

# IRAQ WATCHING BRIEFS

## CHILD PROTECTION

*July 2003*

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Health, Education, Equality, Protection  
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# **IRAQ WATCHING BRIEF**

## **CHILD PROTECTION**

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## Executive Summary

**Prior to 1990**, Iraq had developed a first system of laws and institutions for the protection and rehabilitation of vulnerable children such as orphans, children with disabilities, street/working children and juvenile delinquents. Interventions were mainly institution-based. The number of children with protection needs seems to have been limited under the conditions of the Iraqi welfare state yet precise information is not available. The northern Kurdish governorates encountered first larger scale CP problems in the 1980s due to their conflicts with the central government.

**The Gulf War 1990 and the economic embargo** led simultaneously to a large scale increase of the number of children with special protection needs, especially street/working children and orphans, and to a devastating depletion of human and material resources in the services sector. Laws could no longer be enforced and resources for the creation of adequate responses to new CP needs were nearly nonexistent. Both the central government and the local Kurdish authorities had to concentrate first of all on the pressing survival needs of the whole population and did not pay attention to the special needs of vulnerable children. Since the mid-1990s, conditions for CP improved slightly in northern Iraq due to the activities of local and international NGOs and their collaboration with local authorities and UNICEF.

UNICEF was the first to answer to the needs of many Iraqi children in distress in the early 1990s by training teachers in psychological support and establishing psychological counselling centres. Diakonia Sweden joined this effort in 1994 and built solid technical capacity for identifying and treating children's distress and trauma in the northern Kurdish governorates. In 1997, international NGOs such as EM/DH and SFC-UK were the first to become active for the benefit of street/working children in both central and northern Iraq.

Following Iraq's report about the implementation of the CRC in 1996 and the concluding observations of the CRC committee in 1998, CP became subject of an official dialogue between the government and UNICEF in central Iraq and between local Kurdish authorities, UNICEF, international and local NGOs in the north. After a sensitive confidence-building phase, plans were agreed upon to improve the national technical capacity in CP, review the existing legislation in the light of international standards and to strengthen CP strategies that promote prevention, early detection and interventions in the children's immediate family and community. The material and human resources for this undertaking remained extremely limited under the OFFP and were mainly funded by other parties.

**Prior to the 2003 war**, central and southern Iraq had progressed half-way into a NCBP for psychosocial rehabilitation, a reform proposal for the JCL had been developed and preparations were underway for the establishment of the first drop-in centre for street/working children. Northern Iraq had collected some valuable NGO experiences in protecting street/working children and reintegrating orphans and juveniles in conflict with the laws into their families. A review of the JCL and the Penal Code had also taken place and local JCCs had been reactivated. A number of local and regional sample surveys had created insight into the situation of certain groups of vulnerable children, yet a comprehensive assessment and monitoring system for children with protection needs was still nonexistent.

All efforts geared towards the development of adequate CP policies and practices were hampered by severe lack of funds and personnel and limitations in technical expertise.

**The 2003 war** exacerbated the situation of Iraqi children in need of protection considerably, both with regard to the number of children threatened by neglect, abuse, exploitation and violence and the amount and quality of risk factors that they became exposed to. Their protective environment weakened even further. The exact number of vulnerable Iraqi children and their specific conditions are currently still unknown. As of July 2003, UNICEF and five international NGOs are conducting a countrywide comprehensive CP assessment that aims at generating more detailed information. The post-war situation opens at the same time chances for the development of CP in Iraq. The current conditions demand the use of more community-oriented and participatory CP strategies. These should become part of a new CP policy framework that needs to be created in the upcoming reconstruction process.

**Resources and constraints for the development of a new comprehensive CP policy:** A new countrywide CP policy needs, among others, to be built on the following facts:

- Iraqi society has always cared much of its children yet ignorance about children's needs and rights prevails in certain sectors of society.
- The economic sanctions and the 2003 war depleted many family and social resources for child care and protection.
- No assessment, documentation and monitoring system has ever been created to determine the real size and nature of children's vulnerability.
- Iraqi society owns some legal, institutional, organizational, project and human resources that can be drawn upon for the development of CP policies, strategies and practices.
- The quantity and quality of technical resource persons and experienced staff in CP is extremely limited.
- Communities lack experience as agents of social change.
- Cooperation between the social, education, health and justice sectors could prevent children's vulnerability to some extent but has not been practiced in the past.
- The existing CP coordinating committees present an opportunity for the collaborative development of new CP policies.

**New CP policies, strategies and practices** need to respond to the needs of vulnerable children with a short-, medium- and long-term perspective. They require the concerted effort of both authorities and civil society. As a supplement to the current countrywide CP assessment, it is proposed to conduct more detailed CP assessments through local CP community committees. Only such committees will be able to assess the full scope of the existing problems and to create a solid database for further policy planning. These committees are also the appropriate bodies to provide first responses to the most pressing protection needs of children on a local level in collaboration with local authorities. They could become the nucleus of future community social service centres.

Medium- and long-term steps towards an integrated CP system in Iraq need to include the following components:

- Awareness raising programs on CP for the whole population
- Promotion of civil society organizations and children's participation
- Strengthening children's and families' resources for coping with adversities
- Further exhaustive assessment of the needs of all vulnerable children through community CP committees
- Establishment of a national database and development of indicators for monitoring and evaluation
- Development of a new social services structure on national, governorate and local levels that blends public services with community initiatives and helps to fulfil children's provision, participation and protection rights
- Enforcement of laws and practices in the social, health, education and justice sector that prevent children's vulnerability or intervene at the earliest possible time.
- Promotion of national technical capacity in CP
- Establishment of CP coordination committees on governorate and central level to develop a national CP policy
- Development of an appropriate legal framework for CP within the new Iraqi constitution and in related laws in line with the CRC and other international norms and standards
- Appropriate budget allocations for CP on national, governorate and community levels, including family support schemes

## Table of Contents

<b>Executive Summary .....</b>	<b>i</b>
<b>1. Introduction.....</b>	<b>2</b>
<b>2. Pre- 2003 War Status.....</b>	<b>5</b>
2.1. VULNERABLE CHILDREN – THE SCOPE OF THE PROBLEM.....	5
2.1.1. <i>Street and Working Children</i> .....	5
2.1.2. <i>Children without Primary Caregivers</i> .....	8
2.1.3. <i>Children with Disabilities</i> .....	11
2.1.4. <i>Mine Victims</i> .....	13
2.1.5. <i>Children in Conflict with the Law</i> .....	13
2.1.6. <i>Internally Displaced Children</i> .....	14
2.1.7. <i>Child Victims of Abuse, Neglect and Exploitation</i> .....	16
2.1.8. <i>Children in Distress</i> .....	17
2.2. CHILDREN’S PROTECTIVE ENVIRONMENT .....	19
2.2.1. <i>Changing Government Commitment to CP</i> .....	19
2.2.2. <i>A New Paradigm of CP</i> .....	19
2.2.3. <i>Official State Policy, Laws and their Application, Monitoring and Reporting Systems</i> .....	20
2.2.4. <i>The Role of UN Agencies, International and Local NGOs in the Development of CP Work</i> .....	22
2.2.5. <i>Quality and Quantity of Technical and Institutional Resources</i> .....	24
2.2.6. <i>Social Traditions and Practices</i> .....	24
2.2.7. <i>Children’s Own Capacity and Participation</i> .....	26
2.2.8. <i>CP as a Public Discourse</i> .....	26
<b>3. Post – War Assessment and Findings .....</b>	<b>27</b>
3.1. INCREASED VULNERABILITY .....	27
3.2. CHANGES IN CHILDREN’S PROTECTIVE ENVIRONMENT .....	30
<b>4. Recommended Areas of Action .....</b>	<b>32</b>
4.1. SHORT TERM ACTIONS .....	33
4.2. MEDIUM TERM ACTIONS .....	34
<b>5. Areas Requiring More Detailed Assessment.....</b>	<b>35</b>
<b>6. References.....</b>	<b>37</b>
<b>7. Annex .....</b>	<b>39</b>
<b>8. Acronyms .....</b>	<b>42</b>

## 1. Introduction

Children constitute more than half of the total population of Iraq. Two major wars since 1980, periods of internal strife and 13 years of comprehensive economic sanctions have had a devastating impact on the political, economic and social structure of Iraqi society and put the development of many Iraqi children at risk. Details have been extensively documented in the watching brief overview report and the sectoral reports on water, sanitation, health, nutrition and education. Few facts deserve to be repeated here:

*Economic decline:* Under the economic sanctions, government investments in the social sectors declined over 90% from pre-1990 levels. The OFFP provided adhoc humanitarian assistance but did not support structural adaptations of the various sectors to changed resources availability and new needs. The per capita income dropped from \$ 3510 in 1989 to \$ 450 in 1996. Average salaries dropped to 3-6 \$ per month in 1999. UNDP estimated in 2000 that the average Iraqi family spent as much as 75% of their income on food and that 60% of the population relied primarily on the food rations for their survival. WFP found in 2003 that 20% of all Iraqis, particularly in the southern and eastern part of the country, suffered from chronic poverty and were unable to meet their basic needs.

*Increased health risks:* Maternal, infant and under-5mortality rates increased by more than 100% in central and southern Iraq during the 1990s while the same trend was reversed for the north under the OFFP because of better per capita provision. These dramatic changes were attributed to increasing poverty, low food security, poor maternal and child nutrition and declining access to health care. Every third woman gives birth without a qualified attendant. Chronic malnutrition among children rose to 22% in central and southern Iraq and 12% in northern Iraq for similar reasons. The daily share of potable water declined by more than 50% from the pre-1990 level. The paucity of clean drinking water, the partial absence of sanitation systems, poor hygiene practices in childcare and feeding and limited access to health care contributed to a steep rise in diarrhoea, acute respiratory tract infections and fever episodes among children with frequently fatal outcome.

*Less education for all:* By the year 2000, nearly one quarter of all children in primary school age, and girls more so than boys, did not attend school in central and southern Iraq. School facilities could not be expanded due to lack of financial resources. Fewer children continued schooling beyond the compulsory six years. Boys were more than girls at risk to drop out of secondary education. Pressure to work due to economic hardship, the drop in both the quality of education and its value for employment and an overall deficient academic environment were quoted as main underlying causes. Adult female illiteracy increased considerably and with this, the risk of inadequate childcare.

*Change of the social fabric:* An increase of women-headed households was observed and more women entered the formal and informal work force. Male breadwinners often held two to three jobs in order to cover their families' basic needs. The number of adult patients in psychiatric outpatient clinics rose by 150% and more family conflicts and child abuse were observed. Government subsidies for poor and women-headed households, orphans and the disabled were abolished in 1993 because of lack of cash (UNICEF, 1999/1).

These fundamental social and economic changes mean that nowadays' children in Iraq have been raised under exceptionally high risks of physical, mental, emotional and social deprivation. In addition, many families have experienced internal displacement. It is suspected that a substantial number of children live without primary caregivers, suffer from untreated injuries and disabilities and are engaged in early and harmful work. Many have encountered neglect, abuse and exploitation both in- and outside their homes as well as stressful experiences of violence and threats to their lives (UNICEF Iraq 1999/2; UNICEF Iraq, 2001). Children with such experiences become particularly vulnerable and needy of special protection. Their situation has become even more aggravated through the 2003 war and its aftermath. Facilities of the social sector infrastructure have incurred further substantial damage and most movable assets have been lost in the course of combat actions and even more so through post-war looting. Social service administration has nearly totally collapsed. A highly insecure environment and continuous social instability in the post-war area create even more risks for children to become victims of abuse, violence and exploitation. First assessment reports confirm such a tendency. (EM/DH, 2003; Human Rights Watch, 2003) The CRC, to which Iraq became a signatory in 1994, asks for urgent action to safeguard Iraqi children's provision, participation and protection rights through normalizing their living conditions and providing special protection to those in need.

