

Iraq

Incidence and Nature of Child Labor

UNICEF estimated that 14.0 percent of children ages 5 to 14 years in Iraq were working in 2000.²¹¹² More up-to-date statistics since the start of the conflict in Iraq are not available. However, recent information indicates that in urban areas, children are employed in merchant shops, as ticket collectors on buses, and are found washing cars, shining shoes, and cleaning litter from streets. Children work as vendors of cigarettes, gum, candy, food, soft drinks, pornographic videos, fruit, fuel, used clothes, and junk.²¹¹³ Children also work under hazardous conditions in automobile repair shops, and on construction sites.²¹¹⁴ In rural areas, children herd livestock and perform other agricultural duties.²¹¹⁵ Anti-government militias, such as Al-Sadr's Mahdi Army, exploit children as young as ten years old as child soldiers.²¹¹⁶ Children also dig through rubbish,²¹¹⁷ drive donkey carts and work in brick factories in Iraq.²¹¹⁸ Since the war, the number of street children in some areas of Baghdad has been increasing.²¹¹⁹

The Transitional Administrative Law (TAL) guarantees the right of education for every citizen.²¹²⁰ In the 1999-2000 school year, the gross primary enrollment rate was 99 percent, and the net primary enrollment rate was 91 percent.²¹²¹ 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. The net

²¹¹² The statistics include children working only, children working and studying, and children that carry out household chores for more than 4 hours per day. See Republic of Iraq, *Multiple Indicator Cluster Survey for the Year 2000 (Detailed Report)*, The Central Statistics Organisation, Baghdad, December, 2001, pages 28 and 68; available from <http://www.childinfo.org/MICS2/newreports/iraq/Iraqtables.pdf>.

²¹¹³ USDOL, *Child Labor in Iraq*, unpublished report, U.S. Department of Labor, Washington, D.C., November 2, 2004. 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>. See also IRIN, *Iraq: Children Work Instead of Going to School*, IRIN News.Org, [Online] 2004 [cited September 21, 2004]; available from http://www.irinnews.org/report.asp?ReportID=43204&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ.

²¹¹⁴ USDOL, *Child Labor in Iraq*. See also Banerjee, "Iraq Schools."

²¹¹⁵ USDOL, *Child Labor in Iraq*.

²¹¹⁶ David Clinch, *CNN Daybreak*, pursuant to CNN National, August 24, 2004. See also IRIN, *Children Work*.

²¹¹⁷ IRIN, *Children Work*.

²¹¹⁸ Ben Granby, "Report from Iraq," *ZNet* (February 8, 2004); available from http://www.zmag.org/content/print_article.cfm?itemID=4951§ionID=15. See also Banerjee, "Iraq Schools."

²¹¹⁹ UNICEF, *UNICEF Iraq Programme Update: 1-31 October 2003*, UNICEF Iraq Support Centre, Amman, Jordan, October 2003, 5; available from <http://www.unicef.org/emerg/IraqOct.pdf>. See also IRIN, *Children Work*.

²¹²⁰ *Transitional Administrative Law*, (March 8, 2004), Article 14; available from <http://www.cpa-iraq.org/government/TAL.html>. The TAL serves as the interim constitution until an elected government can adopt a new constitution.

²¹²¹ UNESCO, *Global Education Database*, database online, September 15, 2004 2004; available from http://esdb.cdie.org/cgi-bin2/broker.exe?_program=gedprogs.ged_country_une_2.sas&_service=default&cocode=3IRQ+&sscode=UNE06316+&sscode=UNE06314+&sscode=UNE06317+&sscode=UNE06319+&sscode=UNE06315+&sscode=UNE06318+. According to USAID, registration for girls in 2004 was 96 percent and 92 percent for boys. See USAID, *A Year in Iraq*, 2004 [cited September 15, 2004]; available from http://www.usaid.gov/iraq/pdf/AYearInIraq_education.pdf.

attendance rate for primary school was 76.3 percent in 2000.²¹²² Of the students who enroll in grade 1, 92.2 percent of the boys and 83.6 percent of the girls reach grade 5. As of 2000, 92.2 percent of boys and 83.6 percent of girls who started primary school were likely to reach grade 5. More recent statistics on primary enrollment and attendance in Iraq are not available.²¹²³

