4	5	5
12 Organization of seminars and conferences	17	6	9
13 Organization of photographic exhibitions	6	1	2
14 Organization of miscellaneous activities	29	32	10
15 Participation in international children's drawing competitions	-	3	5
16 Participation in festivities organized by government entities and civil society organizations	10	13	11
17 Participation in exhibitions of children's publications	10	11	9
18 Prizes, medals and certificates of appreciation awarded to Dar Thaqaafat al-Atfal	22	5	3

19. The rights of the child include the right to leisure, rest, play and recreational activities, which are beneficial for children in terms of developing their abilities, bringing out their hidden aptitudes and expressing their views. In the course of town planning, the State therefore provides leisure areas by allocating spaces for children's playgrounds and public parks. The importance attached by the State to the cultural aspects of children's lives in the interest of broadening their knowledge and horizons was also the driver behind its establishment of Dar Thaqafat al-Atfal with a view to nurturing children's literary and artistic talents.

20. Dar Thaqafat al-Atfal essentially works to raise awareness of and promote children's culture and to develop children's thinking and mental abilities in accordance with the principle of giving recognition to children and encouraging their participation through festivals, plays, activities and competitions organized by Dar Thaqafat al-Atfal itself and by the Iraqi Children's Cultural Centre. Other activities in addition include:

- (a) Celebrations marking the International Year of the Child;
- (b) Raising children's health awareness;
- (c) Music;
- (d) Mobile cinema;
- (e) Involvement in school activities.

21. In order to promote children's human rights awareness and education, the Ministry of Human Rights collaborated with the Ministry of Education in setting up "Friends of Human Rights" groups in schools, in keeping with articles 12 and 15 of the Convention on the Rights of the Child. The experiment was piloted in 90 schools in Baghdad and later rolled out in the remaining governorates.

Mental health programmes

22. Concerned with the health status of children in general, the Ministry of Health establishes paediatric hospitals and mental and neurological health centres, such as the Centre for Mental and Neurological Disorders at Baghdad's Central Children's Hospital, which is staffed by child psychiatrists and psychologists and paediatric nurses. The Ministry also runs courses in conjunction with international institutions, examples of which include:

- A behavioural therapy course;
- A course on the integration of primary health care and psychological health services;
- A course on analytical therapy for children;
- A course on psychological therapy for children.

23. As the first such facility in the Republic of Iraq, the Centre receives daily referrals from all governorates countrywide, in accordance with the following:

From 11 October 2006 to 1 January 2008	500 patients
From 1 January 2008 to 1 January 2009	919 patients
From 1 January 2009 to 1 January 2010	1,968 patients
From 1 January 2010 to 30 December 2010	1,763 patients

24. A separate centre for the treatment of mental disorders in children was created as part of projects implemented in 2011. Specialized medical and nursing staff are currently being trained abroad for work at this centre.

Adolescent health programme

25. The event of disasters, wars and forced displacements experienced throughout Iraq left a legacy of acute psychological disturbances for all inhabitants, particularly adolescents. Owing to the protracted nature of government procedures and the non-delivery of appropriate support to these disadvantaged persons, the proportion of crime and drug-taking multiplied and adolescents became vulnerable to all kinds of exploitation. In order to improve awareness among this cohort of youngsters, the Ministry of Health and international organizations joined in organizing a number of courses for educating and enlightening them on how to deal with those disturbances. The Ministry also opened an addiction unit at Ibn Rushd Teaching Hospital and likewise established a unit at the Central Children's Hospital for treating mental disorders in children and adolescents. It still suffers, however, from a shortage of specialist personnel and a lack of financial allocations, which hampers the proper delivery of services. Despite all these problems, no surveys have been conducted to ascertain the true numbers of traumatized adolescents and there are no clear and bona fide programmes in place to help them or to contain the spread of drug-taking in order to protect society from such scourges.

Family protection programme (community police force)

26. Falling under the Ministry of the Interior, the community police force was created to act as an intermediary between the security establishment (police station) and the institutions and pillars of society. Its function is one of communication and interaction in order to achieve the fullest genuine community engagement with the police in shouldering the responsibilities for security in line with the concept of community safety. Community policing is a strategic tool representing a new style of policing based on a fresh philosophy whereby local community needs and problems are jointly addressed by citizens, residents and the police, with the community playing an active role in containing, fighting and preventing crime.

Purpose

27. The need to establish a community police force emerged as a result of the rapid development of scientific and technological progress; the rise in the overall rate of offences against the person and physical integrity; higher numbers of financial crimes and money-laundering networks; attacks of various kinds on public and private property; the decline in morality and failure to live by the teachings of Islam; poor community relations among neighbourhood inhabitants; breakdown of family relationships; non-compliance of the conventional police with laws, rules and regulations; lack of community cooperation with the police in crime control and prevention; and fear of crime and a sense of insecurity.

Directorate (Police Unit) for the Protection of Families and Children against Domestic Violence

28. Equivalent to a police unit in the governorates and Baghdad, there are two such specialist directorates, one in Karkh and the other in Rusafah. They report directly to the governorate's Director-General of Police and are concerned with protecting families and children from domestic violence and problems occurring within the family and from domestic-type violence practised outside the family setting by first- or second-degree descendants or ascendants. They conduct preliminary investigations under the auspices of a competent judge and take action to protect families, children and older persons, resolve domestic problems, refer complex cases to the competent courts and provide shelter for abused women and children in homes run by the Ministry of Labour and Social Affairs. Their strategic aim is to have a largely female staff at all levels, answerable to a division

director. This remains at the discretion of the Under-Secretary for Police Affairs and the Director-General of Police to whom they report in the governorate.

C. Implementation of the Optional Protocol and its contribution to implementation of the Convention on the Rights of the Child

Legal framework for child labour in Iraqi legislation and international child labour conventions

Children in Iraqi legislation – Constitution of Iraq of 2005

29. The current Constitution of Iraq covers the social aspects relating to the rights of the child, protection of the child from all forms of exploitation and the provision of care for the child's family, it being the appropriate environment in which to raise children and prepare them soundly for life. Article 29 provides as follows:

“1. (a) The family is the foundation of society. The State shall preserve the family and its religious, moral, and national values;

“(b) The State shall guarantee the protection of mothers, children and older persons and shall care for children and young people and provide them with the appropriate conditions in which to develop their talents and abilities;

“2. Children have the right to nurture, care and education from their parents. Parents have the right to respect and care from their children, in particular in times of need, infirmity and old age;

“3. All forms of economic exploitation of children shall be prohibited and the State shall take the necessary measures for their protection;

“4. All forms of violence and abuse in the family, school and society shall be forbidden.”

Article 30 also provides as follows:

“1. The State shall guarantee to the individual and the family — in particular women and children — social and health security and the basic requirements for leading a free and dignified life. It shall secure for them a suitable income and adequate housing;

“2. The State shall guarantee social and health security to Iraqis in the event of old age, sickness, incapacity for work, homelessness, orphanage and unemployment. It shall work to protect them from ignorance, fear and destitution and to provide them with access to housing and special care and rehabilitation programmes. These matters shall be regulated by law.”

Juvenile Welfare Act No. 76 of 1983

30. The Juvenile Welfare Act No. 76 of 1983 includes the following:

“Article 24

“1. A minor or juvenile shall be considered homeless if he:

“(a) Is found begging in public places or to be fabricating injuries or impairments;

“(b) Is engaged as an itinerant shoe-shiner or cigarette peddler or in any other occupation that places him at risk of delinquency and he is under 15 years of age;

“(c) Has no fixed abode or uses public places for shelter;

“(d) Has no legitimate livelihood and no guardian or person to raise him;

“(e) Has left his guardian’s home or the location of his placement without legitimate excuse.”

Labour Code (Act No. 71) of 1987

31. The Labour Code (Act No. 71) of 1987 includes the following:

“Article 90

“1. A juvenile means a person who has not attained 18 years of age;

“2. Juveniles may not be employed in the following types of work and nor may they be permitted to enter premises in which such work is performed:

“(a) Work that causes occupational or communicable disease or serious contamination and work that, by its nature or on account of the procedures or circumstances under which it is performed, is hazardous to the lives, morals or health of the persons performing it, such work being specified in directives issued by the Minister of Labour and Social Affairs;

“(b) Work performed by trimmers or assistant trimmers on board ships.

“Article 91

“1. Juveniles who have attained 15 years of age may be employed in non-arduous and non-demanding day work other than that provided for in article 90, paragraph 2, of this Code;

“2. Juveniles who have attained 17 years of age may be employed in day, night and overtime work other than that provided for in article 90, paragraph 2, of this Code;

“3. A juvenile’s employment is conditional on the issuance of a medical certificate of his physical fitness and health by a competent entity.

“Article 92

“1. No juvenile under 16 years of age may be employed for a period of more than 7 hours daily;

“2. Daily hours of work shall be interspersed with one or more rest periods of not less than one hour, which must be arranged in such a way that work is not continuous for more than four hours.

“Article 93

“Juveniles who may be employed are entitled to annual leave for a period of 30 days per year.

“Article 94

“Employers taking on juveniles whose employment is permitted by law must post a copy of the rules concerning the protection of juveniles on the bulletin board at the workplace and set up a register showing the names and ages of the juveniles and the work assigned to them.

“Article 95

“Where there is an employment relationship between an employer and a juvenile who, under the provisions of this Code, is not permitted to work, the employer shall be obligated to pay the juvenile the agreed wage and to compensate him or her if he or she has an accident during or as a result of work, regardless of who was at fault.

“Article 97

“Any person infringing the provisions on the protection of juveniles and women set out in sections I and II of this chapter shall be liable to imprisonment for a term of not less than 10 days and not more than 3 months or a fine of not less than 100 and not more than 300 dinars.”

New bills (being legislated): Employment of Young Persons Bill

32. The Bill, which is still being legislated, contains various provisions relating to child labour that are in keeping with the letter and spirit of the Protocol, as follows:

(a) The Bill prohibits the employment of young persons in work that, by its nature or circumstances, is deleterious to their health, safety or morals. The paragraph concerned is general, unqualified and without restrictions, except for work specified in directives issued by the Minister that is hazardous or involves exposure to abnormal temperatures, noise or vibrations damaging to the health of young persons;

(b) The Bill prohibits the employment of children under 15 years of age, permits the employment of persons over 15 years of age and states that persons under 16 years of age may not be employed for more than 7 hours daily, that working hours must be interspersed with a rest period of not less than one hour and that work must not be continuous for more than 4 hours;

(c) The new Bill adds that the Ministry, in consultation with organizations of workers and employers, must periodically review the list of the types of work that, by their nature, are deleterious to the health, safety or morals of young persons, including but not limited to work:

- Underground;
- Underwater;
- At dangerous heights;
- In confined spaces;
- With dangerous machinery and equipment or involving the manual handling or transport of heavy loads;
- In an unhealthy environment that may involve exposure to abnormal temperatures, noise or vibrations damaging to health;
- In difficult conditions or, in certain circumstances, during the night;

(d) It also provides that young persons may not be employed without having undergone a thorough medical examination to confirm their fitness and capacity for work;

(e) Young persons must undergo health checks until they attain 18 years of age;

(f) The continued employment of young persons is subject to the repetition of medical examinations at least once annually;

(g) Young persons must have repeated medical examinations to confirm their fitness for work until they are at least 21 years of age in the case of jobs established by the competent authority to entail high health risks;

(h) Employers are required to place on file the medical certificate confirming the fitness of a young employee (who has undergone a thorough medication examination and whose employment is accordingly permitted), furnish the certificate for examination by the labour inspector or provide him with the number of the register in which the certificate is kept;

(i) The provisions of this Bill do not apply to young persons over 15 years of age who, under the management and supervision of the young person's spouse, father, mother or brother, are engaged in a family enterprise producing items for local consumption and employing no paid workers;

(j) The Bill specifies, by way of directives issued by the Minister, the hazardous jobs and jobs involving abnormal temperatures, noise or vibrations harmful to young persons;

(k) The maximum ceiling on fines for employers who infringe the provisions of this section of the Bill is to be raised from 300 to 500,000 dinars;

(l) Order No. 89 of the Coalition Provisional Authority concerning amendments to the Labour Code (Act No. 71) of 1987 repealed resolution No. 368 of 1990, which provided for the employment of children under 12 years of age, and reverted to the minimum age of employment, i.e., 15 years. An order was issued rescinding the orders of the Coalition Provisional Authority.