**Scope of the watching brief:** The watching brief on CP analyses the situation of vulnerable children in Iraq for three major periods: prior to the Gulf Crisis 1990, during the period of economic sanctions and the OFFP (1990 – 2003) and following the Gulf War 2003. Data is presented for the different groups of street/working children, children without primary caregivers, children with disabilities and mine victims, children in conflict with the law, internally displaced children, child victims of neglect, abuse and exploitation and children in distress. The most important components of their protective environment are examined for both the pre- and the post-2003 war period (1). The watching brief concludes with sets of recommendations, mainly from a developmental and community mental health perspective, for short- and medium term actions in order to increase CP for all vulnerable groups. It also specifies knowledge needs that are uncovered at present and that should be subject to further assessments.

**Methodology:** The watching brief on CP is based on a desk review of all available documents of the pre- and post-2003 war period and interviews with UNICEF key informants about the post-war situation. These interviews were conducted in June and July 2003. In the absence of a national Iraqi CP policy, assessment and monitoring system, the report relies largely on regional and local sample studies that have been conducted since 1991, documented interviews with officials, professionals and NGOs working in this field and previous situation analyses. Information is often richer for the three northern Kurdish governorates of Erbil, Sulaymaniyah and Dohuk than for central and southern Iraq, due to the diversity of local, regional and international CP agents in northern Iraq since the mid-1990s. The central government in Baghdad encountered a grave depletion of its technical and material resources for research, analysis, programming and intervention under the economic embargo.



**Constraints:** A substantial part of the data is of qualitative nature. This is typical for every new sensitive research subject. Data triangulation has been pursued as much as possible in order to increase the validity of the findings. The validity and reliability of the results of larger sample studies and surveys often cannot be judged because information about the methodology is missing. Information has been used for deducting rough estimates and general trends that need to be verified through further assessments and researches. Detailed pre- and post 2003-war comparisons have not been performed for these reasons. Due to the date of publication, the watching brief does not include data from the countrywide CP assessment that is currently conducted.

## 2. Pre- 2003 War Status

### 2.1. VULNERABLE CHILDREN – THE SCOPE OF THE PROBLEM

Vulnerable children encompass all children whose normal and healthy development is jeopardised through physical and mental neglect, deprivation of primary caregivers, abuse, violence, discrimination and exploitation. These factors are present in different environments: in children's homes, in schools, in their communities, in the institutions that they attend and at their work places. This section describes the situation and needs of vulnerable children as far as possible for the different regions (north vs. centre and south), separately for boys and girls and for different age groups. As both quality and quantity of the studies vary considerably, the evolving profile of vulnerable children is only an approximation.

#### 2.1.1. *Street and Working Children*

The phenomenon of children (2) working in the streets was first observed in the mid-80s in the northern Kurdish provinces in the wake of the Iraq-Iran War and conflicts between the central government and the Kurdish population. In central and southern Iraq it does not seem to have been a noticeable problem until 1990, yet the economic embargo seems to have produced an ever-increasing number of street children.

**Observations in the early 1990s:** A study conducted in 1994 with 2000 children of 40 primary schools in Baghdad found that many students were unable to do their homework because they worked in the afternoon, selling cigarettes or polishing shoes to support their parents' income. Their work load made them sometimes fall asleep in class (Al Chalabi & Al Timimi, 1994). A UNICEF-sponsored report of 1995 also referred to the new phenomenon of child beggary and street employment, as children resorted increasingly to the streets in search for income for their families. The author foresaw that this practice would keep children away from education, create financial temptations and support a tendency towards committing crimes in search for money. (Yousif, 1995).

**Northern Iraq:** Several studies on the living conditions of street/working children have been conducted in the northern Kurdish governorates since 1997. The first survey targeting this group of children took place in Erbil in 1997 with 3121 children (DOSA, University of Salahuddin, SCF/UK & UNICEF, 1997). In 2000, UNICEF and KSC performed a rapid assessment of the situation of working street children in Erbil and Sulaymaniyah that included both the children and their caregivers (Salem-Pickartz, 2000). The sample was very small, including 40 randomly selected children up to the age of 14 and their caregivers, but it yielded a number of interesting indicators. In the same year the Iraqi Kurdistan Research Project, a joint project of the local authorities and the University of Durham, performed the so far most comprehensive survey on children working in the governorate city centres of Erbil, Sulaymaniyah and Dohuk. A total of 4327 children were interviewed, rather equally distributed across the three cities. The latest survey was executed in July 2002 in collaboration between STEP, MOLSA and UNICEF among 802 street/working children in the governorates of Sulaymaniyah and New Kirkuk. The survey focused particularly on the districts of Chamchamal, Kalar and New Halabja where many children work in agriculture or are involved in smuggling under sometimes dangerous and difficult circumstances.

These surveys resulted with the following findings:

- **Nearly all street/working children have a family to return to in the evening.** Between 65 and 86% of the interviewed children lived with both parents, the others with one parent (usually the mother) or with relatives. In the later studies, families were found to be more often complete. Nearly no homeless child was identified. The families consisted usually of 6 – 8 members. Up to one quarter of the children came from internally displaced families.
- **The majority of street/working children are male juveniles who substantially contribute to the income of their families through their work.** Between 75% and 99% of the working children were found to be boys. Since 1997, working girls have increasingly disappeared from the streets. Up to one third of the street/working children were younger than 10 years. Most of them gave a large percentage of their earnings to their families and/or adult caregivers. Poverty was cited as the overriding reason that pushed children to work, sometimes against their will.
- **Most children are involved in seasonal work, particularly during the summer time.** All surveys found that around one third of the interviewed children worked throughout the year. The majority worked only during the summer vacation, according to a well - established Kurdish tradition. A comparison between children engaged in seasonal vs. permanent work conducted in 2000 showed that children working throughout the year came more frequently from one-parent households with less educational and economic resources and they had less leisure time although they worked more often in stable jobs. They had slightly less pronounced hobbies than their peers and their prime hope for the future rested primarily on the establishment of vocational training centres.
- **Street children often work together with other family members.** More than half of the working children in Erbil reported in 1997 that their siblings were also working in the streets. Between 30% and 50% of the working children interviewed in 2000 worked under the supervision of older family members and around 20% together with other relatives. Working with family members was most frequently observed if children worked only during the summer time.
- **A substantial number of children work as street vendors.** In the 2000 survey, around 40% of the working children were found to work as street vendors, around 20% each in mobile or stable services, around 15% as shop keepers and only small percentages as factory workers or beggars and garbage collectors.
- **Street work is partly hazardous for the physical and psychological well-being of the children.** Eighty percent of the children in the 1997 survey indicated that they disliked working because of physical exhaustion, little money for very hard and long work and coercion and abuse by parents, employers and people in the

streets. Around one third of the working children interviewed in 2000 reported previous work accidents and injuries and 45% described maltreatment by their boss, customers, colleagues or the general public.

- **Working street children do not eat properly.** In the 1997 survey, all children said that they had breakfast and lunch, but only 83.3% had dinner. The diet was described as basic and of low nutritional value. Only 37.9% ate meat or chicken at least once a month. Likewise, 92.5% of the children interviewed in 2000 reported that they had three daily meals but only half of them described their diet as sufficient
- **At least every second working street child suffers from untreated health problems.** In 1997, the majority of children suffered from chronic and usually untreated health problems. Persistent health problems were reported by 45% of the working children in 2000. These were mostly chronic fatigue and respiratory tract problems. Only 45% of the affected children had however, received medical care for these problems.
- **A substantial number of street working children work all days, all week and have no leisure time.** The various studies found that between 20 and 30% of all working children had no leisure time at all. Sixty percent of the children interviewed in 2002 worked all days of the week, more than 7 hours per day and frequently without opportunities for rest during their work.
- **Working street children spend much leisure time on resting but they want more leisure time opportunities.** In the 2002 survey, half of the children spent their leisure time exclusively on resting yet all of them expressed distinct interests in various hobbies. Sports was the most preferred leisure time activity, followed by watching TV, playing a musical instrument, drawing and acting. Only one of ten working children had however, an opportunity to attend the existing drop-in centres for street/working children or local youth clubs, mainly because these facilities were too far away from their homes or work places. In the 2000 study, having sports stadiums ranked highest amongst street/working children's hopes for the future, before vocational training centres, amusement parks, swimming pools and youth centres.
- **At least half of the street/working children attend school.** All studies found that working children who no longer attended school had usually dropped out between 4<sup>th</sup> and 7<sup>th</sup> grade. Later studies observed that working children tended to leave school at a later stage. More children indicated in the later studies that they left school because of low learning motivation, lack of academic success and lack of family support for education.
- **Half of the street/working children are interested in continuing their education.** In the 2000 and 2002 surveys, 45% of the street/working children were found to be illiterate. At least 50% of the interviewees indicated an interest

in resuming education, yet they favoured vocational training over completing compulsory education. Their caregivers supported such wishes but they said that the family and/or the child needed financial or material support in order to pursue further education. The caregivers also preferred vocational training more so than elementary or secondary education.

**Central and southern Iraq:** The care for street/working children that has grown in central and southern Iraq since 1997 has been largely shaped by a strongly institutionalised approach, based on the provisions of the JCL and the LL (3). These laws consider street/working children under the age of 15 years as vagrants and beggars engaged in illegal activities. Children falling under these laws were arrested by the police and referred to transit homes for juvenile delinquents until their case was processed by court and they were either released or transferred to a rehabilitation centre. It was not until June 1999 that the first rehabilitation home for street children (“Al Rahma”) opened in Baghdad. It separates street/working children detained by the police from other juvenile delinquents during the process of investigation and rehabilitation. Case studies of children of both sexes attending Al Rahma in 1999 revealed a social profile of most children that were characterized by dire poverty, low educational attainments of parents, family break-ups or the death of one or both parents. More than half of the children were illiterate. Many families refused to accept the children again in their homes because they were unable to supply for their basic needs. In many cases, the children themselves did not want to go back to their families because of the harsh general living conditions and experiences of abuse. Girls were particularly terrified to meet their families again. They were afraid to be killed because they ran away and thus damaged the honour of their family.

**MICS 2000** shed a first more representative light on the situation of working children throughout Iraq. The survey found that 15% of all 5 – 14 year old boys and 13% of all girls of this age group were working outside their homes. Another 21% of boys and 49% of girls were engaged in domestic work up to 4 hours daily (Republic of Iraq & UNICEF, 2001).

#### *2.1.2. Children without Primary Caregivers*

Children without primary caregivers are all those who are deprived of their first source of protection, generally their parents, through temporary or permanent loss of contact or separation. This category also includes children who have been placed in alternative care by their caregivers or who have been removed by the state from parental care, have been kept in prolonged hospital care and those who have been detained in educational, remand, correctional or penal facilities as a result of administrative or juridical decisions. This section focuses, however, only on the group of children without primary caregivers in Iraqi orphanages, the so-called “state homes”. The other groups are dealt with in the respective sections of this chapter.

**Historical background:** In spite of the fundamental changes that Iraqi society has undergone since 1990, family structures seem to have remained largely intact. The countrywide MICS 2000 found that around 95% of all 0 – 14 years old children lived together with both of their parents. Another 4% lived only with their mothers, mainly due to their fathers’ death, 1% lived with their fathers only and only 0.4% of them did not live at all with their biological parents. This mostly affected older children (Republic of Iraq & UNICEF, 2001).

