



## STATE PARTY EXAMINATION OF IRAQ'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

68<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
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*Iraq ratified the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 24 June 2008. On 22 January 2015, the Committee on the Rights of the Child (the Committee) examined Iraq's initial report on the OPAC.*

### Opening Comments

The delegation of Iraq was led by Mr. Mohammed Mahdi Ameen Al-Bayati, Minister of Human Rights of Iraq. He was supported by representatives from the Ministry of Human Rights, the Ministry of Labour and Social Affairs, the Ministry of Interior, the Ministry of Health, as well as the State's permanent mission in Geneva.

The head of delegation, Mr. Mohammed Mahdi Ameen Al-Bayati, specified that the present report was based on cooperative efforts of a group of governmental bodies headed by the Ministry of Human Rights, as well as the input from civil society organisations (CSOs) and academics. The periodic report's adoption by the Cabinet represented the political will and commitment to promote and protect children's rights. As a result of the terrorist attacks in the country, 2.5 million people were displaced, 30 per cent of whom were children. According to UNICEF, 858 children were separated from their families. Additionally, the post-2003 government inherited high illiteracy rates and weak rule of law from the previous regime. Despite these challenges, the government managed to reduce the poverty rate from 22.9 per cent in 2007 to 18.9 per cent in 2012, increase the primary school attendance from 89 per cent in 2009 to 90.4 per cent in 2011 and reduce the infant mortality rate from 28 per 1000 in 2012 to 17.4 per 1000 in 2013. In 2011, a child protection helpline was established in the Kurdistan region.

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at [www.childrightsconnect.org/index.php/publications-resources/crc#countrysum](http://www.childrightsconnect.org/index.php/publications-resources/crc#countrysum) 1

Ms. Renate Winter, member of the Country Taskforce, welcomed the delegation and acknowledged the difficult situation in the State party.

## **General Measures of Implementation**

### ***Legislation***

The Committee expressed concerns that the OPAC was not completely integrated in the domestic legal system. The delegation responded that during the review of the national laws, some legislative gaps regarding the punishment of recruiters of children under 18 were revealed. More generally, a special code on the protection of children in armed conflict was being currently prepared. The delegation also mentioned that the State was also party to the ILO Convention on the Worst Forms of Child Labour, which included the involvement of children in armed conflict. Furthermore, article 29 of the State's constitution prohibited the involvement of children in armed conflict and stipulated that they had to be economically protected.

### ***Dissemination and training***

The Committee asked if there were any programmes that targeted the general public, and more specifically the armed forces, judges, counsellors and teachers in order to raise awareness on child rights, the OPAC and the dangers of involvement of children in armed groups. The Committee also wanted to know what steps had been taken in the educational system in order to spread a culture of peace. The delegation responded that the government concentrated on peaceful mindsets and on the necessity of accepting the other and had deleted all hostile terminology from the school curricula. In terms of the judiciary, the delegation affirmed its independence and stated that there were many programmes which targeted the judges and academicians, enlightening them on new concepts and on ways to deal with children.

## **Prevention**

### ***Recruitment of children***

The Committee deplored the involvement of children in armed groups as spies or even suicide bombers. The Committee therefore asked if there were specific measures and a work plan that addressed this phenomenon and made sure the armed forces did not enlist children. The Committee also raised the issue of forcible recruitment of children from refugee/internally displaced camps by non-state armed groups. The delegation responded that in the military and security establishments there were no instructions that allowed the recruitment of children under 18. Furthermore, it was forbidden to give weapons to children under 18. However, many women and children were forced to carry weapons in order to defend themselves against terrorist attacks.

### ***Military schools***

The Committee asked for more information on the number of colleges and schools managed by armed forces as well as the type and duration of their academic and military curricula. The Committee also asked if there were any vocational training centres that were supervised by the armed forces. The delegation responded that, from a legal aspect, there were no military camps for training children under 18. There were, however, formal recruiting schools for volunteers from police academies and universities which operated in accordance with international standards.