33. The Iraqi State adopted different approaches in introducing the reforms needed to bring its legislation and judicial systems into line with international standards on a case-by-case basis. Institutional action for the welfare of juveniles in Iraq is encompassed in the Juvenile Welfare Act No. 76 of 1983, the Code of Criminal Procedure for Juveniles (Act No. 32 of 1971), the Regulation of 1971 on rehabilitation homes and the Convicted Persons and Detainees Act No. 6 of 1987. These existing laws and regulations relating to juvenile justice nonetheless contain gaps, requiring the enactment of new laws and legislation on the welfare of juveniles, whose social rehabilitation and reintegration are a pressing requirement.

Juvenile Welfare Act No. 76 of 1983

34. Article 3 of the Juvenile Welfare Act provides that the Act is applicable to juvenile offenders, minors and juveniles at risk of delinquency and their guardians. The Act covers means of protecting juveniles aged between 9 and 18 years of age and also provides in article 6 for the establishment of a Juvenile Welfare Board, chaired by the Minister of Labour and Social Affairs and with a membership comprising a juvenile court judge and a representative from each of the Ministries of the Interior, Education and Health and the Department for Minors' Welfare. The Board's function is to ensure that social measures are in place to protect juveniles from delinquency.

35. Child protection is covered in several articles of the Juvenile Welfare Act, including articles 9 and 10 concerning rehabilitation homes and schools, an observation facility, a boys' rehabilitation school and a school for young adults. Article 12 provides for the establishment of a personality assessment bureau and article 24 deals with homelessness, delinquency, behavioural issues and parental responsibility.

Minors' Welfare Act No. 78 of 1980

36. The Minors' Welfare Act is designed to cater for minors and its provisions apply to any person under 18 years of age. It contains provisions on social research and the establishment of minors' welfare offices in the governorates and a minors' welfare fund, pursuant to article 24. Trusteeship is governed by article 34, guardianship by article 27 and the administration of minors' assets by article 40.

Other laws

37. Examples of other laws are the Public Prosecution Act No. 159 of 1979 (art. 2), the Personal Status Code (Act No. 188) of 1959 and the Civil Code (Act No. 40) of 151.

Legal framework for child victims of armed conflict

38. The legal framework for child victims of armed conflict is as follows:

(a) Constitution of the Republic of Iraq of 2005;

(b) Counter-Terrorism Act No. 13 of 2005;

(c) Supreme Criminal Court Act of 2005, section III of which, entitled "War crimes", refers in article 13, paragraph 2 (b), to the conscription or registration for conscription of children under 15 years of age into the national armed forces or their use for active participation in hostilities. Paragraph 2 (g) of the same article also deals with the recruitment or registration for recruitment of children under 15 years of age into armed forces or groups or their use for active participation in military activities;

(d) Under Iraq's military laws, it is prohibited for anyone under 18 years of age to enter the army or be admitted to a military academy or school.

Legislative framework for displaced children

39. The legislative framework for displaced children is as follows:

(a) The Iraqi Constitution: articles 29, 30 and 34 guarantee protection for mothers and children;

(b) Counter-Terrorism Act No. 13 of 2005.

Legislative framework for violence against children

40. The legislative framework for violence against children is as follows:

(a) Articles 383, 393, 396, paragraph 2, and 379 of the Iraqi Criminal Code (Act No. 111) of 1969, as amended;

(b) Public Prosecution Act No. 159 of 1979;

(c) Juvenile Welfare Act No. 76 of 1983, as amended.

Legislative framework for child marriage

41. The Personal Status Code (Act No. 188) of 1959 is among the laws playing a positive role in protecting the family and giving consideration to women. It sets the legal age for marriage, stating in article 7, paragraph 1, that eligibility for marriage is conditional on a sound mind and attainment of 18 years of age. Having thus determined the criteria of eligibility for marriage, the Code takes into account the social setting in the Republic of Iraq, particularly in the non-urban environments where early marriage is common, by permitting anyone over 15 years of age to marry with the consent of his or her guardian (father) and the authorization of a judge. (The main difference between the former and the

new provision is the age; whereas the former provision set the marriageable age at 16 years, the new provision lowered it to 15 years with the aim of minimizing the number of marriages taking place outside the courts. This was addressed in article 2 of the amendment). The following conditions must be fulfilled in order for marriages of persons under 18 years of age to take place under the new provision:

- (a) The person (male or female) must have attained 15 years of age;
- (b) A marriage application must have been submitted to the judge;
- (c) The legal guardian, i.e., father, must give his consent;
- (d) The authorization of the judge must be obtained after he has established the person's eligibility and physical capability. If, however, the guardian refuses permission for the marriage, the judge requests his consent within a set period and if the guardian then raises no objection or an objection unworthy of consideration, the judge may authorize the marriage.

42. Article 8, paragraph 1, also provides that: "If a person who has attained 15 years of age asks to be married, the judge may authorize the marriage if the person's eligibility and physical capability are proved to him after the person's legal guardian has consented to the marriage. If the guardian declines, the judge shall request his consent within a set period and if the guardian raises no objection or an objection unworthy of consideration, the judge may authorize the marriage." Paragraph 2 of the same article further provides that: "The judge may authorize the marriage of a person who has attained 15 years of age if he regards it as an utmost necessity. Such authorization is conditional on the attainment of puberty and on physical capability."

43. Article 10 of the International Covenant on Economic, Social and Cultural Rights of 1992 provides as follows:

- Marriage must be entered into with the free consent of the intending spouses;
- Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period, working mothers should be accorded paid leave or leave with adequate social security benefits.

44. Article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women of 1992, to which Iraq acceded, provides as follows:

"The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of official marriages in an official registry compulsory."

45. Article 39-1-1 of the Charter on the Rights of the Arab Child Act No. 27 of 1986 provides as follows:

"The minimum age for marriage shall be set and persons wishing to marry must undergo medical examinations to ascertain their medical fitness."

46. With respect to the Civil Code in the Iraqi Kurdistan Region, an amendment concerning early marriage was approved, signalling a response to public opinion in the Region. The amendment is consistent with the Convention and the Protocol, providing as it does that:

"The conclusion of any contract between two parties shall be prohibited wherein either party is under 18 years of age and it takes place without the consent of both parties. The parents shall bear the legal consequences in the event that they permit the marriage of their minor children."

D. Legal status of the Optional Protocol in domestic law

47. Article 61, paragraph IV, of the Iraqi Constitution provides that: “The ratification of international treaties and conventions shall be regulated by a law enacted by a two-thirds majority of the members of the Council of Representatives.” Article 73, paragraph II, of the Constitution provides that: “International treaties and conventions shall be ratified after the approval of the Council of Representatives and considered ratified 15 days after the date of their receipt.” The Optional Protocol consequently became a part of Iraq’s domestic laws upon its publication in the *Official Gazette*.

E. Reservations to the Optional Protocol

48. The Republic of Iraq has no reservations to the Optional Protocol.

F. Factors and difficulties affecting fulfilment of the obligations under the Optional Protocol

49. The issues with which the Optional Protocol is concerned are highly multifaceted, complex and delicate. The Republic of Iraq accordingly faces a number of difficulties affecting the fulfilment of its obligations under the Optional Protocol. In short, these difficulties relate to data, education and application.

Data-related difficulties

50. There is no database providing information on the numbers of child victims of exploitation or children vulnerable to trafficking, the reason being that the instances are not such as to constitute an evident phenomenon in Iraqi society. The activities concerned also take place under cover, without fanfare and out of the sight of the authorities, making it difficult to collect statistics or prepare data on them. Studies highlighting these activities are being conducted by the Ministry of Human Rights, the Ministry of Labour and Social Affairs and the Ministry of Justice.

Education-related difficulties

51. In order to address the education-related difficulties, the Republic of Iraq initiated an educational campaign on the Convention on the Rights of the Child and its two Optional Protocols by including them in the syllabuses of human rights awareness and education courses run by the National Human Rights Institute and the Information Centre of the Ministry of Human Rights, in conjunction with civil society organizations. Numerous courses, seminars and workshops were organized to raise awareness of human rights, the importance of girls’ education, the risks of child labour, the danger associated with the marriage of minors, the issue of street children and the work being undertaken in these areas by the Ministry of Labour, the Child Welfare Authority and the Ministry of Culture’s publishing house, Dar Thaqafat al-Atfal.

Application-related difficulties

52. There are various factors and challenges impeding application of the Optional Protocol, primarily:

- (a) Poor coordination among governmental and non-governmental entities concerned with child exploitation, especially as civil society organizations are only recently established institutions with no accumulated experience of monitoring the situation;

(b) The shortage of protection centres treating child abuse victims and working to reintegrate them into society;

(c) The dearth of local expertise in protecting children from exploitation, carrying out their treatment and reintegrating them into society, which is among the problems addressed in this report;

(d) The arrival of the international coalition forces, the institutional collapse, the turmoil in the years following the fall of the former regime, the strikes against and looting of ministries and departments, and the arson attacks on most of the State institutions;

(e) The terrorism, militia operations and subversive activities targeted at the society as a whole, which included large numbers of children orphaned by the loss of parents, and the involvement of children in violence;

(f) The rise in unemployment and poverty, which has left its mark on children, with minors resorting to employment and performing various types of work;

(g) Refugees and internally displaced persons, including in both cases large numbers of children who have left school and are engaged in begging or hard labour.

G. Implementation of the Optional Protocol in the Republic of Iraq

53. The Optional Protocol is implemented throughout the Republic of Iraq.

H. Relevant legislation

54. Iraqi legislative texts in this area are the:

- Current Iraqi Constitution of 2005;
- Current Constitution of the Kurdistan Region;
- Juvenile Welfare Act No. 76 of 1983;
- Labour Code (Act No. 71) of 1987;
- Coalition Provisional Authority Orders;
- Minors' Welfare Act No. 78 of 1980;
- Social Welfare Act No. 126 of 1980;
- Criminal Code (Act No. 111) of 1969;
- Treaties Act No. 111 of 1979;
- Counter-Terrorism Act No. 13 of 2005;
- Prostitution Act No. 8 of 1988;
- Civil Code (Act No. 188) of 1959;
- Nationality Act No. 26 of 2006;
- Personal Status Code (Act No. 188) of 1959, as amended.

55. Bills in this domain are as follows:

- Human Trafficking Bill;
- Child Protection Bill;

- Children’s Bill;
- Bill banning the import of violence-inducing games.

III. Data

A. Disaggregated data on the sale of children, child pornography and child prostitution

56. Disaggregated data on sexual offences follow hereunder.

Sexual offences involving young persons in Baghdad, 2004

<i>Sexual offences involving young males</i>			<i>Sexual offences involving young females</i>		
<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>	<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>
None	5	1	4	None	2

Sexual offences involving young persons in Baghdad, 2005

<i>Sexual offences involving young males</i>			<i>Sexual offences involving young females</i>		
<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>	<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>
2	6	1	3	2	1

Sexual offences involving young persons in Baghdad, 2006

<i>Sexual offences involving young males</i>			<i>Sexual offences involving young females</i>		
<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>	<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>
None	3	1	4	None	2

Sexual offences involving young persons in Baghdad, 2007

<i>Sexual offences involving young males</i>			<i>Sexual offences involving young females</i>		
<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>	<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>
1	5	1	1	3	1

Sexual offences involving young persons in Baghdad, 2008

<i>Sexual offences involving young males</i>			<i>Sexual offences involving young females</i>		
<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>	<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>
None	9	3	5	1	1

Sexual offences involving young persons in Baghdad, 2009

<i>Sexual offences involving young males</i>			<i>Sexual offences involving young females</i>		
<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>	<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>
2	12	2	6	1	2

Sexual offences involving young persons in Baghdad, as at 15 March 2010

<i>Sexual offences involving young males</i>			<i>Sexual offences involving young females</i>		
<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>	<i>Prostitution</i>	<i>Sodomy</i>	<i>Rape</i>
None	2	1	None	None	None

Countrywide statistics on sexual offences involving young persons (sodomy, rape and prostitution)

<i>No.</i>	<i>Month</i>	<i>Number</i>
1	January	33
2	February	42
3	March	52
4	April	72
5	May	49
6	June	63
7	July	42
8	August	44
9	September	46
Overall total		443

Source: Ministry of the Interior.

B. Status of the offences referred to in the Optional Protocol

57. Iraq has made sustained efforts to protect children from all forms of exploitation in order to ensure their well-being. These efforts comprise a variety of national programmes and general policies dealing with the issues covered by the Optional Protocol through parallel areas of focus, namely: prevention, protection, prosecution of offenders and rehabilitation of victims. Core challenges still remain, however, posing difficulties that impede Iraq's fulfilment of its obligations under the Optional Protocol, particularly in the areas of child labour, early marriage, displaced children, child orphans, street children and juvenile offending under the auspices of terrorism.

