



Iraq

Universal Periodic Review

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Date of submission of the report for stakeholders

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Submission to the UN Universal Periodic Review

Network of Iraq for Child Rights(ICRN): Is a national coalition consisting of (49) organizations specialized in children's rights distributed on 18 governorates all over Iraq. It also includes a number of activists (male and female) in the field of children rights advocacy. The network is guided by international human rights conventions and commitments such as the United Nations convention of rights of child. The network is a non-profit organization.

Preparation of the report: This report is prepared by the Network of Iraq for Child Rights on the extent of Iraq`s implementation of the international standards for children`s rights and the implementation of the recommendations within the framework of the comprehensive periodic review. The report is also prepared through holding meetings and workshops for the organizations and parents with the participation of children which included sessions and focus groups with various activities and practices.

Summary of the comprehensive periodic review report/ stakeholders/ Iraq 2019

Introduction: Iraq ratified the 1989 Convention on the Rights of the Child in 1994. And the Iraqi constitution was approved in 2005 as a federal system for the state. Where many rights and freedoms are mentioned in the second article such as (Iraqis are equal before law, everyone has the right of life, security and freedom. Iraqi citizenship is a right for all Iraqis, the right to work in a dignified manner is a right of all Iraqis, family is the basis of society, and the state guarantees the protection of children, parents are responsible for looking after education, and learning of their children. Prevent all forms of economic exploitation of children. Prohibition of all forms of violence and abuse in the family, school and society, the government is responsible for the wellbeing of the disabled and people with special needs, compulsory and free education and freedom of expression). Despite all mentioned, it has not reached the compatibility with the convention in many of its articles. Such as widespread of violence within families, educational institutes and the society in addition to the institutions of reform (punitive). Killing and displacement of thousands of children as a result of increased armed violence instead of relying on dialogue with the disputing parties. Also poor law enforcement, grave violation of children protection, the lack of adequate safe environment, dropout from schools, child labor, early marriage, sexual violence and sexual exploitation.

First: General implementation measures: -

- In 1994, Iraq ratified the 1989 Convention on the Rights of the child, but with proviso on article 14 (I) on the freedom of the child to think, believe and religion. Therefore, there is no need to maintain the proviso after the adoption of the Constitution of Iraq in 2005, in accordance with Article 37 / II: The State guarantees the protection of the individual from intellectual, political and religious coercion. Iraq ratified the first Optional Protocol to the Convention on the Rights of the Child on (the sale of children and child prostitution in 2007 under Law No. 23 of 2007).
- Iraq ratified the Second Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict under Law No. 23 of 2007.
- Adoption of the child protection policy on 4 August 2018 by the Council of Ministers.
- Develop an implementation plan for the carrying out and follow-up of the child protection policy.

- Initiate the preparation of the child act (law).
- Continue the work of the Higher National Monitoring and Reporting Committee and follow up the violations against children or the denial of their rights as a result of the armed conflict.
- Develop a joint work plan between the Ministry of Labor and Social Affairs (MoLSA) and UNICEF to work on children's issues.
- The existence of the Committee on Women, Family and Childhood in the Iraqi Parliament.

Second: Prevention:

1. Iraq lifts or removed the proviso on article 14 of the convention on child's rights of 1989.
2. Article 41 / I of the Iraqi Penal Code No. 111 of 1969 authorizes the use of corporal punishment against children in the family and educational institutions, and no law has been issued regarding amending, deleting or adding to this law.
3. There is a inconsistency between the Iraqi laws in determining the age of the child who is the offender. The juvenile welfare law No. (76) for the year 1983, Article (47 / I) identifies the offender child as (who has completed the age of nine years) while the Penal Code No. 111 of 1969, As well as the principles of criminal trials No. (23) of 1971 in Article (233) (no criminal action shall be brought against a minor who has not yet reached the age of seven years).
4. Reports from international and local organizations indicate that children are exposed to violence of various kinds in the family, educational institutions and society.
5. The increase in the number of children victims as a result of almost daily bombings, which led to the creation of a state of fear and psychological pressure and instability in their lives and development.
6. The cycle of fighting and violence has led to the proliferation of recruitment as a result of need, poverty or coercion to recruit and carry out armed activities, especially in hot spots where fighting is widespread, according to reports from local and international organizations, including UNICEF.

