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Fifth sitting, 12 June 2019, 8.30 p.m.
Cinquième séance, 12 juin 2019, 20 h 30
Quinta sesión, 12 de junio de 2019, 20.30 horas

Chairperson: Mr Rochford
Président: M. Rochford
Presidente: Sr. Rochford

Discussion of individual cases *(cont.)*
Discussion sur les cas individuels *(suite)*
Discusión sobre los casos individuales *(cont.)*

Iraq *(ratification: 2001)*

Worst Forms of Child Labour Convention, 1999 (No. 182)
Convention (nº 182) sur les pires formes de travail des enfants, 1999
Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182)

Government representative (Mr AL-HILO) – Ladies and gentlemen in the audience, I would like to congratulate you and ourselves on the Centenary anniversary of the founding of our dear Organization, to which my country has acceded in 1932 and has ratified more than 60 Conventions, including the eight fundamental Conventions, the latest of which, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Today we are discussing Convention No. 182, which was ratified by Iraq in 2001. That is more than two years after the year it was adopted. Following 2005 and the changes that took place, legislation was adopted, in particular the Constitution of the Republic of Iraq in 2005 and the Labour Code, which was legislated in cooperation with the ILO, which bears the number 37 of 2015.These legal texts have taken into consideration all the international labour standards as well as other models of Labour Codes and, in this regard, an important legislation was adopted to combat human trafficking (Law No. 28 of 2012).

The content of the Report, relies on reports, the majority of which were issued in 2015 and 2016. That is at the peak of the ISIS occupation of three governorates of my country which represent almost the third of the surface area of Iraq. Thanks to God, the security forces benefited from an international support and were able to defeat Daesh and to liberate those governorates and return them to Iraq, but frankly the remnants of war are very well known to all. Their negative effects are very well known to all and I hope that the Committee and all the members States will never witness what Iraq has witnessed over three and more years, starting in 2014 until 2017. All these negative effects have led to negative socio-economic impacts on the inhabitants of these governorates and this has led the Government to work in many ways in conjunction with the international organizations and civil society organizations. It has adopted all the means necessary and we can here mention the most important of these organizations starting with the World Bank.

We were able to secure a loan for the Republic of Iraq which was included in the 2019 budget of US$200 million for the purpose of granting soft loans to the youth in these three governorates so they can rehabilitate them. These soft loans will be borne mostly by the State. Furthermore, we have coordinated with the donors in order to rebuild to achieve reconstruction of Iraq after the Conference that took place in Kuwait in 2017.

Third, we have worked very diligently with the ILO and exchanged many visits with the delegation from the Regional Office in Beirut which visited Iraq at the beginning of this year in January. Their stay in Iraq lasted over more than seven days where joint activities

and many visits to officials took place. This was followed by the visit of the Iraqi delegation to Amman (Jordan) so that a draft working paper could be discussed and adopted to allow for the cooperation between our Government and the ILO and this certainly has taken place in cooperation with the social partners.

Fourth, concerning the International Organization for Migration (IOM), we coordinated with IOM on the one hand and the number of countries representations in Iraq whose citizens were among them so that the women and children of ISIS can return to their countries. So here the question is raised if the Government of Iraq was keen for the safety and well-being of children from other nationalities but what about the children of its' own nationality and citizenship? The report is referring to facts that only pertain to the period of occupation. We do not deny that there are some people of weak spirit who seek to mobilize children in their evil campaign. But especially given the nature of the security conditions, who among you has not heard about the Green Zone in Baghdad and other areas around Iraq today, the security situation is re-established and the Government is firmly dealing with any armed groups that are monopolizing the use of weapons again. Therefore this report should have been deferred to March 2020 in our opinion. We were honoured last year when we met with the representative of the ILO, Corinne Vargha, and discussed a fact-finding commission that would work on establishing this report and not rely on facts that are three years old.

Unfortunately, there is another aspect, the aspect of women who are violated, who were raped by the terrorist gangs. Myself as the head of the Special Needs and Disability Commission and with other colleagues are in charge of a number of shelters and our Government has set up special shelters to take care of these victims but the social situation in Iraq and our specificity as an oriental society has led to the protection of these women against rape and here I would like to pay tribute to the Alzidi Iraq citizen who won the Nobel Peace Prize despite the fact that victims do not come forward but we are trying to help them as much as we can. By the way, today is 12 June 2019, the international day to fight child labour.

I am in Geneva and my Government in Baghdad and all the civil society organizations in Baghdad are working diligently in order to spread a culture of the fight against child labour under the slogan "Children are the men of the future and with them countries can be built". I am all ears to hear your comments and greetings of God be upon you.