Child labour

58. According to findings from the third round of the Multiple Indicator Cluster Survey (MICS-3), one in nine children aged 5 to 14 years work (11 per cent) and 2 per cent of these children participate in unpaid work for someone other than a household member. Boys (12 per cent) work more than girls (9 per cent). Child labour rates are slightly higher among the 12–14 age group and vary among governorates: 22 per cent in Babil; 18 per cent in Salah al-Din; 17 per cent in Anbar; 11 per cent in the Centre/South; and 6 per cent in the Kurdistan Region. Carried out in 2005 by the Ministry of Labour and Social Affairs, a study of 200 child beggars, comprising 133 boys and 67 girls, discovered that family members often organized the activity of these children, 90 per cent of whom stated that they would give up begging if they found opportunities to study and work. Some 20 per cent were forced to pay a proportion of their wages to the adults who organized their activities on the street. These children ranged in age from 2 to 18 years, with 18 per cent of them in the 10–12 age group. Approximately one quarter had lost both parents and another

27 per cent had lost either their mother or their father. On the basis of the conclusions drawn by the study, the Ministry of Labour and Social Affairs worked with the Ministry of Education on returning the children to school and involving their parents in the process.

Percentage of working children in the 6-14 age group

Detail	Urban areas			Rural areas			Total		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Age (years)									
6-7	3.0	0.0	2.0	8.0	2.0	5.0	5.0	1.0	3.0
8-9	6.0	1.0	4.0	0.4	0.1	5.2	6.1	4.0	1.1
10	2.1	1.0	7.0	3.4	5.2	5.3	2.2	9.0	6.1
11	7.1	2.0	0.1	4.6	2.4	2.5	3.3	6.1	4.2
12	1.5	2.0	7.2	7.14	0.17	0.11	4.8	6.2	6.5
13	8.7	0.0	1.4	6.16	6.9	2.13	7.10	1.3	0.7
14	0.13	3.0	7.6	2.24	8.10	4.17	5.16	7.3	1.10
Governorate									
Dahuk	4.2	4.0	4.1	8.0	1.2	4.1	9.1	9.0	4.1
Nineveh	4.2	1.0	4.1	4.2	1.0	3.1	4.2	1.0	3.1
Sulaymaniyah	4.5	3.0	0.3	7.14	8.5	3.10	3.6	3.2	4.4
Kirkuk	3.2	4.0	5.1	7.14	7.5	3.10	3.6	3.2	4.4
Arbil	4.5	0.0	2.6	9.5	0.3	4.4	5.5	6.0	0.3
Diyala	2.1	0.0	7.0	4.0	0.0	2.0	7.0	0.0	4.0
Anbar	4.1	2.0	8.0	3.10	1.6	2.8	4.5	0.2	1.4
Baghdad	0.3	0.0	6.1	2.6	3.4	2.5	3.3	4.0	9.1
Babil	2.2	0.0	1.1	7.22	3.11	6.17	8.14	3.6	8.10
Karbala	5.2	1.0	2.1	4.3	3.1	3.2	8.2	5.0	6.1
Wasit	5.2	0.0	2.1	2.11	5.3	5.7	9.5	3.1	6.3
Salah al-Din	3.2	1.0	4.1	0.16	1.8	6.12	7.10	0.5	2.8
Najaf	9.15	5.0	1.9	2.9	9.6	1.8	9.13	6.2	8.8
Qadisiyah	0.4	2.0	2.2	0.8	9.7	9.7	7.5	7.3	7.4
Muthanna	2.1	3.0	7.0	4.2	8.3	1.3	8.1	3.2	1.2
Dhi Qar	4.1	0.0	7.0	4.2	3.2	3.3	9.1	0.1	4.1
Maysan	4.0	0.0	2.0	7.3	0.0	8.1	6.1	0.0	8.0
Basrah	8.0	2.0	5.0	8.1	0.0	9.0	0.1	1.0	6.0
Geographical breakdown									
Kurdistan	8.4	2.0	5.2	4.7	8.3	6.5	4.5	0.1	2.3
Baghdad	0.3	0.0	6.1	2.6	3.4	2.5	3.3	4.0	9.1
Remaining governorates	9.2	2.0	6.1	0.8	8.3	0.6	1.5	8.1	5.3

59. With reference to the findings of a joint assessment of child labour carried out in various governorates by child protection agencies in 2003, the following remarks can be made:

- The number of children working on the streets in the governorates included in the assessment was rising because their parents had either lost their jobs in the army and other government institutions or had died, or they had a disability or were unemployed;
- Three- and 4-year-olds were seen working alongside their siblings and occasionally alone and some of these children were the only wage-earners in the family, with 35 per cent of children working on the streets and interviewed in Diwaniyah governorate and 11 per cent of those in Kirkuk governorate stating that their entire families were reliant on their income;
- Children were involved in such activities as begging at traffic lights and on street corners, selling sweets, water, ice and cigarettes, working at landfill sites, petrol stations, garages and factories and as porters pushing carts normally pulled by donkeys;
- In local rural communities, child labour is rife. Children work as agricultural labourers, livestock herders and fishers and on farms with their parents from around 10 years of age. Girls over 12 are confined to working inside the home;
- In addition to the physical dangers of the working environment, a major concern in the case of working children is the loss of educational opportunities. Half of the working children interviewed were studying and working at the same time and about 70 per cent were illiterate.

Percentage of working children in the 4–16 age group according to the findings of the employment and unemployment survey conducted in 2006, excluding Arbil, Dahuk and Anbar governorates

<i>Governorate</i>	<i>Percentage of child labour (4–16 years)</i>
Nineveh	4.4%
Kirkuk	13%
Diyala	2.3%
Baghdad	2.95%
Babil	14.2%
Karbala	1.9%
Wasit	9.9%
Salah al-Din	8.5%
Najaf	2.5%
Diwaniyah	3.7%
Muthanna	4.4%
Dhi Qar	1.3%
Maysan	4.9%
Basrah	1.7%
Sulaymaniyah	2.4%

60. The findings of the employment and unemployment survey conducted in 2008 by the Central Organization for Statistics and Information Technology at the Ministry of

Planning and Development Cooperation showed that the proportion of working children among the total number of children aged from 5 to 17 years amounted to 6.92 per cent for males and 3.39 per cent for females, with an overall rate of 5.22 per cent. The proportion was 2.96 per cent in urban centres, 2.52 per cent in urban outskirts and 8.98 per cent in rural areas.

61. The survey findings also indicate that Wasit governorate had the highest proportion of working children aged from 5 to 17 years, amounting to 11.45 per cent, with a rate of 13.78 per cent for males and 9.11 per cent for females. Next was Salah al-Din governorate, where the proportion stood at 11.13 per cent, followed by Diwaniyah governorate at 10.47 per cent.

Early marriage

62. Medically and scientifically speaking, early marriage means marriage before puberty, i.e., before menstruation in the case of girls. It is a social issue with serious medical and health implications for society in the light of its implications for the health of women, children and society as a whole. There are social, cultural and economic reasons for this type of marriage, which has social, health and psychological impacts. Some of the available information and statistics are set out below.

63. Child protection information contained in the initial MICS report of the Central Organization for Statistics and Information Technology indicated that:

- Marriage before age 15 in Iraq stood at 5.4 per cent;
- Marriage before age 15 in the Kurdistan Region stood at 6.8 per cent;
- Marriage before age 18 in Iraq stood at 22.6 per cent;
- Marriage before age 18 in the Kurdistan Region stood at 26.1 per cent;
- Young women aged 15 to 19 currently married in Iraq amounted to 19 per cent;
- Young women aged 15 to 19 currently married in the Kurdistan Region amounted to 10 per cent;
- One in every 5 young women aged 15 to 19 in Iraq were currently married (19 per cent);
- There was no difference in this percentage between urban and rural areas, as it amounted to 19 and 20 per cent, respectively, but it was largely influenced by the mother's educational attainment level;
- Women aged 15 to 49 who married before age 15 amounted to 5 per cent, whereas women aged 20 to 49 who married before age 18 amounted to 23 per cent.

64. The age-at-marriage pattern for women aged 20 to 24 clearly demonstrates the fact that marriage at an early age has become less common over time; 34 per cent of women aged 45 to 49, for example, married before their eighteenth birthday, whereas this proportion fell to 18 per cent for women aged 20 to 24.

65. The report on the Iraq Family Health Survey (IFHS) 2006–2007 included the following:

Female marital status (12+ years)

<i>Marital status</i>	<i>Total</i>	<i>South/Centre</i>	<i>Kurdistan Region</i>	<i>Percentage</i>
Married	52.5	53.2	47.8	

<i>Marital status</i>	<i>Total</i>	<i>South/Centre</i>	<i>Kurdistan Region</i>	<i>Percentage</i>
Formerly married	9.8	9.9	9.4	

Male marital status (12+ years)

<i>Marital status</i>	<i>Total</i>	<i>South/Centre</i>	<i>Kurdistan Region</i>	<i>Percentage</i>
Married	50.7	51.5	45.9	
Formerly married	0.8	1.2	0.7	

Age at first marriage/by exact age

<i>Age</i>	<i>Total</i>	<i>South/Centre</i>	<i>Kurdistan</i>	<i>Urban</i>	<i>Rural</i>	<i>Cumulative percentage</i>
15 years	9.4	9.2	10.3	9.3	9.6	
18 years	26.8	27.0	25.5	25.8	28.9	

Marital status of household population by age and sex**I. Males/all Iraq**

<i>Age group</i>	<i>Single</i>	<i>Currently married</i>	<i>Formerly married</i>	<i>Total</i>
12–14 years	99.1	0.9	0.0	2 360
15–19 years	96.9	3.1	0.0	3 645

South/Centre

<i>Age group</i>	<i>Single</i>	<i>Currently married</i>	<i>Formerly married</i>	<i>Total</i>
12–14 years	99.1	0.9	0.0	2 028
15–19 years	96.6	3.4	0.0	3 069

Kurdistan

<i>Age group</i>	<i>Single</i>	<i>Currently married</i>	<i>Formerly married</i>	<i>Total</i>
12–14 years	98.9	1.0	0.1	332
15–19 years	98.4	1.6	0.0	577

II. Females/all Iraq

<i>Age group</i>	<i>Single</i>	<i>Currently married</i>	<i>Formerly married</i>	<i>Total</i>
12–14 years	91.97	Formerly married	0.0	2 449
15–19 years	80.7	18.8	0.5	3 253

South/Centre

<i>Age group</i>	<i>Single</i>	<i>Currently married</i>	<i>Formerly married</i>	<i>Total</i>
12–14 years	97.8	2.2	0.0	2 173
15–19 years	79.4	20.0	0.6	2 819

Kurdistan

<i>Age group</i>	<i>Single</i>	<i>Currently married</i>	<i>Formerly married</i>	<i>Total</i>
12–14 years	99.0	1.0	0.0	276
15–19 years	89.4	10.7	0.0	434

Marital status of women by background characteristics (percentage) according to IFHS 2006-2007

<i>Age group</i>	<i>Single</i>	<i>Currently married</i>	<i>Widowed</i>	<i>Divorced/separated</i>	<i>Total</i>
15–19 years	80.7	18.8	0.1	0.5	100

Rates of pregnancy loss by background characteristics/percentage per 100 pregnancies

<i>Age group</i>	<i>Number of pregnancies</i>	<i>Any pregnancy loss</i>	<i>Abortion/miscarriage</i>	<i>Miscarriage</i>	<i>Stillbirth</i>
15–19 years	474	17.7	16.3	15.7	1.1

During the five years preceding the survey**Iraq Household Socio-Economic Survey (IHSES) 2007**

<i>Age</i>	<i>Married</i>	<i>Never married</i>	<i>Divorced</i>	<i>Separated</i>	<i>Widowed</i>
12 years	0.1	99.8	0.0	0.0	0.0
13 years	0.7	99.3	0.0	0.0	0.0
14 years	1.4	98.5	0.0	0.0	0.0
15 years	4.0	95.9	0.1	0.0	0.0
16 years	6.6	93.3	0.0	0.0	0.1
17 years	12.1	87.7	0.0	0.1	0.1
18 years	16.7	82.9	0.2	0.1	0.1

Source: Central Organization for Statistics.

66. The following is evident from the above tables:

- (a) The proportion of early marriages is higher among females than males;
- (b) The proportion of marriage among girls aged from 15 to 19 years is higher than among girls aged from 12 to 14 years;
- (c) The proportion of early marriages in the South and Centre is higher than in the Kurdistan Region.

