



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 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Initial reports of States parties due in 2010

Iraq*

[9 May 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

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Introduction

1. The Government of the Republic of Iraq is pleased to submit its initial report concerning the implementation of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict for the period from 24 June 2008 to the date of drafting, pursuant to article 8 (1) of the Optional Protocol.

2. The Government of the Republic of Iraq emphasizes its concern with child-related issues, which it deals with through the Child Welfare Authority (CWA), in its current configuration. The competence and membership of the Authority has undergone changes since 2003 in the context of the comprehensive changes that have taken place and the transition to democracy. The Authority is the main body concerned with coordinating, monitoring and evaluating national efforts and planning the programmes needed to give effect to children's rights, in accordance with the Convention on the Rights of the Child and the Optional Protocols thereto. Moreover, the National Council of Representatives established a committee on women's and children's rights to monitor the work of government institutions concerned with child rights and to prepare draft legislation on the rights of women and children. In addition, a special section within the Ministry of Human Rights monitors and oversees the implementation of Iraq's national obligations under international conventions and of national legislation in respect of children's rights. The Ministry of Education, the Ministry of State for Women's Affairs, the Ministry of Labour and Social Affairs and the Ministry of Culture, in addition to other institutions and committees linked to local government and the Kurdistan Regional Government implement, oversee and follow up on Iraq's obligations in respect of children's rights.

3. Iraq has been a member of the United Nations since 1945. As such, Iraq emphasizes that it abides by the Charter of the United Nations and, since 2003, has always worked to achieve peace between peoples. It has peaceful relations with neighbouring countries. The democratic changes that have taken place in Iraq since 2003 and the ousting of the former dictatorial regime have strongly motivated Iraq to become an active member of the international system in general and the human rights system in particular. This motivation has had a significant impact in that it has increased the transparency of Iraq's dealings with the United Nations human rights system. Nevertheless, Iraq has its own motives for becoming a State party to the Protocol under consideration in the present report. Perhaps the most significant of these is the magnitude of the tragedy suffered by Iraqis in general and by Iraqi children in particular from 1968 to 2003, in terms of wars, conflicts, military actions, genocide and crimes against humanity. These crimes and events have had a negative impact on the children of Iraq for generations. The authorities, party organs, security and media agencies of the former regime sought to control Iraqi society from every angle and to promote a spirit of war and to militarize society even through the school curriculum, government television programmes and children's toys. Consequently, and on the basis of the Iraqi Constitution to which subsequent reference will be made, Iraq today is seeking to become a peace-loving State based on the rule of law that protects human rights, including children's rights, and rejects any violation of human rights and freedoms. For this reason, Iraq became a State party to the Optional Protocol.

4. The report focuses on the integrated approach taken by the Government of the Republic of Iraq with a view to protecting children from all forms of exploitation, in accordance with the Convention and its Optional Protocols. Through this approach, the Government aims to develop the legislative framework and draft integrated policies to ensure that children's rights are enforced and protected; provide ongoing training to professionals working on the implementation of children's rights and dealing with children; prepare large-scale programmes to raise public awareness of children's rights. These

objectives are achieved through close cooperation between the authorities, civil society organizations and the media, with the participation of children themselves, and through strengthening the role of the family in child protection.

I. General implementation measures

Preparation of the report

5. The Government of the Republic of Iraq established a ministerial committee to prepare the initial report on the Protocol. Membership of the drafting committee included representatives from the Ministry of Defence, the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour and Social Affairs and the Ministry of Education. The committee was chaired by the Minister of Human Rights for more than one year. It suffered, as did most committees tasked with drafting treaty body reports, from a dearth of experts, not to mention a lack of information and, also, the security situation, which posed an obstacle to holding meetings. The committee brought out its report under irregular circumstances in a State that had emerged from a stage of rapid change, from an oppressive dictatorial regime to a democratic State in which human rights and fundamental freedoms are respected. Civil society participated in the preparation of the report. The Ministry of Human Rights published the outcome of the efforts of the drafting committee on its website and published an announcement to that effect in local newspapers, in order to solicit comments. On 8 February 2012, it organized a consultative meeting between members of the drafting committee and representatives of 20 non-governmental organizations working in the field of children's rights in order to discuss the draft report.