Employer members – At the outset, this is a double-footnoted case dealing with Convention No. 182. It is the first time this Convention has been addressed with respect to Iraq in the Committee. Iraq ratified this Convention in 2001, and has been bound by its provisions since 2002. The Committee of Experts have made two prior observations of Iraq's compliance with the Convention, one in 2015 and one in 2018. In these observations, the Committee of Experts identified very serious concerns under several general headings. First, the use of children in armed conflict; second, the low numbers of children attending school and being deprived of education; third, the lack of support for the rehabilitation and reintegration of children that have become associated with anti-government, armed forces or groups; and finally fourth, the sexual exploitation and abuse of children, particularly the sexual enslavement of children by groups such as ISIS. The core element of Iraq's obligations with respect to the Convention is its obligation under Article 3 of the Convention, which is to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. The Employers' group notes with regret that this has not happened, despite the promulgation of the Coalition Provisional Authority Order No. 82 of 2004 known as CPA 89, which, among other things, laid down penalties for offences related to the forced or compulsory recruitment of children for armed conflict. Turning to the first issue in this observation and in this case the issue of the use of children in armed conflict. In 2015, the Committee of Experts noted that the penalties prescribed by CPA 89 were very low. It also noted UN observations in 2012 that armed groups such as Al-Qaeda and ISIS continued to recruit young boys and girls to take part in hostilities and that many had been killed or wounded as a result. It further noted that CPA 89 was repealed by the Labour Code of 2015, which did not contain comparable provisions,

but noted that the Government intended to introduce laws that would enable the prosecution of any person who recruited children for the purpose of using them in conflict. In 2018, the Committee of Experts noted that the Government had yet to provide any information on progress. And further noted the UNB report of 2018, that the practice of recruiting children for conflict, primarily by ISIS, continued, as well as that by the Popular Mobilization Forces, the PMF, in organizing military training for boys aged 15 and over. Clearly, this is a complex situation. Cleary, only some of which the Government of Iraq has the means to control directly. For instance, in 2015, the UN verified the recruitment of children for purposes of conflict by both the anti-Government ISIS forces, and the pro-Government, PMF. Reports of children being used by ISIS as human shields, as spies, as suicide bombers, sit alongside reports of PMF forces recruiting boys as young as 10 for combat roles. Hundreds of children on both sides of the conflict have been killed and wounded. The 2015 UN Report noted that a lack of clear rules for recruitment, including specification of minimum age, and procedures for disciplining those who violated them were significant factors in the deplorable situation noted by the Committee of Experts in its Report. A lack of more recent information means that it is difficult to evaluate whether any progress has been made since 2015. This lack of information is concerning and, coupled with a lack of information on related topics, leads to the possibility that little has been done in the interim by the Government. Therefore, the Employers' group urges the Government to take urgent and transparent steps to expedite its efforts to meet its obligations under the Convention and particularly its obligations under Article 3.

The situation relating to education is no less complex. Widespread conflict, the risk of attacks on schools as well as the recruitment or abduction of children for combat purposes while at school all play a significant part in separating children from their right to a basic education free from interference or harm. It appears that some progress in this respect has been made. The Government has advised of its commitment to the UNESCO Teach a Child Project which aims to improve informal education opportunities and to provide alternative

education to more than 180,000 out-of-school children in rural areas with the aim of integrating them into formal education. By 2015 an unspecified number of children had been registered under this Scheme. The Government reported that the Ministry of Education had implemented several awareness-raising measures targeted at children in primary schools in the most deprived regions and those with the highest drop-out rates in the governorate of Baghdad. However, in its 2015 Report, the UN Committee on the Rights of the Child expressed concern that only half of secondary school-age children were attending school primarily because of the risks discussed. The Committee of Experts' 2018 Report repeats the concerns of 2015 in this regard and notes a continuing absence of information from the Government on this matter. It also notes that the UN Report of 2018 in which it identifies attacks on schools and a continuance of alarming levels of absence from education of a large proportion of school-age children continues to exist. For instance, approximately 355,000 internally displaced children have no access to basic education and in conflict affected areas as many as 90 per cent of school-age children are left out of the education system altogether. According to UNICEF, in Iraq only about 5 per cent of Government spending is directed to education. In its 2018 Report, the Committee of Experts urged the Government to increase this amount and to take the necessary measures to improve access to, and enrolment in, and the completion rates for basic free education for all children and, in particular, paying special attention to girls, children in rural areas and those affected by conflict. The Employers' group echoes the Committee of Experts' call in this regard. It is imperative that all children receive basic education so that they can work towards realizing their full potential in years to come for the good of themselves, their families, their communities and their country. The Committee of Experts, in its 2015 observations, noted that the Government had not updated earlier information concerning measures it had taken to remove children from armed groups and ensure their rehabilitation and reintegration. In this regard, the Committee of Experts expressed concern that to date several hundred children had been indicted or convicted of terrorism-related charges for their alleged association with armed groups. In its 2012 General Survey, Giving globalization a human

face, the Committee of Experts commented on the challenge of rehabilitating former child soldiers, saying, among other things, "despite the positive achievements obtained in most countries, particularly in removing children associated with armed forces, the effective re-integration of former child soldiers into civil society remains a major challenge".

Indeed, observing that these children commonly face major obstacles to their social integration and are therefore at high risk of being re-recruited by armed forces, the Committee of Experts stressed the importance of ensuring that child victims of this worst form of child labour receive appropriate assistance for their rehabilitation and social integration.