Marriages outside the court

67. Although marriage can be legally performed at an early age, marriage outside the court and involving minors in particular is becoming a serious and complex issue in Iraq, as the incidence has proportionally increased of late owing to the non-application of the law on the subject in the period following the events of 2003. Such marriages have taken place under penalty of law, with article 10, paragraph 5, of the Personal Status Code providing that: "Any man who concludes his marriage outside the courts shall be liable to imprisonment for a term of six months to one year or a fine of 300 to 1,000 dinars. The

penalty shall be imprisonment from a minimum of three years to a maximum of five years if he contracts another marriage outside the court while already married.” The reasons for entering into a marriage outside the court are not down to early age alone, however; there are other motives, such as keeping the marriage secret, deception on the part of the husband to avoid guaranteeing rights to a second wife or creating obligations for himself, or because the precondition of the wife’s consent constitutes a legal impediment. The Personal Status Code deals with the matter of polygamy in article 3, paragraphs 4 and 6. Paragraph 4 provides that: “It is prohibited to marry more than one woman without the authorization of a judge. Such authorization is conditional on fulfilment of the following two conditions: (a) The husband must have the financial capacity to support more than one wife; (b) There must be a legitimate interest.” Paragraph 6 of the same article provides that: “Anyone entering into a contract of marriage with more than one woman, contrary to the provisions of paragraphs 4 and 5, shall be liable to detention for a period of up to one year and/or a fine of up to 100 dinars.” It is clear from this that a contract concluded outside the court with a female minor will consequently entail a violation of her civil, social and human rights insofar as they will not be guaranteed in accordance with the law, particularly given the strong possibility of a failed marriage and of the woman being subjected to polygamy in future.

Marriages outside the court

<i>Governorate</i>	<i>Year</i>	<i>Marriages outside the court</i>
Basrah	2003	2 234
	2004	4 562
	2005	6 532
	2006	5 794
	2007	4 759
	2008	3 717
Dhi Qar	2003	2 596
	2004	2 823
	2005	2 573
	2006	2 421
	2007	1 284
	2008	868

68. The above statistics on early marriages taking place outside the personal status courts pertain only to Basrah and Dhi Qar governorates in the years shown in the table. The number of marriage contracts concluded outside the court is clearly significant enough to indicate that they are a common occurrence that is ultimately a violation of the rights of the women concerned, be they minors or of legal age.

69. Official questionnaires and indicators show that early marriage has major adverse impacts. The resulting data were particularly striking in terms of the number of offences committed: in the Karkh area of Baghdad governorate, young married persons found guilty amounted to 3 in 2005, 3 in 2006, 9 in 2007, 11 in 2008 and 19 in 2009. Most such persons are from farming backgrounds and living with their families who have no farming land of their own. Women in rural areas are seen as productive field workers, in addition to which a rise in the number of household members enhances a family’s social status.

Displaced children

70. The country experienced a wave of wide-scale migration as a result of the factional violence and forced displacement taking place. The Ministry of Migration and Displacement has monitored the number of displaced persons ever since the crisis involving the collective displacement of families began in 2006. Its statistics indicate that over 250,000 displaced families, with an average of five members per family, were registered with the Ministry and that one third of that number were children. This illustrates the extent of the health, psychological, educational, nutritional and social problems associated with children in the areas of displacement. Furthermore, whether owing to loss of the family breadwinner or to the lack of adequate housing available for displaced persons whose homes were destroyed or wrecked by terrorist groups, such problems persist when children and their families return from displacement. The number of children returning from displacement amounted to 41,520 of various ages, 17,530 of them female and 18,332 of them male. Children returning voluntarily amounted to 5,658, as indicated in the following table.

<i>Age group</i>	<i>Females</i>	<i>Males</i>	<i>Voluntary return</i>	<i>Overall total</i>
0–4 years	4 309	3 970	5 658	8 279
5–9 years	4 456	4 825	-	9 281
10–14 years	4 402	4 574	-	9 326
15–19 years	4 363	4 963	-	9 326
Overall total	17 530	18 332	5 658	41 520

71. With respect to housing, displaced families are accommodated in camps and there are also 12 other camps dispersed throughout the remaining governorates. The number of tents per camp ranges from 45 to 100. According to statistics of the International Organization for Migration (IOM), 11 per cent of displaced persons are in Baghdad, 22 per cent are in Qadisiyah governorate and 30 per cent are in Anbar, living in abandoned or demolished public buildings. Children live with their families in unsuitable places, where overcrowding stands at 88 per cent, based on the criterion of more than three individuals per room, and services are lacking. On account of these poor living standards, children drop out of school and move into the job market at an early age. Some are also at risk of homelessness.

72. Concerning food security, displacement makes it more difficult to obtain ration-card items; indeed, 70 per cent of families displaced to Anbar, Najaf, Baghdad and Dhi Qar have no access to such items, which is also true for over one third of displaced persons in Babil, Basrah and Kirkuk. While 18 per cent of displaced families managed to transfer their food quotas to their new locations, the members of those families lost their means of livelihood.

73. The health security of displaced families is conspicuously affected by a number of factors, primarily the lack of minimum health conditions (safe water and sanitation) in the new dwelling areas (camps and abandoned buildings), the shortage of skilled medical workers, the dearth of health centres and the scarcity of medicines. According to an IOM survey on health care, the proportion of displaced persons who are unable to access the treatment they need is extremely high in some of the governorates where there are no military operations, amounting to 15 per cent in Salah al-Din, 19 per cent in Karbala, 29 per cent in Maysan, 43 per cent in Anbar, 52 per cent in Diyala, 59 per cent in Muthanna, 61 per cent in Babil, 73 per cent in Kirkuk and 96 per cent in Wasit. As a result of the deterioration, such communicable diseases as measles, whooping cough and tuberculosis have emerged. The IOM survey showed that not enough medicines are generally available

in health centres and that essential health care for women and children is inaccessible. A study on the health status of 100 children from 411 out of 4,879 families displaced from conflict areas and settled in Nasiriyah showed that 4.9 per cent were suffering from acute malnutrition, 3.9 per cent from chronic malnutrition and 11 per cent from general malnutrition, with diseases common in some cases (*Source: National Report on the Status of Human Development, 2008*).

74. The right of the child to education has been affected to a large degree. The pressures on displaced families are immense and school attendance in such circumstances is not seen as a priority for many of the girls and boys in these families; either they are unable to obtain and provide the required documentation or they believe that their displacement is temporary, which is particularly the case among those who live in camps for displaced persons or who have built informal homes on State-owned land. The only camp in Najaf governorate, for example, is almost 30 kilometres away from the city of Kufah and there are no schools in its vicinity. Under the strain of the dire economic situation for displaced families, parents sometimes prevent their children from attending school and may push them onto the job market. This state of affairs has repercussions for females in particular, as it turns them into prisoners at home or in the camp. The total number of children in the same sample (as in paragraph 73 above) amounted to 1,243, of whom 58 per cent were girls and 42 per cent boys. Their ages ranged from 1 to 16 years and 61 per cent were of school age. Twenty-seven per cent of these children continued to attend school during the school year 2005/06 and 73 per cent were forced to leave, although most of them wished to return. The following table prepared by the Child Rights Network shows the percentage of displaced children in eight governorates who were not attending school in 2007.

No.	Item	Maysan	Basrah	Dhi Qar	Sulaymaniyah	Arbil	Dahuk	Kirkuk	Muthanna
1	Percentage of children from displaced families	30%	30%	40%	50%	60%	25%	60%	30%
2	Percentage of displaced children not attending school	50%	60%	50%	30%	20%	25%	75%	45%

75. The matter of Iraqi refugee children abroad is growing ever more convoluted; of those in the Syrian Arab Republic, 30 per cent are not enrolled in school, according to a report of the Office of the United Nations High Commissioner for Refugees, dated 8 January 2007, by far exceeding the number of dropouts in Iraq (*Source: National Report on the Status of Human Development, 2008*).

76. A research study presented at the Second Child Conference, organized by the Child Welfare Authority in 2011, showed that the effects of this situation on children are primarily manifested in:

- (a) Recurrent nightmares, fears, mental anxiety, depression and psychological troubles;
- (b) Departure from the normal path of mental and social development;
- (c) Social aggression and a pessimistic outlook;
- (d) Exposure to violence, discrimination, not knowing one's fate and insecurity;
- (e) Loss of housing and difficulty integrating into a new environment;
- (f) An increase in child labour and sexual exploitation of children.

Orphaned children

77. Concerning the protection needs of orphaned children, the Social Welfare Act No. 126 of 1980 and the Juvenile Welfare Act No. 86 of 1983 continue to apply.

78. The Juvenile Welfare Act reflects the State's efforts to guarantee social welfare for all citizens throughout their lives and after their death for their families (art. 2). It consequently applies to two- and one-parent families, families headed by a widower and children alone (art. 9). The main sections of chapter I, part II, deal with the needs of low-income families, orphans, older persons, persons with disabilities and persons receiving family welfare benefits, while chapter I, part III, covers the establishment of State-run homes (orphanages), which are for children, juveniles and those who are from broken homes or who have lost one or both parents as a result of death, disability, detention, imprisonment or incapacity (art. 31). These homes are designed to provide a healthy atmosphere for children, offer the domestic comfort they lack and eliminate anything that might give rise to feelings of inadequacy (art. 29). The administration and staff create the conditions for facilitating normal integration into society, discrimination between children from orphanages and children of other citizens is not permitted and any person who intentionally hurts a child's feelings is subject to disciplinary action (art. 36). Under article 41, social service offices are responsible for helping those living in State-run homes to resolve their day-to-day problems; working to reunite children with their families and monitoring their situation; securing employment for beneficiaries before they leave the home; and seeking opportunities for them to complete their education. Chapter II establishes the principles for State-run centres involved in the care and rehabilitation of persons with disabilities. In 2009, a total of 238,253 orphans were registered for benefits from the Social Protection Net of the Ministry of Labour and Social Affairs. Of these, 231,541 were single orphans who had lost their fathers and 6,712 were double orphans who had lost both parents. The number of orphans in State-run homes in Baghdad and the governorates amounted to 376 for the same year. According to the Ministry of Planning, the findings of the MICS conducted in 2006 and 2007 by the Central Organization for Statistics and Information Technology, in conjunction with the United Nations Children's Fund (UNICEF), showed that there were 14,779,923 under-18s in Iraq and that 1,371,964 of them, or 9.2 per cent, were orphans.

79. The following table shows the number of population aged under 18 and the number of single and double orphans, according to the MICS conducted in 2006 and 2007.

<i>Particulars</i>	<i>Percentage</i>	<i>Number</i>
Population under 18 years		14 779 923
Orphans (loss of father)	5.2	768 556
Orphans (loss of mother)	2.5	396 498
Orphans (loss of both parents)	1.4	206 910

80. Statistics from the MICS conducted in 2006 relating to the number of children in Iraq who were either orphaned or not living with their biological parents also showed that 6 per cent of under-18s had lost one or both parents and that 2 per cent of children were not living with their biological parents. This proportion is consistent with the total number of children, i.e., 1,015,000. Girls were not proportionally represented with respect to the total number of children orphaned or not living with their biological parents. There was also a positive correlation between age and being orphaned or without parental care; over 13 per cent of children aged 15 to 17 years had lost one or both parents, while 8 per cent of children in the same age group did not live with their biological parents.

81. The records of the benefits programme run in Baghdad and the governorates by the Social Protection Net of the Ministry of Labour and Social Affairs indicate that, in 2009, there were 238,253 orphans, comprising 231,541 who had lost either a mother or a father and 6,712 who had lost both parents. In the same year, the number of orphans in State-run homes in Baghdad and the governorates amounted to 376. Detailed data presented in the MICS on access to education for orphaned children show that around 8 per cent of children aged 10 to 14 years had lost one or both parents and that 1 per cent had lost both parents as a result of death. Only 63 per cent of such children were attending school. Among children aged 10 to 14 years who had not lost a parent and were living with at least one parent, 76 per cent were attending school, which would suggest that double orphans were at a disadvantage in that regard. Some studies also indicate that these children face enormous socioeconomic challenges. Orphans with whom the Child Welfare Authority worked typically experienced poor living conditions and frustration, engaged in precarious economic activities and used drugs. Some of these children were rejected by society and driven onto the streets, where the risk of exploitation is greater.

82. The number of children in orphanages is relatively small. According to figures for 2006 provided by the Child Welfare Authority, some 800 orphans were being cared for in State-run orphanages. The growing economic pressures on families, particularly if the productive adult members are absent, means that children are increasingly relied on to supplement the household income. UNICEF reports indicate that 60 per cent of orphaned children are the family breadwinner.