Legal status of the Optional Protocol under national law

6. Under article 80 (6) of the Iraqi Constitution, the Council of Ministers is empowered to negotiate and sign international treaties and conventions or to designate any person to do so.

7. Under paragraph 61 (4) of the Iraqi Constitution, the Council of Representatives is competent to regulate the ratification process of international treaties and conventions by the enactment of a law, passed by a two-thirds majority. Under article 73 (2), the President of the Republic is empowered to ratify international treaties and conventions approved by the Council of Representatives; such instruments are considered to have been ratified 15 days following the date of their receipt.

8. Accordingly, all treaties come into effect in Iraq following their adoption by the Iraqi Council of Representatives in accordance with article 61 (4) of the Iraqi Constitution, and provided that they have been ratified by the President of the Republic and published in the Official Gazette. Thereafter, the national authorities concerned are required to apply and implement them.

9. Iraq is a State party to the principal relevant international humanitarian instruments (see the national report of Iraq submitted to the universal periodic review, A/HRC/WG.6/7/IRQ/1). It became a State party to the Convention on the Rights of the Child on 10 June 1994 (with a reservation to article 14 (1)) and submitted its initial report under document symbol CRC/C/41/Add.3. It acceded to the Optional Protocol to the Convention without reservations on 24 June 2008 and attached a declaration to its accession, pursuant to article 3 (2) of the Protocol, in which it indicated that the Government of the Republic of Iraq:

“(a) Declares that the minimum age at which it permits voluntary recruitment into its national armed forces is 18 years;

“(b) Sets forth below a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced:

- Such recruitment must be genuinely voluntary;
- Volunteers must present reliable proof of age prior to acceptance into the national armed forces.”

10. Article 29 of the Iraqi Constitution provides that:

“(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 the elderly 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.”

11. Article 37 (3) of the Iraqi Constitution provides that: “Forced labour, slavery, the slave trade, trafficking in women and children and sex trafficking shall be prohibited.”

Implementation of the Optional Protocol throughout the Republic of Iraq

12. The Optional Protocol is applied throughout the Republic of Iraq. Article 13 of the national Constitution provides that:

“(1) This Constitution is the supreme and the ultimate law in Iraq and shall be binding throughout Iraq, without exception.

“(2) No law shall be enacted that is incompatible with this Constitution. Any provision contained in any regional constitution or any other legal document that is incompatible with this Constitution shall be deemed void.”

13. Article 2 of the Iraqi Constitution provides that:

“(1) Islam is the official religion of the State and a key source of legislation:

“(a) No law may be enacted that is incompatible with the established provisions of Islam;

“(b) No law may be enacted that is incompatible with the principles of democracy;

“(c) No law may be enacted that is incompatible with the fundamental rights and freedoms set forth in this Constitution.

“(2) This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees full rights to freedom of religious belief and practice to all individuals, such as Christians, Yazidis, and Sabian Mandeans.”

Hence, the national legislation is required to incorporate the provisions set forth in the Convention, either through the adoption of new legislation or the amendment of existing legislation. Such legislation must be compatible with the Constitution and with the rights and freedoms set forth therein, including the rights of the child.

Focal point for national efforts to give effect to the Optional Protocol

14. The focal point for national efforts to give effect to the Optional Protocol is the Ministry of Human Rights, in cooperation with the Child Welfare Authority and the relevant ministries. Principally, these are the Ministry of Defence (the authority responsible for conscription and voluntary recruitment), the Ministry of Justice, the Ministry of the Interior, the Ministry of Education, the Ministry of Higher Education, the Ministry of Labour and Social Affairs, the Ministry of Health, the Ministry of Youth and the Ministry of State for Women’s Affairs, in addition to the Supreme Judicial Council and civil society.

Dissemination of the Optional Protocol

15. The Government of the Republic of Iraq attaches great importance to raising public awareness of human rights and children’s rights. In the context of fulfilling its constitutional responsibilities, it promotes a culture of non-violence, respect for human rights and the protection of children through:

- Conducting training programmes, implemented by the National Institute for Human Rights in the Ministry of Human Rights, for all groups of Iraqi society, some with a focus on the rights of the child;
- Printing posters, booklets, pamphlets and advertisements to disseminate and raise awareness of the purpose of the Protocol;
- Incorporating human rights principles in general and the rights of the child in particular in school curriculums at all stages of education, throughout Iraq.