The Committee of Experts expressed its concern over such practices and recalled that these children must be treated as victims, rather than as offenders. The Employers' group is of the same view and calls upon the Government of Iraq to ensure the children who have become associated with armed groups are treated fairly in light of their particular circumstances and not in a generic context as offenders.

Turning to the issue of sexual exploitation and abuse, the UN in its 2015 report, deplored the ISIS practice of sexual slavery, including the operation of slave markets and the sexual abuse of children in ISIS prisons. Information on hand at the time suggested that over 1,200 children have been abused through these means.

In both 2015 and 2018, the Committee of Experts expressed their concern at these practices and urged the Government to take effective and time-bound measures to remove children under the age of 18 from sexual slavery and ensure their rehabilitation and reintegration into society.

In 2018, the Committee of Experts once again noted a continuing lack of information forthcoming from the Government on this matter. The Employers' group also echoes the Committee of Experts' call for action, and in fact would go one step further and take this opportunity to add that the requested measures should not be limited to those under 18 years

of age, as sexual exploitation and abuse is not only a breach of Convention No. 182, but also of other fundamental labour and human rights standards, including the Forced Labour Convention, 1930 (No. 29).

Therefore, while we thank the Government for its submissions this evening, clearly more, and we would suggest much more, needs to be done and in a time-bound manner.

Membres travailleurs – La lutte contre l'exploitation économique des enfants est au cœur du mandat de l'OIT, et si la convention n° 138 se nourrissait d'une histoire riche remontant à la fondation de notre Organisation, la convention relative aux pires formes de travail des enfants, que l'on va aborder dans le cas iraquien, est beaucoup plus récente. La convention n° 182 a en effet été adoptée en 1999.

Les mandants de l'OIT ont ainsi voulu répondre à la nécessité d'adopter de nouveaux instruments visant l'interdiction et l'élimination des pires formes de travail des enfants en tant que priorité majeure de l'action nationale et internationale. Cette convention avait notamment pour vocation de compléter la convention et la recommandation concernant l'âge minimum d'admission à l'emploi.

Comme le précise bien le préambule de la convention, l'élimination effective des pires formes de travail des enfants exige une action d'ensemble immédiate, qui tienne compte de l'importance d'une éducation de base gratuite et de la nécessité de soustraire les enfants concernés de toutes ces formes de travail et d'assurer leur réadaptation et leur intégration sociale, tout en prenant en considération les besoins de leurs familles.

Ce préambule identifiait la pauvreté comme principale cause du travail des enfants. En Iraq, cette pauvreté est générée par des années de conflits dans la région. La population iraquienne et particulièrement les enfants en ont payé le prix et le paient encore aujourd'hui.

La commission d'experts soulève un premier manquement grave au respect de la convention en Iraq: le recrutement obligatoire d'enfants de moins de 18 ans en vue de leur

utilisation dans des conflits armés. Un tel recrutement est formellement interdit sur la base des articles 1 et 3 de la convention. L'Iraq doit donc prendre des mesures immédiates et efficaces afin d'assurer l'interdiction et l'élimination de cette forme de travail des enfants, et ce de toute urgence.

Nous sommes bien conscients qu'une partie des recrutements d'enfants de moins de 18 ans en vue de leur participation au conflit n'est pas attribuée au gouvernement iraquien qui se présente devant notre commission. C'est néanmoins ce dernier gouvernement qui se doit d'exercer sa souveraineté, et les responsabilités qui y sont liées, sur le territoire iraquien. Tout mettre en œuvre pour assurer une application en droit et en pratique de la convention fait partie de ces responsabilités.

Le récent rapport du Secrétaire général de l'ONU sur le sort des enfants en temps de conflit armé pointait par ailleurs que des recrutements d'enfants avaient également été recensés parmi les forces progouvernementales dans les zones de conflit armé.

Nous déplorons, aussi vivement que la commission d'experts, que le recrutement d'enfants en vue de leur participation au conflit continue à prévaloir sur le terrain. Le rapport du Secrétaire général de l'ONU détaille dans quel but certains enfants étaient recrutés: attentats-suicides, fabrication d'explosifs, exploitation sexuelle. C'est tout simplement insupportable. L'éradication de ces formes de travail des enfants doit figurer au sommet des priorités du gouvernement iraquien.

Par ailleurs, il apparaît également que des formations militaires sont organisées pour des garçons âgés de 15 ans et plus par les forces progouvernementales. Nous espérons que l'Iraq répondra à l'appel du Secrétaire général de l'ONU, auquel nous nous joignons pour réclamer un plan d'action pour faire cesser la formation, l'enrôlement et l'utilisation d'enfants par les forces progouvernementales.

Afin de lutter contre ces pratiques, il est essentiel qu'une législation iraquienne prévoie explicitement cette interdiction et des sanctions suffisamment efficaces et dissuasives à

l'encontre des auteurs de tels recrutements. Le gouvernement iraquien indiquait travailler à l'adoption d'une telle législation. Nous espérons en voir l'aboutissement très rapidement.

