Iraq

MINIMAL ADVANCEMENT

In 2014, Iraq made a minimal advancement in efforts to eliminate the worst forms of child labor. The Ministry of Labor and Social Affairs and UNICEF conducted a study on child labor. The Council of Representatives drafted a revised labor law and a child protection law. However, children are engaged in the worst forms of child labor, including in armed conflict. The compulsory education age is lower than the minimum age for work and child labor laws are not sufficiently enforced. The Government continues to lack programs that target children in relevant worst forms of child labor, particularly those used by armed groups.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Iraq are engaged in the worst forms of child labor, including in armed conflict.(1-7) Table 1 provides key indicators on children's work and education in Iraq.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	5.3 (454,330)
Attending School (%)	5-14 yrs.	75.0
Combining Work and School (%)	7-14 yrs.	4.2
Primary Completion Rate (%)		66.3

Source for primary completion rate: Data from 2007, published by UNESCO Institute for Statistics, 2015.(8)
Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 4, 2011.(9)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Planting, weeding, hoeing, and transporting, including in the production of rice,* wheat,* orchard fruit,* and vegetables* (10, 11)
	Herding water buffalo* and other livestock* (10, 11)
	Fishing,* activities unknown (10, 11)
Industry	Making bricks* (10, 12-14)
	Working in steel factories* (14)
	Working in plastic recycling factories* (13)
Services	Street work, including selling goods, washing cars, sweeping the streets, picking up trash, begging, and shining shoes (10, 11, 14-17)
	Working at gas stations and auto repair shops (11, 15, 18)
	Selling items in shops* (7, 15)
	Scavenging at dump sites* (11, 19)
Categorical Worst Forms of Child Labor‡	Forced begging* sometimes as a result of human trafficking* (20, 21)
	Domestic work as a result of human trafficking* (20, 22)
	Used in armed conflict, sometimes as a result of forced recruitment, as informants, human shields, and in creating propaganda materials, patrolling the streets, guarding arrested individuals, manning checkpoints, participating in military training, and acting as suicide bombers (1-7, 21-23)
	Commercial sexual exploitation sometimes as a result of trafficking (14, 20, 22-26)

* Evidence of this activity is limited and/or extent of the problem is unknown.
‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)-(c) of ILO C. 182.

In 2014, Iraq witnessed large-scale violence committed by various armed groups, most importantly the Islamic State of Iraq and the Levant (ISIL), leading to approximately 12,000 fatalities and 22,000 injuries.(27) According to the United Nations High Commissioner for Refugees (UNHCR), as of July 2014, Iraq hosted more than 250,000 refugees, including Syrian refugees. By the end of 2014, there were also over two million internally displaced persons (IDPs).(28)

ISIL recruited children and used them in combat operations, including as suicide bombers, military training, patrolling the streets, and manning checkpoints. UN and media reporting indicate that armed groups involved in the conflict with ISIL recruited and used children to patrol with convoys and man checkpoints.(1-6, 29) There was evidence ISIL forcibly recruited children.(21, 30, 31) Some were used in combat and support roles, including human shields, suicide bombers, bomb makers, informants, or were forced to donate blood to treat injured ISIL fighters.(6, 28) Research found no evidence of the Government recruiting children into the Iraqi armed forces.(7)

Throughout the country, some girls are subject to commercial sexual exploitation by their families, who seek financial gain through temporary marriages.(20, 26) This practice involves a dowry paid to the girl's family, and an agreement to dissolve the marriage after a predetermined length of time.(20) In the Kurdistan Region, child commercial sexual exploitation was reported to be on the rise due to a large increase in Syrian refugees.(18) ISIL fighters subjected girls, primarily from the Yezidi community but also other ethnic and religious groups, to commercial sexual exploitation, forced domestic work or other forms of forced labor in Iraq and Syria.(21, 32, 33)

Children faced barriers to access to education because of attacks on schools, including the targeting of teachers and school personnel, and the use of schools as shelters by IDPs and as detention centers by ISIL.(22, 23, 34, 35) Only 35 percent of Syrian refugee children were enrolled in formal education, leaving nearly 38,000 children without any form of education.(36) Enrollment rates decreased drastically for refugee children past the age of 12.(35) For these refugees, the majority of whom live in the Kurdistan Region, access to education was limited because of school-related costs such as transportation and uniforms, security concerns, and the language of instruction due to insufficient number of Arabic-language schools in the Kurdistan Region.(37)