Child Labor Laws and Enforcement

The Labor Law of 1987, which remains in force since the start of the conflict in Iraq, sets the minimum age for employment at 15 years.²¹²⁴ Coalition Provisional Authority (CPA) Order 89, signed into law in June 2004, amends the 1987 Labor Law. The amendment prohibits the employment of anyone under the age of 18 years in work that is detrimental to the worker's health, safety, or morals.²¹²⁵ The Order also establishes a maximum seven-hour workday,²¹²⁶ provides a required daily rest period of one hour after four hours of work,²¹²⁷ and requires a 30-day paid vacation each year for employees under the age of 18 years.²¹²⁸ The Order further requires a pre-employment medical examination for workers of this age group,²¹²⁹ and certification of the worker's fitness.²¹³⁰ Employers must also maintain a register of names 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.²¹³¹

The Criminal Code, which predates the Iraqi conflict but remains in effect, prohibits any form of compulsory or forced labor.²¹³²

Order 89 prohibits the worst forms of child labor, which it defines as all forms of slavery, debt bondage, forced labor, trafficking of children, compulsory use of children in armed conflict, child prostitution, illicit

²¹²² Republic of Iraq, *Multiple Indicator Cluster Survey for the Year 2000 (Detailed Report)*, table 11.

²¹²³ *Ibid.*, table 10.

²¹²⁴ *Act No. 71 of 1987 Promulgating the Labour Code*, (July 27, 1987), Article 91. Although in 1985, Iraq ratified ILO Convention 138 that establishes the minimum age a child may enter the workforce at 15 years (or 14 years under certain circumstances in developing nations), supported by this provision in the 1987 Labor Code, Iraq's Revolutionary Command Council Resolution (RCCR) No. 368 lowered the permissible age for a child to work both in hazardous and non-hazardous employment in the private and mixed sectors to 12. Therefore, on May 30, 2004, CPA issued Order # 89, which reversed RCCR No. 368 and upheld the mandate for the minimum age of 15 for entry into any kind of employment in Iraq. See *CPA Order 89*, Article 90.1; available from http://www.iraqcoalition.org/regulations/20040530_CPAORD89_Amendments_to_the_Labor_Code-Law_No.pdf.

²¹²⁵ 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.

²¹²⁶ *Ibid.*, Article 93.1.

²¹²⁷ *Ibid.*, Article 93.2.

²¹²⁸ *Ibid.*, Article 93.3.

²¹²⁹ *Ibid.*, Article 92.1.

²¹³⁰ *Ibid.*, Article 92.2.

²¹³¹ *Ibid.*, Articles 94.1-94.3.

²¹³² USDOL, *Child Labor in Iraq*.

activity, including drug trafficking and work likely to harm the health, safety or morals, among others.²¹³³ The Order criminalizes promotion of, aid to, and benefiting from, the aforementioned worst forms of child labor under the Penal Code.²¹³⁴ Penalties for violations of the Order range from imprisonment of ten to 90 days, or fines from 12 times the daily minimum wage to 12 times the monthly minimum wage.²¹³⁵ 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.²¹³⁶ The Ministry responsible for overseeing labor inspections, enforcement, programs to eliminate child labor, and vocational training is the Ministry of Labor and Social Affairs (MOLSA).²¹³⁷

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

With the support of the CPA, the Government of Iraq established a Child Labor Unit (CLU) at the MOLSA in January 2004. The CLU is responsible for raising awareness on the hazards of child labor and the benefits of education, enforcement of child labor legislation through labor inspections, and serves as a coordination body for child labor interventions and activities across the country. The Swedish NGO Diakonia provided psycho-social and basic child labor training to four CLU officials in May 2004.²¹³⁸ The Kurdish Ministry of Health and Social Affairs and Kurdish provincial governments support a number of projects to eliminate child labor in the north. The government has assumed ownership of four Diakonia-established education and rehabilitation centers for working street children in Kurdistan.²¹³⁹

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	

Norwegian Church Aid (NCA) provided USD 200,000 for Diakonia’s child labor projects in 2004. Diakonia implements five child labor projects in the region, totaling USD 380,000.²¹⁴⁰ The Swedish NGO also has developed a sophisticated psycho-social training program designed to provide social workers, teachers, and other professionals with the required skills for dealing with the special needs of victimized children.

²¹³³ Order 89, Article 91.3.

²¹³⁴ This Order excluded youth who have reached 15 years of age if employed in a family enterprise. See *Ibid.*, Article 91.4 and 96.

²¹³⁵ *Ibid.*, Article 97.

²¹³⁶ If the youth has reached 15 years of age and is employed in a family enterprise, the provisions set forth in Order 89 do not apply, except for the provisions related to hazardous work and the worst forms of child labor. See *Ibid.*, Articles 91.5 and 96.

