**STATEMENT**

**UPR Pre-Session in IRAQ, Geneve, Octobre 10, 2019**

The Statement is delivered on behalf of *Women's Legal Assistance Organization (WOLA*), Jiyan Foundation for Human Rights and ECPAT International. It is grounded on joint report our three organizations submitted for the UPR process, report based on work experiences and desk researches on Sexual exploitation of children (SEC) and it manifestations, including SEC in prostitution; online child sexual exploitation (**OCSE**) and child sexual abuse materials (**CSAM**); SEC in trafficking ; in context of travel and tourism (**SECTT**) [[1]](#endnote-1) and child, early and forced marriage (**CEFM**).

*Women's Legal Assistance Organization (WOLA) is a non-political and independent local NGO in Kurdistan region. provide legal assistance and awareness raising for vulnerable women and children .and advocate for women right with in the legal system*

*The Jiyan Foundation for Human Rights is a non-profit organization promoting the mental well-being, physical rehabilitation, and social reintegration of survivors of (sexual) violence, torture and trauma in Kurdistran.*

ECPAT International is a global network of 102 organizations in 93 countries whose mission is to prevent and combat sexual exploitation of children (SEC).

1. **Status and development of SEC in Iraq**

In 2015, the Committee on the Rights of the Child noted with concern that “*there* ***are cases of girls sold into prostitution being kept in prison*** *to “protect” them from reprisals for bringing shame on their family/community*”. Due to poverty, girls are forced into sex trafficking or prostitution by their families and are also sold to criminal networks and are exploited into prostitution

There is a lack of national data on **trafficking of children for sexual purposes**. However, it seems that girls are more vulnerable to trafficking for sexual purposes than boys.

The country has witnessed a steady rise in **child marriage- under 18-**  over the years ( 15 percent in 1997 against 20 per cent in 2012). There are not recently data, but it is generally recognized that these rates are most like higher today since marriages in Iraq and KRI are generally conducted outside the formal legal system, by Muslim religious leaders without registration, hence go unreported.

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# **Legislative framework**

# With the administrative breakup of Iraq and KRI, new laws and amendments originating from the Parliament in Baghdad enacted after 1992 are not recognized as applicable in KRI unless expressly endorsed by legislation of the Kurdistan Parliament or are laws relating to the exclusive federal powers as listed in Article 110 of the 2005 Constitution.

**SEC in Prostitution**  : Article 399 of the Iraqi Penal Code, which was endorsed by the Kurdish Parliament criminalizes incitement of and assisting of boys and girls’ minors to engage into prostitution or fornication. The penalty will be a term of imprisonment not exceeding 10 years,

 If the offender was a relative of the victim within three generations ; guardian, protector or custodian ; the victim is the offender’s servant ; has authority over the victim, or is a public official, religious leader or doctor

The legislation does not define ‘child prostitution and the acts prohibited under the Optional Protocol on the sale of children , prostitution and pornography ( OPSC) are not expressly covered in the national legislation which only criminalizes incitement and assistance to engage in prostitution.

**Early and Force Marriage** : Marriage is regulated by the Personal Status Law (PSL), which sets the minimum legal age for marriage at 18.

The Court can authorize the minor to marry, except if the parent or the guardian explicitly objects to the wedding. . The provisions related to early marriage reiterate the need for the informed consent of the child in the conclusion of the marriage by stating, “if a 15-year old person asks to be married”.

Article 398 of the Criminal Code offers to the offender the possibility to legally avoid an investigation and any other judicial proceeding by marrying his victim. This provision is also applicable to cases of sexual intercourse without consent

**SEC in Trafficking** : Prohibition of trafficking in children is enshrined in Article 37 of the Iraqi Constitution, which states that, “forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.”

**SEC in travel and Tourism:** The Iraqi legislation does not address SECTT specifically, and the responsibility of legal persons is not addressed by the Penal Code. Only the 2012 Law on Trafficking specifies that people maybe held criminally responsible if he/she was an accomplice of trafficking.

child trafficking in the IRAQ under the :

-Begging ;or force begging among the most commonly cited cases of TIP involving children was forced begging. Informants described cases of children being “rented “ by family members to begging. Victims of forced begging include both boys And girl ,with IDP and refugee children and those with disabilities cited as at higher risk.

-commercial sexual exploitation of children : a limited number of information cited cases of CSES of host community ,IDP s and refugee ,key informants cited CSE Taking place under the guise of marriage ,wherein a Father may sell his daughter to man who technically marries her , but then sells her to other men for sexual services .

**Recommendation to the Government of Iraq**

**Legislative Framework**

Provide legal definitions and criminalize all manifestations of in accordance with regional and international standards;

Repeal the nonconsummation of the marriage as a condition to invalidate a forced marriage and Article 398 of the Penal Code that allows perpetrators to escape justice by marrying their victim;

Amend the 2012 Law on Trafficking to consider trafficking of children as an offence independently of the means used;

For the Kurdish region: adopt a trafficking act in conformity with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

Amend the relevant provisions in the Criminal Code to recognize jurisdictions over crimes committed abroad against victims of Iraqi nationality.

# General measures of implementation

Adopt a specific national action plan to end SEC with specific goals, targets, indicators and timeframe

Implement a dedicated coordination body on SEC with a specific mandate and the necessary authority to coordinate, monitor and evaluate SEC ‘s cases.

# Coordination and evaluation

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# Prevention

# Conduct further awareness raising initiatives on the sexual exploitation of children targeted at the wider public; and establish a helpline with adequately staffed to respond to a variety of concerns of child victims of SEC

# Protection of the rights of the child.

-Create a specific mechanism for monitoring children’s rights;

-Ratify the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

-Improve national victim identification procedures to clearly identify child victims of SEC;

-Develop concrete mechanisms to render recover, reintegration and rehabilitation of child victims of SEC;

-Improve victim-sensitive justice by taking measures to facilitate in-camera proceedings and maintaining anonymity of child victims in cases SEC;

-Establish sufficient number of shelters for child victims of SEC . Ensure that their address is secret and that they are protected 24/7 by law enforcement officials;

-Ensure that child victims of SEC have access to free of charge legal aid, medical and psychological care.

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# Thanks you for your attention.

 [↑](#endnote-ref-1)