

# Iraq

## Incidence and Nature of Child Labor

An estimated 11.6 percent of children ages 5 to 14 years were counted as working in Iraq in 2000. Approximately 14.7 percent of all boys 5 to 14 were working compared to 8.3 percent of girls in the same age group.<sup>2415</sup> In urban areas, children can be observed on the streets shining shoes; begging; scavenging through rubbish; carrying loads; and selling items such as gum, cigarettes, fruit, sweets, newspapers, DVDs, and tissues. Children are found working in shops, markets, and industrial crafts industries; on delivery trucks; and as ticket collectors on buses.<sup>2416</sup> Children are known to work for long hours and under hazardous conditions in automobile repair shops, construction sites, brick factories,<sup>2417</sup> and other types of industrial facilities.<sup>2418</sup> In rural areas, children are found tending livestock and performing seasonal manual labor.<sup>2419</sup>

There are reports of children working in prostitution and in organized crime, including the drug trade.<sup>2420</sup> Armed political groups such as Al-Sadr's *Jaysh al-Mahdi* and Kurdish armed forces have reportedly recruited children age 14 and younger as child soldiers.<sup>2421</sup> There are also reports of girls trafficked

---

<sup>2415</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

<sup>2416</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Iraq*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41722.htm>. See also Craig Davis, *Working Paper: Child Labor in Iraq*, November 2, 2004. See also IRINnews, "Children work instead of going to school", IRINnews.org, [online], September 16, 2004 [cited June 28, 2005]; available from

[http://www.irinnews.org/report.asp?ReportID=43204&SelectRegion=Iraq\\_Crisis&SelectCountry=IRAQ](http://www.irinnews.org/report.asp?ReportID=43204&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ). Working children suffer injuries, violent treatment, and sexual abuse, are exposed to dangerous chemicals, gases and other respiratory agents. See IRINnews, "Focus on child labour", IRINnews.org, [online], May 9, 2005 [cited June 28, 2005]; available from [http://www.irinnews.org/report.asp?ReportID=47022&SelectRegion=Middle\\_East&SelectCountry=IRAQ](http://www.irinnews.org/report.asp?ReportID=47022&SelectRegion=Middle_East&SelectCountry=IRAQ).

<sup>2417</sup> Davis, *Working Paper: Child Labor in Iraq*. See also Coalition Provisional Authority, *Monthly Report, Social Welfare, South Iraq*, Coalition Provisional Authority, Basra, May, 2004; available from <https://www422.ssldomain.com/uniraq/documents/Sitrep%20Social%20Affairs.pdf>. See also Neela Banerjee, "Poverty and Turmoil Cripple Iraq Schools," *The New York Times* (March 14, 2004); available from <http://www.nytimes.com/2004/03/14/international/middleeast/14LABO.html?ex=1394600400&en=202ddd0766e0048d&ei=5007&partner=USERLAND>.

<sup>2418</sup> U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6d.

<sup>2419</sup> Davis, *Working Paper: Child Labor in Iraq*. See also U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6d.

<sup>2420</sup> Coalition Provisional Authority, *Social Welfare, South Iraq*. See also IRINnews, "Focus on child labour."

<sup>2421</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, November 17, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=966](http://www.child-soldiers.org/document_get.php?id=966). See also U.S. Department of State, *Country Reports- 2004: Iraq*, Section 5. Recent news reports have stated that children of insurgents are being trained and encouraged to enter into the hostilities by their parents or relatives. See IRINnews, "Evidence of insurgents using child soldiers," IRINnews.org, [online], March 15, 2005 [cited June 28, 2005]; available from

[http://www.irinnews.org/report.asp?ReportID=46117&SelectRegion=Middle\\_East&SelectCountry=IRAQ](http://www.irinnews.org/report.asp?ReportID=46117&SelectRegion=Middle_East&SelectCountry=IRAQ). See also Anonymous, "Child soldiers square up to US tanks," *Daily Telegraph* online, [online], August 23, 2004 [cited December 8, 2005]; available from <http://www.telegraph.co.uk/core/Content/displayPrintable.jhtml;jsessionid=CPNLPAPLW0GVHQFIQMFCFFOAVCBQYIV0?xml=/news/2004/08/23/wirq23.xml&site=5>.

internally for sexual exploitation, and of Iraqi girls trafficked into the commercial sex industry in Yemen, Syria, Jordan, and other Gulf countries, some possibly in situations of debt bondage.<sup>2422</sup>