7. The exposure of schools, hospitals and care homes to military operations, which led to the denial of services and the children to killing or injured.
8. Children were subjected to forced displacement as a result of attacks and armed acts, especially as a result of the terrorist acts of the Daesh organization, which led to the displacement of millions of citizens and their livelihood to camps, including hundreds of thousands of children, which deprived them of education and essential services such as drinking water, Basic needs.
9. There are a large number of children from the families of Daesh organization of put in camps in very difficult conditions and deprived of all rights and difficult to obtain information about them and there are obstacles to work to help them.
10. There are credible reports of child juveniles being tortured to obtain confessions in terrorism-related cases.
11. Deprivation of children returning to their areas after they have been displaced from basic services because of the destruction of the infrastructure.
12. The prevalence of drug abuse among young people and children.
13. Increased dropout rate of children from school due to poverty.
14. A large number of children are in a state of psychological stress (PTSD) because they were subjected to violence in areas controlled by Daesh.
15. Children in Iraq continue to violate their rights to education: the lack of schools, dual schools, large number of students in one class, some schools are built of clay, especially in rural areas, lack of sanitary facilities or potable water, as well as poor health care for them and the need of their families for money, which made many of them drop out of school to beg and work as a result of the difficult economic conditions experienced by children and their families. Iraq needs six thousand schools to accommodate the current number of students, but the construction of this number of public schools Requires Twenty years given the budget allocated for it, according to parliamentary and government officials. *1
16. Weak protection of children with regard to their exploitation for prostitution and sexual violence, as well as for human trafficking and their organs for multiple purposes.

17. Children convicted of crimes and are in centers of detention suffer from poor conditions and are left in detention for long periods without being brought before the competent courts. They do not have any effective rehabilitation institutions or programs to reintegrate into society if they are victims of exploitation, abuse, torture or any form of ill-treatment or cruel punishment.
18. Children in Iraq suffer from a lack of safe play spaces and activities that suit them or suitable children's centers, which will deepen their frustration in the future and adversely affect their development. In its annual report on the situation of children in the world, UNICEF noted that there is considerable disparity and inequity in urban rights and services for children. *2
19. Children suffer from marginalization in taking their opinion on many of the decisions that belong or relate to them by stakeholders. We did not find the formation of any legislative or executive committees using this mechanism.
20. Militias and armed groups target and abuse female children and kill them collectively on the pretext of prostitution and adultery.
21. Girls are exposed to domestic violence, psychological violence, sexual violence (exploitation and abuse), early marriage and low level of education through gender discrimination.
22. Child labor is widespread because of the loss of family and dependents as a result of almost daily armed operations and the failure to provide social security for their families.
23. Increase in the number of stillbirths, deformities, infant mortality and low life expectancy due to the use of advanced weapons as a result of wars and armed conflicts in Iraq.
24. Taking children to the squares of protests (sit-ins), without realizing the dangers of these practices on the safety of their children and their future intellectual orientations. Some of them were killed and wounded, as happened in the district of Hawija when the army intervened to remove the tents from the square.
25. Lack and weakness of social care for the family and children corresponding with the standard of living of society.

Third: Recommendations:

1. Harmonization of national laws with the First Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution. And the application on the ground and the communication of the first and periodic reports on time.
2. Harmonization of national laws with the Second Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the application on the ground and the dispatch of the first and periodic reports on time.
3. Submitting the periodic report of the 1989 Convention on the Rights of the Child on time.
4. Eliminating the proviso to article 14 (I) of the Convention on the Rights of the Child in 1989 concerning the freedom of the child to think, believe and religion.
5. Urge the legal Parliamentary Committee and the Committee on Women, Family and Children to quickly enact the Children's Code (Law).
6. Amendment, deletion or addition of Article 41 / I of the Iraqi Penal Code No. 111 of 1969.
7. Unification of Iraqi laws in determining the age of the offending child to serve his best interests.
8. Issuing a law that limits the use of violence in the family, educational institutions and society against children, in systematic ways to prevent and counter violence. Such as supporting parents, families and others who care for children, enhancing children's skills to protect themselves from violence, and clearly working to change attitudes and social norms that condone violence and discrimination.
9. Amend the Labor Code No. 71 to be in line with the Convention on the Rights of the Child.
10. Activating the provisions of the Penal Code towards the severe criminalization of persons who use, exploit and involve children in armed conflicts. And to provide care, rehabilitation and reintegration services for abused and child soldiers.
11. The introduction of curricula in all educational stages calls for respect for human rights in general and the rights of the child and to emphasize the adoption of a modern method in the teaching of human rights concepts.
12. Providing safe places and facilities for children and their families before starting military operations.

13. Urging the government to provide ideal buildings as schools and in line with student's number and provide advanced means of education and restore school feeding(lunch) system, especially in rural areas or provide adequate cash allowance and provide recreational places as a friendly space.
14. Involve children in decisions that concern them by legislative and executive stakeholders.
15. Treatment of some cases of still and deformed births and infant mortality and low age rates by health institutions and develop appropriate solutions.
16. Ensuring minimum standards for the trial and imprisonment of juveniles according to international standards.
17. Implementing rules, regulations and instructions issued to protect children.
18. Expanding the government's media promotion to stakeholders in the Convention on the Rights of the Child and the protocols thereto.
19. Activating the child protection policy and developing executive plans and allocating a budget for implementation.
20. Legislation for the protection of children in the Kurdistan Region because the policy of child protection in Iraq does not apply in the region.
21. Working to solve the problem of children from the families of Daesh organization.
22. Develop a national plan to combat the spread of drugs in general and among young people and children in particular.
23. To provide basic services for children returning to their places after their displacement and to develop reintegration programs.

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