

Office of the Special Representative for Children and Armed Conflict
Input to the Universal Periodic Review of the Human Rights Council
Report on Iraq

23 September 2009

A. Grave violations against children in armed conflict

1. The **Al-Qaida in Iraq** was listed in the annexes of the Secretary-General's annual report on children and armed conflict (S/2009/158) for recruitment and use of children. The listing of this party obligates the establishment of a monitoring and reporting mechanism by the United Nations on grave child rights violations in Iraq, pursuant to Security Council resolution 1612 (2005). With the advent of Security Council resolution 1882 (2009), parties to armed conflict that engage, in patterns of killing and maiming of children, in contravention of applicable international law and/or rape and other sexual violence against children, in situations of armed conflict, will also be listed in the annexes of the Secretary-General's report on Children and Armed Conflict.

2. While the human rights situation in Iraq remained serious in 2008, the country has witnessed gradual stabilization and security improvements, with a lower number of violent, high-visibility, high-casualty attacks by non-State armed groups and criminal gangs. The capabilities of groups such as Al-Qaida in Iraq have diminished considerably over the past several months. (*Secretary-General's report on Children and Armed Conflict, A/63/785-S/2009/158*). In the first quarter of 2009, the actions of the Iraq Security Forces, backed by Coalition forces, targeting armed groups seem to be making progress. Although there have been fewer incidents of roadside bombs and mass casualty suicide attacks, there were continuing reports of attacks leading to deaths and injuries, including of children. The threat from improvised explosive devices remained significant, although on a much reduced scale.

3. Recruitment and use of children: Al-Qaida in Iraq is suspected of training children to become fighters or insurgents, after video footage of such training sessions was discovered during a raid by United States soldiers on a hideout in Khan Bani Saad, north-east of Baghdad, in February 2008. There have been several reported cases where Iraqi security forces have arrested children, who were allegedly recruited by Al-Qaida in Iraq to carry out suicide attacks.

There are particular concerns about non-State armed groups allegedly using children to support operations such as transporting improvised explosive devices, acting as lookouts for other armed actors and as suicide bombers. On 15 May 2008, insurgents strapped explosives to a young girl and remotely detonated her as she approached an Iraqi Army command post in Yousifiyah; on 2 September, a 15-year old boy blew himself up among pro-government militia members in al-Tarmiyah (northern Baghdad); and on 10 November, a 13-year-old girl blew herself up at a checkpoint in Ba'qubah.

There are also reports of children being associated with the Awakening Councils and local Kurdish militias in disputed areas. (*Secretary-General's report on Children and Armed Conflict, A/63/785-S/2009/158*)

4. Killing and maiming of children: Killing and maiming due to armed violence remained a continuing occurrence although at decreased levels in Iraq, and children were among the victims. Roadside and suicide bombs (as a result of sectarian or insurgent violence or from explosive remnants of war) also continue to result in child casualties. There were some cases of attackers directly targeting children, as a result of their affiliation with or proximity to adults being targeted. In other instances, children have been killed or injured during military operations or checkpoint confrontations. (*Secretary-General's report on Children and Armed Conflict, A/63/785-S/2009/158*)

5. Detention of children allegedly associated with armed groups: As of December 2008, there were 838 children in conflict with the law under custody of the Government of Iraq. Some children have been detained or imprisoned for conflict-related reasons such as alleged participation in insurgent activities or other forms of association with armed groups. During a United Nations Assistance Mission in Iraq (UNAMI) visit to the central prison of Fallujah, it was revealed that in one cell (of 25 square meters) reserved for juveniles, 29 inmates as young as 14 years old were being confined. Eight of the children have been in pre-trial detention for more than one year. Children continue to face the threat of sexual and physical abuse by Iraqi police and prison guards, particularly upon arrest and during the early stages of investigations. Detained children have also been allegedly subjected to threats and ill-treatment by investigators with the aim of obtaining a confession. The Government of Iraq has made serious commitments to improve the conditions of children in detention. (*Secretary-General's report on Children and Armed Conflict, A/63/785-S/2009/158*). However, UN officials visiting Iraqi detention facilities continue to encounter children being detained in different parts of Iraq by the police and Iraqi Security Forces under the Anti-terrorism law.