Iraq's Transitional Administrative Law (TAL) was in effect for most of the year, administered by the Transitional Government elected in January. A new Constitution was approved in a popular referendum in October, but the TAL remained in effect until a new parliament could be seated following Constitutionally-based elections in December.<sup>2423</sup> Both the TAL and the Constitution guarantee the right of education to every citizen, and the Constitution makes primary education mandatory.<sup>2424</sup> The Constitution also makes education at all levels free; however, under the regulations in effect during 2005, free education was provided only to children whose parents were both Iraqi citizens.<sup>2425</sup> In 2002, the gross primary enrollment rate was 110 percent and in 2000, the most recent year for which data are available, the net primary enrollment rate was 91 percent.<sup>2426</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 60.5 percent of children ages 5 to 14 years were attending school.<sup>2427</sup> As of 1998, 66 percent of children who started primary school were likely to reach grade 5.<sup>2428</sup> There are reports that dropout rates are on the rise, due to pervasive child labor and families' concerns over their children's security.<sup>2429</sup> More girls have dropped out than boys, decreasing the ratio of girls to boys attending primary school.<sup>2430</sup> Due to ongoing violence, thousands of schools have been destroyed, damaged or looted, and many lack basic water or sanitation facilities.<sup>2431</sup> Books are in short supply, further hampering children's education.<sup>2432</sup> In some parts of the country, schools were closed in late 2004 and early 2005 due to the conflict.<sup>2433</sup>

---

<sup>2422</sup> U.S. Department of State, *Country Reports- 2004: Iraq*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from [www.state.gov/g/tip/rls/tiprpt/2005/46617.htm](http://www.state.gov/g/tip/rls/tiprpt/2005/46617.htm). According to news reports, Iraqi officials have reported a significant increase in teenagers exploited in prostitution, particularly boys, estimating their numbers to be in the hundreds. See IRINnews, "Focus on boys trapped in commercial sex trade," IRINnews.org, [online], August 8, 2005 [cited September 27, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=48485>.

<sup>2423</sup> Iraqi Transitional Government, *Iraq's Path to Democracy: Key Dates*, Iraqi Transitional Government, [online] n.d. [cited December 7, 2005]; available from [http://www.iraqigovernment.org/Content/Democracy/English/Democracy\\_en.htm](http://www.iraqigovernment.org/Content/Democracy/English/Democracy_en.htm). See also *Transitional Administrative Law*, (March 8, 2004), Preamble, Article 2; available from <http://www.cpa-iraq.org/government/TAL.html>. See also *Draft Iraqi Constitution (as approved in popular referendum)*, (October 15, 2005), Article 138; available from [http://www.iraqigovernment.org/index\\_en.htm](http://www.iraqigovernment.org/index_en.htm).

<sup>2424</sup> *Transitional Administrative Law*, Article 14. See also *Draft Iraqi Constitution (as approved in popular referendum)*, Article 34.

<sup>2425</sup> *Draft Iraqi Constitution (as approved in popular referendum)*, Article 34. Iraqi citizenship is determined by the father's nationality, so children of Iraqi mothers and foreign fathers were not considered citizens and were not eligible for free education. Fees charged for education were approximately USD 1,000 per child per year. See IRINnews, "Children of mixed marriages protest official discrimination," IRINnews.org, [online], December 12, 2005 [cited December 16, 2005]; available from <http://www.irinnews.org/print.asp?reportID=50618>.

<sup>2426</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

<sup>2427</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

<sup>2428</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

<sup>2429</sup> U.S. Department of State, *Country Reports- 2004: Iraq*, Section 5. See also IRINnews, "Children work." See also IRINnews, "Focus on child labour."

<sup>2430</sup> Save the Children, *State of the World's Mothers Report 2005: The Power and Promise of Girls' Education*, Westport, CT, May, 2005, 20; available from [http://www.savethechildren.org/mothers/report\\_2005/images/SOWM\\_2005.pdf](http://www.savethechildren.org/mothers/report_2005/images/SOWM_2005.pdf).

<sup>2431</sup> UNICEF, *Iraqi children still committed to education despite ongoing violence*, UNICEF, [online] March 31, 2005 [cited June 29, 2005]; available from [http://www.unicef.org/infobycountry/iraq\\_25823.html](http://www.unicef.org/infobycountry/iraq_25823.html).

