

Iraq

The Government of Iraq has strengthened its legal framework on the worst forms of child labor. However, children are still exploited in street work and child soldiering. Significant gaps remain in Government coordination mechanisms and in programs to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	12.4%
Attending School	5-14 yrs.	69.6%
Combining Work and School	7-14 yrs.	9.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Iraq, children are exploited in the worst forms of child labor,²⁴⁶¹ including in agriculture.²⁴⁶² Evidence suggests that rural children work at a higher rate than those living in urban areas.²⁴⁶³ Work in agriculture can involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. There are reports of children working in dangerous conditions in family-owned automobile shops and on construction sites.²⁴⁶⁴

There is significant evidence of children living on the streets, where they beg and participate in street commerce.²⁴⁶⁵ Street children may experience violence, sexual abuse, and drug use.²⁴⁶⁶ Criminal gangs use street children in drug trafficking and prostitution.²⁴⁶⁷

Children are exploited in the commercial sex industry, some as a result of trafficking.²⁴⁶⁸ Children are also trafficked for forced labor.²⁴⁶⁹ Gangs target young boys and girls for sexual exploitation and for sale into prostitution.²⁴⁷⁰ Reports from destination countries indicate that girls are trafficked from Iraq to Jordan, Syria, and Persian Gulf States.²⁴⁷¹ Internally, women and girls are trafficked for sexual exploitation through the traditional institution of temporary marriages in which the family receives a dowry from a husband; but

instead of constituting a true marriage commitment, an agreement is made beforehand to dissolve the marriage after an agreed upon length of time.²⁴⁷² There is anecdotal evidence of children trafficked from orphanages by employees of those organizations for the purpose of forced prostitution.²⁴⁷³

It is alleged that Sunni and Shiite Militias, as well as Al Qaida in Iraq recruit and use children as fighters and suicide bombers and for spying, working as couriers, scouting, and planting improvised explosive devices.²⁴⁷⁴ In April and May 2009, the United Nations Assistance Mission in Iraq investigated four cases of children used by insurgent groups in Kirkuk.²⁴⁷⁵ There are also reports that children are used to construct bombs.²⁴⁷⁶ There are no reports of children in the new Iraqi Army.

Laws and Regulations on the Worst Forms of Child Labor²⁴⁷⁷

The 1987 Labor Law as amended by the Coalition Provisional Authority Order Number 89 sets the minimum age for employment at 15 and prohibits anyone less than 18 from engaging in hazardous work.²⁴⁷⁸ Article 91.2 outlines a partial list of types of work considered hazardous including work underground or under water; work with dangerous machinery or handling heavy loads; work in an unhealthy environment; and work where a child

is unreasonably confined to the premises of the employer.²⁴⁷⁹ Instruction No. 19 of 1987 (on Child Labor) includes additional prohibitions on hazardous labor for children, deeming illegal any employment of children in construction; work with lead or toxic substances; in tanneries; or in any other place of employment that is hazardous to the health or morals of the child.²⁴⁸⁰

Order Number 89 also sets employment conditions for those age 15 and older, including work hours, medical examinations, and annual leave policies. Order Number 89 also provides for the creation of a register of employed children. Children employed in family enterprises are exempt from the order's requirements, which may put them at greater risk for involvement in the worst forms of child labor.²⁴⁸¹

Children in Iraq are required to attend school until age 11. This leaves children ages 12 to 15 vulnerable to the worst forms of child labor as they are not required to be in school but are not permitted to work either.

In addition to hazardous work, other worst forms of child labor are defined and prohibited by order number 89. These include slavery and similar practices, including forced labor, child trafficking, compulsory recruitment of minors for use in armed conflict, child prostitution and child pornography, and illicit activities such as drug trafficking.²⁴⁸²

The use of child soldiers in the Iraqi armed forces is prohibited by Coalition Provisional Authority Order Number 22 Creation of a New Iraqi Army. This order sets the minimum recruitment age at 18 and specifies recruitment to be voluntary.²⁴⁸³ Order Number 89 also prohibits the use of child soldiers and outlines punishment of those enlisting children into armed service as imprisonment of up to 3 months.²⁴⁸⁴ These laws, however, do not specifically address recruitment into other armed groups.

The Constitution prohibits trafficking of women and children and the sex trade.²⁴⁸⁵ The Penal Code prohibits incitement of children into prostitution and provides for up to 10 years imprisonment for violations.²⁴⁸⁶ Law No. 8/1988 on Combating Prostitution comprehensively prohibits prostitution.²⁴⁸⁷ Pursuant to order Number 89 child prostitution and child pornography are both considered worst forms of child labor punishable by imprisonment.²⁴⁸⁸ There

is no single law defining trafficking in persons.²⁴⁸⁹ The amended Penal Code does not directly address or establish penalties for human trafficking, although child trafficking is included in order Number 89 as one of the worst forms of child labor punishable by up to 3 months imprisonment.²⁴⁹⁰ This punishment is much lower than punishments for comparable crimes, namely child prostitution. The Government has drafted comprehensive anti-trafficking legislation; however it has not yet been passed.²⁴⁹¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Iraq does not have a coordinating mechanism to combat the worst forms of child labor; although, there is a coordinating mechanism to combat human trafficking. A Government committee comprised of the Ministry of Human Rights, Ministry of Foreign Affairs, Ministry of the Interior, and Ministry of Labor and Social Affairs (MOLSA) monitors the human trafficking situation and makes recommendations, although it has no authority to implement them.²⁴⁹²