Orphans in State-run homes by governorate in 2009

<i>No.</i>	<i>Governorate</i>	<i>Number of orphans</i>
1	Baghdad	116
2	Karbala	14
3	Najaf	13
4	Babil	37
5	Kirkuk	31
6	Dhi Qar	37
7	Basrah	14
8	Nineveh	54
9	Wasit	22
10	Diwaniyah	14
11	Maysan	11
12	Muthanna	13
Total		376

<i>No.</i>	<i>Governorate</i>	<i>Number of widows</i>	<i>Single orphans</i>	<i>Double orphans</i>	<i>Total orphans in the governorates</i>
1	Baghdad	24 685	53 917	1 147	55 064
2	Wasit	4 501	10 056	224	10 280
3	Diyala	3 242	10 398	223	10 621
4	Anbar	3 765	13 830	253	14 083
5	Basrah	16 396	23 793	608	24 401

No.	Governorate	Number of widows	Single orphans	Double orphans	Total orphans in the governorates
6	Maysan	4 298	9 704	459	10 163
7	Dhi Qar	4 625	11 235	422	11 657
8	Babil	2 031	5 086	752	5 838
9	Karbala	4 651	10 238	611	10 849
10	Qadisiyah	5 377	14 018	360	14 378
11	Kirkuk	2 583	5 192	172	5 364
12	Nineveh	9 935	24 033	166	24 199
13	Najaf	11 749	13 881	382	14 263
14	Muthanna	5 015	15 390	625	16 010
15	Salah al-Din	2 235	6 051	159	6 210
16	Town of Dujayl	3 858	4 719	149	4 868
Total		108 946	231 541	6 712	238 253

83. In an effort to minimize the suffering of orphaned children, government institutions are working in accordance with legal and institutional frameworks consistent with the Optional Protocol, as outlined below.

Institutional framework

Government institutions

Ministry of Labour and Social Affairs – State-run Homes Division

84. Institutional care for orphaned children is in the hands of government departments at the Ministry of Labour and Social Affairs, which include the Department of Welfare for Persons with Special Needs (State-run Homes Division). Located in the various governorates are 24 State-run orphanages taking in children who have lost a father, a mother or both, children from broken homes, displaced children, children with a sick or mentally disordered parent, an imprisoned parent or a parent with a disability who is unable to care for them, and children in poverty. The main benefits for orphans in State-run homes consist in:

- The family atmosphere;
- Food, clothing and a place to sleep;
- Health care delivered in conjunction with the Ministry of Health, as each home has a medical room run by the Ministry's health coordinator, as well as a visiting doctor, and hospital referrals are made, where necessary;
- Access to social workers who deal with and resolve orphans' social problems in a scientific manner;
- Enrolment in Ministry of Education schools at the various levels, follow-up and supervision, and classes taught at the homes by female teachers, which is equivalent to tutoring;
- Aftercare for orphans after they leave the home through job creation and provision of any needed assistance and facilities;

- The intake capacity of each orphanage is between 20 and 100 children, with an average of between 35 and 40.

85. The report on an assessment of Iraq's orphanages carried out in 2007 and 2008 by UNICEF and the International Medical Group, in partnership with the Ministry of Labour and Social Affairs, stated that 17 orphanages (71 per cent) were operating below capacity and 3 (13 per cent) above capacity, with 1 exception. All girls' orphanages were below capacity.

86. The 14 boys' orphanages in Baghdad and the governorates accounted for 58 per cent and the 9 girls' orphanages for 38 per cent, with 1 mixed home for young children. Orphans aged between 6 and 18 years are accepted in two thirds of orphanages, with the exception of 3 that accept all children between the ages of 1 day and 18 years. The remaining homes take in children from different age groups. All homes operate on the philosophy of caring for homeless children from broken backgrounds. Twenty homes (83 per cent) receive support from other organizations.

Street children

87. Street children is a modern term differently understood and defined by researchers and international organizations. Synonyms such as homeless and beggar are used in the literature on the subject. According to the UNICEF definition, street children are divided into children who work on the street during daytime hours and then return to their families for the night and children whose ties with their relatives are severed and for whom the street is a source of income and survival.

Size of the problem

88. Since the early 1980s, Iraq has been faced with the Iraqi-Iranian war, the later Gulf war of 1991, the ensuing economic embargo, the war of 2003 and the subsequent serious phenomenon of increasing numbers of street children. Precise statistics showing the size and trend of this phenomenon are lacking because of the difficulty involved in identifying numbers of street children, as they never stay in one place but constantly move about the streets and resist any action designed to bring order into their lives, which includes placement in residential institutions offering protection and care. They are not a credible source of information and everything usually said about them by their families is designed to conceal their shortcomings. State institutions currently have no access to accurate data and do more than simply deal with the cases presented to them. For all these reasons, there are no explicit figures showing the size of the problem of street children in Iraq. A picture of its extent can nonetheless be drawn from the sight of the child beggars and vagrants in the streets and markets, from examples and estimates provided by NGOs and from investigations conducted by certain juvenile welfare homes. It would be no exaggeration to say, however, that there are many hundreds of them scattered across much of Baghdad alone, despite the social institutions designed to offer them shelter and other facilities.

89. As a result of a campaign by the Ministry of Labour, 829 child beggars were rounded up and given shelter in its centres during the period from 20 March 2005 to 13 February 2006.

90. The following tables show the numbers obtainable for street children in residential institutions belonging to the Ministry of Labour and various civil society organizations. These are for disparate years after 2003, however, and the numbers are fewer than anticipated in comparison with the size of the problem, for which there are numerous explanations, primarily the inadequacy of the procedures and mechanisms for delivering these children into the care of such institutions.

91. The indications are that concern for the homeless was not confined to the official Department of Social Labour but extended to include civil society organizations.

Number of homeless boys and girls from 12 June to 30 December 2003

<i>Name of institution</i>	<i>Supervisory authority</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
Children's Home	Department of Social Welfare, Children of the World organization	60	27	87

Number of homeless boys and girls, 2004

<i>Name of institution</i>	<i>Supervisory authority</i>	<i>Number of residents</i>	<i>Ages</i>
Children's Home I (Masbah) (for boys)	Department of Social Welfare	27	9–17
Children's Home II (Adhamiyah) (for girls)	Department of Social Welfare	18	9–20
Safe Child Home (for boys)	Kurdistan Child Protection Organization	28	10–18
Total		73	-

Number of homeless boys and girls, 2005

<i>Name of institution</i>	<i>Supervisory authority</i>	<i>Number of residents</i>	<i>Ages</i>
Children's Home I (Masbah) (for boys)	Department of Social Welfare	15	9–17
Children's Home II (Adhamiyah) (for girls)	Department of Social Welfare	21	9–20
Home for A Better Tomorrow		17	Unknown parentage
Total		53	-

Number of homeless boys and girls, 2006

<i>Name of institution</i>	<i>Supervisory authority</i>	<i>Number of residents</i>	<i>Remarks</i>
Children's Home I		23	Under the Ministry of Labour (homeless persons)
Children's Home II		32	Under the Ministry of Labour and Social Affairs
Dar al-Rahmah		-	Vacated and its girl residents transferred to Child Home II
Home for a Better Tomorrow		4	Unknown parentage
Safe Child Home	Kurdistan Children's Organization	50	Under-16s, home supervised by the Kurdistan Children's Organization
Total		109	

92. The table below illustrates the movement of homeless boys and girls in Children's Homes I and II, which are run by the Department of Juvenile Correction, pursuant to articles 24 and 25 of the Juvenile Welfare Act No. 67 of 1983, as amended, under the heading "Homeless children and delinquent behaviour".

Number of homeless boys and girls, 2007

<i>Movement of juveniles sections</i>	<i>Supervisory authority</i>	<i>At the start of the year</i>	<i>Entered during the year</i>	<i>Left during the year</i>	<i>Present at the end of the year</i>
Rehabilitation Home for Homeless Boys – Baghdad	Department of Juvenile Correction	31	15	11	35
Rehabilitation Home for Homeless Girls – Baghdad	Department of Juvenile Correction	28	2	6	24
Total		59	17	17	59

Number of homeless boys and girls, 2008

<i>Movement of juveniles sections</i>	<i>Present at the start of 2008</i>	<i>Entered during 2008</i>	<i>Left during 2008</i>	<i>Present at the end of 2008</i>
Rehabilitation Home for Homeless Boys – Baghdad	35	32	14	53
Rehabilitation Home for Homeless Girls – Baghdad	24	23	17	30
Total	59	55	31	39

Number of homeless boys and girls, 2009

<i>Movement of juveniles sections</i>	<i>Present at the start of 2009</i>	<i>Entered during 2009</i>	<i>Left during 2009</i>	<i>Present at the end of 2009</i>
Rehabilitation Home for Homeless Boys – Baghdad	53	46	38	61
Rehabilitation Home for Homeless Girls – Baghdad	30	61	51	40
Total	83	107	89	101

Homeless boys and girls under the Department of Juvenile Correction as at 22 August 2010

<i>Sections</i>	<i>Present in 2010</i>
Rehabilitation Home for Homeless Girls	30
Rehabilitation Home for Homeless Boys	53
Total	83

Causes of the problem

93. There are economic, social and political sides to the phenomenon of street children, which is augmented by multiple factors. It is a societal phenomenon with a number of causes, including in particular:

- Poverty;
- Internal and external wars;
- Family and community factors;
- Loss of one or both parents;
- Unemployment.

Juvenile delinquency under the auspices of terrorism

94. Terrorist groups have exploited children to carry out or assist in carrying out terrorist operations. The statistics of the Department of Juvenile Correction at the Ministry of Labour and Social Affairs indicate the numbers of detained or convicted juveniles placed in its care in 2008, 2009 and 2010, as shown in the following tables.

2008	Type of offence	Terrorism	Murder	Theft	Looting	Kidnapping	Other	Total
	Number of juveniles	239	153	101	50	12	161	743

2009	Type of offence	Terrorism	Murder	Theft	Looting	Kidnapping	Other	Total
	Number of juveniles	324	199	197	35	18	222	995

2010	Type of offence	Terrorism	Murder	Theft	Looting	Kidnapping	Other	Total
	Number of juveniles	373	216	230	32	16	175	1 052

C. Child prostitution

95. Culture and education have played a fundamental role in containing child prostitution. This offence is consequently not prevalent in Iraq owing to the legacy of that culture and any incidences of it that appear in the presented data are initial indicators of the need for the monitoring bodies to take measures to control it, particularly in some of the specific areas frequented by such children.

D. Pornography

96. The same applies to child pornography; this offence cannot be described as prevalent at the national level, although some violations of the kind are on record as having been detected by civil society organizations. While the offence does not feature on the crime index, there are promoters of films involving child pornography who have been arrested, brought to justice and had their films seized by juvenile police task forces, which are working continually to curtail and eradicate the offence. The Internet is negatively

implicated in this sphere for well-known reasons, added to which is the fact that children and young persons have little awareness of netiquette and safe Internet use.

IV. General measures of implementation

A. Bodies responsible for giving effect to the Optional Protocol

97. The national bodies responsible for giving effect to the Optional Protocol in the Republic of Iraq are concentrated in the Ministry of Human Rights at the Department of Performance Monitoring and Rights Protection, where there is a child section and a number of other organs, in various departments at the Ministry of Labour and Social Affairs, and in institutions, care homes and entities engaged in research and improving performance in dealing with the substance of the Protocol. One of the most important of those bodies is the Child Welfare Authority (see section B of the report), which now reports to the Prime Minister and includes in its membership the majority of ministries concerned with child rights, including the Ministries of Human Rights, Culture (Dar Thaqaafat al-Atfal), Foreign Affairs, Justice, Migration and Displacement, Health, and Education, in addition to various NGOs, the Parliamentary Committee on Families and Children, and civil society organizations.

B. Dissemination of and training in the Optional Protocol

98. The Ministry of Human Rights, the Ministry of Education, the Ministry of Youth and Sports and the Ministry of Culture are engaged in promoting and increasing awareness of the Convention on the Rights of the Child and the Optional Protocols. The National Human Rights Institute of the Ministry of Human Rights organizes training workshops and courses on the subject.

C. Budget allocated to activities relating to implementation of the Optional Protocol

99. The budget of the Government of the Republic of Iraq makes no clear or detailed allocation of resources for children, which are instead woven into the budgets of national institutions and ministries that deal with children as part of their work, such as the Ministries of Education, Health, Justice, Youth and Sports, and Culture. The exception is the Ministry of Labour and Social Affairs, which allocates part of its budget to children.