The Ministry of Labor and Social Affairs (MOLSA) and UNICEF conducted a study on children engaged in the worst forms of child labor in Baghdad, Basrah, Kirkuk, Najaf, and Ninewa provinces. The results of the study are expected to be published in 2015.(28)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Iraq has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	✓
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	✓
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 90.1 of the Labor Law (38)
Minimum Age for Hazardous Work	Yes	18	Articles 90.2 and 91.1 of the Labor Law (38)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Article 91.2 of the Labor Law (38); Ministry of Labor's Instruction 19 of 1987 (25)
Prohibition of Forced Labor	Yes		Articles 91.3(a) and 91.4 of the Labor Law (38); Articles 1 and 6 of the Law to Combat Human Trafficking (39)
Prohibition of Child Trafficking	Yes		Articles 91.3(a) and 91.4 of the Labor Law (38); Articles 1 and 6 of the Law to Combat Human Trafficking (39)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 91.3(b) and 91.4 of the Labor Law (38); Paragraphs 399 and 403 of the Penal Code (40)
Prohibition of Using Children in Illicit Activities	Yes		Articles 91.3(c) and 91.4 of the Labor Law (38); Articles 1 and 6 of the Law to Combat Human Trafficking (39)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Section 6(2) of the Coalition Provisional Authority Order 22 (41)
Compulsory Education Age	Yes	12	Article 11.1 of the Education Law (42, 43)
Free Public Education	Yes		Article 34.2 of the Constitution (44)

* No conscription.(41)

The Kurdistan Regional Government (KRG) needs to endorse laws passed by the Government of Iraq after 1991 for such laws to enter into force in the Kurdistan Region, which is comprised of the provinces of Erbil, Dahuk, and Sulaymaniyah.(21, 45) Because the KRG has not endorsed the Law to Combat Human Trafficking, this law is not enforced in the Kurdistan Region.(7, 46)

In 2014, two committees of the Council of Representatives drafted a revised labor law and a child protection law, neither of which was passed.(7) Likewise, the KRG Ministry of Labor and Social Affairs submitted a new draft labor law to the KRG Council of Ministers; however, the draft law has not been adopted.(7)

Article 91.3(a) of the Labor Law, as amended by the Coalition Provisional Authority Order 89, prohibits the forced use of children in armed conflict. Article 97 sets the penalty of short-term imprisonment and a fine for infringements of the Labor Law.(38) These penalties are insufficient for the recruitment of children for armed conflict. Article 91.4 of the Labor Law augments these by asserting that violations will be prosecuted in accordance with the Penal Code.(38) However, the Penal Code does not specify a penalty for forced use of children in armed conflicts.(40) The ILO CEACR has requested that the Government ensure that penalties for compulsory recruitment of children for armed conflict are sufficient.(25)

In the Kurdistan Region, under Articles 6 and 10 of the KRG Ministry of Education Law, children are required to attend school for 9 years, which is typically up to around age 15.(46) However, under Articles 8 and 11 of the Iraqi Education Law, children are required to attend school for 6 years, which is typically up to around age 12.(42, 43) This standard makes children ages 12 to 15 particularly vulnerable to child labor, as they are not required to be in school but are not legally permitted to work either.

In addition, Iraqi law does not provide for circumstances in which children ages 13-15 may engage in light work.(38) The ILO CEACR has requested that the Government regulate the employment of children 13-15 in light work, noting the significant percentage of children that age working already.(47)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Social Affairs (MOLSA)	Enforce child labor laws and regulations through its Child Labor Unit.(12) Conduct research on child labor through its Childhood Welfare Authority.(47)
Kurdistan Regional Government (KRG) Ministry of Labor and Social Affairs	Enforce child labor laws and regulations in the Iraqi Kurdistan Region. KRG Ministry of Interior's Police units play a supporting role in the daily activities of the Ministry.(28)
Ministry of Interior (MOI)	Enforce criminal laws on the worst forms of child labor. Collaborate with MOLSA, the Iraqi Industries Federation, and the Confederation of Trade Unions to conduct inspection campaigns.(12, 25) Maintain a hotline for victims of human trafficking that is routed directly to MOI's Anti-Trafficking Department.(20) In 2014, the hotline received 41 calls. It is unknown how many of these calls involved children.(18)

Law enforcement agencies in Iraq took actions to combat child labor, including its worst forms. However, the KRG does not enforce some of the central Government's laws, including the Law to Combat Human Trafficking.(7)

Labor Law Enforcement

In 2014, MOLSA employed two to three inspectors for each of the 15 provinces, excluding the 3 provinces in the Kurdistan Region and areas under ISIL control. These inspectors were assigned to investigate child labor, as well as all other labor violations.(12) This number is insufficient to enforce child labor laws. The number of inspectors in the KRG Ministry of Labor and Social Affairs is not known.(28) Due to the conflict with ISIL, MOLSA did not have access to large areas of the country, including Anbar and Ninewa Provinces.(7) While updated statistics were not available from MOLSA, there were ongoing cases against factory owners in which child labor occurred, particularly in brick factories.(7) Research did not find information on the number of inspections, violations, penalties, referral mechanisms between enforcement and social services agencies, training of inspectors, type and quality of inspections, and whether unannounced inspections were permitted.

Criminal Law Enforcement

In 2014, the Ministry of Interior employed two to three inspectors for each of the 15 provinces, excluding the 3 provinces in the Kurdistan Region and areas under ISIL control.(7) These inspectors were in charge of investigating criminal violations of labor laws including those related to the worst forms of child labor. Although in 2012 the Government compiled and reported statistics on trafficking in persons for the first time, it has not made this information publicly available since then.(7) The Ministry of Interior conducted training within the Ministry on human trafficking to raise awareness, increase sensitivity and assist victim identification. Likewise, officials of the KRG Ministry of Interior and the KRG Ministry of Labor and Social Affairs participated in training sessions on human trafficking, victim identification and assistance.(21) The Ministry of Interior reported its initiation of 18 prosecutions related to human trafficking in 2014; it is not known how many of these cases involved child victims or whether these cases were concluded.(21) Research did not find information on the number of investigations, convictions, the implementation of penalties and referral mechanisms between law enforcement and social welfare services.