Nous le savons, le moyen le plus efficace de sortir les enfants du travail, et plus particulièrement des pires formes de travail, est de leur garantir l'accès à l'éducation. L'article 7, paragraphe 2, de la convention impose à l'Iraq de prendre des mesures efficaces dans un délai déterminé pour empêcher que des enfants ne soient engagés dans les pires formes de travail des enfants et assurer l'accès à l'éducation de base gratuite.

Les informations dont nous disposons font état d'une obligation scolaire applicable uniquement jusqu'à 12 ans. L'âge minimum d'admission au travail est fixé à 15 ans. Il y a donc un vide de trois années pendant lequel le risque pour les enfants de basculer dans les pires formes de travail est grand. Il convient de combler ce vide juridique par une réforme législative. Nous n'avons malheureusement pas reçu d'informations écrites du gouvernement à ce propos et espérons qu'il pourra nous en dire plus.

Le respect de ces obligations n'est pas assuré, loin de là. Divers rapports font état d'une situation préoccupante, dans laquelle des établissements scolaires sont attaqués et des écoliers enlevés sur le chemin de l'école. Les statistiques relatives à la fréquentation scolaire sont également interpellantes, particulièrement pour les filles, les enfants des zones rurales et des zones touchées par la guerre.

Difficile dans ces conditions de donner toutes ses chances au programme mis en place en collaboration avec l'UNESCO. Ce programme est pourtant une opportunité que le gouvernement se doit de saisir et auquel il convient de donner toutes les chances de réussite. L'UNESCO rapporte par ailleurs que les budgets débloqués par le gouvernement iraquien en vue d'investir dans l'enseignement sont trop faibles et ne permettent pas de garantir un accès à l'éducation à l'ensemble des enfants iraquiens. Nous nous devons de rejoindre la profonde préoccupation exprimée par la commission d'experts face au grand nombre d'enfants privés d'éducation en Iraq.

L'étude d'ensemble de 2012 sur les conventions fondamentales identifiait la réadaptation des ex-enfants soldats dans la société civile comme un défi. En effet, ces enfants ont bien souvent subi des traumatismes profonds qui rendent difficile cette réintégration sociale. Ils ont donc besoin d'une aide tout à fait particulière et appropriée. L'article 7, paragraphe 2, prévoit à cet égard que l'Iraq se doit de prévoir l'aide directe nécessaire et appropriée pour soustraire les enfants des pires formes de travail des enfants et assurer leur réadaptation et leur réintégration sociale. Et, pour ce faire, il conviendra que l'Iraq traite ces enfants comme des victimes et non comme des délinquants.

Les préoccupations de la commission d'experts à cet égard remontent déjà à l'année 2010, lors de laquelle une demande directe adressée au gouvernement iraquien évoque quelque 800 enfants faisant l'objet de mesures de privation de liberté. Il s'agit donc d'un problème de longue date pour lequel nous demandons au gouvernement iraquien de trouver une solution efficace et rapide. Il en va de la réadaptation sociale d'enfants iraquiens victimes d'un conflit qui les aura privés de leur insouciance et d'une éducation de base nécessaire à l'épanouissement de chaque enfant.

La commission aborde en dernier lieu des cas d'esclavage sexuel commis par l'Etat islamique. Ces faits sont rapportés par le Comité des droits de l'enfant et le rapport du Secrétaire général de l'ONU. Il est regrettable que le gouvernement iraquien n'ait apporté aucune information relative à ces terribles exactions dans son rapport.

Le contexte en Iraq est particulièrement difficile. Personne ne peut le nier. Le gouvernement doit néanmoins pleinement exercer sa souveraineté sur le territoire iraquien et les responsabilités qui y sont liées. Tout mettre en œuvre pour assurer le plus rapidement possible une application en droit et en pratique de la convention fait partie de ses responsabilités.

[…]

The sitting closed at 9.05 p.m.

La séance est levée à 21 h 05.

Se levantó la sesión a las 21.05 horas.

Sixth sitting, 13 June 2019, 10.20 a.m.
Sixième séance, 13 juin 2019, 10 h 20
Sexta sesión, 13 de junio de 2019, 10.20 horas

Chairperson: Mr Rochford
Président: M. Rochford
Presidente: Sr. Rochford

Work of the Committee

PV – General Discussion and adoption of the list – was adopted as amended.

Travaux de la commission

La commission a adopté le PV – Discussion générale et adoption de la liste, tel qu'amendé.

Trabajos de la Comisión

El acta – Discusión general y adopción de la lista – se adoptó en su tenor modificado.

Discussion of individual cases *(cont.)*
Discussion sur les cas individuels *(suite)*
Discusión sobre los casos individuales *(cont.)*

Iraq *(ratification: 2001)*

Worst Forms of Child Labour Convention, 1999 (No. 182)
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Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182)

Chairperson – We will, as agreed last night, continue with the discussion on the case of Iraq and complete that discussion.

