

# Iraq

*The Government of Iraq has strengthened its legal framework on the worst forms of child labor. However, significant gaps remain in government coordination mechanisms and in programs to address the worst forms of child labor. Children in Iraq continue to be engaged in agriculture.*

## 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

Children are engaged in the worst forms of child labor in Iraq,<sup>2887</sup> including in agriculture.<sup>2888</sup>

Work in agriculture can involve using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Although evidence is limited, there is reason to believe that children are also working in dangerous conditions in family-owned automobile shops and on construction sites.<sup>2889</sup>

Significant evidence suggests that children live on the streets, where they beg and participate in street commerce.<sup>2890</sup> Children working in the streets may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements.<sup>2891</sup>

Children are exploited in the commercial sex industry, some as a result of trafficking.<sup>2892</sup> Children are also trafficked for forced labor.<sup>2893</sup> Gangs target young boys and girls for sexual exploitation and for sale into prostitution.<sup>2894</sup> Reports indicate that children are trafficked within the country as well as to other countries in the region.<sup>2895</sup> Women and girls are trafficked

internally for sexual exploitation through the traditional institution of temporary marriages.<sup>2896</sup> The bride's family receives a dowry from a husband but, instead of constituting a true marriage commitment; an agreement is made to dissolve the marriage after a predetermined length of time. This practice has been used to force the bride to become a prostitute.<sup>2897</sup> Anecdotal evidence exists of children trafficked from orphanages by employees of those organizations for the purpose of forced prostitution.<sup>2898</sup>

Sunni and Shiite militias, as well as Al Qaida in Iraq, recruit and use children as fighters and suicide bombers. They also use children for spying, working as couriers, scouting and planting improvised explosive devices.<sup>2899</sup> There are reports that children are also used to construct bombs.<sup>2900</sup> There are no reports of children in the Iraqi Army.

## Laws and Regulations on the Worst Forms of Child Labor

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 under age 18 from engaging in hazardous work.<sup>2901</sup> Article 91.2 outlines a partial list of types

of work considered hazardous, including work underground or underwater, 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.<sup>2902</sup> Instruction No. 19 of 1987 (on child labor) includes additional prohibitions on hazardous labor for children, deeming illegal any employment of children in construction, in 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.<sup>2903</sup>

	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

Order Number 89 sets employment conditions for children age 15 and older, including work hours, medical examinations and annual leave policies; it also provides for the creation of a register of employed young persons.<sup>2904</sup> Children employed in family enterprises are exempt from the order's requirements, which may put the children at greater risk for involvement in the worst forms of child labor.<sup>2905</sup>

Order Number 89 prohibits slavery and similar practices, including forced labor, child trafficking and illicit activities such as drug trafficking.<sup>2906</sup>

The Constitution prohibits trafficking of women and children and the sex trade.<sup>2907</sup> The Penal Code prohibits enticement of children into prostitution and provides for up to 10 years imprisonment for violations.<sup>2908</sup> Law No. 8/1988 on combating prostitution comprehensively prohibits prostitution, including uses of persons for prostitution.<sup>2909</sup> Order Number 89 outlaws child prostitution and child pornography, and violations are punishable by imprisonment.<sup>2910</sup> The Penal Code does not directly address or establish penalties for human trafficking, although child trafficking is punishable by up to 3 months imprisonment under Order Number 89.<sup>2911</sup>

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.<sup>2912</sup> Order Number 89 also prohibits the use of child soldiers and outlines the punishment of those enlisting children into armed service.<sup>2913</sup> These laws, however, do not specifically address recruitment into other armed groups.

Article 34 of the Constitution guarantees Iraqis the right to free education in all of its stages.<sup>2914</sup> 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.<sup>2915</sup>

Because the Iraqi Constitution also allows for semi-autonomy within the Kurdistan region of Iraq, it is unclear whether these laws also apply in this area.<sup>2916</sup>

### **Institutional Mechanisms for Coordination and Enforcement**

Research found no evidence that the Government of Iraq has a coordinating mechanism to combat the worst forms of child labor. However, 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 (MOI) and Ministry of Labor and Social Affairs (MOLSA) monitors the human trafficking situation and makes recommendations, although it has no authority to implement them.<sup>2917</sup>

The Child Labor Unit (CLU) within the Labor Inspectorate of MOLSA is responsible for enforcing child labor regulations.<sup>2918</sup> Research did not uncover information on the number of inspectors or inspections completed during the reporting period.

