



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixty-eighth session

12–30 January 2015

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the report submitted by Iraq 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

The State party is requested to submit in writing additional, updated information (15 pages maximum), if possible before 15 October 2014.

The Committee may take up any aspects of the children's rights set out in the Optional Protocol during the dialogue with the State party.

1. Please provide information on progress made towards the establishment of a system of data collection covering all offences under the Optional Protocol.
2. Please provide statistical data, disaggregated by sex, age, nationality, ethnic origin, state or autonomous region and urban or rural residence, from 2008 to date, on:
 - (a) Reports of sales of children, disaggregated by purpose of sale, including for sexual exploitation, transfer of organs for profit or forced labour, and reports of child prostitution and child pornography, with additional information on the action taken as a result, including the prosecution and punishment of perpetrators;
 - (b) The number of children offered, delivered, accepted or procured by whatever means for the purpose of prostitution, engagement in forced labour, illegal adoption, organ transfer or pornography, as well as information on the action taken in response, particularly cases investigated and prosecuted, and the convictions and penalties imposed;
 - (c) The number of children trafficked from or through Iraq and children trafficked within Iraq for the purpose of the offences defined in article 3 of the Optional Protocol, as well as information on the action taken in response, particularly cases investigated and prosecuted, and the convictions and penalties imposed;
 - (d) The number of child victims of the offences under the Optional Protocol who have received assistance for recovery and reintegration or compensation.
3. Please provide information on measures taken to raise awareness about offences under the Optional Protocol and overcome customs and traditions which reportedly lead to

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the shaming of the family or the child and result in the phenomena of sexual exploitation and abuse being treated as secret. Please inform the Committee about the measures taken to protect child victims of offences under the Optional Protocol from any stigmatization and marginalization. Please provide details of any measures that have been taken to inform children about how to protect themselves from offences under the Optional Protocol and how to seek support and protection.

4. Please provide information on training on the Optional Protocol organized for professional groups working with and for children.

5. Please provide further details of preventive measures that have been taken to identify children who are in particularly vulnerable situations, such as girls who are victims of domestic and sexual violence, children living in poverty, children in street situations, refugee and asylum-seeking children, children deprived of a family environment, children living in institutions and children in detention. Please also provide details of preventive measures that have been taken to protect them from offences under the Optional Protocol.

6. Please clarify whether the sale of children, child prostitution and child pornography are classified as a separate offences under the Criminal Code.

7. Please clarify which offences are applicable under article 398 of the Criminal Code which provides that, if a perpetrator of an offence enters into a valid marriage with the victim, it is considered a legally mitigating excuse. Please indicate whether that provision applies to any of the offences under the Optional Protocol.

8. Please provide the definitions of the following terms, as used in the Criminal Code: “consent” in article 393, “acts of immorality” in article 399 and “act of indecency” in article 400. Please indicate whether the State party intends to amend article 422, which provides for a lower penalty if the victim is a boy rather than a girl.

9. Please provide information on the measures taken to prevent government officials from assisting in the trafficking process by forging documents and returning escapees to their traffickers in return for payment. Please indicate what measures are taken against officials who are allegedly involved in cases of trafficking, including kidnapping girls for the purpose of forced prostitution. Please also indicate whether any investigations have been conducted into the alleged trafficking of children from orphanages by orphanage employees for the purpose of forced prostitution, and if so, please indicate the outcome of the investigations.

10. Please provide updated detailed information on the measures taken to eliminate the practices of bride trading, as a way of resolving conflicts among tribes, and so-called *muta’a* marriage, whereby girls are reportedly sold into a temporary marriage and often forced into prostitution. Please indicate the number of girls who have become victims of those practices and their ages, as well as the countries into which they have been sold. Please indicate the urgent measures that are taken to release girls from those situations.

11. Please describe the measures taken to protect the rights and interests of child victims and witnesses of crimes under the Optional Protocol at all stages of criminal proceedings. Please clarify whether there are any circumstances under which a child involved in prostitution or any other offence under the Optional Protocol could be treated as an offender.

12. Given that the testimony of children under the age of 15 is not recognized as proof, but only in support of a conviction, please indicate whether charges are automatically dropped if the only witness to an offence is a child under the age of 15. In addition, given that children under the age of 15 are not able to file a complaint without their parents, please indicate what avenues are open to children, if any, if they need to file a complaint against their parents.

13. Please provide information on social reintegration assistance and physical and psychological recovery available to child victims, including the budgetary resources allocated to those programmes. In view of the recognition in the State party report (CRC/C/OPSC/IRQ/1, para. 135) that the available remedies are insufficient, please provide information on any progress made in that regard and indicate whether the State party intends to increase the number of protection centres.