Iraq has a strong tradition of providing substitute care for children without caregivers within their extended families. Social customs in Iraq, like in all Islamic countries, oblige the extended family and the community as a whole to be responsible for children whose parents are unable to raise them properly. This obligation was originally formulated in the Qur'an and consequently elaborated in the Islamic Shari'a law. Until now it has protected many children from serious harm to their development and well being. The SWL of 1980 formulated the state's social care policy for all needy citizens (4), but even in 1990 the total number of orphanages in Iraq did not exceed 25, serving a total of 1,190 children (Yousif, 1995). The 1990s saw a sharp increase of the number of families and children in need of support by the SWL and at the same time a serious deterioration of service provision. Subsidies for needy families and children had to be cancelled in 1993 because of the Iraqi government's lack of cash. In 1999, 19 orphanages served only a total of 610 children in central and southern Iraq (4 in Baghdad, 15 in other governorates; 10 for boys, 7 for girls, 2 for small children). The inability of the government to rehabilitate these state homes that had been damaged in the 1990 war, the exodus of qualified staff, the lack of educational equipment, material and programs as well as insufficient food supply and health care all contributed to this situation (UNICEF, 1997).

**Central and southern Iraq:** A detailed needs assessment was conducted in 1999 in six orphanages in Baghdad, Nejef and Kerbala, home to 288 children (Salem-Pickartz, 1999). It generated the following results:

- The main reasons for the admission of the children were parental divorce, the loss of one or both parents, the imprisonment of one or both parents or maternal remarriage after divorce. All children came from very poor families. The heads of the orphanages indicated that there were many children in the surrounding communities who fulfilled the same admission criteria but they were not accepted because of limited institutional capacities.
- All institutions suffered from significant shortages of food and clothes. Building conditions, heating and provisions of blankets were partly deficient. Basic health services were provided by the Ministry of Health yet first aid kits; emergency medicine and resident medical assistants were frequently missing. Lack of transportation posed a problem for some institutions if more specialized medical treatment was required.
- Most institutions were spacious and had outdoor playgrounds, yet the equipment for outdoor activities was minimal.
- Due to a fundamental shortage of toys, sports, outdoor, vocational training equipment and material the children had very few opportunities to engage in age-appropriate play and other activities according to their interest, individually or in groups.
- The low staff: children ratio, the low professional qualification of most staff members and the absence of on the job training schedules impaired the quality of the relationship between the children and their caregivers. The majority of the

interviewed directors showed, however, considerable empathy and understanding for the children.

- All children attended school, yet the pursuit of their home studies was in all institutions hampered by a lack of stationery and books and insufficient instructional support. Few young adults attended universities.
- The psychosocial support needs of children who had been subjected to physical and emotional neglect, verbal, physical and sexual abuse or abandonment were hardly met due to the lack of qualified personnel.

Although all orphanages tried to strengthen the relationship between children and their families, lack of staff and transportation and the difficult social and economic conditions of many families reduced their chances of reintegration. Many children who visited their families were negatively affected by their living conditions. Especially girls reported being abused and maltreated at home. Adolescent boys who did not continue their education usually left the orphanages at the age of 15 in order to enrol in the military. Those who pursued higher studies stayed in the orphanages until they completed them. Most orphaned girls started to work as volunteers in the state homes once they reached maturity, joined foster families or entered an arranged marriage. The heads of the institutions observed throughout the 1990s an increase of incidents of abuse and exploitation of young women, both by their foster parents and their spouses.

**Northern Iraq:** In 2001, a total of 8 orphanages in the three northern governorates were home to 159 girls and 245 boys (UNICEF Iraq, 2001). Some local surveys identified several thousands children in need of family substitute care in various districts. Both local government representatives and NGOs estimated that only around 10% of these children could be served by the existing institutions. MOLSA Sulaymaniyah opened consequently so-called feeding centres in the district centres of Halabja, Darbandikhan, Chamchamal and Koya that cater for the needs of a total of 117 boys and 25 girls. Children attend these centres only during the day. They receive one meal, attend education classes and participate in recreational activities such as sports, music, drawing etc.

The predominant reasons for children's admission to orphanages were again the death of one or both parents or divorce. Many children came from poor women-headed households that had resulted as a consequence of the wars and internal conflicts, during which fathers were killed, deported, imprisoned or disappeared. If the mothers did not remarry they faced usually great difficulties in sustaining their families economically. There was in fact only a small number of children who had no parental relatives, yet relatives seemed often unable to keep the children in their households because of their economic inability to meet their children's basic needs.

Contrary to the situation in central and southern Iraq, most orphanages in the north had undergone substantial renovation in recent years. Clothes, food and health care provision relied primarily on supply by the OFFP or by international NGOs. Orphans in the north also received some pocket money. All children attended local schools and were supervised by

teachers during their home studies. Leisure time and vocational facilities were rare in most institutions. Like in central and southern Iraq, directors and social workers of most orphanages appeared well-experienced and knowledgeable, yet the nurses and night monitors usually lacked knowledge and skills in order to deal efficiently with the children's psychological and social needs. Shortage of staff was observed in some institutions. Low salaries led occasionally to low work motivation and forced particularly male social workers to pursue a second employment.

### 2.1.3. *Children with Disabilities*

The state of children with disabilities in Iraq before 1990 is unknown, although they have been provided with free schooling and vocational training since the SWL was issued in 1980. The UNDP sector report of March 1999 registered for the pre-1990 period 43 institutions for children with disabilities in the country with a total of 5000 beneficiaries.

**Central and southern Iraq:** In the mid-1990s, 45 institutions were found in central and southern Iraq with a total of 3286 students (Yousif, 1995). A rapid assessment conducted in 1999 showed 50 institutions in centre/south that served 3283 students (UNICEF Iraq, 1999/1). Nineteen of these schools (44%) served students with hearing and speech/language problems, 15 (30%) children with mental disability, 5 (10%) were vocational training institutions and only 2 schools each were available for blind, physically and severely disabled students. More than 40% of these facilities were located in Baghdad, although the capital houses only 23% of the total population. Only the institutions for children with severe and multiple disabilities were boarding schools. All other schools operated on a day care basis. Exact data regarding the total number of children with various disabilities were unavailable.

The reduction of the number of students attending special education schools happened due to the partial destruction of the buildings during the Gulf War 1991, increasing shortages of material and educational resources and transportation problems due to a lack of spare parts for the maintenance of school buses (Yousif, 1995). Training institutes for special education teachers closed down in 1991 and many qualified staff members left schools because of low salaries. Schools became unable to provide a meal that met the nutritional requirements of the children and parents ran out of means to pay for the transportation of their children to school by private taxis or buses.

Throughout the 1990s, officials and families in central and southern Iraq observed an increase of congenital and acquired childhood disabilities. Reported reasons were malnutrition of the mother and the baby and peri-natal complications due to deficiencies in health care provision. The increase of communicable diseases and high fever in early childhood because of lack of medication and services also seem to have played a role (Temprano, 1998). Health professionals connect some new forms of multiple congenital disabilities with remnants of chemical and nuclear ammunition from the Gulf War 1991. Exact data are again unavailable. Anecdotal reports, particularly those of health care providers, suggest that currently mental disability ranks first among children, followed by physical disability, hearing and visual impairment (UNICEF Iraq, 2002)



**Northern Iraq:** Information on children with disabilities in the three northern governorates is somewhat more detailed. In 2001, these children were served by nine public institutions that were all located in the governorate city centres of Erbil, Dohuk and Sulaymaniyah. Seven of these institutions provided primary education for children with disabilities between 6 and 15 years of age and the other two were vocational training institutions. Three of the schools catered for the needs of children with hearing impairment and 2 each for visually and mentally disabled.

The situation of children with disabilities in northern Iraq was first explored in a survey on children in especially difficult circumstances in Erbil governorate which included 530 children with disabilities and their families (DOSA, University of Salahuddin, SCF/UK & UNICEF, 1997). Hearing and speech-language impairment were diagnosed most frequently, followed by disability of the upper or lower limbs, visual disability and mental retardation. More than half of the children indicated that they had acquired their disability due to accidents related to the wars, internal conflicts, fires, and falls, home or street accidents. A considerable number reported an acquired disability because of poor medical care. More than half of the children attended school more or less regularly but reported that they were not happy, because people in the community, teachers and classmates made fun of their disability.

The registration of disabled population in the governorates of Erbil and Dohuk, carried out by the local authorities in 1998, provides a more accurate picture of the situation. A total of 15,000 persons with disabilities were identified of whom 5,434 were less than 18 years of age (36%). Considerably more boys (58%) were registered than girls (42%). Infants and toddlers (0 – 3 years) constituted 12% of the sample, 10% were in preschool age (4-5 years), 39% in primary school age (6 – 11 years) and 39% in secondary school age (12 – 17 years). Close to three quarters of the registered children with disability came from Erbil governorate and 80% of them lived comparatively close to the available educational and rehabilitation services. Access to services was, however, much more difficult for many disabled children living in the remote areas of Dohuk governorate. The children suffered mostly from impairments of the neuro- musculo-skeletal system, followed by mental retardation, hearing and speech-language difficulties and visual disabilities. Twenty-three percent of the children had multiple disabilities. In 58% of the cases, the disability was reported to have been acquired through birth-related incidents. Girls appeared to be more frequently affected by complications during delivery than boys and they suffered from hip dislocation nearly three times more often than young males. Boys were twice as often victims of amputation as girls. More than one third of the children moved independently, twelve percent moved with assistance and more than one quarter were seriously impaired with regard to their freedom of movement.

The ACORN Children Rehabilitation Centre in Sulaymaniyah registered a similar profile of children with disabilities that were admitted to the centre between 1993 and early 2001. Impairment of the lower limbs, slow physical development and cerebral palsy were diagnosed most frequently. Girls constituted 45.69% of the sample. Fifty-nine percent of the disabilities were reported to have been acquired during the pre-, peri- or postnatal period. Only 67.4% of the registered children who were in school age actually attended school. The

attendance rate varied depending on the type of disability. Children with impairments of the upper or lower limbs and those with impaired bone development were most frequently enrolled in school, while many other children with disabilities stayed at home.

#### 2.1.4. *Mine Victims*

**Information confined to northern governorates:** During 30 years of conflict between the Kurdish factions and the Government of Iraq, the Iraq-Iran War, the Gulf War and the Kurdish uprising, huge amounts of land mines were laid along the northern and eastern border areas of Iraq. No information is available about children as mine victims in central and southern Iraq, yet the situation in northern Iraq has been carefully analysed during the last years. At least 3 million land mines were identified across the three northern governorates, with a particular concentration in the mountainous areas bordering Iran. Until 2000, a total of 1,226 villages had been found contaminated with mines and Unexploded Ordnances (UXOs). Two thirds of those villages are situated in the governorate of Sulaymaniyah. Around 700,000 people live in 4,500 villages across all mine-affected areas. They constitute 29% of the whole population. According to UNOPS, the life of every fifth Kurdish family is potentially endangered by mines and UXOs (Mine Advisory Group, 2000).

Between 1991 and early 2001, 12,508 persons became victims of land mines and unexploded ordnances. Death or injury through land mines occurred twice as often as through UXOs. The majority of the victims were farmers (1,706), shepherds (1,660) and students in the villages (1,660) (UNOPS, 2001). Accident risks were reported higher in poor rural communities where people were more likely to graze their animals or collect water and firewood in mined areas. In case of children, the majority of mine and UXO-related accidents occurred when they were salvaging them for sale or playing with them, herding animals or collecting firewood. Children under 16 years of age constituted 27% of all mines and UXO victims. The total number of child victims was 2,567, of whom 898 were killed and 1,689 injured. These figures might however, under-represent the true magnitude of the problem as, according to the MAG – Northern Iraq, many were killed instantly or did not survive long enough to reach a hospital due to the long distances and lack of adequate transport and first aid. The number of mine victims has decreased throughout the years, due to the mines clearance activities and mines awareness campaigns. The threat of accidents remains however, as long as there are undetected explosives in the area.