### ***Birth registration***

The Committee noted that security forces in the State party had very clear criteria on enlisting only people above 18. However, due to birth registration problems and lack of preventive measures to ascertain forged identification documents, many under-age children ended up joining the armed forces. The Committee therefore asked what steps had been taken to remedy this problem. The delegation responded that there were military sanctions regarding the falsification of identification documents, in the form of a 7 year imprisonment. If no identification documents were available, the child would be taken to forensic examination to ascertain his/her age whereupon a decision would be made of whether or not to bring the child to court.

### ***Data collection***

The Committee asked if there was a database that tracked reports by parents of families about children that were forcibly recruited, kidnapped or abducted by non-state armed groups. The delegation responded that the State party did have information that ISIS gangs had caused the disappearance of 858 children after 9 June 2014. All the details concerning these cases were given to the Commission of Inquiry which was established in the State party by a Human Rights Council Resolution from 1 September 2014.

## **Prohibition and related matters**

### ***Definition and criminalization***

The Committee commended the State party on its law that considered using children under 15 as a war crime. However, the Committee was concerned that there was no strict definition of the offense of using children and also no penalty and invited the State party to define this provision more clearly.

## **Protection, recovery and reintegration**

The Committee expressed concerns that the State's legislation allowed for the prosecution of suspects of terrorist acts, regardless of their age. The Committee added that, reportedly, many children suspected of committing terrorist acts were being illegally detained and suffered from bad health due to the unsanitary conditions in the detention facilities. The Committee therefore asked if a complaints mechanism for these children was in place and whether international humanitarian organisations were allowed to re-establish contacts between those children and their families. The Committee asked whether a death sentence could still be upheld in cases where there were no documents that proved the young person's age. The Committee deplored the use of children with disabilities as suicide bombers by terrorist groups. The Committee, while acknowledging the government's limited capacity to protect the rights of children in the territories currently occupied by ISIL, considered that the government could still take meaningful actions and prosecute the persons responsible for the recruitment of children in the armed groups that were supported by the official army such as the Awakening Councils. The delegation responded that the Awakening Councils - linked with many documented child recruitment cases - had been created and remained operational during the USA intervention in the State party. They were not part of and were not financed by the government's military or security forces and they were only present in areas that were hot pockets of tension. When the government received the security dossier on the Awakening Councils, it provided care and protection for all the children involved in these groups. Recently, in the aftermath of the breakdown of the State's national security, other type of popular forces were created which were supervised by the State's military and police and acted in compliance with the State's laws, ie did not recruit children under 18. The delegation

also responded that there might have been a few cases where children were detained for carrying weapons, and explained that ISIL had exploited the laws and used children for their terrorist attacks because capital punishment could not be imposed on them. With regard to the displacement camps, the delegation responded that they were all under government control, that the children in these camps had been overseen, and that no reports of forced recruitment were received by the government. In terms of recovery and reintegration, the delegation mentioned that children involved in armed conflict were usually placed in correctional institutions which provided rehabilitation, education and health care services. From 2012 to 2014, 2430 juveniles had been trained and rehabilitated, and around 1000 visits by doctors were carried out in these centres during the same period. With regard to juveniles accused of terrorism from 2003 to 2014, there had been a decrease in the number of detained juveniles (in 2011: 199 detained and 84 sentenced; in 2012: 136 detained and 120 sentenced; in 2013: 123 detained and 70 sentenced; in 2014: 44 detained and 61 sentenced).

## **International assistance and cooperation**

### ***Extradition***

The Committee noted with concern that there was no extradition for political and military offenses. The Committee also asked whether it was possible to use the OPAC as a basis for extradition if there was no bilateral treaty with the relevant country.

## **Concluding remarks**

Ms. Renate Winter, member of the Country Taskforce, thanked the delegation and expressed hope that additional measures would be taken to ensure the implementation of the OPAC.

The head of the delegation, Mr. Mohammed Mahdi Ameen Al-Bayati, thanked the delegation for the dialogue and affirmed the State party's commitment, despite the difficult circumstances, to the implementation of the OPAC.