Independent High Commission for Human Rights

16. The High Commission for Human Rights in Iraq was established pursuant to Act No. 53 of 2008, although it has not commenced work to date. The objectives of the High Commission are set forth in article 3, as follows:

“The Commission aims to:

- “(1) Ensure the protection and promotion of respect for human rights in Iraq.
- “(2) Protect the rights and freedoms set forth in the Constitution and in the laws and international treaties and conventions ratified by Iraq.
- “(3) Consolidate and develop the values and culture of human rights.”

17. Under article 5 of the Act, the High Commission is competent to receive complaints of violations prior to and subsequent to the entry into force of the Act from individuals, groups and civil society organizations, with respect for the absolute confidentiality of the authors of such complaints. It undertakes preliminary investigations into human rights violations on the basis of information received, refers allegations of human rights violations

for legal action to the Office of the Public Prosecutor and is duly notified of the outcome. Article 5 (5) of the Act provides that: “No prior authorization from the aforementioned authorities is required in order to conduct visits to prisons, social rehabilitation centres, places of detention and all other places for the purpose of meeting convicted prisoners and detainees in order to verify cases of human rights violations and report to the competent authorities for appropriate legal action.” The High Commission will play a clear role in all areas relating to the implementation of the Protocol and monitoring its implementation, particularly in view of the immunities enjoyed by the Commissioner, Deputy Commissioner and members of the High Commission under article 16 of the Act during the course of their work for the Commission.

II. Prevention

Conscription

Compulsory recruitment

18. Article 9 of the Iraqi Constitution provides that:

“(1) (a) The Iraqi armed forces and security services shall be composed of elements of the Iraqi populace, with due consideration to balance and representation and without discrimination or exclusion. They shall be subject to civilian authority. They shall defend Iraq and shall not be used as an instrument to oppress the Iraqi people. They shall not interfere in political affairs and shall have no role in the transfer of authority.

“(b) The formation of militias outside the framework of the armed forces is prohibited.

“(c) The Iraqi armed forces and armed forces personnel, including military personnel working in the Ministry of Defence or any subordinate departments or organizations, may not stand for election to political office, campaign for candidates or participate in other activities prohibited by Ministry of Defence regulations. This ban applies to the activities of armed forces personnel, whether acting in a personal or a professional capacity, but does not apply to their right to vote in elections.

“(d) The Iraqi National Intelligence Service shall collect information, assess threats to national security and advise the Iraqi Government. The Service shall be under civilian control, shall be subject to legislative oversight and shall operate in accordance with the law and with recognized human rights principles;

“(e) The Iraqi Government shall respect and implement the international obligations of Iraq to prevent the proliferation, development, production and use of nuclear, chemical and biological weapons and shall prohibit the equipment, material, technology and delivery systems associated with the development, manufacture, production and use of such weapons.

“(2) Military service shall be regulated by law.”

19. Pursuant to Coalition Provisional Authority Order No. 2 of 23 May 2003, the former Iraqi army was dissolved, as were a number of other entities, and all persons employed in the army were released. In addition, Coalition Provisional Authority Order No. 22 of 7 August 2003 creating a New Iraqi Army (national defence force) was issued; section 6 of Order No. 22 provides that the minimum age for enlistment into the New Iraqi Army is 18 years and that military service is voluntary. Compulsory service in the New Iraqi Army was suspended with effect from 9 April 2003.

Voluntary recruitment

20. The minimum age for voluntary recruitment is 18 years; applicants are required to present reliable proof of age prior to acceptance, in accordance with the declaration made by Iraq upon its accession to the Optional Protocol. Article 30 of the Military Service and Retirement Act No. 3 of 2010 provides that: “Applications for voluntary military service shall be accepted under a volunteer contract, provided that the applicant:

- “1. Is an Iraqi national;
- “2. Is not below 18 years of age or over 25 years for voluntary service in technical ranks or 30 years for voluntary service in other ranks;
- “3. Has sound morals, a good reputation and is of good conduct;
- “4. Meets the physical fitness, health and safety requirements;
- “5. Has no prior convictions for moral turpitude, terrorism or offences against internal or external State security;
- “6. Has obtained at least a certificate of primary education.”