#### 2.1.5. *Children in Conflict with the Law*

**Nothing known about central and southern Iraq:** The former government of Iraq never allowed insight into the situation of children in conflict with the law. There are no pre-1990 data about juvenile delinquents in Iraq and those available for the 1990s from central and southern Iraq are sparse and highly inconsistent (Yousif, 1995; UNICEF Iraq, 1999/1). It was not until 1999 that a dialogue started between UNICEF, the French NGO EM/DH and MOLSA to improve the situation of street/working children who had been detained as vagrants and beggars. The relevant information is presented in the earlier section on street/working children.

**Northern Iraq:** The situation and rehabilitation needs of juvenile delinquents held in the three juvenile reformatory centres in northern Iraq is fairly well known due to good

collaboration between local authorities, local and international NGOs and UNICEF (5). The reformatories are only for male juveniles while the very few detained girls are kept together with adult women prisoners until now. Prior to the establishment of these centres in 1997 and 1998, all juvenile delinquents were detained together with adult offenders in the local prisons. In the pre-1990 period, they used to be sent to public security institutions in Mosul and Basra for investigation and trial.

**A low number:** A review of registered children in conflict with the law (Salem-Pickartz, 2000) showed an overall low number with strong fluctuations. After a temporary rise in the first half of the 1990s their numbers stabilized and consequently even decreased. In May 2001, a total of 65 juveniles were counted in all three reformatory centres of the north. These were mainly sentenced because of theft, followed by homosexual acts with consent, manslaughter and murder. Manslaughter involved mostly fatal accidents and murder was mainly committed as crimes of honour in the context of family feuds. The authorities and NGOs hinted at the fact that Kurdish society is used to regulating minor offences through social mediation.

According to 1999 documents of the Juvenile Justice Court responsible for the governorate of Sulaymaniyah, only 33 of the 265 juveniles who were charged with criminal offences were admitted to the juvenile reformatory centre. The latter were mainly adolescents between 15 and 18 years of age. The data of KSC, a local NGO in Sulaymaniyah concerned with the legal protection of children in conflict with the law, provide also some insight into their situation. In 2000, 78 children were accused of fights, 51 of vagrancy, 27 of stealing and 12 of homicide attempts. The children were sentenced to imprisonment with considerable variation in length for the same crime (KSC, 2001; Save the Children-UK & UNICEF, 2001). An analysis of the social background of 100 of these young offenders in the same year yielded the following data: 15% of the children were illiterate, 55% had left and 35% were still attending school. Only 4% were girls and three quarters of them were working children. In 78% of the cases, the children's fathers were dead. Approximately one third of the children came from outside Sulaymaniyah city centre. With 85%, first time offenders prevailed by far in this sample (KSC, 2001)

A rapid assessment of the social background of detained and sentenced children in the three reformatory centres in the north (Salem-Pickartz, 2000) revealed that most of them came from poor families with strong deficiencies in their upbringing. The majority had no or only basic literacy skills and most had previously been vagrants or street vendors. It was reported that a number of juveniles were forced by adults to commit crimes.

#### 2.1.6. *Internally Displaced Children*

**No information about central and southern Iraq:** IDPs are defined as “persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence” (OCHA, 1999). It is known that forced expulsion and resettlement have not only taken place in northern Iraq during the last decades but also in the centre and the south. This happened particularly during the Iraq – Iran War (1980 – 1988). According to reports of Iraqi refugees to UNHCR, Iraqi citizens who were suspicious to the previous government have

also often been forcefully transferred to new places of residence. Nothing is known about the situation and needs of this group of citizens in central and southern Iraq.

**Northern Iraq:** A comprehensive survey of the situation of IDP families in the governorates of Erbil, Sulaymaniyah and Dohuk was conducted in 2000 (HABITAT, 2001). With 805,505 individuals and 141,234 families, IDPs constituted 26% of the population in Sulaymaniyah governorate, 18% in Erbil and 25% in Dohuk. They presented a colourful mosaic of highly diverse biographies, living conditions, resources, needs and aspirations (6). It is near to impossible to establish “the” IDP family profile for the Northern governorates.

IDP families lived in tent camps, collective towns, public or apartment buildings. More than half of them were displaced in the governorate of their original place of residence. The majority had been villagers before. The highest degrees of concentration of IDP settlements were found in the areas of Darbandikhan and Sulaymaniyah. Families who were displaced during the 1970s and 1980s by the government of Iraq constituted the largest proportion of IDPs, followed by victims of the 1988 Al Anfal operations, victims of infighting; Kurds, Arabs and Turks expelled from the Kirkuk area in recent years. The number of new IDPs has steadily decreased since the mid-1990s.

The majority of the IDP population lived in either collective towns or self-built houses. Only 49% of these residential areas had an infrastructure that provided primary, intermediate and secondary schools, health centres, market places and public transportation. At the household level, 39% of the IDP population still suffered from deficits in the provision of water, electricity, sanitation, drainage and access by road. The worst settlement conditions were found in Erbil.

IDP families complained frequently about lack of space in their homes. Many heads of household were illiterate (63%) and unemployed. Around 60% of all households had at least one vulnerable family member (a widow, elderly, disabled or an orphan). This situation was particularly prominent in Erbil and Dohuk where many families were headed by widows. Women constituted as a whole 10% of all IDP heads of households. Around two thirds of the families received OFFP assistance.

Within the families, it was found that only 62 % of all girls in school age, but 84% of all boys attended school regularly. The literacy rate for males over 5 years in the family was significantly higher (62%) than for females (43%). There are no further data available on IDP children.

Only 45% of the IDP families expected to go back to their place of origin in the future. The wish to go back seemed influenced more by the level of crowdedness in their present households and the deterioration of working conditions than by any other factor. Heads of households expressed a high need to improve the living standard of their families through better shelter and more employment opportunities at the site in which they were actually living.

2.1.7. *Child Victims of Abuse, Neglect and Exploitation*

**Difficulties to obtain information:** In any society it is difficult to protect child victims of verbal, physical and/or sexual abuse or (sexual) labour exploitation, because much of this suffering takes place behind closed doors of their families, public institutions or illegal work places and is not easily recognized. Like in all Islamic countries, the rights and responsibilities of families regarding the upbringing and treatment of their children in Iraq are highly respected. Communities and public authorities are very reluctant to interfere in family affairs. The situation of children in Iraq who have experienced neglect and abuse in their families is, therefore, generally unknown. The same is largely true for children subjected to abuse and exploitation at illegal work places or in institutions such as orphanages, street children homes and juvenile reformatory centres.

**Few qualitative data from northern, central and southern Iraq:** A selected sample of primary school students in Baghdad who had witnessed severe bombing during the Gulf War 1991 were interviewed by two different study teams of Harvard University in 1991 and 1993. They described an increase of incidents of child abuse in their families from 22% to 42%, primarily because of the inability of parents to provide food and clothing. The street children survey in Erbil (DOSA, University of Salahuddin, SCF/UK & UNICEF Iraq, 1997) found that children as young as 4 years were already involved in income-generating activities in order to contribute to the family income. Of the 3,121 street / working children interviewed, 18% were between the ages of 4 and 6. The abuse and exploitation of street/working children has already been described in the respective section 2.1 of this document.

The assessments of the implementation of the OFFP and of the situation of children in need of special protection in both northern and central/southern Iraq (UNICEF Iraq, 1999/1; Salem-Pickartz, 1999; 2000) also shed some light on the existence of problems of abuse, neglect and exploitation. NGOs like the Iraqi Family Planning Association and the GFIW observed an increase of family conflicts, divorce and polygamy under the economic embargo. The number of women-headed households rose too, and more mothers engaged in employment in or outside their homes for income. Girls consequently tended to drop out of school in order to help their working mothers at home. Orphanages were confronted with a rising number of abandoned children, as extended families became depleted of resources to care for a parentless child. The directors and social workers of orphanages in both northern and central/southern Iraq described that, contrary to the time before 1990, children in their care were more frequently verbally and physically abused and exploited as cheap labourers when they visited their families during the weekend or during the summer vacation. Exploitation through long and exhaustive work affected more boys than girls, while girls were particularly exposed to abuse. In certain sectors of the Kurdish population, particularly in rural areas and among the less educated, professionals observed little awareness among parents/caregivers concerning children's needs and rights. For this reason they did not advocate family reintegration without providing regular follow-up, monitoring and guidance for the families. Some cases of severe maltreatment of children were reported after they returned from the orphanages to their families for good.

In the course of the 1990s, professionals became similarly more worried about the fate of orphaned girls who were given into the care of relatives or foster families, as the girls started

to complain more frequently of abusive and exploitive treatment. International and local NGOs supporting foster-family programs in northern Iraq also emphasized the need to supervise and guide foster families in order to assure that they provided the children with appropriate care and did not exploit them through work.

EM/DH, the French NGO involved in the care for street children in central/southern Iraq since 1997, reported a number of incidents of physical abuse of street/working children by the staff of the transit and rehabilitation homes. These incidents happened mainly in situations in which staff feared to lose control over the children, due to understaffing and lack of training in more adequate intervention methods. Abuse and sexual exploitation among male children has sometimes been noted in orphanages in northern Iraq, due to lack of adequate staffing. This caused insufficient supervision, particularly in the afternoons, evenings and at night.

Signs of child prostitution, affecting both girls and boys, have been recognised in the city centres of Iraq throughout the 1990s although this phenomenon has been denied by the authorities. Families became more afraid of the danger of child abduction and rape through organized groups. An increase of such incidents was repeatedly reported. Minor Iraqi children have also been found as illegal sex workers in neighbouring countries such as Jordan. While girls seem to pursue this work nearly always in an organized group under the “protection” of an adult male or female, male adolescents work often alone in high-risk situations. The latter are mostly illegal refugees.

International NGOs observed a considerable number of underage children, mostly girls, working under very unfavourable conditions in government-related carpet factories in northern Iraq, yet the dialogue with the local authorities about improving their situation has only moved slowly. Local NGOs like KSC and the Federation of Kurdish Women were aware of a good number of girls working in private households under conditions of exploitation, yet their families refused to speak about their children’s work.

#### *2.1.8. Children in Distress*

Iraqi children in distress received first attention following the Gulf War 1991. A survey conducted by the Harvard Study Team in Baghdad in 1991 showed that the war and the trade embargo had an obvious effect on Iraqi families. Fifty-seven percent of all interviewed women were suffering from symptoms such as anxiety, depression, irritability, insomnia, loss of weight and headaches. This in turn affected their behaviour towards their children negatively. The study also showed that 87 % of children were constantly thinking of the war, 80% were fearful and uneasy, 75% felt sad and miserable and four out of every five children expressed fears about losing their families (UN – CRC Committee, 1996). Approximately 30 teachers were consequently trained with UNICEF’s support to offer psychological rehabilitation programs for children but no mechanism was developed to establish a stable system of such services.

In 1994, Diakonia Sweden opened a special orphanage in Dohuk in northern Iraq for the treatment of children between 6 and 10 years of age who had been severely distressed and traumatised in the course of the local conflicts. It consequently established the ‘Psychosocial

Education, Treatment and Consulting Centre (PSETC) in 1997 with the support of the European Union. This centre serves all three northern governorates by spreading awareness and knowledge about stress and trauma among health and social service professionals and educators. From 1998 to 2001, a training program in the psychosocial rehabilitation of traumatized children was conducted with 80 teachers, nurses, physicians and social workers from government institutions across all three governorates. As a result, the authorities in northern Iraq now own a certain technical capacity to identify children suffering from psychological distress and trauma.

In 1996, UNICEF supported the establishment of one psychological guidance centre in each governorate city centre in northern Iraq and provided training for 20 social workers in the detection and treatment of childhood trauma. Shortcomings in technical supervision and management as well as low staff salaries led to the closure of two of these centres. The psychological guidance centre in Erbil has however, continued its work in collaboration with the psychology department of the University of Salahuddin. The centre concentrates on identifying and treating school children. Most children who are referred to the centre by teachers suffer from fears, phobias and sleep problems.