The Government of Iraq has enforcement mechanisms to promote compliance with laws on the worst forms of child labor. The Child Labor Unit (CLU) within the Labor Inspectorate of MOLSA is responsible for enforcing child labor regulations.²⁴⁹³ Information

was not identified on the number of inspectors or inspections completed during the reporting period.

The Ministries of Interior of both the Iraqi and Kurdish Regional Governments (KRG) are responsible for enforcement of laws against trafficking.²⁴⁹⁴ No data was found regarding prosecutions, convictions, or sentences imposed in cases of human trafficking.²⁴⁹⁵

Government Policies on the Worst Forms of Child Labor

Coalition Provisional Authority Order Number 89 that amended the labor code also lays out policy regarding how the Government should address the worst forms of child labor.²⁴⁹⁶ This order calls for programs to be designed to prevent the engagement of children in hazardous labor, provide direct assistance for the removal of children in these labor situations, and ensure access to basic education.²⁴⁹⁷ However, it is unclear whether this policy has been followed or if the issue of child labor has been integrated into other government policies and action plans.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Iraq has participated in the implementation of programs to eliminate the worst forms of child labor, but few resources have been devoted to the issue. In 2005 the Government introduced a social program to reduce poverty and protect children from worsening living conditions; the program included a child allowance that was conditional upon school attendance.²⁴⁹⁸ This type of

conditional cash transfer program is designed to make sending children to school more attractive, and thus encourage families to enroll children in school. By the end of 2005, 1 million families had benefited from programs with MOLSA.²⁴⁹⁹

The Government, through the National Institute for Human Rights, conducted workshops in Baghdad during 2009 in order to raise awareness of trafficking.²⁵⁰⁰ In addition, several trafficking workshops were provided for students in schools and colleges focusing on the impact of trafficking, the processes the perpetrators use, and the methods of prevention.²⁵⁰¹

The Government is also collaborating with IOM on programs, although not specifically addressing the worst forms of child labor, geared to the needs of the most vulnerable populations including internally displaced persons and refugees at risk of involvement in hazardous work, prostitution, child soldiering, and trafficking. IOM, at the request of the Ministry of Health is providing psychosocial services for at-risk children in several governorates.²⁵⁰² In order to monitor and assess the needs of internally displaced persons and returnees to the country and provide protection, including from trafficking, IOM also works with the Ministry of Displacement and Migration.²⁵⁰³

Despite these efforts, programs to address the needs of children involved in dangerous work on the streets and in agriculture as well as those that may be exploited as child soldiers are inadequate to address the magnitude of these problems in Iraq.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Iraq:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to cover children working in family-based enterprises or supervised by family members as well as those working on the streets.
- Increase the age of compulsory schooling.
- Increase penalties for those who violate laws prohibiting the worst forms of child labor including child trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Designate a government entity responsible for coordinating efforts to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Establish social programs to address the removal and prevention of children from child soldiering, including by:
 - Devoting funds to return and reintegration services for former child combatants.
 - Identifying and removing children involved in counterinsurgency militias.
 - Provide comprehensive educational and psychosocial support services to orphans and children living and working on the streets.
- Establish or expand programs to provide assistance to children involved in dangerous work in agriculture.

²⁴⁶¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁴⁶² U.S. Department of State, "Iraq," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm>.

²⁴⁶³ Central Organization for Statistics and Information Technology and Kurdistan Regional Statistics Office, *Iraq: Multiple Indicator Cluster Survey 2006, 2007*; available from http://www.childinfo.org/files/MICS3_Iraq_FinalReport_2006_eng.pdf.

²⁴⁶⁴ U.S. Department of State, "Country Reports 2009: Iraq," section 6d. See also U.S. Department of State, "Iraq,"

in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5, 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>. See also Integrated Regional Information Networks, "Iraq: Child Labour on the Rise as Poverty Increases," IRINnews.org, June 12, 2007; available from <http://www.irinnews.org/Report.aspx?ReportId=72683>.

²⁴⁶⁵ U.S. Department of State, "Country Reports 2009: Iraq."

²⁴⁶⁶ Integrated Regional Information Networks, "Iraq: Children Lured into Drugs and Prostitution," IRINnews.org, February 12, 2007; available from <http://www.irinnews.org/Report.aspx?ReportId=70094>. See also Integrated Regional Information Networks, "Street children face hunger and abuse," IRINnews.org, December 26, 2005; available from www.irinnews.org/PrintReport.aspx?ReportId=25835.