21. Article 1 of the Act provides that:

“The provisions of this Act apply to:

- 1. Officers from the rank of second lieutenant and above;
- 2. Students at military colleges, army academies and schools;
- 3. Army imams;
- 4. Volunteers, from the rank of soldier and above;
- 5. For the purposes of this Act, “soldier” means any person who is a member of the Iraqi armed forces and is pursuing a career in military service, whether as an officer, as a volunteer or as a student at a military college, military school, army vocational training centre or military establishment. Consequently, no volunteer under the age of 18 years may be accepted at a military school.”

22. Article 8 of the Regional Guard Force of Kurdistan (Peshmerga) Service and Retirement Act provides that the minimum age for volunteers is 18 years, in addition, to establishing other conditions for voluntary service.

23. Under article 66 of the Iraqi Military Criminal Code (Act No. 19 of 2007): “Anyone who drafts or submits a false report, statement or other official document in connection with service or employment or any person of any rank whatsoever who is knowingly an intermediary to such an act shall be liable to imprisonment.” Thus the penalty for falsifying the documents of a minor for the purpose of his enlistment in the army is punishable under article 66 of the Act, as well as under the Iraqi Criminal Code (Act No. 111 of 1969).

24. Article 13 (2) (z) of the Iraqi High Tribunal Act No. 10 of 2005, establishes the conscription or enlistment of children under the age of 15 years into the national armed forces or their use as active participants in hostilities is as a war crime. Moreover, article 13 (4) (g) establishes the conscription or enlistment of children under the age of 15 years into armed forces or groups or their use as active participants in hostilities as a war crime. Although these offences are punishable under the Act, it is applicable only to offences committed from 17 July 1968 to 1 May 2003 and not to those committed subsequently.

25. While the Government of Iraq endeavours to fulfil its obligations in respect of international human rights law, there is no provision in the national legal system

establishing the involvement of children in armed conflict as an offence or prescribing a penalty for doing so. A code on the rights of the child is being drafted that will include the relevant legal provisions, including those on child protection established under the Convention on the Rights of the Child and the Protocols thereto and under international humanitarian law. The drafting committee for this report will raise this important point in the context of national debates relating to the finalization of the report by Iraqi government bodies. The Ministry of Human Rights, using its legislative authority to draft human rights legislation, will introduce a number of ideas and bills concerning the provision of appropriate protection to prevent the involvement of children in armed conflict. Meanwhile, the Child Welfare Authority within the Ministry of Labour and Social Affairs is drafting a child protection strategy for Iraq. The current child protection strategy entered into force in 2009; currently, the Child Welfare Authority is formulating a child protection strategy that includes armed conflict.

Schools and colleges

26. The Iraqi armed forces provide recent high school graduates with numerous educational opportunities for admission to a number of military colleges throughout Iraq which provide the Iraqi army with officers of all ranks. The Iraqi Ministry of Defence cooperates with the Ministry of Human Rights and other ministries and with specialized international organizations to develop curriculums and training in these educational institutions. Consequently, the principles of human rights and international humanitarian law, primarily the four Geneva Conventions, are taught in Iraqi military colleges. Moreover, the Iraqi Government provides continuing training for the graduates of military colleges in the form of specialized training courses on international humanitarian law and human rights organized by the Human Rights Department in the Iraqi Ministry of Defence. In addition, the Centre for Military Values and Principles organizes training courses and programmes on international humanitarian law and international human rights law in cooperation with human rights experts and training institutions.

Armed groups

27. Pursuant to Coalition Provisional Authority Order No. 91 of 2004, Iraq began to incorporate the armed militias that had fought against the regime of Saddam Hussein in its armed forces and to use them to build a democratic Iraq. It did so after the political parties, which had used those forces to fight the regime and contributed to its elimination, agreed to make an effective contribution to the reconstruction of Iraq and to participate in the political process. This contributed to ending the formation of any paramilitary forces outside the regular Iraqi army and prevented any chance that children would be recruited to them.

28. Under article 9 of the Iraqi Constitution, the formation of armed groups outside the framework of the armed forces is prohibited by law. No children are members of private armed groups in the Republic of Iraq. Moreover, the Republic of Iraq is not currently involved in any international or non-international armed conflicts, after decades of international conflicts with neighbouring countries and non-international conflicts inside Iraq during the years of armed opposition to the forces of the former regime, in the Kurdish region and in the central and southern regions.