²¹³⁷ The Amendment itself does not specifically name MOLSA as the ministry responsible for oversight and enforcement. Rather, it refers to “the competent Ministry” and “competent authority.” At Article 92.7, the latter term is defined as the “Ministry in charge of labor” or “Ministry in charge of health or both.” At Article 172, the authority to issue regulations and instructions is “the Ministry,” which refers to MOLSA. See *Ibid.* In addition, the 1987 Labor Code explicitly designates MOLSA as the ministry responsible for labor-related issues. See *1987 Labour Code*, for example, Articles 15, 16, 23, 26, 36(6), 39, 46, 57, and 66(3). In addition, the National Center for Occupational Health and Safety, formerly under the Ministry of Health, was transferred to MOLSA in January 2004.

²¹³⁸ USDOL, *Child Labor in Iraq*.

²¹³⁹ Diakonia official, email communication to USDOL official, September 16, 2004.

²¹⁴⁰ *Ibid.*

Based on Diakonia's model, UNICEF has established centers for working children in Irbil.²¹⁴¹ UNICEF and NCA support a Youth House in Baghdad, which among other programs, hosts activities to combat the worst forms of child labor.²¹⁴² Terre des Hommes, an Italian NGO, and UNICEF operate a center for working street children in Baghdad. The center provides educational, psycho-social, and vocational training services for about 400 children ages 6 to 15 years.²¹⁴³

With the support of the CPA and the U.S. Government, the Iraqi Ministry of Education made unprecedented substantial progress in rebuilding the education system in Iraq. USAID rehabilitated over 2,405 schools, trained more than 33,000 secondary school teachers and 3,000 supervisors; and created a 4-year strategy to reorganize and re-staff the ministry, rehabilitate school infrastructure, retrain teachers, and institute a national dialogue and framework for an Iraq-driven curriculum reform.²¹⁴⁴ UNICEF also made a major contribution to rebuild Iraqi education. By October 2003, the UN agency had rehabilitated 119 schools.²¹⁴⁵ USAID provided necessary school equipment and kits for primary and secondary school children across the country. Some 8.7 million revised math and science textbooks were printed and distributed to students grades 1 to 12.²¹⁴⁶ UNICEF also distributed nearly 60,000 education kits, teaching materials, and some 20 million textbooks to provincial ministries of education.²¹⁴⁷ The U.S. Government committed an additional USD 170 million for education in the supplemental appropriation for 2004.²¹⁴⁸ USAID piloted accelerated learning projects in five cities for 500 out-of-school children.²¹⁴⁹ With the assistance of USAID, some 2,700 parent-teacher associations were established in order involved parents and educators in the decision-making process of improving education, spending budgets, and selecting curricula.²¹⁵⁰

²¹⁴¹ USDOL, *Child Labor in Iraq*.

²¹⁴² UNICEF, *October Update*, 5.

²¹⁴³ *Ibid.* Terre des Hommes has traditionally run a number of centers for street children in Baghdad. See Terre des Hommes, *Terre des Hommes Condemns the Attack Against the UN in Iraq*, [Press release] 2003 [cited September 21, 2004]; available from <http://www.terre-des-hommes.org/en/news/brief.asp?noid=TERR567346>. See also Terre des Hommes Italia, *Progetto socio-educativo*, Terre des Hommes Italia, [On-line] [cited September 21, 2004]; available from http://www.tdhitaly.org/scheda_iraq.php. See also Terre des Hommes, *I progetti a Baghdad continuano: Terre des Hommes Italia ha deciso di non sospendere i progetti in corso a Baghdad*, [Online] 2004 [cited September 21, 2004]; available from http://www.tdhitaly.org/news_080904.php.

²¹⁴⁴ CPA, *Iraqi Ministry of Education Enters Final Stage to Sovereignty*, [Press Release] 2004 [cited September 14, 2004]; available from http://www.iraqcoalition.org/cgi-bin/prfriendly.cgi?http://www.iraqcoalition.org/pressreleases/20040403_ed_PR.html. See also USAID, *Assistance for Iraq*, USAID, 2004 [cited September 14, 2004]; available from <http://www.usaid.gov/iraq/accomplishments/education.html>.

²¹⁴⁵ UNICEF, *October Update*, 4. Although all international UNICEF staff were withdrawn from Iraq in September 2003 after the UN headquarters' bombing a month earlier, UNICEF continued a number of activities from Amman, Jordan.

²¹⁴⁶ USAID, *Assistance for Iraq*.

²¹⁴⁷ UNICEF, *October Update*, 4.

²¹⁴⁸ CPA, *Iraqi MOE Final Stage*.

²¹⁴⁹ USAID, *Assistance for Iraq*.

²¹⁵⁰ USAID, *A Year in Iraq*, 17.