## 2.2. CHILDREN'S PROTECTIVE ENVIRONMENT

This section investigates the political, legal, institutional, technical and social resources for CP in Iraq prior to the 2003 war. If these are adequately used and combined, they can lay a first foundation for a prevention, protection and rehabilitation net for vulnerable children. The section also highlights current deficits in the various areas that need to be addressed in the development of future comprehensive CP policies and strategies in Iraq.

### 2.2.1. *Changing Government Commitment to CP*

While before 1990 the number of children in need of protection seems to have been limited but also never exactly known, the 1991 Gulf War and the economic embargo forced the government of Iraq to give priority to securing the survival needs of its population. Social policy of the Government remained centrally planned, executed and controlled as before and dominated by the idea of providing for all without considering particularly vulnerable groups. Lack of coordination between the different ministries made it also nearly impossible to address new and important cross-sectoral issues in water supply, nutrition, disease control, health care and CP. The OFFP did not include any specific CP component until 2001 either.

The response of the CRC committee of 1998 to Iraq's report of the implementation of the CRC became a starting point for a first-time dialogue between the central government, local Kurdish authorities respectively and UNICEF on acknowledging and improving the situation of vulnerable children in Iraq. In the northern governorates, international and local NGOs have been included in this process from the very beginning. UNICEF was certainly the driving force behind this endeavour. A long period of building trust and confidence was needed before all parties were able to look with open eyes at the problems at hand and enter a state of practical cooperation. In 2002, both the central government and the local Kurdish authorities had acquired a considerable understanding of the nature of the problems that vulnerable children face and agreed to take more action. At that point, inter-ministerial working groups, the so-called "JCCs" of the JCL, were re-activated in northern Iraq in order to coordinate efforts to improve the situation of street/working children and children in conflict with the law. The national CWC reconvened in Baghdad. Since then, the pending danger of a war against Iraq has put however, many initiatives and projects on hold.

### 2.2.2. *A New Paradigm of CP*

Traditionally, both the central government and the local Kurdish authorities have viewed children with protection needs either as beneficiaries of the state welfare system, as in the case of children with disabilities or those without primary caregivers, or as potential offenders of this system, for instance with regard to street/working children or juvenile delinquents. Reactions have been marked by a strongly institutionalised approach under the assumption that these children could be rehabilitated in separation and then sent back as better functioning members into their families and communities. In general, children with protection needs were looked upon as being a deviant minority group and consequently no serious effort was undertaken to assess their total number and needs.

The dialogue that has developed since 1998 between the government, local authorities, UNICEF, international and local NGOs has led to a gradual rethinking of the CP paradigm from a children's rights perspective. The focus has shifted from the rehabilitation in



institutions to prevention, early intervention and rehabilitation in the natural social environment, and from entrusting professionals and experts to empowering families and communities to assume responsibility for their children's protection. There is also a growing understanding that children's protection needs stem from a combination of individual, social and environmental influences. First projects have consequently started with the aim to secure children's protection rights at the earliest possible time in their natural environment, taking the diversity of these influences into account.

### 2.2.3. *Official State Policy, Laws and their Application, Monitoring and Reporting Systems*

Iraq considers children and families as the nucleus of society and the basis of its pyramid (Iraq State Report to the CRC Committee 1996). It ratified the CRC in 1994 with reservations to Article 14.1 (freedom of choice of religion). It shares this reservation with almost all countries where Islam is the official or majority religion, as per religious doctrine Islamic faith cannot be given up and exchanged for any other one. Following the ratification, the CWC was founded as the body to oversee the implementation of the CRC and a Mother and Child Unit was established at the Central Statistical Organization (CSO) in order to create a database on the situation of women and children.

In its report to the CRC committee in 1996, the Iraqi government stressed that it guaranteed the economic, social, cultural, educational, legal and protection rights of children in the Constitution and through a number of legislative instruments that had been created since the 1960s. These were:

- The Penal Code Act No. 111 of 1969
- The Revolution Command Council Decree No. 102 of 1974 that ordered free education for all
- The Compulsory Education Act No. 118 of 1976 that made primary education compulsory for all children
- The Welfare of Minors Act No. 78 of 1980
- The Social Welfare Act No. 126 of 1980
- The Child Welfare Authority Act No. 272 of 1982
- The Juvenile Welfare Act No. 76 of 1983
- The Labour Act No. 71 of 1987 that laid down conditions for the employment of young people.

Iraqi national legislation also includes other provisions relating to children, for example in the amended Iraqi Nationality Act of 1963, the Personal Status Act No. 26 of 1978, the Public Health Act No. 89 of 1981 and the Welfare of Gifted Persons Act.

As a prospering state economy provided abundant financial resources, Iraq was able to put many of these laws into practice until 1990. Based on the SWL, the JCL and the LL, a system of state interventions, services and institutions was put in place that addressed many of the needs at that time presumably small group of vulnerable children and their families. The laws also included a number of tools and mechanisms that aimed at prevention and early intervention. Families with low income, orphans, widows and persons with disability

received regular financial support. State homes were founded for children from disintegrated families and those who had lost one or both parents. In these homes they received substitute care and education until they reached maturity. The social services of the state homes supported children's reintegration into their family and into society to the maximum possible extent. Chapter 5 of part 2 of the JCL describes the process of affiliating a child who had lost both parents with foster parents after a period of careful supervision. Foster parents were obliged to support the child until they were able to sustain themselves or got married. The foster child was entitled to inheritance. A centre for the diagnosis of disability and schools for children with specific disabilities were also opened. Children at risk of social deviance were identified and helped early through the school psychological services and social workers. The GFIW and the GFIY were supported in the establishment of family guidance and youth protection committees. These committees followed up on the rehabilitation of children at risk, either within their families, with foster parents or in rehabilitation schools. The children's primary caregivers were strongly obliged by the law to provide their children with adequate conditions of care and upbringing. A juvenile justice system was also established that included mechanisms of assessing the personal and social conditions of delinquent minors and supporting their social integration through conduct supervision. Children below the age of 15 were not allowed to work. Older working minors were protected from hazardous work and entitled to a rest period during their working work. Child labour for more than 7 hours daily was prohibited.

The economic embargo of the 1990s resulted in an increasing drain of human, material and financial resources that made the maintenance of this CP system more and more difficult. This is described in detail in Iraq's 1996 report to the CRC committee. The CWC has also been mostly inactive and its functions have been primarily executed by MOLSA.

The Constitution and the laws have been valid for the whole country until the 2003 war. In the course of the 1980s, the Kurdish population in northern Iraq became disadvantaged with regard to the allocation of child and family support and rehabilitation means by the central government. During the internal conflicts of the early 1990s most laws were not enforced, yet the local Kurdish authorities have put efforts into their reactivation since 1997/8.

The concluding observations of the CRC committee of 1998 asked Iraq to develop its legislative framework further in accordance with the CRC and to strengthen law enforcement in all areas covered by the Convention. The committee also advocated a closer cooperation with NGOs. It cautioned the government to develop a monitoring and evaluation system for the realization of children's rights, including vulnerable groups of children, and proposed a transformation of the prevailing welfare policies and practices into a rights-based system. The absence of an independent mechanism to register and address complaints from children concerning the violation of their rights according to the CRC was criticized. Main shortcomings were found in the realization of children's participation rights. Children's lack of protection from armed conflicts due to the possibility of early voluntary enlistment in the army was marked as an area that demanded urgent action. Likewise, the government was asked to develop strategies to combat the surging phenomena of vulnerable children in the country and to reform its juvenile justice system according to international standards,

resorting to the deprivation of liberty as the very last option after exhausting all other means of rehabilitation and social integration.

As a consequence, both the government in central and southern Iraq and the local Kurdish authorities started a review of the JCL in 2000 in collaboration with UNICEF. In the northern governorates, this process also included the international and local NGOs and the review encompassed the Penal Code (Winter, 2000). The existing laws were compared with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. A set of proposals for reform were developed in the respective workshops, yet their follow-up has been hampered by the repercussions of the global political developments since September 2001.

As documented in the previous section, Iraq has not been able to develop a comprehensive monitoring and evaluation system for children in need of special protection. The appendix of the National Report on Follow-Up to the World Summit for Children in 2000 contains no indicators in this respect. Even with regard to children with disability who have benefited from state services for a long time, no representative data are available.

#### 2.2.4. *The Role of UN Agencies, International and Local NGOs in the Development of CP Work*

The GFIW, Iraq's official women's organization, has been involved for the longest time in CP, particularly with regard to strengthening the relationship between children in institutions and their families, promoting their reintegration and offering social support and educational guidance to families in difficult circumstances through their local centres. This function was however, substantially affected by the economic embargo.

The local NGO, KSC has worked in the northern governorates of Erbil and Sulaymaniyah since the mid-1990s for the benefit of vulnerable children, particularly orphans, street/working children and juvenile delinquents. It was the first to found a sponsorship system for needy children through regular donations by expatriate Kurds. In 2000, this system served several thousand children. KSC opened the first educational and recreational centres as well as drop-in centres for street/working children in the north and it reactivated the system of nawjawan/yafa'een literacy classes for school dropouts. KSC also offers legal assistance to children in detention and in the reformatories. Its social workers pursue the reunification of children in institutions with their families. Another KSC program supports needy families through financial assistance or income generating projects in order to prevent children's admission to orphanages. Their efforts in this field are supplemented by the activities of the Kurdistan Relief Association and Peace Winds Japan who pursue similar schemes.

The French NGO EM/DH was the first to care for detained street/working children in central and southern Iraq and SCF-UK has been the leading international NGO in this field in northern Iraq. Both organizations started their government-approved work around 1996/7. They have been main agents in bringing the plight of street/working children to the attention

of the authorities. EM/DH work has focused on providing supplies, renovating buildings, training staff and supervising the work in Al Rahma, the street children rehabilitation home in Baghdad, while SCF-UK has concentrated more on research, advocacy and policy development.

Swedish Diakonia has done outstanding work in the rehabilitation of distressed and traumatized orphans in the northern governorates since 1994. Its special orphanage “Hewi” in Dohuk became the springboard for the “Psychosocial Education, Treatment and Consulting Centre PSETC”, founded in 1997, that has served all three northern governorates in training professionals in the identification of distressed and traumatised children who are in need of rehabilitation. This training program is accredited by a Swedish university. It has also promoted public awareness regarding the psychosocial impact of war and internal conflict in the north.

Care International has been involved in the rehabilitation of institutions for the deaf and teachers’ training in central and southern Iraq since 1996.

UNICEF has been the leading UN agency in the field of CP since the early 1990s. It supported an early training of teachers in Baghdad to help children in distress, following the 1991 Gulf War, and the establishment of three psychological guidance centres in the city centres of the northern Kurdish governorates. Both projects remained however, at that time isolated. The rehabilitation of institutions for vulnerable children has been supported since 1996 mostly from non-OFFP resources.

The psychosocial impact assessment of the OFFP and the subsequent situation analyses of vulnerable groups of children in both central/southern and northern Iraq were conducted by UNICEF in 1999 and 2000 in close cooperation with MOLSA in Baghdad and the local Kurdish authorities in the north. This work opened the door for an intensive dialogue with the authorities on CP issues. Based on the analyses, comprehensive CP development programs were designed for both regions that ranged from public awareness measures to technical capacity building programs and legal reviews. The legal review processes started in 2000. In the same year the central government in Baghdad embarked with UNICEF’s support on a NCBP in Psychosocial Rehabilitation. A National Rehabilitation Team was founded, consisting of administrators, university lecturers and practitioners from 10 different orphanages and street children institutions from Mosul to Basra. This team took part in two study visits to modern prevention, early intervention and rehabilitation projects for orphans and street children in Lebanon, Jordan and India. Several training workshops on teambuilding and psychosocial rehabilitation were conducted with the team and the participating institutions in Iraq. The NCBP, planned to last until 2004, was, however, put on hold in 2002 due to the changing political circumstances.