29. The current security problems in Iraq can be described as terrorist acts perpetrated by various terrorist groups, in an attempt to disrupt the democratic transition process in Iraq and the Government's efforts to restore order throughout Iraq. Such terrorist acts have an adverse impact on the full enjoyment of human rights, including economic, social, civil and political rights, in addition to solidarity rights. The Iraqi Criminal Code (Act No. 111 of 1969) and the Terrorism Act No. 13 of 2005 (the Government is preparing a draft

amendment to address weak points in the Act identified by the State Consultative Council) set out sentencing guidelines for any person who recruits any other person, including children, to participate in terrorist activities.

30. During past years, numerous armed groups that use terrorism to achieve their objectives have recruited a number of children to plant explosive charges or otherwise assist them, exploiting their innocence and the fact that the security forces are lenient with them. Many armed groups have recruited children to carry out terrorist activities and armed operations, taking advantage of weak law enforcement in some areas where terrorist activities have increased and of the financial needs of families and the lack of employment opportunities in those areas. In addition, terrorist gangs have used homeless children and street children to carry out terrorist operations. The Iraqi Government has sought to strengthen the rule of law in those areas and to provide employment opportunities to those children, within the limits of the law. It has endeavoured to return them to school, in the majority of cases, and to provide resources for their families so that they are not exploited in terrorist operations in the future. Moreover, a number of civil society organizations and governmental bodies have implemented programmes and distributed publications to raise awareness of the Optional Protocol and of the rights of the child in general. Furthermore, children who have been arrested are given special treatment by the security agencies, in accordance with national law. Counter-terrorism agencies noted an increase in the activities of a terrorist group, known as *Fityan al-Jannah* (Children of Paradise), which specializes in the exploitation of children in terrorist acts; however, the fact that the security situation has stabilized has, to a large extent, helped to contain the activities of the group in Iraq.

Vulnerable children

31. The Iraqi Government has put in place a number of special programmes with a view to curbing the recruitment of children for any terrorist act, so that they can enjoy a childhood free of violence and acts of terrorism. Through these programmes, it has:

- Established a children's parliament in order to promote participation in public life and the enjoyment of freedom of expression and opinion throughout Iraq;
- Given attention to the right to education (with regard to the quality of education);
- Raised the standard of living of Iraqi families;
- Implemented a social protection network in order to limit the impact of poverty on children's enjoyment of their rights;
- Put in place adequate programmes to contain the spread of street children and established a ministerial committee to follow up and make effective recommendations on this issue. This has helped to provide a large number of children with employment opportunities and social welfare payments, and to return former dropouts to school;
- Drafted a bill on human trafficking that is currently at an advanced stage in the legislative process;
- Given attention to displaced families, with a view to preventing the exploitation of children in such families in any armed conflicts or acts of violence;
- Commenced work on drafting a bill on domestic violence.

Measures taken to increase awareness of the Optional Protocol

Efforts to ensure the inclusion of peace education in the school curriculum

32. The National Institute for Human Rights (currently the National Centre of Human Rights) in the Ministry of Human Rights is implementing the “Friends of Human Rights” project in coordination with the Ministry of Education. The project aims to raise awareness of human rights and of the importance of the exercise of democracy and good governance among children and young people through discussion of the following issues:

- The value of peace and the detrimental impact of armed conflict;
- Rejection of extremism and violence as a means of expression in favour of dialogue based on respect for multiple views;
- Affirmation of human rights principles and the rights of all individuals irrespective of gender, politics, religion or ethnicity;
- Freedom of expression and political pluralism;
- Support for the concept of human security;
- Openness to different cultures;
- Support for a culture of moderation, understanding and tolerance.

33. The National Institute for Human Rights organizes training courses on human rights in general and on the rights of the child in particular, all of which include material relating to the Convention on the Rights of the Child and the Protocols thereto, in addition to information on human trafficking and anti-trafficking measures. From 2005 to date, it has held 135 training courses for a total of 3,061 participants and 19 workshops for a total of 501 participants.

34. The target groups of these courses, which were organized throughout Iraq, included government officials from the various ministries as well as teachers, schoolchildren, human rights activists and members of non-governmental organizations.