<sup>2432</sup> IRINnews, "Lack of books affecting children's education," IRINnews.org, [online], October 13, 2004 [cited June 28, 2005]; available from [http://www.irinnews.org/report.asp?ReportID=43643&SelectRegion=Middle\\_East&SelectCountry=IRAQ](http://www.irinnews.org/report.asp?ReportID=43643&SelectRegion=Middle_East&SelectCountry=IRAQ).

<sup>2433</sup> IRINnews, "Extra semester for Fallujah students," IRINnews.org, [online], March 22, 2005 [cited June 28, 2005]; available from [http://www.irinnews.org/report.asp?ReportID=46245&SelectRegion=Middle\\_East&SelectCountry=IRAQ](http://www.irinnews.org/report.asp?ReportID=46245&SelectRegion=Middle_East&SelectCountry=IRAQ).

## Child Labor Laws and Enforcement

The Labor Law of 1987, as amended by Coalition Provisional Authority (CPA) Order 89 of May 2004 and incorporated into the TAL,<sup>2434</sup> sets the minimum age for employment at 15 years.<sup>2435</sup> The Order prohibits the employment of anyone under the age of 18 years in work that is detrimental to the worker's health, safety, or morals.<sup>2436</sup> It also establishes a maximum 7-hour workday, provides a required daily rest period of 1 hour after 4 hours of work, and requires a 30-day paid vacation each year for employees under the age of 18 years. It further requires a pre-employment medical examination for workers of this age group and certification of the worker's fitness. Employers must maintain a register of names of workers in this age group, post at the workplace a copy of the labor provisions protecting young persons, and keep medical fitness certificates on file available for labor inspectors. However, youths age 15 or older who are employed in family enterprises are excluded from most of these provisions.<sup>2437</sup>

Order 89 prohibits the worst forms of child labor. These are defined as all forms of slavery and practices similar to slavery, including debt bondage, forced labor, the sale and trafficking of children, and the compulsory recruitment of children for use in armed conflict; child prostitution; the use of children in illicit activities, including drug trafficking; and work likely to harm the health, safety or morals of children. The Order criminalizes promoting or benefiting from the aforementioned worst forms of child labor, as well as aiding those who exploit children through such activities. Penalties for violations range from imprisonment of 10 to 90 days, or fines from 12 times the daily minimum wage to 12 times the monthly minimum wage. Moreover, the Order requires the Iraqi government to design and implement action programs to eliminate the worst forms of child labor, including mechanisms to withdraw children from the worst forms and provide free basic education and vocational training to these children.<sup>2438</sup>

In addition, there are other statutes under which certain worst forms of child labor can be prosecuted. The Penal Code, which remained in effect under the Transitional Government, prohibits any form of compulsory or forced labor, including by children.<sup>2439</sup> The new Constitution also prohibits forced labor; furthermore, it prohibits trafficking of children and the sex trade in general.<sup>2440</sup> There is no compulsory conscription into the Iraqi armed forces, and the minimum voluntary recruitment age is 18.<sup>2441</sup>

---

<sup>2434</sup> See also U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6.

<sup>2435</sup> CPA Order 89, Article 90.1; available from

[http://www.iraqcoalition.org/regulations/20040530\\_CPAORD89\\_Amendments\\_to\\_the\\_Labor\\_Code-Law\\_No.pdf](http://www.iraqcoalition.org/regulations/20040530_CPAORD89_Amendments_to_the_Labor_Code-Law_No.pdf). See also Government of Iraq, *Act No. 71 Promulgating the Labour Code*, (July 27, 1987), Article 91. See also Craig Davis, "Reinserting labor into the Iraqi Ministry of Labor and Social Affairs," *Monthly Labor Review* 128 no. 6 (June, 2005), 56; available from <http://www.bls.gov/opub/mlr/2005/06/intlrpt.pdf>.

<sup>2436</sup> The types of employment forbidden include work conducted underground and underwater, work involving dangerous machinery, in an unhealthy environment or under strenuous conditions, such as exposure to hazardous substances, loud noises, working long hours, and confinement to work premises. See *Order 89*, Articles 91.1 and 91.2.

<sup>2437</sup> *Ibid.*, Articles 92, 93, 94, 96.

<sup>2438</sup> *Ibid.*, Articles 91, 97.

<sup>2439</sup> Davis, *Working Paper: Child Labor in Iraq*. See also U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6c.