Pre-2003 war, UNICEF supported the early detection of children with disabilities in central and southern Iraq through the re-opening of the National Centre for Early Detection and Intervention. It also planned the establishment of first community-based rehabilitation projects. Since 1999, UNICEF has promoted the idea of establishing drop-in centres for street/working children in Baghdad and it has lent technical and material support to such projects in the north. It also collaborated with the authorities and NGOs (in northern Iraq

only) on the training of social workers who are involved in the reintegration of vulnerable children into their families.

#### 2.2.5. *Quality and Quantity of Technical and Institutional Resources*

The current technical and institutional resources must be regarded as highly deficient for the implementation of both traditional and modern CP concepts. During the 1991 Gulf War, the economic embargo and the internal conflicts led to the loss of many qualified professionals who had previously worked as teachers, trainers, administrators or practitioners. Iraq also encountered severe damage to the buildings and equipment of many institutions and services that were not compensated under OFFP. Assessments of service delivery capacities of the ministries of labour and social affairs in northern, central and southern Iraq were conducted in 2000 and 2001. They found severe shortages of technically qualified staff both in the central administration and within the institutions and service centres. This was particularly valid for the middle and lower staff levels where untrained personnel performed many essential functions close to the children in need. Their number was also generally insufficient. Low salaries and unfavourable working conditions were frequently quoted as main obstacles to the recruitment of qualified personnel.

Technical capacity was also found to be limited at university level, with few professors and lecturers remaining in the fields of psychology, sociology and social work. These experts had been excluded from access to relevant information, new textbooks and scientific exchange programs since 1990. Pre-2003 war, the best technical expertise in CP per training and practical experience was actually found among those local and international NGOs that had been involved in CP work, especially in the northern Kurdish governorates, since the mid-1990s. These organizations had a small number of highly qualified local staff members who were very capable in communicating their knowledge to others. Some members of the national rehabilitation team of the former central government in Baghdad had also gained considerable insight and expertise in the field of CP in the course of the NCBP. Solid and comprehensive technical expertise that could be considered a genuine local technical resource for the development of future CP policies, strategies and practices remained, however, on the whole unavailable.

#### 2.2.6. *Social Traditions and Practices*

A predominantly Arab culture, Islamic faith as the religion of the majority of the population, a highly centralized socialist government that was in place for more than two decades and the impact of 12 years of severe economic deprivation, have shaped current social traditions and practices in CP in various ways:

- *Arab culture* is a we-culture with a strong family orientation. The individual is first of all seen as part of his/her family to whom he/she is accountable and whose well being he/she has to serve. The family is equally obliged to protect and support each individual member. Family relations are traditionally vertically organized according to age and gender, giving superiority to the elder males. Children are highly valued and loved as they contribute to the family's human resources, increase its labour force and perpetuate the family's existence through their own off-springs. In practical terms, Arabs tend to love and care for their

children's lifelong. They teach them obedience towards the elder and the males. Boys and girls are treated differently. All children are raised with a high sense of family responsibility. They support and protect their family under all circumstances, both privately and publicly. Family members always help in solving conflicts both within and between families. Whilst boys are expected to contribute to the family income once they are capable, girls are expected to take care of the home, marry and have children.

- *Islamic doctrine* is laid down in the Qur'an and in the Hadith, the stories of Prophet Mohammed sayings and practices. As one of the five pillars of Islam, all Moslems are obliged to give alms ("zakat") to the poor and needy, starting first of all within their own family. Islam admonishes parents to raise their children with love, provide them with everything they need, teach them what they need to know and encourage them through their own example to do good. This is part of "jihad", the struggle on the way to God. Physical punishment is considered as a very last resort after all other guidance attempts have failed. Children are prohibited from participating in belligerent actions before the age of 15 years and they are granted protection by all military parties. Families and communities are obliged to care for orphaned children and secure their property rights. Iraqi Moslems are consequently dedicated to their children's well-being, do their utmost to provide well for them, value education and teach their youngest morals and principles for life. They encourage peaceful conflict solutions, both in the family and in public. Family mediation often helps avoid minor criminal offences, particularly among youth, to come to the attention of the justice system. Families also have their own social guidance and supervision means for members that are socially at risk. In Iraq, like in all Moslem communities, children without primary caregivers have at all times enjoyed special protection. Usually, they are raised by members of the extended family. In case of parents' divorce they are, however, not easily accepted by later step parents. Iraqi Moslem communities are also known for their support to needy community members through organized charity work, a fact that has surely kept a good number of children within the social network of their families and communities.
- *Baathist socialist rule* introduced a stronger notion of citizens' equality and provided social and economical well being for the vast majority of Iraqis until 1990. The welfare state promoted at the same time, a beneficiary mentality among the population. This, in combination with the brutal oppression of any organized ethnic, political and religious opposition did not give many chances to Iraqis to practice self-responsibility and become social initiators outside mainstream political and popular organizations such as the Baath party itself, the GFIW, the GFIIY and the General Federation of Iraqi students. For these reasons, civil self-organization beyond the existing ethnic, religious and political groups has not been observed in central and southern Iraq during the time of the economic sanctions. Community self-organization has grown more in the northern Kurdish governorates since the mid-1990s.

- *Twelve years of economic sanctions* and the concomitant erosion of the economic and social structure of Iraqi society have created for many families a high level of ongoing material, social and psychological distress. Under such conditions previous values and beliefs, traditions and customs are often questioned and abandoned, hope fades; depression spreads and parents become eventually less consistent and dedicated caregivers. This has certainly raised the risk of parental neglect for those children whose families suffer from severe socio-economic deprivation.

#### 2.2.7. *Children's Own Capacity and Participation*

Until now, children in Iraqi society - and girls even more so than boys - have not played a strong role in shaping their own lives. They are the youngest in their family and in society, both of which are predominantly hierarchically organised according to age and gender. During the time of the Republic of Iraq, children did not enjoy the freedom of expression and assembly. They were only allowed to voice their concerns in the official children's gazettes, radio and TV programs and to participate in the development of Iraqi society through the officially acknowledged children's and youth organizations. Children's experiences in self-protection, self-organization, participation and decision making are, therefore, at best rudimentary. At the same time, those children who became breadwinners for their families under the pressures of the economic embargo have often gained a new sense of importance and responsibility for their families and actually achieved a more influential status.

#### 2.2.8. *CP as a Public Discourse*

CP has only become a subject of discussion between the central government/ the Kurdish local authorities, few international and local NGOs and UNICEF since the late 1990s. The special needs of children in distress and children as mine victims have been addressed within larger segments of the Kurdish population through successful public awareness campaigns. Rapid assessments in 2000 and 2001 showed however, that the general public throughout Iraq is largely unaware of children's provision, participation and protection rights, and particularly so outside the city centres. Much reported child abuse in families is believed to go back to parents' profound ignorance about children's needs and rights.

### 3. Post – War Assessment and Findings

#### 3.1. INCREASED VULNERABILITY

The 2003 war has created a situation in which the vulnerability of Iraqi children has increased even more. They have to deal with both their direct war experiences and the distressing living conditions of the post-war period. Life is still far from normal for large sections of the population, as there is no reliable supply with food, water, electricity, fuel, basic health and educational services (UNOHCI, June 2003) and many families are without income and employment. The prevailing political, economic and social instability makes people feel highly insecure with no vision of a better future. People in northern Iraq appear to be somewhat more settled as the Kurdish authorities have remained in place (interviews with UNICEF CP officers in Erbil and Baghdad on June 24<sup>th</sup> and July 3<sup>rd</sup>, 2003).

The following paragraphs sketch the present challenges to Iraqi children's development and protection rights, based on oral and written reports of involved UN agencies and NGOs. More detailed information will be provided by the countrywide comprehensive CP assessment that has started as of July 1<sup>st</sup>, 2003 as a collaborative project of UNICEF, SCF-UK, SCF-US, IRC, CCF and WV.

**Street and Working Children:** No systematic information is available about the situation of street/working children in northern Iraq in the post-war period yet the unanimous assessment of authorities, UN agencies, local and international NGOs is that their number has exploded (Interview with Veronica Avati, CP officer, UNICEF Iraq in Erbil on July 3<sup>rd</sup>, 2003). It has, however, to be taken into consideration that an increase of the number of street/working children is always observed during the long summer vacation time. Authorities in Kirkuk and Mosul have counted thousands of children in the streets and there are observations that more children are involved in hazardous and exhausting work, as smugglers or domestic workers, due to the dire financial situation of the families following the war. But also in these governorates children go back to their homes in the evening and nearly no child spends the night in the streets. Many children are observed sniffing glue while in the streets, as a way to find temporary relief from psychological pressure and unhappiness, not knowing that this cheap addiction bears a high risk of causing irreversible brain damage. A new phenomenon is also found: minor boys crowd the streets in Mosul and Kirkuk in organized groups and gangs, due to the political tension and insecurity currently prevailing in these governorate city centres. Such gangs become at times involved in confrontations and violent clashes between the CF and the local population.

Rapid assessments of the situation of street and working children in central and southern Iraq following the war have documented an increase in their numbers, yet again confirmed the frequently made observation that there is hardly any homeless child among them (interview with G. Khalil, CP officer, UNICEF Baghdad, on June 30<sup>th</sup>, 2003). There are, however, also reports that children are found sleeping at night between coalition tanks or outside the big hotels (UNICEF CEE/CIS – MENA Desk Iraq Daily Brief 1 – 2 July 2003). In Baghdad, one third of the enrolled street children had returned to the Al Rahma street children rehabilitation home in the course of May. They reported very difficult living conditions in their families with no food, a situation of high insecurity and they felt they were safer and



better provided for in the institution. Many children displayed worries and anxieties (EM/DH, 2003).

**Children without Primary Caregivers:** Nearly all orphanages in central and southern Iraq suffered severe damage due to looting after the war. At the end of May 2003, around half of them were still closed, leaving the children to themselves after they had all been sent to relatives upon government order few days before the war. Children who returned to the orphanages often reported extremely difficult living conditions in their families. Several international NGOs are currently involved in renovating the buildings and securing basic supplies yet the overall situation remains one of great shortages. On June 30<sup>th</sup>, 2003, the UNICEF CP officer in Baghdad described the ongoing challenges to trace the fate of formerly orphaned children and to gauge the overall size of the problem of children without parents in central and southern Iraq after the war.

In northern Iraq, all orphaned children were reintegrated into their families prior to the war for protection reasons. Due to serious family problems, a certain number of them returned, however, to the institutions after the hostilities ceased. Social workers of MOLSA are currently assessing the family situations of these children in order to understand their problems and find solutions. Similar assessments are carried out by SCF-UK in Mosul and Kirkuk. According to informed sources, no increase of the number of orphans in need of family substitute care has been observed as a consequence of the war.

The recent war might also have created a new group of children without primary caregivers, particularly in the southern Iraq. They are those who were taken on their own for emergency medical treatment by the occupying forces because of the war injuries that they sustained (interview with Enda Dowd, UNICEF Basra liaison officer, on June 24<sup>th</sup>, 2003).

**Children with Disabilities:** Post 2003 war information about children with disabilities is sparse and of anecdotal nature. In central and southern Iraq, all day care centres for children were completely looted. UN and international NGO workers in Basra have noted a rising number of accidents, increasing children's disability risk, when begging children approach the vehicles of international visitors (interview with Enda Dowd on June 24<sup>th</sup>, 2003). Children in southern Iraq become also increasingly victims of explosive remnants of war. Some institutions for children with disability in northern Iraq were damaged during the war and are in need of rehabilitation. The situation of children with disabilities has however, remained on the whole rather stable and no new cases of disability were reported. A considerable number of deaf and mute children have recently been identified in Mosul and Kirkuk. These children have never benefited from any services.