Interpretation from Arabic: **Employer member, Iraq (Mr MAHROOS) –** I would like to point out that many children have been enrolled by Daesh and have been under terrific exploitation. A huge number of children need to be rehabilitated and need assistance. We

need support so that we can address this particularly serious situation, on the one hand, and on the other, we have to take into account the fact that our country was destroyed. The infrastructure was damaged and that hinders the work of enterprises and of employers. That is why once again we have to redouble our efforts in a professional way to train employees and managers and all those in our country who are concerned by this.

There is also the problem of the exodus of so many in our ranks. We have suffered a brain drain and the loss of so many skilled people. That is why we need authorization for these people to move around and this calls on the Government and on the employers in particular. We need to come to a solution to these administrative and logistic problems. Administration is an obstacle to our work today. That is why, we need your support. We need the help of this Committee. And, bear in mind that this difficult and sensitive situation also has its effects on neighbouring countries.

Interpretation from Arabic: **Employer member, Iraq (Mr ALYASEEN)** – The situation of children has been worsened by the issue of unemployment. Over 85 per cent of factories and centres of production in Iraq are no longer operational and that is why the number of unemployed among young people has risen exponentially. Male heads of poor families are often unemployed and, as a result, they cannot put food on their families' table. Furthermore, following the events in 2014 and the invasion of the country by Daesh, the situation has only got worse. Because it has got worse, these unemployed people need to be given help to get back into the labour market. That is why Iraqi factories and businesses need to be helped to reopen their doors and start working again so that they could get the unemployed back their jobs. The job creation issue is one of the problems the Government is trying to tackle, but because it is so difficult it needs help in that respect.

Government member, Romania (Mr TACHE) – I am speaking on behalf of the European Union and its Member States. The candidate countries the Republic of North Macedonia, Montenegro and Albania, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, the EFTA country Norway,

member of the European Economic Area, as well as the Republic of Moldova and Georgia align themselves with this statement.

Eradication of child labour constitutes a priority of EU human rights action. We support the ratification and implementation of the UN Convention on the Rights of the Child, as well as ILO Conventions Nos 138 on minimum age and 182 on the worst forms of child labour. We are committed to the achievement of the UN Sustainable Development Goals, which include two relevant targets for eliminating child labour by 2025 and to mainstream this objective in our development policy. We have also welcomed the Declaration on the Sustained Eradication of Child Labour adopted at the fourth global conference on the subject in Buenos Aires in 2017.

The recruitment and use of children in armed conflicts constitutes one of the worst forms of child labour. The EU adopted in 2008 an updated version of its Guidelines on children and armed conflict with the objective of addressing the short-, medium- and long-term impact of armed conflicts on children, and in particular to end the use of children in armed forces and groups.

The EU and its Member States are long-term partners of Iraq. In response to the many challenges Iraq is facing after years of conflict, the EU has adopted in 2018 a new strategy for Iraq to support the Government's efforts both in the short term, in the field of humanitarian aid and stabilization, as well as on long-term processes related to reconstruction, reconciliation and development. In the trade area, the EU and Iraq have signed a cooperation and partnership agreement.

Despite an end to the conflict, 1.67 million people, including 800,000 children, remain displaced and humanitarian assistance is still needed to deliver basic services in many parts of the country. Displaced populations add to the 4.27 million people, including over 2 million children, who have recently returned to their places of origin. Children in Iraq have been

severely affected and even traumatized. A certain number of them have been enrolled for use in conflict, killed, maimed, raped and enslaved.

We express deep concern over the last UN Secretary-General's report about the recruitment of children for their use in armed conflicts. The report also mentions the organization of military training by pro-Government popular mobilization forces. We therefore urgently request the Iraqi Government to ensure that children under 18 are not recruited into armed groups and armed forces anymore and ensure demobilization and long-term reintegration of children who have already been recruited. The national legislation should be amended to adopt a law prohibiting recruitment of children under 18 years old. Finally, immediate and effective measures should also be undertaken to ensure thorough investigation and prosecution of all persons, including members of the regular armed forces who recruited children under 18 years for their use in armed conflict. Sufficiently effective and dissuasive penalties should be imposed for those convicted persons.

We welcome the Government of Iraq's recent reopening of schools in Mosul with assistance by UNICEF. However, we express deep concern over the high number of children who still remain out of school, close to 2.6 million according to UNICEF. The situation is of particular concern in conflict-affected governorates, where more than 90 per cent of school-age children are left out of the education system. Almost half of all school-age displaced children – approximately 355,000 children – are not in school. The situation is much worse for girls, who are under-represented in both primary and secondary schools. Iraq's infrastructure is in ruins in many parts of the country; one in every two schools is damaged and needs rehabilitation. A number of schools operate in multiple shifts in an attempt to accommodate as many students as possible.

Out-of-school children are more vulnerable to exploitation and abuse, including child labour, recruitment and use by armed actors and early marriage. We therefore urge the Government to improve access to free, quality, basic education of all children, particularly girls, children in rural areas and in areas affected by war. Measures should also be undertaken

to increase the enrolment, attendance and completion rates at the primary and secondary levels and to reduce school drop-out. Since the Government of Iraq has given priority to the decentralization of service delivery, including education, the capacity of education departments at the governorate level need to be boosted in order for them to oversee the implementation of education policies and plans, the recruitment and management of human resources, the supervision of schools, and the management of educational infrastructure.