<sup>2440</sup> *Draft Iraqi Constitution (as approved in popular referendum)*, Article 35. Some observers believe this general prohibition of the sex trade represents a strong step toward legal recognition of trafficked persons as victims, and protection of their rights. Iraq's previous *Law No. 8 Combating Prostitution (1988)* only outlawed engaging in, facilitating, or exploiting prostitution, or maintaining a brothel. See Mohamed Mattar, *Article 35 of the New Iraqi Constitution: Recognition of Trafficking in Women and Children as a Specific Crime*, The Protection Project, [online] September 19, 2005 [cited December 7, 2005]; available from <http://www.protectionproject.org/imm.htm>.

<sup>2441</sup> Coalition to Stop the Use of Child Soldiers, *Global Report 2004*.

The Ministry responsible for overseeing labor inspections, enforcement, vocational training, and child labor is the Ministry of Labor and Social Affairs (MOLSA).<sup>2442</sup> MOLSA established a dedicated Child Labor Unit in 2004.<sup>2443</sup> According to the U.S. Department of State, MOLSA had limited ability to enforce any labor laws due to the security situation, critically low staffing, and a lack of funding.<sup>2444</sup> The Ministry of Interior has responsibility for trafficking issues.<sup>2445</sup> The Iraqi Police are generally trained to identify, develop, and prosecute trafficking cases, although this training is currently suspended due to an increased emphasis on building security-related skills in the police force.<sup>2446</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Although the MOLSA has established a Child Labor Unit, the U.S. Department of State reports that the Unit has not received sufficient budgetary allocations to carry out its work effectively.<sup>2447</sup> The Ministry of Public Works and Social Affairs (MOPWSA) has initiated a program of stipends to ex-child laborers to keep them out of work and to support their schooling. MOPWSA also supports Mercy House in Baghdad, a facility providing support services to ex-street children and other vulnerable populations.<sup>2448</sup> USAID is funding a project to build the capacity of MOLSA to operate a network of vocational training and employment service centers throughout Iraq.<sup>2449</sup> In addition, the Kurdish Ministry of Health and Social Affairs and Kurdish provincial governments support a number of projects to eliminate child labor in the north, including rehabilitation and education centers for working street children.<sup>2450</sup>

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	✓
Ratified Convention 182 3/23/2001	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

With the support of a variety of governments and NGOs, the Ministry of Education (MOE) continues its work to rebuild the education system. Throughout 2005, the MOE worked with the U.S. Army Corps of Engineers to identify and approve 800 schools across Iraq for renovations, as part of the USD 86 million Iraq Relief Reconstruction Fund project. Most of the school renovations were completed before the

<sup>2442</sup> Order 89 designates the “Ministry in charge of labor or Ministry in charge of health or both” as the “competent authority.” Responsible for oversight and enforcement. See *Order 89*, Article 92.7. In addition, the 1987 Labor Code explicitly designates MOLSA as the ministry responsible for labor-related issues. See *Act No. 71 Promulgating the Labour Code*, Articles 15, 46, 66, 90, 113, 116, and others.

<sup>2443</sup> Davis, “Reinserting labor into the MOLSA,” 55.

<sup>2444</sup> U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6.

<sup>2445</sup> *Ibid.*, Section 5.

<sup>2446</sup> U.S. Department of State, *Trafficking in Persons Report*.

<sup>2447</sup> U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6d.

<sup>2448</sup> IRINnews, “Focus on child labour.” See also IRINnews, “New social programme assists the poor and vulnerable”, IRINnews.org, [online], March 31, 2005 [cited June 28, 2005]; available from [http://www.irinnews.org/report.asp?ReportID=46404&SelectRegion=Middle\\_East&SelectCountry=IRAQ](http://www.irinnews.org/report.asp?ReportID=46404&SelectRegion=Middle_East&SelectCountry=IRAQ).

<sup>2449</sup> Portal Iraq, *Employment: Iraq works on vocational training, employment services*, Heartington Invest and Trade Inc., [online] March 13, 2005 [cited July 1, 2005]; available from

[http://www.portaliraq.com/news/Iraq+works+on+vocational+training,+employment+services\\_\\_111116.html](http://www.portaliraq.com/news/Iraq+works+on+vocational+training,+employment+services__111116.html).