35. In 2008 and 2009, the International Institute of Humanitarian Law in San Remo in Italy, in cooperation with the Ministry of Human Rights and with funding from the Italian Government (Embassy of Italy in Baghdad), organized two training sessions on international humanitarian law for personnel in the Ministry of Human Rights, the Ministry of Defence, the Ministry of Interior and the Ministry of Justice and in other ministries. The training programme made clear reference to the criminalization of the involvement of children in armed conflict.

36. The Human Rights Department in the Ministry of Defence and the Centre for Military Values and Principles organizes training sessions on human rights and international humanitarian law on a regular basis. During the period from 2008 to 2011, they held:

- 84 training courses on international humanitarian law and human rights for training institutions and teams;
- Courses on international humanitarian law and human rights organized by the San Remo International Institute of Humanitarian Law (see paragraph 35, above);
- Five training sessions in cooperation with the International Committee of the Red Cross;
- In addition, representatives of the International Committee of the Red Cross delivered lectures at 16 other sessions, at which a wide range of conventions on

international humanitarian law and human rights were distributed, in addition to informational materials.

37. For their part, the Ministry of Education and the Ministry of Higher Education have introduced human rights and peace to their curriculums, alongside other concepts that support the values of citizenship and belonging (such as rights and duties, law and democracy, the rights of the child, women's rights, tolerance, respect for the views of others, community participation, political life, the right to citizenship). Both ministries cooperate with the Ministry of Human Rights and coordinate their efforts to promote human rights in their own work.

38. The Child Welfare Authority in the Ministry of Labour and Social Affairs, in cooperation and coordination with the Danish Embassy, organized three training courses for staff involved in the formulation of child protection policy. In addition, the Child Welfare Authority has organized other training sessions in cooperation with the United Nations Development Programme and the United Nations Population Fund on gender and juvenile justice.

III. Prohibition

39. Reference was made at the beginning of the report to the prohibition against the recruitment of children to the Iraqi armed forces and against the recruitment of children by any armed group. Iraqi legislation is in conformity with the Convention and the Optional Protocols thereto and seeks to protect children from all forms of exploitation, including involvement in armed conflict. Conscription has been suspended and therefore merits no further discussion at present.

40. It should be noted that the Government of the Republic of Iraq ratified the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts pursuant to Act No. 85 of 2001. Moreover, Iraq acceded to the International Labour Organization (ILO) Worst Forms of Child Labour Convention 1999 (No. 182) on 9 July 2001.

41. Accused persons may be extradited to a requesting State in the event that an extradition treaty between the requesting State and the Government of the Republic of Iraq is in force, in accordance with the Code of Criminal Procedure (Act No. 23 of 1971) which prohibits extradition for political or military offences.

42. With regard to the possession or acquisition of a weapon, under article 6 of the Arms Act No. 13 of 1992 leave to possess a weapon may be granted upon request to a person over 25 years of age, among other conditions.

IV. Protection, recovery and reintegration

43. Article 1 of the Juvenile Welfare Act No. 76 of 1983 provides that the purpose of the Act is "to eliminate juvenile delinquency through prevention and through the treatment and social rehabilitation of juvenile delinquents on the basis of ethical norms and values ...".

44. Pursuant to article 3, the following definitions apply to juvenile offenders and to children and juveniles at risk of delinquency and their guardians for the purposes of the Act:

1. "Child" means a person under 9 years of age;
2. "Juvenile" means a person over 9 years but under 18 years of age;

3. “Adolescent” means a juvenile over 9 years but under 15 years of age;
4. “Youth” means a juvenile over 15 years but under 18 years of age;
5. “Guardian” means the father, the mother or any person to whom a child or juvenile is attached or who has been formally appointed by the courts to raise a child or juvenile.

Under article 4, the age of a juvenile shall be established by an official document. Should there be no such official document or should the age established therein appear inconsistent with the reality, the court shall refer the juvenile for a medical examination in order to establish his other age by scientific means.

45. Article 16 provides that the early identification of juveniles at risk of delinquency is a mainstay of preventive social welfare that can be achieved by assigning a broader role and responsibility to communal and professional organizations and school administrations with regard to preventive psychosocial welfare.

46. Article 99 refers to aftercare, by which is meant care for juveniles who have completed a placement in a correctional facility with a view to ensuring that they are integrated into society and preventing recidivism.