The administrative detention of children allegedly associated with armed groups by Coalition Forces had been a major concern in the recent past. The situation is however no longer at a crisis level with a decrease in detainee figures from 874 as of 8 December 2007 to 58 as of 17 December 2008, and to 38 as of 30 April 2009. There are ongoing talks between the Coalition Forces and Ministry of Labour and Social Affairs on the handing over of these 38 children to Iraqi authorities. The United States-Iraq security agreement that came into force on 1 January 2009 no longer authorizes MNF-I to detain individuals for reasons of imperative security. (*Secretary General's report on Children and Armed Conflict, A/63/785-S/2009/158*)

6. Sexual and gender-based violence against girl children: has been exacerbated by the continuing violence in the country, and is being committed with impunity. Rape and other grave sexual violence are also a major and increasing concern in IDP and refugee populations. (*Iraq mission report of the Special Representative for Children and Armed Conflict, 2008*)

B. Key recommendations

- 1. The Government of Iraq should facilitate and encourage the United Nations to establish the monitoring and reporting mechanism on grave child rights violations in accordance with Security Council resolution 1612 (2005).**
- 2. The Government of Iraq should criminalize the recruitment and/or use of children, especially children used in suicide attacks, as an immediate measure; and to invigorate investigations and prosecutions of the crime of recruitment and use of children as a matter of priority.**
- 3. Detention of children should be considered as a last resort. Furthermore, the judicial authorities of Iraq, supported by UNAMI and UNICEF, should improve and streamline or alter age determination, personality tests and other relevant procedures to take into account the need for timely and transparent procedures for juveniles accused of security crimes, and to ensure they are child friendly, rehabilitative and restorative in nature.**
- 4. Central and regional governments should also mobilize funds for demining and removal of explosive remnants of war, and increase the level of awareness among the population through campaigns in schools and the media. These campaigns will need to be further intensified should IDPs and refugee returns take place in the future.**
- 5. Gender awareness campaigns within Iraqi Armed Forces and police at central and regional levels should be organized in collaboration with the Ministry of Human Rights and UN partners to fight against impunity for sexual and gender-based violence perpetrated against children.**
- 6. Iraqi authorities are encouraged to recruit more women in the police and judiciary to perform substantive functions such as patrols and investigations in order to facilitate the gathering of testimony for sexual and gender-based crimes; as well as to link victims to appropriate response services, especially for children.**
- 7. Central and regional governments in Iraq should ensure that all children have access to education and health. This includes urgent building of new schools and health centres, ensuring safe access to services, as well as awareness campaigns that reach out to vulnerable groups such as girls, internally-displaced children and children living in remote communities.**
- 8. The Government of Iraq may wish to consider as a priority, an increase in the percentage of its budget that is allocated to provision of basic services for children and other vulnerable groups.**

C. Mission of the Special Representative of the Secretary General for Children and Armed Conflict to Iraq, 13 – 25 April 2008.

The SRSG was invited by the Government of Iraq to undertake a mission to Iraq to meet with Government officials, civil society and UN partners to assess the situation for children.

The purpose of her visit was to: (1) Obtain a first-hand assessment of the situation of children in Iraq to enhance advocacy for protection and program interventions for conflict-affected children in Iraq and the region; (2) Dialogue with national authorities and civil society actors on measures taken with respect to protecting children during and after the conflict; (3) Dialogue with non state armed groups and political opposition groups through appropriate channels on child protection issues and their responsibility to ensure the full protection of children, including the need to exclude any person under 18 years of age from armed or other violence; (4) Dialogue with MNF-I forces and Iraqi forces on child protection issues, most notably the need to prevent any collateral damage and to examine the current caseload of children detained on suspicion of association with armed groups and/or security infractions; and (5) Advocate for solutions for Iraqi conflict-affected children locally, regionally and internationally.

D. Annexes

Annex I: Press Release issued at the conclusion of the mission of the Special Representative for Children and Armed Conflict to Iraq in April 2008 (*OSRSG/PR080425*).

Annex II: The report from the visit of the Special Representative for Children and Armed Conflict to Iraq and the region, 13-25 April 2008.