**Mine Victims:** UNICEF Iraq has recently stated an acute post-war problem of explosive remnants of war that pose a threat to the health and lives of children and adults. At the end of June, 1700 sites with unexploded munitions were identified in Baghdad only (UNICEF MENA, 07.07.03). An increase in the number of injuries due to unexploded ordnance between May 3<sup>rd</sup> and June 9<sup>th</sup> was reported from sentinel sites in Baghdad, affecting small children, adolescents as well as adults (UNOHCI, July 2003) Artillery shells, grenades, mortar and cluster bombs, rockets and missiles are found not only in industrial areas but also in playgrounds, schools, construction sites and garbage heaps along the roads. Children are

particularly endangered because they cannot gauge the risks of these remnants. Accidents, many of them with lethal consequences, occur most frequently in southern Iraq (UNICEF MENA, 27.06.03). The Mine Advisory Group has registered a total of 300 civilian mine accidents in northern Iraq in the post-war period. The group is currently investigating in how far these accidents have been caused by new unexploded ordnances.

**Children in Conflict with the Law:** Juvenile delinquency after the war is a largely unexplored field for the whole country because systems of public security and justice are still in an early stage of re-establishment. Anecdotal observations by UNICEF hint at the participation of minors in some of the wide-spread looting and the violent clashes that erupt at times between the civilian population and the CF. Minors might be consequently among those detained because of such activities.

**Internally Displaced and Refugee Children:** The situation of IDPs in central and southern Iraq after the war is still under assessment and nothing is known about the specific needs of their children. Currently new IDPs in Baghdad who have found shelter in public buildings face the threat of eviction by the CF, together with urban poor and refugee families in the same situation. The abolition of the previous government has created a situation of hardship for the estimated 100,000 refugees in Iraq, particularly for those who had come from Syria and Palestine since the 1960s and who formerly enjoyed strong official protection. Since the war, many families have been forced by their landlords or their neighbouring community to leave their homes. Inhabitants of Al Tash refugee camp near Baghdad reported shooting, looting and xenophobic attacks by the local population. Likewise, the Roma communities in Abu Ghraib and Al Rasheed who were also protected by the previous government experience growing conflicts with their surrounding communities (UNOHCI, June 2003).

While population movements in northern Iraq due to combat actions appear to have been short-term, a number of IDP families who were forcefully displaced during the previous decades have started to return to their places of origin. Their movements between the northern governorates Erbil, Dohuk and Sulaymaniyah on the one hand and Mosul and Kirkuk on the other hand have created new social conflicts as disputes on land property rights ensue. As a result, Arab residents fled from several villages in Tameem governorate following the return of Kurdish families from Erbil (UNOHCI, July 2003). The situation of IDPs from the 1980s and 1990s in Kirkuk, a previously neglected area, has only recently been assessed by the World Food Programme and the Norwegian Refugee Council. Very poor conditions of water, sanitation and health facilities were reported.

**Child Victims of abuse, neglect and exploitation:** Only anecdotal information is available about the situation of children exposed to neglect, abuse and exploitation following the war. In May and June 2003, Human Rights Watch investigated and documented a rise of incidents of sexual violence and abduction of women and girls in Baghdad, mainly due to the absence of a functioning public security apparatus. As a consequence, girls and young women drop out of schools and become confined to their homes. The coordinating CP committee in Baghdad that includes representatives of the CF, the CPA, MOLSA, UN organizations and international NGOs working in this field is currently preparing an assessment form for a more systematic inquiry into the nature and scope of these problems (interview with Ghassan

Khalil, CP officer, UNICEF Baghdad, on June 26<sup>th</sup>, 2003). There have been observations of a rise of violent interactions between children in the northern governorates (interview with Veronica Avati, CP officer, UNICEF Erbil, on July 3<sup>rd</sup>, 2003).

**Children in Distress:** The war and the consequent insecure situation in Iraq have very likely caused more severe distress for Iraqi children but the actual scope of this problem is unknown. First observations from the countrywide CP assessment confirm that many children experience the unpredictable post-war situation as more distressing than the war period itself. Efforts are currently underway by UNICEF, some international and local (northern) NGOs to address the needs of distressed children within general CP programs. Such programs promote children's resilience and skills to cope with ongoing difficult situations, as well as the establishment of safe child-friendly spaces.

**Child Prisoners of War:** As children can join the military at the age of 15 years, it is expected that a certain number of them have become prisoners of war. Their fate is currently unknown yet they will be in dire need of protection.

### 3.2. CHANGES IN CHILDREN'S PROTECTIVE ENVIRONMENT

**Regional differences:** As a consequence of the 2003 war, the majority of Iraqi children are even more exposed to the risks of physical and mental violence, injury, abuse, neglect, maltreatment or exploitation than during the post-1991 war period and the time of the economic embargo. This is particularly valid for children in central and southern Iraq, while the situation in the northern Kurdish governorates has remained more stable due to the fact that the local authorities have continued their work.

**Less legal and family protection:** The absence of a system of government, law, order, public security and a functioning justice system leaves children exclusively to the hands and protection of their primary caregivers who themselves have to struggle hard to cover basic needs. More children seem to be forced to contribute to their family's survival through income generating activities under often hazardous conditions. Public areas are generally highly insecure and even homes and neighbourhoods are no longer safe places.

**Diminishing institutional capacity and human resources:** Many institutions and service facilities for vulnerable children were severely damaged and looted during and after the war and many employees have been unable to return to their work. Those who did have no income security. Higher technical and administrative staff, most of them members of the previously ruling Baath party, are currently not allowed to resume their responsibilities.

**Signs of community self-organization:** The war and post-war period have seen at the same time new forces coming up who are actually concerned about CP. During the war, Islamic groups kept children's institutions going in some places and they have been responsible for granting security to many neighbourhoods since then. The established Islamic and Christian charity organizations do their best to provide for the neediest in their local communities. Several new NGOs in central and southern Iraq have approached UNICEF for guidance and support for projects that aim at serving vulnerable children.

**Beginning of organized responses of authorities, UN and NGOs to CP needs:** The CF and the CPA are working on a new system of law and order in the country. UNICEF and many international NGOs are involved in the rehabilitation of CP institutions and services within their emergency programs. In Basra, Baghdad and in the northern governorates CP coordinating committees have been founded that are attended by all foreign players in the field as well as MOLSA. These committees constitute an important forum for the development of new policies and practices in CP, yet the dialogue that has started is still very much in its infancy.

**More community-oriented CP programs:** The post-war situation has forced UNICEF, the international and the local (northern) NGOs to strengthen their community – oriented approach to CP issues. Strong efforts are undertaken both in the Kurdish governorates and in central/southern Iraq to secure children’s successful reintegration into their families through the provision of family guidance and supervision by social workers. In the centre/south, this project is at the same time part of a training program for social workers. The program is conducted in collaboration with MOLSA and a local university. A mobile unit and a drop in centre has been recently introduced in Baghdad for the first time, in order to respond to the most urgent needs of street/working children.

**Post-war assessments underway:** Most current CP projects have an assessment component in order to obtain more information about the post-war situation of the children and their families. Such information is, however, always confined to the small samples of children that is served through these projects. The countrywide CP assessment that is currently at its very first stage of data collection is, therefore, much needed in order to base the development of a national CP policy on solid grounds.

#### **4. Recommended Areas of Action**

According to the pre- and post-war analyses, the following aspects need to be taken into consideration in the planning of future CP measures:

- Iraqi society has always cared much of its children yet ignorance about children's needs and rights prevails in certain sectors of society. The discussion of children's rights, including their protection rights, has mainly taken place within the circle of former state authorities, UNICEF and few international and local NGOs.
- The economic sanctions and the 2003 war have depleted many family and social resources for child care and protection.
- No assessment, documentation and monitoring system has ever been created to determine the real size and nature of children's vulnerability.
- Iraqi society owns several resources that can be drawn upon for the development of new CP policies, strategies and practices: a solid, though incomplete set of legal instruments, a limited number of state-run institutions and services with experienced staff, some tested practices of alternative, community based models of CP and few dedicated and competent international and local NGOs that have been working in the field for several years.
- The quantity and quality of technical resource persons and experienced staff in the field of CP is, however, extremely limited compared to the actual needs. Iraq does not have specialists in community-based CP.
- Communities lack experiences in combating their own social problems.
- Due to lack of inter-sectoral coordination, the protective potential of past laws and regulations of the social, educational, health and justice sector has never been used to combat children's vulnerability at the earliest possible stage.
- The existing CP coordinating committees present an opportunity for the collaborative development of new CP policies.

Effective CP requires close collaboration between new state authorities and civil society as much of children's deprivation, neglect, abuse, violence and exploitation takes place secretly and privately. Both the authorities and civil society need to be empowered to assume effective responsibility for the fate of the most vulnerable groups of Iraqi children. Short- and medium term actions need to be coordinated in order to find solutions to the most pressing CP problems and to pave at the same time the way for a system of CP policies, strategies and practices that maximizes prevention and early intervention.

#### 4.1. SHORT TERM ACTIONS

**Address the needs of street and working children first:** At present, street and working children constitute the largest publicly visible group of vulnerable children in Iraq. They need urgent protection from the many hazards and deprivation risks that street life entails. In general, their needs should be given priority. Other known groups of vulnerable children in local communities require, however, also urgent support.

**Use CBR principles for community empowerment:** The needs of vulnerable children can only be sufficiently identified and addressed through strong community involvement. For this purpose, the community empowerment strategies extracted from many years of CBR work with persons with disabilities in many countries of the world should be used.

**Raise community awareness:** The importance, principles and practices of CP need to be discussed with affected communities. Communities need to reach a formal agreement to assume responsibility for those children in their area who are at risk.

**Community CP committees collaborate with local authorities in assessment and actions:** Local communities should be encouraged by the authorities to form community CP committees that assess the needs of the street/working and other vulnerable groups of children in their area and plan interventions. Children themselves should be active participants in this process. Final actions should be agreed upon and coordinated with local authorities but implemented by the community committees.

**Inject technical know-how through a pool of resource persons:** In the beginning, the committees will need technical support in order to acquire general CP knowledge and team building, assessment and project management skills. This should be provided by a pool of Iraqi and foreign experts who can serve different community committees at the same time.

**Supply funds for the work of the committees:** Local authorities need supply the communities with the necessary funds for their work.

**Establish safe and child-friendly multi-purpose community centres for children:** As a first response to the needs of street/working and other vulnerable children, the establishment of drop-in facilities is recommended in combination with cultural and play centres for all children. This is urgent, as under the current circumstances most children do not have any safe, child friendly place to go to. Cultural and play centres will keep children off the streets.

**Collaborate with families to secure children's education:** Community committees need to find out together with the children and their families how to secure all children's right to education and/or to channel them into vocational training.

**Create a family support scheme:** Many families will need financial or in-kind support to send their children back to school.

**Expand the committee work to reach other groups of vulnerable children:** Once community committees are established and trusted, they should assess the situation of all

vulnerable children in their community through systematic house to house surveys and take consequent action. With regard to the various groups of vulnerable children, these actions need to be coordinated with different administrative and service institutions.

**Establish a CP documentation system:** The information gained through the work of the community committees needs to be carefully documented and stored for further regional and national planning and action.

**Integrate the work of community CP committees into a new system of CP :** The community CP committees should be the critical link between communities and their vulnerable population on the one hand and local, regional and national legislative and executive authorities on the other hand. They should be involved in the creation of new CP policies, strategies and practices for Iraq. They could become responsible for running future community social services centres.

#### 4.2. MEDIUM TERM ACTIONS

Iraq in the post-2003 war situation needs new national CP policies, strategies and practices. In order to reach there, the following steps are proposed:

**Make CP a public subject:** Awareness raising programs about children's provision, participation and protection rights need to be conducted among the general public, within the educational, health, social and justice sector, among professionals, local and national authorities.