The MOIs of both the Iraqi and Kurdish Regional Governments (KRG) are responsible for enforcement of laws against trafficking.<sup>2919</sup> Research did not identify data regarding prosecutions, convictions or sentences imposed in cases of human trafficking.<sup>2920</sup>

### **Government Policies on the Worst Forms of Child Labor**

Coalition Provisional Authority Order Number 89, which amended the Labor Code, also lays out government policy to address the worst forms of child labor.<sup>2921</sup> The order 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 access to basic education.<sup>2922</sup>

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

Research found no evidence of programs to eliminate the worst forms of child labor during the reporting period.

With funding from the governments of Australia, Japan, the Netherlands and the United States, the Government of Iraq is participating in programs geared to the needs of the most vulnerable populations, including internally displaced persons and refugees.<sup>2923</sup> These marginalized groups are often more susceptible to the worst forms of child labor. The programs include the provision of psychosocial services specifically for at-risk children in several governorates and the monitoring and assessment of the needs of internally displaced persons and returnees to the country in order to provide assistance and protection, including from trafficking.<sup>2924</sup>

The question of whether or not these programs have an impact on child labor does not appear to have been addressed.

## 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:

- Provide legal protection for children working in family businesses and on the streets.
- Increase the age of compulsory schooling to be equal to the minimum age for work.
- Increase penalties for child trafficking.

### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

### IN THE AREA OF SOCIAL PROGRAMS:

- Implement programs to address the worst forms of child labor.
- Implement programs to demobilize and reintegrate children engaged in conflict.
- Assess the impact that existing programs may have on addressing the worst forms of child labor.

<sup>2887</sup> 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, 2005-2011*. Data on working children and school attendance are from 2006, as is the data on children combining working and schooling. 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.

<sup>2888</sup> U.S. Department of State, "Iraq," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>.

<sup>2889</sup> *Ibid.*, section 6d. See also Integrated Regional Information Networks, "Iraq: Child Labour on the Rise as Poverty Increases," IRINnews.org, [online], June 12, 2007 [cited January 31, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=72683>.

<sup>2890</sup> U.S. Department of State, "Country Reports- 2008: Iraq," section 7. See also Integrated Regional Information Networks, "Iraq: Child beggars proliferate in Baghdad," [online], February 11, 2007 [cited accessed March 22, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=70089>. See also Integrated Regional

Information Networks, "Iraq: Fadhel, Iraq 'Stealing is the easiest job in Iraq today'," [online], February 8, 2007 [cited April 11, 2011]; available from <http://www.irinnews.org/report.aspx?reportid=70046>. See also Integrated Regional Information Networks, "Street Children Face Hunger and Abuse," 2005; available from [www.irinnews.org/PrintReport.aspx?ReportId=25835](http://www.irinnews.org/PrintReport.aspx?ReportId=25835). See also USDOL official, Interview with Jane Arraf, March 30, 2011.

<sup>2891</sup> Integrated Regional Information Networks, "IRAQ: Children Lured into Drugs and Prostitution," IRINnews.org, [online], February 12, 2007 [cited January 31, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=70094>. See also Integrated Regional Information Networks, "Street Children Face Hunger and Abuse."

<sup>2892</sup> 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). See also U. S. Department of State, "Iraq," in *Trafficking in Persons Report- 2010*, Washington, D.C., June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

<sup>2893</sup> 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>.

<sup>2894</sup> ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also Integrated Regional Information Networks, "Children Lured into Drugs and Prostitution."