D. Overall strategy of the State

100. The Government of the Republic of Iraq is pursuing the establishment of a national strategy for children based on policies and programmes for giving effect to the law. The Child Welfare Authority is also working with official entities to the same end. Indeed, programme and policy coordination has taken on a new shape with the active engagement of the Authority, in which all State institutions concerned with children participate through the representation of the Department of Performance Monitoring and Rights Protection at the Ministry of Human Rights, which looks after the interests of children and monitors breaches in the implementation of the Convention by way of its offices in the governorates. The Ministry of Labour and Social Affairs and the Ministry of Human Rights work in collaboration with NGOs and civil society organizations in this sphere.

E. Civil society participation

101. Complete statistics on the number of civil society organizations working exclusively with children are difficult to pinpoint because the activities of these organizations are often tied in with other areas of specialization, such as women and children, environment and children, and armed violence and children.

102. Civil society organizations came into being after the fall of the regime as a result of the desire for public involvement in choosing a new ideological and political system for building children's lives and as part of the renewed freedom to act independently and contribute to addressing the decline in the humanitarian situation. Given the novelty of work in this sphere, civil society organizations were unable to find a real way of lending a helping hand with one of the biggest problems that Iraq faces on account of the multitude and extent of the challenges confronting Iraqi children. Most of their work therefore typically involved emergency and relief activities and the delivery of charitable humanitarian assistance, health services and water projects, in addition to raising awareness of human rights in general and women's and children's rights in particular. This being a new thematic area, such organizations became somewhat embroiled in politics, notwithstanding the fact that their overall structure and work were focused on the delivery of humanitarian services. Because they lacked financial independence and material support, children's organizations turned to partnering with government institutions involved in women's, youth and children's issues, the justification being that these institutions had their own special committees on the subject, as in the case of the Baghdad Governorate Council and its Committee on Women and Children, the Iraqi Parliament and its Committee on Women and Children, and the scenario in most other governorates. The programmes of these children's organizations are still in disarray, as reflected in the type of services provided and the inability to improve on their delivery. An appreciable number of the organizations nonetheless managed to create an albeit simple initial set-up for identifying beneficiaries and delivering health, social and education services, but few concern themselves with negative social phenomena, despite the pressing need for action on that score, particularly in the areas of school dropout, homeless children, child labour and children without family care.

F. Monitoring and surveillance mechanisms

103. Coordinating among governmental entities and NGOs and cooperating with academic institutions, Iraq took pains to develop surveillance mechanisms, not yet up to the required standard, for applying the Optional Protocol and monitoring violations thereof. The entities concerned are represented by the Ministry of Human Rights, which has surveillance and inspection teams for monitoring the situation of children and protecting them, as has the Ministry of Labour and Social Affairs and the Child Welfare Authority. The Ministry of the Interior plays an active role in giving effect to the Protocol by collecting and disaggregating related data. Two child helplines were also set up in Baghdad governorate, one in the Karkh district at the Directorate for Family Welfare (telephone number 07704370634) and one in the Rusafah district at the community-based Family Protection Police Office (telephone number 07704370635).

V. Preventive measures

A. Protection of children most vulnerable to risk

104. Premised on the need to ensure protection for the children of Iraq, especially those most vulnerable to risk, the Government of the Republic, represented by the Ministry of Labour and Social Affairs (Child Welfare Authority), elaborated a comprehensive national child protection policy geared to the Iraqi situation and defining the scope of action for addressing the challenges facing children. The focus is now on the development of a full set of legislative enactments and public policies and programmes for the most marginalized and deprived groups, including girls out of school, girls at risk of circumcision, especially in some of the villages in the Kurdistan Region of Iraq, and girls vulnerable to early marriage; working children; street children; children with disabilities; displaced children; orphaned children; homeless children; dropouts; children in conflict with the law; and child victims of armed conflict. Iraqi institutions and civil society organizations are working to deal with all of those challenges and to end in addition such other phenomena as the abduction and sale of children. Several Iraqi ministries also have the job of elaborating programmes for implementation of the Protocol. The Ministry of Health, for instance, is preparing programmes in this area through the implementation of a full child health-care strategy. The Ministry of Education is likewise working with the Ministry of Health to ensure that kindergarten and schoolchildren undergo regular medical checks and to impress upon schoolteachers, head teachers and education counsellors the need to raise awareness in the areas of health, environment, human rights and the rights of the child in particular. It is also working to implement a national strategy for inclusive education in 30 per cent of governorate schools with the aim of turning conventional schools into schools where children's rights are assured and there is no discrimination among children, in keeping with the relevant rules and directives. The Ministry of Education, too, is monitoring the Nur al-Ma`arif girls' education project in Baghdad, which adheres to the prescribed curricula for reading and writing and for life and health skills.

B. Awareness campaigns

105. Through its National Human Rights Institute, the Ministry of Human Rights has worked tirelessly to organize courses and workshops for both sexes, in conformity with the Optional Protocol, with the aim of providing information on the rights of the child in different spheres. The following table shows those activities for 2005 to 2011.

Courses, workshops and seminars on the rights of the child

<i>Year</i>	<i>Courses</i>	<i>Workshops</i>	<i>Seminars</i>	<i>Type</i>	<i>Number of participants</i>	<i>Number of males</i>	<i>Number of females</i>
2005	6			Basic	87	50	37
2006	17			Basic	190	100	90
2007	42			Basic	725	500	225
2008	24			Basic	625	305	320
2009	60			Basic	979	500	479
2010	32			Basic	725	449	276
		1		Friends of Human Rights	18	10	8
		1		Children and the right to education	24	11	13

<i>Year</i>	<i>Courses</i>	<i>Workshops</i>	<i>Seminars</i>	<i>Type</i>	<i>Number of participants</i>	<i>Number of males</i>	<i>Number of females</i>
2011	10	1		Kindergartens	15	8	7
				Basic	280	176	104
		1		War orphans	86	40	46
		1		Right to education for persons with special needs	22	9	13

Total courses organized: 137

Total workshops organized: 5

Total participants: 3,776

Total males: 2,158

Total females: 1,618

VI. Prohibition of the sale of children, child prostitution and child pornography

A. Maximum and minimum penalties

106. A list of the main laws and penalties for violations with which the Optional Protocol is concerned is set out below.

1. Prostitution Act No. 8 of 1988

“Article 1

“The following expressions have the meanings set out opposite them:

“Procuring: Mediation between two persons with the aim of facilitating the act of prostitution by any means, including incitement, even where with the agreement or at the request of one of the two persons. It also includes the exploitation of the prostitution of a person with consent or under duress.

“Brothel: A place intended for the act of prostitution or for facilitating, publicizing, inciting or performing any other act that aids prostitution.

“Article 2

“Prostitution and procuring are forbidden.

“Article 3

“A penalty of imprisonment for a term of up to 7 years shall be imposed on:

“(a) Any procurer or anyone who aids and abets him in the act of procuring;

“(b) Anyone exploiting or managing a public place or any other place open to the public who uses persons engaged in prostitution for the purpose of prostituting them in that place;

“(c) Anyone owning or leasing a house, rooms or a hotel who allows others to engage in, facilitate or assist prostitution.

“Article 4

“A prostitute proven to be engaged in prostitution shall be liable to placement in a correctional home offering guidance and rehabilitation to women for a period of not less than three months and not more than two years.

“Article 5

“1. Anyone who, by deception, coercion, force or threat, keeps a male or female over 18 years of age for prostitution or sodomy shall be liable to imprisonment for a term of up to 10 years.

“2. If the victim is under 18 years of age, the penalty shall be imprisonment for a term of up to 15 years.

“3. The court shall award fair compensation to the victim in both of the above cases.

“Article 6

“Any person who has a direct or indirect relationship with acts of procuring or prostitution or who makes a civil claim arising out of or resulting from such acts shall be regarded as a party in the proceedings.

“Article 7

“1. Article 130, paragraph 1, of the Civil Code (Act No. 40) of 1951, as amended, shall apply in respect of any civil claim arising out of an act of procuring or prostitution.

“2. It shall be prohibited for enforcement departments to execute bonds signed by a prostitute in favour of a procurer, including third-party bonds made in favour of the procurer or his associate or any other person who has colluded with him. This shall not preclude recourse to the courts concerning such bonds.

“Article 8

“The provisions on reoffending, complicity, multiple offences and criminal agreements and all other general rules provided for in the Criminal Code shall apply with respect to the criminal acts punishable under this Act.

“Article 9

“The rules on the extradition of offenders shall apply with respect to the offences provided for in law, in accordance with international agreements concluded with Iraq where the offender is a person to whom those agreements apply. In the absence of such agreements, the provisions of Iraqi law shall apply.

“Article 10

“I. On the passage of this Act, the Ministry of Labour and Social Affairs shall, as needed, prepare homes for the correction, guidance and rehabilitation of women, in such places as it deems necessary, for the implementation of behavioural, educational and vocational rehabilitation programmes aimed at reforming prostitutes and enabling them to earn an honourable living.

“II. The Ministry shall set aside a special section at the Directorate for Adult and Juvenile Correction in which to place males convicted of engaging in prostitution.

“Article 11

“The competent judge, with the agreement of the confined prostitute, may terminate the correctional confinement in the following cases:

“1. If an ascendant of the detainee or her spouse, guardian or a relative gives an undertaking to guarantee her well-being, good conduct and behaviour and to pay the amount determined by the court in the undertaking in the event of any breach thereof;

“2. If the detainee marries and the court is satisfied that the purpose of the marriage was not to evade the provisions of this Act;

“3. If it is proved to the court by official reports that the confined woman is capable of living an honourable life.

“Article 12

“Any person sentenced to confinement who absconds from a correctional home shall be liable to detention for a term of up to 1 year or to a fine of not less than 100 dinars and shall then be returned to the home to complete the period of confinement.

“Article 13

“A regulation shall be issued on the management of correctional homes, study, vocational education, food, clothing, amount of wages payable to each detainee for assigned tasks and all other related matters in order to facilitate application of the provisions of this Act.

“Article 14

“The Prostitution Act No. 54 of 1958 is hereby repealed.

“Article 15

“This Act shall enter into force from the date of its publication in the *Official Gazette*.”

2. Criminal Code (Act No. 111) of 1969

“Article 393

“1. Any person who has sexual intercourse with a female without her consent or who sodomizes a male or female without his or her consent shall be liable to imprisonment for life or a fixed term.

“2. It shall be considered an aggravating circumstance if the act occurs in any of the following instances:

“(a) If the offence is committed against a person under 18 years of age;

“(b) If the offender is a relative of the victim up to the third degree, a person responsible for the victim’s upbringing or supervision, a person in a position of authority over the victim, or a servant of the victim or any of the aforementioned persons;

“(c) If the offender is a public official, a person charged with performing a public service, a religious leader or a doctor who exploits his position or occupation or the trust placed in him;

“(d) If two or more persons assisted in overcoming resistance from the victim or committed the act in succession;

“(e) If the victim contracts a sexually transmitted disease as a result of the commission of the act;

“(f) If the victim becomes pregnant or loses her virginity as a result of the act.

“3. If the act leads to death of the victim, the penalty shall be imprisonment for life.

“4. If the victim was a virgin, the court must award her appropriate compensation.”

(Under Revolution Command Council resolution No. 488 of 11 April 1978, the death penalty was imposed on any person who had sexual intercourse with a female relative up to the third degree, without her consent, if she was under 15 years of age and the act led to her death, pregnancy or loss of virginity (see resolution for details). The death penalty was suspended pursuant to Coalition Provisional Authority Order No. 7, section 3, of 10 June 2003, and penalties imposed on offenders for rape and sexual assault were commuted to imprisonment for life, ending only on the death of the offender (see details of the amendment to Order No. 31, paragraph 1, of 17 September 2003). The Iraqi Interim Government reinstated the death penalty, pursuant to its Order No. 3 of 2004.)

“*Article 394*

“1. Imprisonment for a term of up to 7 years or detention shall be imposed on anyone who has sexual intercourse with a female outside wedlock with her consent or who sodomizes a male or female with his or her consent if the person against whom the offence was committed was over 15 and under 18 years of age.

“The penalty shall be imprisonment for a term of up to 10 years if the person against whom the offence was committed was under 15 years of age.

“2 It shall be considered an aggravating circumstance if the act took place in any of the instances provided for in article 393, paragraph 2.

“3. If the victim was a virgin, the court shall award appropriate compensation.

“*Article 396 (sexual assault)*

“1. Imprisonment for a term of up to 7 years or detention shall be imposed on any person who, using force, threat, deception or any other non-consensual means, sexually assaults a male or female or attempts to do so.