**Create appropriate CP bodies for the development of the new CP policy:** It is recommended to establish CP coordination committees on governorate and central level to develop a national CP policy. These committees should include all agents in the field, from the local communities to the central authority.

**Promote civil society participation:** The establishment of local CP community committees should be supported throughout the country as part of a general civil society mobilization. Children's participation in civil society organizations needs to be enhanced, too.

**Create a database for CP monitoring and evaluation:** Iraq needs to develop a system for a national database on vulnerable children and to establish valid and reliable indicators for monitoring and evaluation

**Develop a new community-based, cross-sectoral service structure for CP:** The needs of vulnerable children demand the development of community-based social services that blend with the work of the community CP committees, but also collaboration of this new social sector with the health, education and justice sector. Flexible responses to children's and their families' needs have to be found, for instance with regard to financial support, health care, educational guidance, schooling, leisure time opportunities, employment, participation and decision making.

**Strengthen coordination between the social, health, education and justice sectors for prevention and early intervention:** Poverty, deficits in health care provision, school dropout and poor parental care giving have been frequently mentioned as reasons for children's vulnerability. The previous laws include a variety of instruments that address these factors. If reactivated and coordinated, they could add substantially to CP by enhancing, for example, pre-, peri- and postnatal health care for mothers and children, improving the early detection and rehabilitation of disabilities, providing family support for children's education, enforcing compulsory education and supplying children and families at risk with social and psychological guidance.

**Empower families and children to deal with adversities:** Life skills education programs with a strong psychosocial protection component will equip families and children to deal more successfully with the problems and challenges of economic hardship and social transition.

**Build national technical capacity in CP:** National capacity in CP needs to be built as a concerted effort of national and international experts, NGOs and governments. The competences of current and future agents and services need to be enhanced and CP needs to become part of the training curricula of all professionals in the field.

**Create a new legislation:** An appropriate legal framework for CP needs to be created within the new Iraqi constitution and in related laws. The legal reform work that has taken place within the country in recent years should be considered in this process.

**Allocate appropriate financial resources for CP:** CP needs to become a regular budget item of the households of central, governorate and community authorities. The introduction of family child allowances, conditional upon children's school attendance, should be considered as a general preventive CP measure.

## **5. Areas Requiring More Detailed Assessment**

UNICEF, CCF, WV, SCF-UK, SCF-US and IRC have started to conduct a countrywide CP assessment as of July 2003. This assessment will provide new qualitative and to some extent quantitative information about the situation of vulnerable children in 13 of the 18 governorates of the country. Information about the remaining 5 governorates will be gained through key informants and secondary sources. Much of the assessment is based on focus group interviews.

The tools that are used in this countrywide assessment have been evaluated in light of the previous analyses. As a result, it is recommended to conduct further assessments on community level throughout the country with regard to

- Child victims of physical and mental neglect, abuse and exploitation in families and institutions and at work places; this includes also former child soldiers



- Concrete risks as well as protective resources in the living conditions of various groups of vulnerable children and potential entry points for protective interventions
- The situation of vulnerable children of different gender and age groups
- CP awareness and concepts among caregivers and children themselves
- Protective strategies that are currently applied by vulnerable children themselves, their families and local communities

Such assessments, if conducted by local community CP committees through house-to-house surveys, will create more comprehensive, valid and reliable data for further planning and action. Furthermore, an inventory of CP resource institutions and persons needs to be created on community, governorate and national level.

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- 31) Winter, R.: Recommendations for the Establishment of a Juvenile Justice System. UNICEF Iraq, Baghdad, Erbil and Suleimaniyah, September 2000
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## 7. Annex

1. The chapter combines developmental psychology with a community mental health approach for the description and analysis of the situation of vulnerable children. The ecological approach to human development (Bronfenbrenner, 1979) underlines the important role that children's relationships with their immediate environment, such as their home, neighbourhood, school, community and eventually their work place, play for their development. Likewise, chances for children's development are also influenced by the way these social structures interact. Other social systems such as the general social, health and education systems of any society have a more indirect, but nevertheless significant impact. General political and economic factors, ideologies and value systems, laws, rules, regulations and the customs of a particular culture also play a substantial role in shaping children's development opportunities. This way of thinking has found its reflection in a widely acknowledged model of psychosocial interventions for children with protection needs (International Save the Children Alliance, 1996). It consists of seven layers of interventions that aim mainly at strengthening community resources for effective CP. Political interventions such as peace negotiations or the creation of protection laws build the basis of the intervention pyramid. They are followed by physical and survival interventions that respond to the basic needs of all community members, for instance through the provision of food, clean water, shelter, basic health and educational services etc. Direct psychosocial interventions build on this foundation. They comprise several strategies that aim at community development, network strengthening and mutual support building. The provision of counselling and psychotherapy is only the last resort to address the needs of the relatively small group of children who have suffered extensive psychological damage in high-risk situations.
2. According to the *Iraqi Civil Law*, a "child" is "every person who has not reached the age of 18 years". Most laws, such as the JCL, differentiate between children according to their age:
  - Whoever has not completed the age of 9 is considered a *small child*.
  - Whoever has completed the age of 9 and not reached the age of 18 is considered a *juvenile*.
  - The juvenile is considered a *boy/girl* if he/she has reached the age of 9 and has not completed 15 years.
  - The juvenile is considered a *young man/ a young woman* if he/she has reached the age of 15 and not completed 18 years.
  - These definitions have an impact on children's protection rights and legal accountability.
3. *Working children* under the age of 15 are considered to be in conflict with the LL that prohibits child labour. According to article 24 of the JCL, children under 15 years of age who "... stay in public places, pretending an injury or disability, with the purpose of provoking people's pity and support; polish shoes or sell cigarettes

as a street vendor or execute any other occupation that make them delinquents because they are less than 15 years of age; have no permanent residence or live in public places and/or have no legal means of subsistence and no parents or other support; have left their homes or any other place where they have been placed, without authorization; or execute a work or a profession without authorization” are considered vagrants. Article 25 of the same law states that “... the child or adolescent is considered deviant if 1. he works in prostitution, gambling or a bar 2. Has contact with vagrants or persons who are known for their deviant behaviour 3. Has disobeyed the authority of his father or parents.” The JCL aims at minimizing the phenomenon of juvenile delinquency by adopting the principles of a) early detection of juveniles who are prone to delinquency, b) accountability of the custodian, c) terminating the parental authority in the best interest of the child, d) treating the delinquent juvenile on a scientific basis and with a humanitarian perspective, e) subsequent care for the juvenile delinquent to achieve integration into society and prevent relapses and f) the contribution of popular organizations, such as the GFIW and the GFYI, and competent authorities to the overall design and implementation of the care for juveniles (Part 1).

Part 2 specifies the conditions of rehabilitation houses and schools. The observation houses are places to which a juvenile who is at least 9 years old is admitted upon court decision. He is physically and mentally assessed and his personality and conduct are studied in preparation for his trial. The rehabilitation schools for the young (9-14 years), grown-up boys and girls (15-18 years) and adolescents (18 years and more) are correctional schools where the children and adolescents are kept during the defined term of punishment or detention, with the aim of preparing them for social reintegration and securing means of their educational and vocational rehabilitation. Juvenile rehabilitation houses are the places where delinquent or vagrant juveniles are kept by court decision until they reach maturity (Art. 10).

Part 3 focuses on protection from delinquency. Chapter 1 deals with the early detection of delinquency prone juveniles. For this purpose, the Ministry of Health sets up a bureau for school psychological and social services in every province capital town as part of the formation of school health services. This bureau is concerned with the study and treatment of delinquency prone juveniles who are referred by school administrations or any other party (Art. 17). The bureau undertakes the task of medical and psychological examination and social investigation of the juvenile. It also provides detailed reports and proposals for treatment and follow-up (Art. 18). In every school, a social researcher is appointed to detect and help in solving the problems of the students. In case of failure, the social researcher has to refer the student to the bureau of school psychological and social services (Art.21). The GFIW sets up consultative committees for family affairs which cater for marital relationships and children’s upbringing and problems. The GFYI, in collaboration with the GFIW, establishes juvenile protection committees that participate in the supervision of the care of juveniles in substitute families in cases where parents are denied custodianship, help the school administrations to detect juveniles at risk, support the respective authorities in conduct observations, secure a family atmosphere for juveniles in boarding homes and cooperate with the juvenile police department in detecting problem- or delinquency-prone juveniles (Art. 22).

4. The SWL expresses the State's effort to secure *social care* for all citizens during their lifetime and for their families after their death (Art. 2). It applies, therefore, for families with one or two parents, households headed by widows, and children alone (Art. 9). Chapter 1, Part II, addresses the needs of low- to zero-income families, orphans, the elderly and disabled, who are provided with regular financial support. Chapter 1, Part III, prescribes the establishment of government houses (orphanages) for the care of children and juveniles who suffer from family disintegration or the loss of one or both parents due to death, disability, custody, seizure, imprisonment or disqualification (Art.31). These government houses provide a sound atmosphere for the children in order to compensate for the family care that they lack, and in order to eliminate all factors that might create in them inferiority feelings towards others (Art.29). Administration and personnel provide conditions that help the beneficiaries' natural integration into society. No discrimination is allowed between them and other children and anyone who intentionally offends the beneficiary's feeling of his/her humanity is liable to disciplinary measures (Art. 36). In Article 41, the social research office in every government house is assigned the task to help the beneficiaries to solve their daily problems, support contacts between the children and their families and to follow up on their situation, to secure work for the beneficiaries before discharge and find opportunities for them to complete their studies. Chapter 2 describes the establishment of centres for diagnosis, care, educational and vocational rehabilitation of the disabled.
  
5. Children in northern Iraq become legally responsible at the age of nine years. The JCL stipulates the measures for the *prevention of juvenile delinquency* as well as for the rehabilitation and reintegration of young offenders. This law was, however, partially deactivated in the 1980s because of the Iraq-Iran War. In 2001, only the rehabilitation sector was partially functioning in the form of juvenile reformatory centres, with one in each of the three governorates.
  
6. At the Suleimaniyah Conference in 1999, the following sub-category definitions of *IDPs* were agreed upon:
  - Persons from Kurdish areas controlled by the Government of Iraq (Kirkuk, Khanaqin, Kifri, Makhmour, Sinjar, Tala'far, Mosul e.a.).
  - Persons displaced as a result of conflict between the two major Kurdish factions in northern Iraq.
  - People affected by conflict with the Kurdistan Workers Party (PKK).
  - Iraqi Kurds (including Faili Kurds) displaced to Iran, now wishing to return; those are actually returnees.
  - Others in collective towns including widows and children, who would like to return to their places of origin if given the opportunity to do so.
  - All other citizens of Iraq who have been displaced or expelled for political reasons.

## 8. Acronyms

CBR	Community Based Rehabilitation
CCF	Christian Children's Fund
CF	Coalition Forces
CP	Child Protection
CPA	Coalition Provisional Authorities
CRC	Convention on the Rights of the Child
CWC	Child Welfare Commission
EM/DH	Enfants du Monde/ Droits de l'Homme
GFIW	General Federation of Iraqi Women
GFIY	General Federation of Iraqi Youth
IDP	Internally Displaced Person
IRC	International Rescue Committee
JCC	Juvenile Care Council
JCL	Juvenile Care Law
KSC	Kurdistan Save the Children
LL	Labour Law
MAG	Mines Advisory Group
MICS	Multiple Indicator Cluster Survey
MOLSA	Ministry of Labour and Social Affairs
NCBP	National Capacity Building Program
NGO	Non-governmental Organization
OFFP	Oil For Food Program
SCF-UK	Save the Children Fund (UK)
SCF-US	Save the Children Fund (US)
SWL	Social Welfare Law
WV	World Vision