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STATE PARTY EXAMINATION OF IRAQ'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

68TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
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Iraq ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) 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 OPSC.

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.

Mrs. Taqreed Ismael, representative of the Ministry of Interior of Iraq, stated that trafficking in persons and especially in children was not a widespread phenomenon in the State party. However, there was a national legislation which included matters related to combating trafficking and punishing the perpetrators, and there were as mechanisms for the assistance of victims and the investigation and prosecution of these crimes.

General Measures of Implementation

Legislation

The Committee expressed concerns over the lack of precise definitions within the State party's national legislation concerning child pornography, sexual exploitation and forced labour. The delegation responded that a law enacted in 2012 and the Law №11 of 1969 of the Penal Code included matters related to combating trafficking. A unit combating trafficking had been

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established on the basis of this law under the Ministry of Interior and was in charge of developing the plans for preventing and combating this phenomenon.

Budgetary allocation

The Committee asked if adequate resources were allocated for implementation of the OPSC. The delegation explained that human and material resources were strained due to the difficult security situation and the falling prices of oil.

Data collection

The Committee asked if the child welfare authorities collected data on the number of children victims of trafficking and children at risk of becoming victims. The delegation responded that according to the information received from disciplinary centres for minors, five children had been victims of kidnapping while one or two children had been victims of trafficking in organs.

Dissemination and training

The Committee asked whether the relevant authorities were made aware of their responsibilities and obligations under international and national law. The delegation responded that the Law №11 of 1969 of the Penal Code prescribed awareness raising among officials and collaboration and information sharing with civil society, academia as well as international organisations. In this regard, awareness campaigns have been conducted and the OPSC was disseminated to all government agencies. Training for the police forces to explain how to treat with children as victims and not as criminals, was also provided.

Prevention

Helplines

The Committee asked if there was a helpline for children who were at risk of becoming victims of crimes defined in the OPSC. The delegation responded that a hotline to all relevant ministries was in place.

Prohibition and Related Matters

Sale of children

The Committee was concerned that the issue of the sale of children was not fully covered by the criminal law. There was a gap regarding the definition of the sale of children, as it did not explicitly include the sale of children for the purpose of child labour. The Committee was also concerned that the sale of children was only punished by a fine and recommended that imprisonment and a custodial penalty be introduced for cases of sale of children for the purpose of forced labour. The delegation acknowledged that the national legislation had certain shortcomings and agreed to consider amending the law according to the Committee's suggestions.

Temporary marriages

The Committee was concerned by the sale of children into temporary marriages and the use of girls as gifts in certain tribes, and asked how the State was dealing with these issues. The delegation responded that according to Islamic law, both permanent and temporary marriages existed. Some temporary marriages took place in secret and the government could thus not be held responsible for this practice, which the clergy could not prohibit either. Temporary marriages, however, had to fulfill certain conditions to be legitimate.

Trafficking

The Committee was concerned that the national legislation on trafficking was very general and did not specifically relate to trafficking of children. The delegation responded that there was a broad definition of trafficking in the law that included the recruitment, hosting, abduction or sequestration of persons by force, by deceit or through control in order to sell or exploit them in prostitution, sexual slavery. This law also included a new offence, begging in the streets, as there was enough information to suggest that there was organised crime in the State party that exploited children through begging. The law strengthened the punishment of this offence in the case the victim was a child or if the crime was committed by an official.

Extraterritorial jurisdiction

The Committee asked if the national laws established extraterritorial jurisdiction in cases of trafficking of children and whether this was dependent on the principle of double incrimination.

Protection of the Rights of Victims

The Committee asked about the existence of protection schemes for children victims and witness and other measures to protect child victims. The delegation responded that victims and particularly child victims received medical, psycho-social assessment and care while efforts were made towards reuniting the victims with their families. There was a special judge for cases involving children and the confidentiality about the facts and identity of the victims was protected by law.

The Committee asked about the recovery and reintegration measures in place in the State party. The delegation indicated that the Ministry of Labour and Social Affairs had developed rehabilitation and reintegration programmes. Shelters existed for the victims of trafficking and temporary visas were granted to foreign children, while diplomatic support was provided to allow them to return to their country of origin.

The Committee further asked whether non-governmental organisations (NGOs) and civil society organisations (CSOs) could legally run shelters for victims of trafficking. The delegation responded that CSOs could visit the shelters, provided that there were granted official approval. CSOs were considered as partners and their reports were taken into account, but the Constitution clearly stipulated that State's organisations were the only ones that had the right to open and run these shelters due to the limited monitoring capacity of the State over CSOs.

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 OPSC.

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 OPSC.