47. While there is no Children’s Act in Iraq at present, there are numerous attempts to prepare a Children’s Bill and draft legislation on a children’s parliament, in order to come into line with the Convention on the Rights of the Child and the Protocols thereto, and to compile the various provisions relating to children in the national legislation. The Department of Juvenile Reform receives juveniles in correctional facilities in Baghdad and Nineveh province in accordance with the Juvenile Welfare Act, the regulations concerning detainees, convicted and displaced persons and human rights principles. In the first instance, detainees are received pursuant to a warrant issued by a juvenile court and placed in Baghdad Observation Centre, under Regulation No. 6 of 1987 on observation centres for detainees, where the Personality Assessment Bureau conducts a physical, mental and social study of their personality and behaviour in preparation for their trial. Subsequently, once a placement order has been issued by the juvenile court, convicted juveniles, to whom the Schools Regulation No. 2 of 1983 applies, enter a correctional facility (for adolescents, youths, young persons) where they are grouped by age and type of offence. Displaced boys and girls, to whom the Displaced Persons Regulation No. 32 of 1971 applies, are received pursuant to a placement order from a juvenile judge and placed in a designated refuge until they reach the age of 18 years, or employment opportunities are found for them, or they can be reintegrated in families. Moreover, there is an educational programme, in accordance with the regulation on correctional facilities and schools for literacy. The programme has a cultural dimension and aims to raise the social and religious awareness of juveniles with a view to reintegrating them into society. It also has a vocational dimension and encourages juveniles to train as tailors, blacksmiths, carpenters and electricians and to develop and use those skills after their release. In addition, there is a health-care programme for juveniles, as well as a follow-up and aftercare programme once they leave the Observation Centre. Juveniles may be placed in a correctional facility for various reasons but most are placed in such facilities on charges relating to the Terrorism Act. The Ministry of Labour and Social Affairs has indicated that during 2010, it placed 31 juveniles with new families; rehabilitated more than 200 juveniles; ensured the participation of more than 300 juveniles in a literacy programme; and trained 214 juveniles in vocational trades.

Care for the victims of armed conflict

48. The Government of the Republic of Iraq has adopted a number of laws, some aspects of which can be understood as seeking to ensure that children who are indirect victims of armed conflict are protected and able to recover, including the following.

The Martyrs Foundation

49. The Martyrs Foundation Act No. 3 of 2006 aims to address the general situation of families of martyrs and to provide them with moral and material compensation commensurate with the sacrifice made by the deceased and the suffering endured by their families as a result of their death. A martyr is any citizen who opposed the former regime — whether by holding an opinion or belief or having a political affiliation or sympathizing with and providing assistance to opponents of the regime — and lost their life either as the result of a direct act on the part of the regime or as the result of imprisonment or torture. The family of the martyr is their spouse or spouses, sons, daughters, mother, father and other dependants for whom the martyr was responsible by court order. The Act aims to provide numerous privileges to persons in the categories that it covers, through coordination with various governmental and non-governmental bodies in different areas of life; moreover, it aims to provide them with opportunities for employment and study commensurate with their abilities on a priority basis, and to provide the facilities and assistance that will enable them to achieve economic and social well-being for themselves and their families as well as in terms of legal support, health care, social guardianship and all other areas.

The Political Prisoners Foundation

50. The Political Prisoners Foundation Act No. 4 of 2006 aims to provide care for political prisoners and detainees (under the former dictatorial regime) in addition to the privileges stipulated in the Act, in accordance with the law. In addition, it aims to designate political prisoners and detainees in accordance with the Act and to provide the categories covered by the Act with numerous privileges through coordination with non-governmental bodies in different areas of life. Moreover, it aims to provide substantial compensation to political prisoners and detainees, commensurate with the damage sustained, in accordance with the rules established for this purpose. Furthermore, it aims to provide them with opportunities for employment and study commensurate with their abilities on a priority basis, and to provide the facilities and assistance that will enable them to achieve economic and social well-being for themselves and their families, as well as in terms of legal support, health care, social guardianship and in all other areas. The Act aims to elevate and immortalize sacrifice and the values of sacrifice in society through political and social activities in the arts and in the media. A political prisoner is a person who has been interned or imprisoned because of their opposition to the former Baathist regime – whether for holding an opinion or belief or having a political affiliation or sympathizing with and providing assistance to opponents of the regime. A political detainee is a person detained for the same reasons as a political prisoner.