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Inter-ministerial Committee on Child Labor	Coordinate overall government efforts to combat child labor, research policies regarding child labor, and design and manage projects. Members include MOLSA, MOI, and the Ministries of Health, Education, and Foreign Affairs.(7)
Joint Committee on Street Children	Coordinate the implementation of measures for removing and rehabilitating street children. Members include MOLSA and MOI.(25)

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor (cont)

Coordinating Body	Role & Description
Central Committee to Combat Trafficking in Persons	Oversee implementation of the Law to Combat Human Trafficking and serve as the national coordinating body on trafficking in persons. Includes representatives from the Ministries of Health, Finance, Migration and Displacement, Labor and Social Affairs, Human Rights, and Justice, the State Ministry for Women's Affairs, the Council of Ministers Secretariat, the High Commission on Human Rights, as well as a representative from the KRG's Ministry of Interior.(48) In 2014, the Committee held training for its staff on countering human trafficking and shelter management.(18)

A source indicates that there was not sufficient coordination between the central Government and the KRG, including in the Central Committee to Combat Trafficking in Persons.(18)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Iraq has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
Coalition Provisional Authority Order No. 89	Lays out government policy to address the worst forms of child labor. Order 89 calls for programs to be designed to prevent the engagement of children in the worst forms of child labor, to provide direct assistance for the removal of children in these labor situations, and to ensure the children have access to basic education.(38)
National Action Plan on Human Rights (NAP)	Establishes goals and discrete steps to be taken in specific timeframes to promote and protect human rights as a core value, in line with recommendations adopted by Iraq following its submission to the Universal Periodic Review. NAP recognizes Iraq's obligations to international conventions, including the CRC and its optional protocols and ILO C.182 and C.138 with respect to child labor, and states that such conventions may be applied in Iraqi courts.(49) Sets an action plan to fulfill the right to education in Iraq, including through financial incentives to families living in poverty, to encourage completion of primary- and secondary-level education.(49)

VI. SOCIAL PROGRAMS TO ADDRESS OF CHILD LABOR

In 2014, the Government of Iraq funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms. (Table 8)

Table 8. Social Programs to Address Child Labor

Program	Description
Child Rights Hotline*	Operated by the KRG to receive calls for advice or complaints with respect to children's rights.(12) In 2014, the hotline received approximately 4-5 calls per day related to human trafficking. The number of cases related to children is not known.(18)
Informal Education*‡	Government-supported informal education systems, including evening school programs and fast education mode, to encourage children ages 12 to 18 years who have dropped out of school to continue their education.(25)
Programs for Vulnerable Populations*	Programs funded by international organizations and foreign donors, including the United States, to address the needs of vulnerable populations, such as internally displaced persons (IDPs) and refugees, at risk of the worst forms of child labor.(7)
Shelters for Human Trafficking victims‡	MOLSA-operated shelter for human trafficking victims, including children involved in the worst forms of child labor in Baghdad; other facilities are located in Basrah, Ninewa, and Kirkuk provinces.(7) The KRG operated three shelters for female victims of human trafficking and violence.(18)

* The impact of this program on child labor does not appear to have been studied.
‡ Program is funded by the Government of Iraq.

In the reporting period, the child rights hotline received approximately 100 calls per month.(7)

Research found no evidence of specific programs targeting children engaged in street work, commercial sexual exploitation, or brickmaking, as well as children involved in armed conflict.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Iraq (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Increase penalties for the use of children in armed conflict to deter violations.	2013 – 2014
	Regulate the employment of children aged 13-15 in light work.	2014
	Increase the age of compulsory schooling to at least 15, the minimum age for work.	2009 – 2014
Enforcement	Increase the number of labor inspectors and ensure adequate funding in order to effectively enforce legal protections against child labor, including its worst forms, in all provinces where children are known to work, including in the Kurdistan Region.	2011 – 2014
	Collect and make data publicly available information on the number of labor inspections, violations and penalties, and criminal investigations, prosecutions, convictions as well as referral mechanisms between law enforcement and social welfare services, the implementation of penalties, training of inspectors, the type and quality of inspections, and whether unannounced labor inspections are permitted.	2013 – 2014
Coordination	Ensure sufficient coordination between the central Government and the Kurdistan Regional Government, particularly in efforts to combat human trafficking.	2014
Social Programs	Ensure universal access to education, including for refugee and internally displaced children.	2013 – 2014
	Assess the impact that existing social programs have on child labor.	2011 – 2014
	Implement programs to address relevant child labor sectors in Iraq, such as street work, commercial sexual exploitation, and brickmaking.	2010 – 2014
	Implement programs to demobilize and reintegrate children engaged in armed groups.	2009 – 2014

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