“2. If the person against whom the offence is committed was under 18 years of age or if the perpetrator was among those referred to in article 393, paragraph 2, the penalty shall be imprisonment for a term of up to 10 years.”

(The penalty provided for in article 396 was increased to a 15-year term of imprisonment pursuant to Order No. 31, section 3 (2), of 13 September 2003, issued by the Administrator of the Coalition Provision Authority.)

“*Article 397 (sexual assault)*

“Any person who, without the use of force, threat or deception, sexually assaults a male or female under 18 years of age shall be liable to detention.

“If the perpetrator of the offence is among those referred to in article 393, paragraph 2, the penalty shall be imprisonment for a term of up to 7 years or detention.

“Article 398”

Pursuant to article 1 of Act No. 91 of 5 September 1981 amending the Criminal Code (Act No. 111) of 1969, this article was repealed and replaced by the following text:

“If the perpetrator of an offence covered by this section enters into a valid marriage with the victim, it shall be considered a legally mitigating excuse for the purpose of applying the provisions of articles 130 and 131 of the Criminal Code.

“If, within three years of the judgement in the proceedings, the contract of marriage is terminated by a divorce pronounced by the husband for no lawful reason or by a court on grounds relating to fault or misconduct on the part of the husband, the penalty shall, at the request of the Office of the Public Prosecutor, the victim or any interested party, be re-examined with a view to increasing it.

“Article 399

“Any person who incites or assists a male or female under 18 years of age to engage in acts of immorality or take up prostitution as a profession shall be liable to detention.

“If the offender is among those provided for in article 393, paragraph (b), or intends to profit by or receives remuneration for his action, he shall be liable to imprisonment for a term of up to 10 years or to detention.

“Article 400

“Any person who commits an act of indecency with a male or female without his or her consent shall be liable to detention for a period of up to 1 year and/or a fine of up to 100 dinars.

“Article 403”

Pursuant to article 1 of Act No. 50 of 1 January 1989 amending the Criminal Code (Act No. 111) of 1969, this article was replaced with the following text:

“Detention for a period of up to 2 years and/or a fine of up to 200 dinars shall be imposed on any person who produces, imports, publishes, possesses, obtains or transports for the purposes of exploitation or distribution of a book, publication or any other written material or depiction, image, film, symbol or other item offensive to public decency and morality.

“The same penalty shall be imposed on any person who advertises or offers for sale or hire, even privately, any such item and on any person who distributes or supplies such an item for distribution by any means.

“It shall be considered an aggravating circumstance if the offence is committed with intent to deprave.

“Article 422”

Pursuant to section 3 of Coalition Provisional Authority Order No. 3 of 2004, this article was amended in order to reinstate the death penalty:

“Anyone who himself or by means of a third party kidnaps a young person under 18 years of age without the use of force or deception shall be liable to imprisonment for a term of up to 15 years if the person kidnapped is female or imprisonment for up to 10 years if the person kidnapped is male.

“If the kidnapping is carried out with the use of force or deception or if any of the aggravating circumstances set out in article 421 obtain, the penalty shall be

imprisonment if the person kidnapped is female and imprisonment for a term of up to 15 years if the person is male.

“Anyone who himself or by means of a third party kidnaps a young person under 18 years of age with the use of force or deception shall be liable to imprisonment for a term of up to 15 years if the person kidnapped is a female or imprisonment for a term of up to 10 years if the person is male.

“If the kidnapping is carried out with the use of force or deception or if any of the aggravating circumstances set out in article 421 obtain, the penalty shall be death.

“If the kidnapping is accompanied by sexual intercourse or attempted sexual intercourse with the victim, the penalty shall be death.”

3. Code of Criminal Procedure (Act No. 23 of 1971)

B. Legal obstacles

107. Despite the previous Iraqi legislature’s grasp of the Protocol and the safeguarding against the future growth of offences, especially the child-related offences referred to in the Protocol, the legislator still has more work to do in order to enact new laws suited to those offences and various phenomena that will bring about their reduction. Owing to the situation that has prevailed in Iraq since 2003, however, the legislation drafted has not yet been tabled, including notably:

- (a) A law on the Child Welfare Authority;
- (b) A law on human trafficking;
- (c) Laws on Internet use and laws for effectively controlling the phenomena mentioned in the present report that endanger children and society at large.

C. Criminal liability

108 Article 233, paragraph (a), of the Code of Criminal Procedure provides that: “No criminal proceedings shall be brought against young persons under 7 years of age.” Paragraph (b) stipulates: “The age of a young person at the time when the offence was committed shall be the basis for determining the court competent to adjudicate.”

D. Adoption

109. Iraqi law does not deal with the subject of adoption for reasons relating to the principles of Islamic law. However, the question of fostering double orphans or children of unknown parentage is addressed in part V of the Juvenile Welfare Act No. 76 of 1983, specifically articles 39, 40, 41, 42, 43 and 46 thereof, which provide as follows:

“Article 39

“A married couple may make a joint application to the juvenile court to foster a young person who is a double orphan or of unknown parentage. Before giving its decision, the court must ascertain that the applicants are upstanding Iraqis of sane mind who are free of communicable disease, capable of supporting and bringing up a young person, and well-intentioned.

“Article 40

“The juvenile court shall make a temporary decision on fostering for a six-month trial period that may be extended for a further six months. During this period, that court shall dispatch a social worker to the couple’s home at least once monthly in order to ascertain that they wish to foster and care for the child. A detailed report on the matter shall be presented to the court.

“Article 41

“If, during the trial period, one or both members of the couple no longer wish to foster the child or if it is demonstrated to the juvenile court that it is not in the child’s interest to be fostered by the couple, the court must revoke its decision on the matter and deliver the child into the care of a social welfare institution.

“Article 42

“If, after the trial period, the juvenile court finds that the child’s interest is served by the couple’s firm wish to foster him or her, it shall give its decision in favour of fostering.

“Article 43

“Child fostering shall give rise to an obligation on the part of the applicants, as follows:

“1. To maintain the child until, in the case of a girl, she marries or is working and, in the case of a boy, until he reaches the point at which his peers earn a living, unless he is a student or unable to earn a living on physical or mental grounds. In this case, maintenance shall continue at least until he obtains the preparatory certificate or reaches the age at which he is eligible to obtain it or until he is able to earn a living.

“2. To bequeath to the child a share equal to that of the heir who would inherit the least, provided that it is not more than two thirds of the bequest, and to treat it as a duty that cannot be abdicated.

“Article 46

“The juvenile court shall transmit a copy of its decision concerning fostering or acknowledgement of parentage to the Directorate-General for Nationality and Civil Status so that it can be entered into its records.”

E. Laws prohibiting the offences described in the Optional Protocol

Criminal Code

110. In part V of the Criminal Code (Act No. 111) of 1969, as amended, entitled “Acts of indecency”, articles 400, 401, 402, 403 and 444 prescribe penalties for anyone who commits an act of indecency without consent, as follows:

“Article 400

“Any person who commits an act of indecency with a male or female without his or her consent shall be liable to detention for a period of up to 1 year and/or a fine of up to 100 dinars.

“Article 401

“Any person who commits an act of indecency in public shall be liable to detention for a period of up to 6 months and/or a fine of up to 50 dinars.

“Article 402

“1. Detention for a period of up to 3 months and/or a fine of up to 30 dinars shall be imposed on:

“(a) Anyone who makes an indecent proposition to another male or female;

“(b) Anyone who subjects a female in a public place to obscene language, acts or gestures.

“2. The penalty shall be detention for a period of up to 6 months and a fine of up to 100 dinars if, within one year of the date of a previous conviction for an offence, the offender commits another offence of the same type.

“Article 403

“Detention for a period of up to 2 years and/or a fine of up to 200 dinars shall be imposed on any person who produces, imports, publishes, possesses, obtains or transports for the purposes of exploitation or distribution a book, publication or any other written material or depiction, image, film, symbol or other item offensive to public decency and morality.

“The same penalty shall be imposed on any person who advertises or offers for sale or hire, even privately, any such item and on any person who distributes or supplies such an item for distribution by any means.

“It shall be considered an aggravating circumstance if the offence is committed with intent to deprave.

“Article 404

“A penalty of detention for a period of up to 1 year or a fine of up to 100 dinars shall be imposed on any person who himself or by mechanical means broadcasts obscene or indecent songs or statements in a public place.”

Prostitution Act No. 8 of 1988

111. Article 3 of the Act provides that:

“A penalty of imprisonment for a term of up to 7 years shall be imposed on:

“(a) Any procurer or anyone who aids and abets him in the act of procuring;

“(b) Anyone exploiting or managing a public place or any other place open to the public who uses persons engaged in prostitution for the purpose of prostituting them in that place;

“(c) Anyone owning or leasing a house, rooms or a hotel who allows others to engage in, facilitate or assist prostitution.”

112. In order to give effect to the spirit and letter of the Convention, the Directorate-General for Nationality of the Ministry of the Interior issued instructions in its circular No. 3299 of 10 June 2009 stating that, in order to prevent possible child exploitation, passports of passengers accompanied by minor children in particular must be checked in order to ascertain the legality of their situation and their connection with the children; and that all data must be computerized, especially where children under the age of majority and passengers accompanied by their guardians are concerned.

F. Legal jurisdiction

113. Article 10 of the Criminal Code of 1969, as amended, provides that any Iraqi who commits an act that makes him a principal or an accomplice in an offence considered to be a serious or minor offence under the Code must be punished in accordance with the provisions thereof if he is in Iraq and if the offence is punishable under the law of the country in which it was committed. This provision applies whether the offender acquired Iraqi nationality after he committed the offence or whether he had Iraqi nationality at the time of its commission and subsequently lost it. Article 13 also provides that in other than the cases stipulated in articles 9, 10 and 11, the provisions of the Code apply to anyone found in Iraq after having committed abroad as a principal or accomplice any of the following offences: sabotaging or disrupting intelligence and international communications; and trafficking in women, children, slaves or drugs.

G. Extradition of suspects

114. Under the Code of Criminal Procedure, the extradition of a suspect to a requesting State is conditional on the existence of a valid treaty between that State and Iraq.

H. Seizure and confiscation

115. It must first be explained that the Ministry of the Interior and other supporting authorities have no precise information on the number of seizures and confiscations and no details of cases that should be included in this report. The information provided in 2009, however, which covered from January to September only, gives a full picture of the situation, as set out below.

Sexual offences involving juveniles (sodomy/rape/prostitution) across the whole of Iraq, on the basis of statistics from the Ministry of the Interior, are as follows: 33 in January; 42 in February; 52 in March; 72 in April; 49 in May; 63 in June; 42 in July; 44 in August; and 46 in September, amounting to a total of 443.

Pornographic films: Juvenile police patrols and task forces monitor the situation, arrest the promoters of films involving young persons, refer them to the judiciary and confiscate the films.

VII. Protection of the rights and interests of victims

A. Measures taken to protect victims

116. The Juvenile Welfare Act No. 76 of 1983, as amended, provides in chapters IV and V, articles 47 to 87, for investigation and trial procedures and measures taken by the court with respect to victims.

B. Investigation of offences

117. Offences within the purview of this Convention fall under the jurisdiction of the juvenile court, which is presided over by a minimum third-level judge and has two members, one of them a legal expert and the other a juvenile expert with not less than five years' experience.

C. Ensuring the best interests of the child

118. The Juvenile Welfare Act and the Regulation on juvenile rehabilitation schools annexed thereto ensure the best interests of the child. The Ministry of Labour and Social Affairs, through its various institutions, is making sustained efforts to increase awareness of what the best interests of the child entail in different circumstances. A children's section has also been created at the Ministry of Human Rights with the role of monitoring the protection of those interests.

D. Provision of training

119. As mentioned in section V.B (Awareness campaigns), the National Human Rights Institute and the Child Welfare Authority are both responsible for training in the Convention.

E. Right to a fair and impartial trial

120. Articles 50 and 51 of the Juvenile Welfare Act provides as follows:

“Article 50

“An investigation may be conducted outside the presence of the juvenile in the case of offences against public morals and decency, provided that it is attended by a person entitled to defend the juvenile. The investigating court must inform the juvenile of the action taken in his regard.

“Article 51

“1. When a juvenile is charged with a serious offence and there is sufficient evidence to refer him to the juvenile court, the investigating judge must send him to the Personality Assessment Bureau.

“2. When a juvenile is charged with a serious offence, the investigating judge must send him to the Personality Assessment Bureau if there is sufficient evidence to refer him to the juvenile court and the circumstances of the case or the condition of the juvenile so require.”

