



Sexual exploitation of children in Iraq

Speaker: Shokhan Ahmad



Presentation of the organization

- ECPAT International:
- Global network of 102 organizations in 93 countries whose mission is to fight Sexual Exploitation of Children (SEC).
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- *Women's Legal Assistance Organization (WOLA) is a non-political and independent local NGO in Kurdistan region. provide legal assistance for women and children .*
- *The Jiyan Foundation for Human Rights is a non-profit organization promoting the mental well-being, physical rehabilitation, and social reintegration of survivors of (sexual) violence, torture and trauma in Kurdistan*



• **Status and development of SEC in Iraq**

- the Committee on the Rights of the Child 2015 noted with concern that :
 - ***“there are cases of girls sold into prostitution being kept in prison***
 - ***to “protect” them from reprisals for bringing shame on their family/community***
- lack of national data on **trafficking of children for sexual purposes**
 - girls are more vulnerable to trafficking for sexual purposes than boys.
- rise in **child marriage- under 18**
 - (15 percent in 1997 against 20 per cent in 2012).
 - Generally recognized that these rates are most like higher today -No recent data;
 - Marriages in Iraq and KRI are generally conducted outside the formal legal system
- Sexual extortion in cramped living quarters within camps and settlements in KRI (UNHCVR 2017)
 - **Older boys and men secretly photograph and film unsuspecting boys**
 - **Material use to blackmail into SEC** and sexual exploitation of children in the context of travel and tourism (**SECTT**) and child, early and forced marriage (**CEFM**).



Legislative framework

SEC in Prostitution

- Article Article 399 of the Iraqi Penal Code
- criminalizes incitement of and assisting of boys and girls' minors to engage into prostitution or fornication
- The legislation does not define 'child prostitution
- Act prohibited under the Optional Protocol on the sale of children , prostitution and pornography (OPSC) : not expressly covered in the national legislation .

Early and Force Marriage

- Regulated by the Personal Status Law (PSL): sets minimum legal age for marriage at 18
- Court can authorize the minor to marry
- Article 398 of the Criminal Code: offender can legally avoid an investigation and any other judicial proceeding by marrying his victim
- Above also applicable to cases of sexual intercourse without consent

SEC in Trafficking

- Article 37 of the Iraqi Constitution: stipulate : ".....trafficking in trafficking in women or children, and sex shall be prohibited

SEC in travel and Tourism

- Iraqi legislation does not address SECTT specifically
- Responsibility of legal persons not addressed by the Penal Code.
- 2012 Law on Trafficking: specifies that people maybe held criminally responsible if he/she was an accomplice of trafficking.



Legislative Framework

- Provide legal definitions and criminalize all manifestations of in accordance with regional and international standards;
 - Repeal the nonconsummation of the marriage as a condition to invalidate a forced marriage and Article 398 of the Penal Code that allows perpetrators to escape justice by marrying their victim;
 - Amend the 2012 Law on Trafficking to consider trafficking of children as an offence independently of the means used;
 - For the Kurdish region: adopt a trafficking act in conformity with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
 - Amend the relevant provisions in the Criminal Code to recognize jurisdictions over crimes committed abroad against victims of Iraqi nationality
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- **General measures of implementation**
 - Adopt a specific national action plan to end SEC with specific goals, targets, indicators and timeframe
 - Implement a dedicated coordination body on SEC with a specific mandate and the necessary authority to coordinate, monitor and evaluate SEC 's cases.
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- **Coordination and evaluation**
 - Implement a dedicated coordination body on SEC with a specific mandate and the necessary authority to coordinate, monitor and evaluate SEC's cases

➤ Recommendations

Prevention

- Conduct further awareness raising initiatives on the sexual exploitation of children targeted at the wider public; and establish a helpline with adequately staffed to respond to a variety of concerns of child victims of SEC
- **Protection of the rights of the child**
- Create a specific mechanism for monitoring children's rights;
- Ratify the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- Improve national victim identification procedures to clearly identify child victims of SEC;
- Develop concrete mechanisms to render recover, reintegration and rehabilitation of child victims of SEC;
- Improve victim-sensitive justice by taking measures to facilitate in-camera proceedings and maintaining anonymity of child victims in cases SEC;
- Establish sufficient number of shelters for child victims of SEC . Ensure that their address is secret and that they are protected 24/7 by law enforcement officials;
- Ensure that child victims of SEC have access to free of charge legal aid, medical and psychological care.

Recommendations

- Create a specific mechanism for monitoring children's rights;
- Ratify the third Optional Protocol on a communications procedure;
- Improve national victim identification procedures to clearly identify child victims of sexual exploitation;
- Develop concrete mechanisms to render recover, reintegration and rehabilitation of child victims of sexual exploitation

Thank you for your attention



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