Dismissed politicians

51. The Dismissed Politicians Act No. 24 of 2005 aims to compensate dismissed politicians for the damages that they sustained as a result of their dismissal from public office during the former Baathist era for political motives, with a view to ensuring equality

of opportunity as part of employment rights. Moreover, the Act accords a number of privileges to persons in this category and their families.

52. Moreover, the Compensation for Persons Affected by Military Operations and Errors and Terrorist Operations Act No. 20 of 2009 was enacted. The Act aims to compensate any natural person harmed as a result of hostilities, military operations and errors. The Act provides for compensation in the following cases:

1. Martyrdom and loss resulting from operations covered by the Act;
2. Total or partial disability, on the basis of a report from a competent medical committee;
3. Injuries and other instances requiring temporary treatment, on the basis of a report from a competent medical committee;
4. Damage to property;
5. Damage related to employment or study.

Pursuant to the Act, victims or members of their family shall be granted fair compensation or a retirement pension, in accordance with the situation of the victim.

53. The Compensation for Damage to Property by the Former Regime Act No. 16 of 2010 aims to compensate citizens whose movable and immovable property was damaged as a result of the practices of the former regime with the value of the assets confiscated, destroyed, frozen or seized on political, ethnic or sectarian grounds that are not covered by the Commission for Resolution of Real Property Disputes Act No. 2 of 2006. Pursuant to article 1 of the Act, for the purpose of compensation the value of the movable and immovable property concerned is calculated in Iraqi dinars on the basis of the gold value at the time when the damage occurred.

54. Moreover, Act No. 5 of 2009 concerning compensation for persons who lost body parts as a result of the practices of the former regime was enacted. The Act aims to compensate persons who lost body parts, suffered chronic illness or were maimed for political reasons during the period 17 July 1968 to 19 March 2003. The heirs of those covered by the Act are entitled to the compensation provided for under the Act in the event of the death of the person concerned. Persons covered by the Act receive appropriate compensation proportionate with the disability, as determined by the competent medical committee, as specified under the Act. Moreover, they are granted a number of additional privileges in addition to financial compensation. They are given preferential treatment in appointments to government and public sector posts and in reappointments for those who are eligible and who wish to return to their post. In addition, they enjoy health-care coverage at home and abroad. Moreover, those who wish to complete their studies and who fulfil the admission requirements, apart from the condition of age, are given preferential treatment in undergraduate and graduate admissions. Furthermore, those who are unmarried are given preferential treatment in obtaining marriage loans. As a whole, the legislation aims to provide proper care for the victims of armed conflicts, human rights violations and violations of international humanitarian law under the former Baathist regime, as well as to the victims of terrorism, and their families.

V. Conclusion

55. The Republic of Iraq believes in human rights and in the protection of those rights and, in particular, in the protection of children. It is this belief that has motivated Iraq, after the changes that have taken place and after the fall of Saddam Hussein's regime, to adopt legislative and international policies that would make it an active member of the

international human rights system, and to accede to international human rights instruments. Iraq has endeavoured to submit reports to the treaty bodies in fulfilment of its international obligations; the reporting mechanism has helped the Government to subject the national legislation to close scrutiny in order to ensure that it is consistent with Iraq's international obligations.

56. The committee that drafted this report identified significant gaps in the national legislation. The report will therefore lead the Government to adopt new legislation to fill those legislative gaps. It should be noted at this point that the drafting of treaty body reports is no easy task for the Government; human rights is a new topic in Iraq and there is a dearth of specialists. While the report outlines the action taken by the Government, the Government is fully aware that its obligations will be greater in years to come.

Annex

Relevant international instruments signed by the Republic of Iraq

- ILO Worst Forms of Child Labour Convention, 1999 (No. 182);
 - Convention on the Rights of the Child of 1989 and the Optional Protocols thereto;
 - ILO Minimum Age Convention, 1973 (No. 138);
 - International Covenant on Civil and Political Rights of 1966;
 - ILO Abolition of Forced Labour Convention, 1957 (No. 105);
 - The four Geneva Conventions of 1949: (1) the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; (2) the Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; (3) the Geneva Convention relative to the Treatment of Prisoners of War; and (4) the Geneva Convention relative to the Protection of Civilian Persons in Time of War; in addition to the additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (AdPro I) of 1977;
 - United Nations Convention against Transnational Organized Crime of 2000 and the Protocols thereto.
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