Investing in education is investing in the future of the country. Decades of under-investment have also contributed to the collapse of an education system which use to be the best in the region. Restoring quality education services to all should be a priority area of the Government and sufficient financial resources should be allocated to that aim.

We also express concern over the children who are still arrested, detained or convicted for their alleged cooperation with terrorist groups. We are cognizant of the fact that these are very sensitive cases. However, we would like to recall that enrolment of children by armed groups is an infringement of international law and those children who are in this situation should be recognized primarily as victims. Moreover, rehabilitation and reintegration programmes for children formally associated with terrorist groups through education programmes, psychological support, vocational training and initiatives for social reintegration into society should be prioritized.

Finally, the Government should pay special attention to the children who have been abducted and used as sexual slaves by Daesh. Such inhumane and degrading treatment causes severe physical and psychological trauma that changes lives forever. It is therefore crucial that the Government takes all measures to remove children from sexual slavery and provides them with psychological and care services, and facilitates their reintegration into society, so that they are able to go back to normal life.

Children are the future of the country and their situation with regard to education, rights and well-being should not be neglected. They will play an essential role in the country's

reconstruction, including on the issue of reconciliation. They should be a priority target for the Government. The EU and its Member States will continue to support the Government of Iraq in this endeavour.

Interpretation from Arabic: **Government member, Iraq (Mr SAEDI ALI)** – Iraq's circumstances over the past decades, namely three wars and ISIS terrorist attacks, led to an environment unfit for the implementation of ILO standards especially Convention No. 182, in particular the provisions which require the rapid promulgation of legislation to ban, penalize any recruitment of children, especially those under the age of 18, in armed conflict.

Such activities in practice, according to Iraqi law, are indeed banned. We, in the General Federation of Iraqi Trade Unions, value the content of the Committee of Experts' report, namely that the most effective means to remove children from the worst forms of child labour is to provide them with free basic education and to implement Iraqi legislation through the prevention of school dropouts and the improvement of education processes. This especially applies to war-torn areas which were under ISIS control. This would be a first step in the right direction.

We wish to also reaffirm the need for the Government to take on board the Report's contents regarding sexual slavery practices by ISIS. These are heinous acts calling for specific measures as well as the rehabilitation of the victims.

We further reaffirm the need for the Government to request technical assistance from the ILO and other international organizations to overcome the obstacles faced by the country which were inflicted on it and on its children, and through them we could reconstruct our country and rebuild a peace-loving society and a democratic one.

Miembro trabajadora, España (Sra. ORTEGA FUENTES) — Como todos ustedes saben, ayer 12 de junio se celebró el Día contra el Trabajo Infantil. La OIT lanzó este día en 2002 para concienciar acerca de la magnitud de este problema y aunar esfuerzos para erradicar esta realidad. El 12 de junio tenemos la oportunidad de fomentar y coordinar las

iniciativas de los gobiernos, las patronales y sindicatos, la sociedad civil, los medios de comunicación y muchos otros actores locales, como escuelas y ayuntamientos, en la lucha contra el trabajo infantil.

Conviene recordar ante esta Comisión que el Convenio núm. 182 por el que se debate el caso de Iraq cumple ahora su 20.º aniversario y está cerca de su ratificación universal. Se está pidiendo su plena ratificación junto con el Convenio sobre la edad mínima, 1973 (núm. 138) y el Protocolo de 2014relativo al Convenio sobre el trabajo forzoso.

Estamos aún hoy muy lejos de cubrir las expectativas en la meta 8.7, de la Agenda 2030 para erradicar el trabajo forzoso, poner fin a las formas modernas de esclavitud y la trata de seres humanos y asegurar la prohibición y eliminación de las peores formas de trabajo infantil, incluidos el reclutamiento y la utilización de niños soldado y, a más tardar en 2025, poner fin al trabajo infantil. Sin duda, aún más lo estamos en el caso de Iraq.

El Fondo de las Naciones Unidas para la Infancia (UNICEF) nos recuerda que en Iraq hay 4 millones de niños en una situación muy vulnerable siendo el colectivo más afectado por la violencia: más de 1 000 niños han sido asesinados; 1 300, secuestrados; uno de cada cinco sufre retraso en el crecimiento; 1,2 millones están fuera del sistema educativo; 800 000 se han quedado huérfanos; unos 4 700 han sido separados de sus familias; y 500 000 están involucrados en trabajo infantil y más de 600 000 permanecen desplazados.

Por otro lado, después de declarar a fines de 2017 la «victoria» sobre el Estado Islámico, las autoridades persiguen a los niños acusados de pertenencia a grupos yihadistas, niños y niñas que han sido utilizados por Dáesh como esclavos de guerra.

Lamentablemente, las autoridades iraquíes los encarcelan una vez más, incluso en cárceles para adultos, los torturan y, en los mejores casos, los ponen en campos aislados y los excluyen de cualquier programa de readaptación.