²⁴⁶⁷ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Iraq (ratification: 2001)*, [online] 2009 [cited February 3, 2010]; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23528&chapter=9&query=\(Iraq\)+@ref+%2B+%23YEAR%3D2009&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23528&chapter=9&query=(Iraq)+@ref+%2B+%23YEAR%3D2009&highlight=&querytype=bool&context=0).

²⁴⁶⁸ Ibid. See also U.S. Department of State, "Iraq," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

- ²⁴⁶⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Iraq.” See also Integrated Regional Information Networks, “Sex traffickers target women in war-torn Iraq”, IRINnews.org, [online], October 26, 2006; available from <http://www.irinnews.org/report.aspx?reportid=61903>.
- ²⁴⁷⁰ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.
- ²⁴⁷¹ Ibid.]. See also U.S. Embassy - Baghdad, *reporting*, June 23, 2009.
- ²⁴⁷² U.S. Department of State, “Trafficking in Persons Report- 2010: Iraq.”
- ²⁴⁷³ U.S. Department of State, “Country Reports 2009: Iraq,” section 6. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Iraq.” See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 5.
- ²⁴⁷⁴ Office of the Special Representative of the Secretary General For Children and Armed Conflict, *Visit of the Special Representative for Children and Armed Conflict to Iraq and the Region: 13 to 25 April 2008*, August 2008, 8; available from http://www.un.org/children/conflict/_documents/countryvisits/IraqVisitReport.pdf. See also UN General Assembly Security Council, *Children and armed conflict, Report of the Secretary-General*, March 26, 2009; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/282/44/PDF/N0928244.pdf?OpenElement>.
- ²⁴⁷⁵ United Nations Assistance Mission for Iraq, *Human Rights Report: 1 January - 30 June 2009*, 2009; available from www.uniraq.org/documents/UNAMI_Human_Rights_Report15_January_June_2009_EN.pdf.
- ²⁴⁷⁶ Integrated Regional Information Networks, “Iraq: Poverty drives children to work for armed groups,” [www.irinnews.org](http://www.irinnews.org/Report.aspx?ReportId=72084), May 10, 2007; available from <http://www.irinnews.org/Report.aspx?ReportId=72084>.
- ²⁴⁷⁷ It is unclear whether laws similar to those mentioned in this section are in effect in the Kurdistan Region.
- ²⁴⁷⁸ Coalition Provisional Authority, *Coalition Provisional Authority Order 89*, (May 5, 2004), articles 90.1-91.1; available from <http://iraqog.org/english/pdf/CPA-O-89-E.pdf>.
- ²⁴⁷⁹ Ibid., article 91.2.
- ²⁴⁸⁰ ILO NATLEX National Labor Law Database, *Instruction No. 19 of 1987 (on Child Labor)*, June 25, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=IRQ&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.
- ²⁴⁸¹ Coalition Provisional Authority, *Order 89*, article 92-96.
- ²⁴⁸² Ibid., article 91.3.
- ²⁴⁸³ Coalition Provisional Authority, *Coalition Provisional Authority Order Number 22 Creation of a New Iraqi Army*, (2003), section 6; available from http://www.iraqcoalition.org/regulations/20030818_CPAORD_22_Creation_of_a_New_Iraqi_Army.pdf.
- ²⁴⁸⁴ Coalition Provisional Authority, *Order 89*, articles 91.3 and 97.
- ²⁴⁸⁵ Government of Iraq, *Constitution of Iraq*, (October 15, 2005), article 37c. See also U.S. Embassy - Baghdad, *reporting*, February 25, 2009, para 4a.
- ²⁴⁸⁶ *Penal Code with Amendments*, (September 9, 1980), article 399; available from http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf. See also U.S. Embassy - Baghdad, *reporting*, February 25, 2009, paras 4a and 4b.
- ²⁴⁸⁷ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.
- ²⁴⁸⁸ Coalition Provisional Authority, *Order 89*, articles 91.3 and 97.
- ²⁴⁸⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Iraq.”
- ²⁴⁹⁰ Coalition Provisional Authority, *Order 89*, articles 91.3 and 97.
- ²⁴⁹¹ U.S. Department of State, “Trafficking in Persons Report- 2010: Iraq.”
- ²⁴⁹² U.S. Department of State, “Country Reports 2009: Iraq,” section 6.
- ²⁴⁹³ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.
- ²⁴⁹⁴ Ibid. See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 5.
- ²⁴⁹⁵ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 5.
- ²⁴⁹⁶ Coalition Provisional Authority, *Order 89*, article 91.5.
- ²⁴⁹⁷ Ibid.
- ²⁴⁹⁸ U.S. Department of State, “Country Reports 2009: Iraq,” section 6d.
- ²⁴⁹⁹ Ibid.
- ²⁵⁰⁰ Ibid., section 6.
- ²⁵⁰¹ Ibid.
- ²⁵⁰² IOM, *Migration Initiatives Appeal 2009: Iraq*, 2009; available from <http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/mi/iraq.pdf>.
- ²⁵⁰³ Ibid.