- <sup>2895</sup> ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Embassy- Baghdad, *reporting, June 23, 2009*.
- <sup>2896</sup> U. S. Department of State, “Trafficking in Persons Report- 2010: Iraq.”
- <sup>2897</sup> *Ibid.*
- <sup>2898</sup> U. S. Department of State, “Iraq,” in *Country Reports on Human Rights Practices- 2009*, Washington, D.C., April 6, 2010, Section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm>. See also U. S. Department of State, “Trafficking in Persons Report- 2010: Iraq.”
- <sup>2899</sup> Office of the Special Representatives 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; available from [http://www.un.org/children/conflict/\\_documents/countryvisits/IraqVisitReport.pdf](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>, “Iraq police nab child suicide bomber,” *The Sydney Morning Herald* (Sydney, Australia), April 7, 2010; available from <http://news.smh.com.au/breaking-news-world/iraq-police-nab-child-suicide-bomber-20100407-rsdq.html>. See also Lucy Keating, “Al Qaeda’s deadly exploitation of children” (paper presented at the Iraq War Logs, October 23, 2010); available from <http://www.iraqwarlogs.com/2010/10/23/al-qaeda%E2%80%99s-deadly-exploitation-of-children/>. See also IANS, “Al Qaeda- trained child suicide bombers captured in Iraq,” *Thaindian News* (2009); available from [http://www.thaindian.com/newsportal/world-news/al-qaeda-trained-child-suicide-bombers-captured-in-iraq\\_100183177.html](http://www.thaindian.com/newsportal/world-news/al-qaeda-trained-child-suicide-bombers-captured-in-iraq_100183177.html). See also Cassandra Clifford, “The Continued Rise of Child Suicide Bomber,” *Foreign Policy Association* (2011); available from <http://children.foreignpolicyblogs.com/2008/02/13/the-continued-rise-of-the-child-suicide-bomber/>. See also USDOL official, Interview, March 30, 2011.
- <sup>2900</sup> Integrated Regional Information Networks, “Iraq: Poverty drives children to work for armed groups”, IRINnews.org, [online], May 10, 2007 [cited February 8, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=72084>.
- <sup>2901</sup> *Coalition Provisional Authority Order 89: Amendments to the Labor Code- Law No. 71 of 1987*, (May 5, 2004), articles 90.1-91.1; available from <http://iraqog.org/english/pdf/CPA-O-89-E.pdf>.
- <sup>2902</sup> *Ibid.*, article 91.2.
- <sup>2903</sup> ILO NATLEX National Labor Law Database, *Instruction No. 19 of 1987 (on Child Labor)*, accessed 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](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).
- <sup>2904</sup> *Coalition Provisional Authority Order 89*, articles 92-96.
- <sup>2905</sup> *Ibid.*, articles 92-96.
- <sup>2906</sup> *Ibid.*, article 91.3.
- <sup>2907</sup> *Constitution of Iraq*, (2005), article 37c; available from [http://www.uniraq.org/documents/iraqi\\_constitution.pdf](http://www.uniraq.org/documents/iraqi_constitution.pdf). See also U.S. embassy- Baghdad, *reporting*, February 25, 2009, para 4a.
- <sup>2908</sup> *Penal Code with Amendments*, (September 9, 1980), article 399; available from [http://law.case.edu/saddamtrial/documents/Iraqi\\_Penal\\_Code\\_1969.pdf](http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf). See also U.S. embassy- Baghdad, *reporting, February 25, 2009*, paras 4a, 4b.
- <sup>2909</sup> ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.
- <sup>2910</sup> *Coalition Provisional Authority Order 89*, articles 91.3, 97.
- <sup>2911</sup> *Ibid.*
- <sup>2912</sup> *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](http://www.iraqcoalition.org/regulations/20030818_CPAORD_22_Creation_of_a_New_Iraqi_Army.pdf).
- <sup>2913</sup> *Coalition Provisional Authority Order 89*, articles 91.3, 97.
- <sup>2914</sup> *Constitution of Iraq*, article 34.
- <sup>2915</sup> *Ibid.*, article 34.
- <sup>2916</sup> *Ibid.*, article 116 & 117.
- <sup>2917</sup> U. S. Department of State, “Country Reports- 2009: Iraq,” section 6.
- <sup>2918</sup> ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 6.
- <sup>2919</sup> ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 6.
- <sup>2920</sup> ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 5.
- <sup>2921</sup> *Coalition Provisional Authority Order 89*, article 91.5.
- <sup>2922</sup> *Ibid.*
- <sup>2923</sup> International Organization for Migration, *Iraq*, [online] 2011 [cited April 13, 2011]; available from <http://www.iom.int/jahia/Jahia/iraq>.
- <sup>2924</sup> *Ibid.*