Aunque el conflicto armado haya bajado de intensidad desde finales de 2017, sigue siendo necesario aumentar la ayuda humanitaria porque los niños de Iraq se enfrentan a muchos desafíos. Ante la gravedad de la situación pedimos a esta Comisión que se pronuncie de manera contundente para exigir la erradicación total del trabajo forzoso e infantil en Iraq exigiendo investigación, justicia y reparación. Sin ayuda, probablemente estos niños tomarán nuevamente las armas. Iraq invierte mucho dinero en la detención de estos menores, dinero que sería mejor empleado en la reparación del daño que se ha ocasionado a las víctimas de este conflicto.

Government member, Canada (Ms CALDER) – We recognize that the situation in Iraq remains challenging, with the continuing presence of armed groups, incidences of armed conflict and terrorist activity. Canada supports a united, stable, diverse and democratic Iraq, and is fully committed to supporting the Iraqi Government and its people on the road to stability, security and good governance.

As a key player in the Middle East region, now is the time for Iraq to strive to overcome challenges that threaten its most precious asset – its youth. As the Committee of Experts and several United Nations reports make clear, Iraq suffers from some of the worst forms of child labour, including the recruitment of children for use in armed conflict and commercial sexual exploitation, particularly of girls. Many children in Iraq have suffered greatly and continue to suffer, especially boys and girls from diverse ethnic and religious groups and those displaced from their communities. The Government of Iraq must act without delay to protect its children and rehabilitate its youth.

Canada therefore urges the Government of Iraq to take immediate and effective action to: adopt a law that clearly prohibits the recruitment of children under 18 years of age for use in armed conflict and put a stop to such recruitment in practice; to take all necessary measures to remove children from situations of sexual slavery and exploitation; and to introduce and strictly enforce effectively dissuasive penalties against all perpetrators to prevent other children from being forced into armed conflict or situations of commercial or

sexual exploitation. Furthermore, we urge the Government to recognize that minors have often been victimized and should not be treated as offenders and accomplices. Rather, their rehabilitation and social integration should be prioritized.

Finally, we encourage the Government to take all necessary measures to ensure the safety of school children and improve access to free, basic, quality education, as such access would help prevent the engagement of children in the worst forms of child labour. Canada would be pleased to discuss with the Government of Iraq how we might provide any support or assistance in these endeavours.

Worker member, Norway (Ms MJØBERG) – I will speak on behalf of the trade unions in the Nordic countries. Children in Iraq continue to be victims of grave child rights' violations. This is confirmed by a report of the UN Secretary-General on children and armed conflicts and several other reports from UN bodies. Boys as young as 12 years are recruited and used in military operations by the Islamic State in Iraq and Levant (ISIS), by the Government Popular Mobilization Forces (PMF) and by self-defence groups supporting Iraqi security forces. The Iraqi Government has not shown any political will to curb these groups' use of child combatants.

Children in Iraq are vulnerable to recruitment in the ongoing conflicts. They are used as suicide bombers and combatants, for logistics and manufacturing explosive devices. In addition, they are sexually exploited and used as wives of fighters and as sex slaves.

During the war, a large number of children were detained and convicted of terrorism for their association with armed groups. Only in 2017 at least 1,036 children remained in detention on national security-related charges, mostly for their alleged association with ISIS. The Nordic trade unions express its deep concern of this practice. We do emphasize that children under the age of 18 should be treated as victims and not offenders.

Refugees and internally displaced children in camps remain vulnerable to sale and trafficking for sexual purposes. NGO reports contain evidence of local government

authorities and security personnel working in collaboration with human trafficking networks in the Kurdish region, particularly in the Domiz refugee camp.

Iraq has made a minimum of efforts to eliminate the worst forms of child labour although a new policy has been adopted. However, children continue to engage in child labour, including forced begging and commercial sexual exploitation. The Nordic trade unions are deeply concerned about the violations of children's rights in Iraq. We urge the Government to take immediate measures to put an end to recruitment of children for use in armed conflicts. It is also necessary for the Government of Iraq to improve access to free basic education for all children, also in areas affected by war, particularly girls. Penalties for offences related to the use of children in armed conflict, hazardous work and prostitution should be introduced and enforced. Persons who forcibly recruit children under 18 years should be prosecuted and punished.

Membre gouvernemental, Suisse (M. BLESS) – La Suisse soutient la déclaration faite par l'Union européenne et souhaite ajouter quelques éléments. Le travail des enfants et plus particulièrement l'implication des enfants dans les conflits armés sont des phénomènes extrêmement préoccupants. La Suisse est inquiète de voir la pratique du recrutement d'enfants perdurer au sein des forces de mobilisation populaire progouvernementales (PMF) dans les zones de conflit ainsi que par l'Etat islamique en Iraq et au Levant (EIIL).

La Suisse tient à souligner que le fait de recruter des enfants dans les conflits armés ne viole pas seulement cette convention, mais également les articles 32 et 38 de la Convention relative aux droits de l'enfant des Nations Unies, convention que l'Iraq a ratifiée en 1994.