F. Social reintegration

Family integration

121. This entails a child's return to his or her family or to a relative (guardian or authorized person) after the wishes of both parties (the child and the family) have been determined, after the child has been psychologically, mentally and socially prepared, and after the factors and circumstances that led to the child's placement in a home have been eliminated and the ground well paved for building good relations between the beneficiary and his or her family. Children of unknown parentage are not included in the integration process and nor are they covered by this integration programme.

Aim of the programme

122. The aim is to return children to their families after addressing the situation, circumstances and causes that led to their placement in a home.

Date of programme operation

123. Operation of the programme began in June 2005 through an agreement concluded between the Ministry of Labour and Social Affairs, represented by the Department for the Welfare of Persons with Special Needs, and the Regional Director of the French organization Children of the World – Human Rights. The project was handed over by Children of the World on 30 June 2009 to the State-run Homes Section at the Department for the Welfare of Persons with Special Needs.

Phases of the project

124. The project comprised two phases:

- I. A two-stage phase carried out by Children of the World:
 1. Stage 1: From June 2005 to June 2006 in six homes (four orphanages and two homes for homeless children), during which 66 children were integrated;
 2. Stage 2:
 - (a) A six-month extension of the project during which 23 children were integrated in Baghdad and the governorates;
 - (b) From 27 November 2007 to 30 June 2009, during which 116 children were integrated in Baghdad and all governorates (homes included in the programmes).

125. The project was handed over by Children of the World on 3 June 2009 to the State-run Homes Section/Department for the Welfare of Persons with Special Needs at the Ministry of Labour and Social Affairs.

Post-handover phases of the project

126. The project comprised the following post-handover phases:

- From 30 June 2009 to 1 January 2010, a six-month period during which 14 children were integrated;
- From 1 January 2010 to 31 December 2010, during which period 28 children were integrated, without any failures of note;
- The first quarter of 2011 (January, February and March), during which 43 children were integrated;
- A total of 125 exploratory and diagnostic visits were conducted during the first quarter of 2011.

Rehabilitation activities for those integrated into families

127. Rehabilitation activities for those integrated into families are as follows:

- (a) There are no rehabilitation activities because most of those integrated (students) are at school. Any integrated child not attending school will undergo rehabilitation within the home as aftercare and be enrolled in rehabilitation courses run by the Ministry of Labour, and job opportunities will be found for beneficiaries outside the home;
- (b) Family visits to relatives of beneficiaries in order to learn about their general, social and school situations, how they fit in with the family and the extent of family's care for the child after he or she has been integrated;

(c) On-site visits to the beneficiary's school in order to find out how he or she is adapting to and continuing at school;

(d) Assistance to families covered by Social Protection Net benefits, in accordance with the rules;

(e) Coordination with the concerned authorities and other ministries in order to find a suitable job for the beneficiary.

Aftercare and family integration programme run by the Department of Juvenile Correction at the Ministry of Social Affairs and Labour

128. Designed to ensure that children are integrated into society and do not reoffend, this programme is for those who have another three months to go before they are released, in accordance with article 100 of the Juvenile Welfare Act No. 76 of 1983.

129. Those receiving aftercare during the first quarter of 2011 (January, February and March) amounted to 52, as follows:

(a) 29 at the Rehabilitation School for Boys and Young Adults;

(b) 19 at the Youth Rehabilitation School in Shalijiyah;

(c) 4 at the Girls' Rehabilitation School in Karradah.

130. If a juvenile loses family care, the Aftercare Section at the Department of Juvenile Correction applies to the juvenile court for a decision concerning placement of the juvenile in a rehabilitation home in Karradah or Adhamiyah, in accordance with article 104 of the Juvenile Welfare Act No. 76 of 1983. The programme in these homes is for young persons already taken into the family integration programme.

131. The number of family integrations during the first quarter of 2011 (January, February and March) by place of accommodation is as follows:

(a) 17 girls integrated into the Girls' Rehabilitation Home in Adhamiyah;

(b) 25 boys integrated into the Boys' Rehabilitation Home in Karradah.

Activities of the Aftercare Section at the Juvenile Correctional Home

132. Activities of the Aftercare Section at the Juvenile Correctional Home are as follows:

(a) Visits are made to correctional divisions and case studies prepared on all juveniles eligible for aftercare services who have three months to go before their release;

(b) Juveniles eligible for aftercare services are monitored and placed on training courses to qualify them for post-release employment;

(c) The Section follows up on legal matters and substantiates any official documentation that is missing;

(d) Social workers visit the juvenile's family, where applicable;

(e) Social workers in Baghdad and the governorates consult the courts with jurisdiction to decide as to the placement of those who have lost family care.

Key activities of the Family Integration Branch of the Aftercare Section at the Department of Juveniles in Rehabilitation Homes

133. The key activities of the Family Integration Branch of the Aftercare Section at the Department for Juveniles in Rehabilitation Homes are as follows:

(a) The Section follows up on the issuance of civil identity cards for young homeless persons through coordination with the relevant authorities;

(b) Social workers make telephone calls to obtain information on the family and official documentation belonging to beneficiaries;

(c) Social workers visit the court to obtain the final decision on family integration and a decision concerning the juvenile's placement in a rehabilitation home after the investigating judge has submitted the investigation papers to the juvenile court judge;

(d) Visits are made in the presence of guardians to the schools attended by beneficiaries in order to obtain information on their behaviour and academic attainment;

(e) Family meetings are conducted inside the home in order to re-establish the family relationship and the family is given advice and guidance with a view to improving understanding of the juvenile and settling unresolved problems;

(f) Alternative families are found for beneficiaries suffering from the loss of family care and family relationships are rebuilt in the case of those from broken homes.

G. Recovery of identity

134. Article 3 (b) of the Iraqi Nationality Act No. 26 of 2006 includes anyone born in Iraq to unknown parents. Foundlings discovered in Iraq are deemed to be born in Iraq in the absence of any evidence to the contrary. Article 4 provides that the Minister may consider anyone born outside Iraq to an Iraqi mother and an unknown or stateless father to be an Iraqi national if he or she chooses Iraqi nationality within one year of the date of attainment of majority, unless prevented from doing so by difficult circumstances and provided that he or she is resident in Iraq at the time of submitting the application for Iraqi nationality.

H. Remedies

135. Remedies available to children and their relatives in the event that their rights are violated include recourse to the following entities: the Ministry of Human Rights via the Legal Department helpline; the Inspectorate-General; the Ministry of Interior by way of reporting incidents to the police and community police through the Child Helpline; and the courts. These remedies are nonetheless insufficient to curtail the violations to which children are subjected and the sexual risks facing children in their lives.

VIII. International assistance and cooperation

136. Concerning the provision of international assistance and cooperation, the only activities that can be cited are various forms of cooperation with UNICEF, through its Baghdad office, and with the Canadian Embassy in Baghdad.

A. Promotion of cooperation and coordination

137. With respect to cooperation and coordination, the Republic of Iraq worked through the Ministry of Education, the Ministry of Planning and the Ministry of Labour and Social Affairs to coordinate with international organizations in support of its projects and plans, which comprise those outlined below.

138. An accelerated learning project was launched with UNICEF support and is aimed at enabling those in the 12–18 age group who are not in education or who have dropped out to complete primary level in three years instead of six and thus catch up with their peers. Over 31,000 students had been enrolled as at 2009. The project has been highly successful and is expected to expand in the coming years. Special curricula have been designed for such students, along with a comprehensive guide for teachers. These schools covered all governorates across Iraq and the number of students amounted to over 50,000 during the 2010 school year. All teachers at the schools attended special training courses in Iraq and 14 trainees were instructed in information and communication technology in accelerated learning so that the curricula can be computerized. They then trained 100 teachers to become trainers in the governorates included in the project.

139. The Nur al-Ma`arif girls' education project was rolled out in cooperation with the Islamic Educational, Scientific and Cultural Organization, the aim being to educate 1,000 schoolgirl dropouts from the 10–18 age group by teaching them the basic principles of reading and writing, as well as life and vocational skills. The project was launched on 15 October 2010 over a three-month period, covering first of all reading and writing, secondly mathematics, thirdly life and health skills, and fourthly vocational skills (manual occupations and sewing).

140. The Ministry of Education pursued its efforts to open more literacy centres, of which there are now 806, which catered to 79,432 learners in 2009/10.

141. An action plan for a consultation strategy on drawing up a child protection policy in Iraq was prepared by the Secretariat, in cooperation with the Consultancy Office at the Danish Ministry of Foreign Affairs.

142. A technical support strategy was prepared by the World Bank, representing the first formal effort to measure poverty and develop a poverty reduction strategy.

B. Addressing the root causes of the offences covered by the Optional Protocol

143. The Government of the Republic of Iraq adopted and enforces provisions of domestic legislation that it considers conducive to the realization of children's rights and takes into account in applying the provisions of the Protocol. The Ministry of the Interior introduced measures to curb prostitution, which are essentially as follows:

(a) Once the Trafficking in Persons Act is enacted, crime bureaux will be tasked with investigating these serious offences;

(b) Instructions are issued to all border crossings, airports and border police to track and arrest anyone committing the offence of selling children or trafficking in persons and human organs, and legal action is taken against such persons;

(c) Police stations, offices dealing with beggars and the Directorate for the Baghdad Juvenile Police gather information on persons carrying out these offences, arrest them and refer them to the competent courts. Task forces keep public places and nightclubs under surveillance in order to arrest juveniles who contravene the Juvenile Welfare Act No. 71 of 1983, as amended, and protect them from offending;

(d) Job opportunities are provided for beggars who are capable of work;

(e) Beggars are supplied with a double ration;

(f) Beggars receive the Social Protection Net benefit for persons with no income or salary.

144. The official position of the Government of Iraq was, still is and will remain in keeping with global trends and the commitment to international instruments in order to prevent and suppress all trafficking cultivation or manufacture of narcotic drugs and psychotropic substances contrary to the provisions of the current Iraqi Narcotics Act No. 68 of 1965 and other Iraqi laws promulgated after Iraq's ratification of and accession to the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, endorsed by the Council of Arab Ministers of Interior in early 1994. With grass-roots and media assistance, the Iraqi Government acted swiftly and firmly to tackle the upsurge in smuggling of narcotic drugs and psychotropic substances into the country from abroad and in arresting criminal gangs involved in peddling these drugs and substances among various groups in society. There is genuine evidence to suggest that the problem has grown in size, as observed by experts from the United Nations Office on Drugs and Crime in September 2003 during their visit to assess the situation in Baghdad and the governorates, as well as by experts in Iraq and in media reports. A national board to control narcotics and the abuse of psychotropic substances was established under the chairmanship of the Minister of Health and comprises representatives from numerous ministries and concerned entities (Ministries of Health, Justice, Higher Education, Scientific Research, Education, Human Rights, and Labour and Social Affairs, religious authorities and the Mayoralty of Baghdad).

IX. Other legal provisions

Provisions more conducive to the realization of the rights of the child

145. Iraq has ratified all of the international instruments on combating the sale of children, child prostitution and child pornography. Human rights conventions and instruments ratified and acceded to by Iraq include the:

- (a) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (b) Convention on the Rights of the Child;
- (c) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- (d) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
- (e) United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- (f) Arab Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances;
- (g) International Convention for the Protection of All Persons from Enforced Disappearance;
- (h) Arab Convention on the Suppression of Terrorism;
- (i) International Labour Organization (ILO) Convention No. 29 concerning Forced or Compulsory Labour and Recommendation Nos. 35 and 36 annexed thereto;
- (j) ILO Convention No. 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and Recommendation No. 190 annexed thereto;

- (k) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
- (l) Single Convention on Narcotic Drugs of 1961;
- (m) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- (n) Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol);
- (o) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Smuggling of Migrants Protocol);
- (p) Protocol amending the Single Convention on Narcotic Drugs of 1961 (Protocol of 1972);
- (q) Protocol amending the Slavery Convention, signed in Geneva on 25 September 1926 (Protocol of 1953).

X. Conclusion

146. This report presents a small part of the Iraqi efforts to tackle the offences covered by the Optional Protocol. For reasons peculiar to the pre- and post-occupation situations in Iraq and because of the grave impacts and phenomena that exacerbated problems relating to the subjects discussed in the Protocol, not to mention the causes of the problems themselves, Iraq finds itself unable to counter such challenges in the absence of international cooperation and the provision of technical and technological assistance and training. These efforts must therefore be continued and multiplied and the financial and human resources necessary to realize them must be identified. The Republic of Iraq also looks forward to a positive and constructive dialogue that will play a part in strengthening Iraq's efforts to advance the situation of Iraqi children to the desired level.