<sup>2450</sup> Davis, *Working Paper: Child Labor in Iraq*.

beginning of the school year in September.<sup>2451</sup> In the southern provinces of Iraq, the project improved school conditions for more than 80,000 children.<sup>2452</sup> With the goal of getting children back into school, UNICEF is assisting the MOE with a USD 40 million project to distribute over 6 million backpacks and other school supplies.<sup>2453</sup> WFP supported the MOE and MOH to provide daily meals to all primary school children in Iraq, as part of a program to improve child health and increase school attendance.<sup>2454</sup> The MOE also launched an educational television channel to transmit school lessons to children who could not attend school due to the security situation.<sup>2455</sup>

USAID supported the government in a number of education-related projects; for example, repairing and furnishing more than 2,500 schools; distributing hundreds of thousands of desks, chairs, cabinets, chalkboards, and school kits to schoolchildren; conducting an accelerated learning program for more than 550 out-of-school youth; and updating and distributing more than 8.7 million math and science textbooks nationwide.<sup>2456</sup> The World Bank is also funding two education-related efforts in cooperation with the MOE. The USD 55 million Iraq Emergency Textbook Provision Project is producing and distributing textbooks and learning materials to primary and secondary schools,<sup>2457</sup> and the USD 60 million Emergency School Construction and Rehabilitation Project is repairing and rehabilitating primary and secondary schools.<sup>2458</sup> In November, the World Bank also approved a USD 100 million loan for the Third Emergency Education Project (TEEP), which aims to alleviate overcrowding in schools and to further the process of education reform in Iraq. The TEEP will be Iraq's first World Bank loan in over 30 years.<sup>2459</sup>

---

<sup>2451</sup> U.S. Army Corps of Engineers, "Another 43 Iraqi Schools Funded and Approved for Rehabilitation", Army Corps of Engineers Gulf Region Division website, [online], August 6, 2005 [cited September 27, 2005]; available from <http://www.grd.usace.army.mil/news/releases/recon080605.html>. See also IRINnews, "New school repair project starts in the south", IRINnews.org, [online], October 21, 2004 [cited June 28, 2005]; available from [http://www.irinnews.org/report.asp?ReportID=43783&SelectRegion=Middle\\_East&SelectCountry=IRAQ](http://www.irinnews.org/report.asp?ReportID=43783&SelectRegion=Middle_East&SelectCountry=IRAQ).

<sup>2452</sup> Suzanne M. Fournier, "Eighty thousand students in south Iraq benefit from improved schools", U.S. Army Corps of Engineers, Gulf Region Division, [online], November 12, 2005 [cited December 8, 2005]; available from <http://www.grd.usace.army.mil/news/releases/recon111205.html>.

<sup>2453</sup> IRINnews, "Focus on getting children back to school", IRINnews.org, [online], December 7, 2004 [cited June 28, 2005]; available from [http://www.irinnews.org/report.asp?ReportID=44551&SelectRegion=Middle\\_East&SelectCountry=IRAQ](http://www.irinnews.org/report.asp?ReportID=44551&SelectRegion=Middle_East&SelectCountry=IRAQ).

<sup>2454</sup> IRINnews, "Primary school nutrition programme to broaden reach", IRINnews.org, [online], November 7, 2005 [cited December 8, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=49952>.

<sup>2455</sup> IRINnews, "MoE to launch education channel", IRINnews.org, [online], April 13, 2005 [cited June 28, 2005]; available from [http://www.irinnews.org/report.asp?ReportID=46611&SelectRegion=Middle\\_East&SelectCountry=IRAQ](http://www.irinnews.org/report.asp?ReportID=46611&SelectRegion=Middle_East&SelectCountry=IRAQ).

<sup>2456</sup> USAID, *Assistance for Iraq: Education*, USAID, n.d. [cited December 7, 2005]; available from <http://www.usaid.gov/iraq/accomplishments/education.html>. See also USAID, *Assistance for Iraq*.

<sup>2457</sup> World Bank, *Project Information Document: Iraq: Emergency Textbook Provision Project*, Washington, DC, May 14, 2004; available from <http://siteresources.worldbank.org/IRFFI/64168382-1092418978875/20266685/IraqTextbook-PID.pdf>.

<sup>2458</sup> World Bank, *Project Information Document: Iraq: Emergency School Rehabilitation Project*, Washington, DC, April 21, 2004; available from [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/04/22/000160016\\_20040422173641/Rendered/PDF/AB7271Iraq0Rehab0PID010PUBLIC.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/04/22/000160016_20040422173641/Rendered/PDF/AB7271Iraq0Rehab0PID010PUBLIC.pdf).

<sup>2459</sup> World Bank, *Iraq: World Bank Approves First IDA Credit*, press release, Washington, D.C., November 29, 2005; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20736434~pagePK:34370~piPK:34424~theSitePK:4607,0.html>.