Des sanctions claires et spécifiques devraient être mises en place pour punir le fait d'associer des enfants à un conflit et de les utiliser à des fins d'esclavage sexuel.

Priver les enfants de leur éducation en raison du climat d'insécurité n'est pas admissible. La Suisse encourage le gouvernement à continuer les efforts entrepris dans la poursuite pénale des personnes engagées dans des violations graves contre des enfants et

d'entreprendre toutes les mesures afin de garantir la démobilisation des enfants, de mettre un terme à tout recrutement d'enfants ainsi que de faciliter la réhabilitation et la réintégration sociale des enfants. Même dans les circonstances actuelles, il faut tenter de ne pas priver ces enfants d'un avenir meilleur!

Tout en reconnaissant la situation difficile en Iraq, la Suisse partage les profondes préoccupations de la commission d'experts et soutient entièrement ses conclusions et recommandations.

Interpretation from Arabic: **Government member, Egypt (Mr NAZMY)** – We have listened most carefully to the statement made by the representative of the Government of Iraq, as well as the references to the situation prevailing in the country, and those measures that were taken, especially legislative ones. Those were aimed at improving the working situations and especially the adoption of a new labour law in 2015 and a new legislation regarding human trafficking.

The Government's adoption of such measures in the light of the circumstances it has faced, such as war against terrorism, is evidence of Iraq's care to implement international standards, especially this Convention.

We wish to reaffirm the importance of the implementation of the Convention in law and practice. However, we wish to commend those initiatives taken by the Government of Iraq to in fact inform social partners regarding child labour. We therefore call on this Committee, when drawing up its conclusions, to take into account the circumstances prevailing in Iraq and those measures taken to implement the provisions of the Convention. We call on the Organization to provide the necessary support to the State of Iraq so that it may pursue those efforts undertaken to abide by international labour standards and especially Convention No. 182.

Government member, Islamic Republic of Iran (Mr MOZAFARI) – I would like to welcome the delegation of Iraq for their presence in this Committee and the extensive

report they provided for the consideration of this august body. We appreciate the efforts of the Government in fulfilling its obligations under the Convention and urge it to continue to do so more rigorously. The ILO Convention on the worst forms of child labour is the fundamental instrument for the protection of the rights of children to which we all attach grave significance.

The very fact that the Government of Iraq joined this Convention right after the entry into force is a manifestation of Iraq's determination and strong will to follow its obligations under the instrument, which has been broadly acknowledged by the social partners. However, in examining the implementation of the Conventions in Iraq we need to take into account the dire security conditions in this country following the occupation of large parts of its territory by the terrorists groups – particularly Daesh – who are accountable for the serious violation of the Convention in Iraq. Likewise, the responsibility of the foreign powers who made it possible for terrorists to occupy and control the Iraqi territory and thereby caused severe violation, violence of the Convention cannot be overlooked. We invite the Committee and the ILO to further provide assistance to the Government involved in fulfilling its obligations under the Convention and urge Iraq to engage in a more meaningful manner with all relevant parties for the implementation of its commitments and wish them the best of luck in doing so.

Interpretation from Arabic: **Worker member, Egypt (Mr MOHAMED)** – We have listened with great attention to the statement of the Government of Iraq, and we have noted that it has adopted all the necessary measures to prevent the trafficking for labour of children. And hence, we can say of this neighbouring country that the Government has not proceeded to employ children; that the Government respects the Convention and that the recruitment of children was conducted by terrorist groups. The Government and the legislation in Iraq prohibit this practice and we emphasize that work has been done to address this, and we hope that the international community will lend help to this country, which has suffered from many wars, above all through Daesh. We hope that this Committee, when it will adopt its

conclusions, will bear in mind what has happened recently in Iraq and that the ILO will proceed to adopt all measures to help this country. We support everything that appears in the statement of the Government representative on this.

Government representative – There are 38 million inhabitants and in 2020 the Planning Ministry and the Central Census Organization is preparing precise figures on the population of our country. The most recent census of our country was conducted in 1997 and the absence of verified data is a major problem and regrettably the preparation of some reports from some media sources often failed to draw on reliable sources. For example, our colleague when he referred to the situation in our country, indicated that there are 38 million inhabitants and 4 million of them are public officials. This does not happen in any other country in the world; meaning that the number of public officials is more than 11 per cent of the population. That is a very important fact within the ILO. The Government should provide employment opportunities after the events of 2007.

We think about the great number of retired in our country and more than 3 million are protected. I am thinking in particular of victims of terrorism and members of the families of martyrs or of prisoners. The Employment and Social Affairs Ministry, for example, allows them protection; 1.27 million grants are provided every month to families. But this aid has strings attached according to the law. The conditions we apply to recipients is that their children must go to school. So, in summary, that is what happens with our budget.

As to the culture of unemployment, that is very dangerous. If I do not receive any form of income or aid I am considered unemployed in my country. That is one side of the issue, on the other hand, I would like to thank the European Union for its support and for our joint efforts to help rebuild, reconstruct my country. As to legislation, I can tell you there is strict legislation. We have a new law which has been discussed in the legislative council and that is legislation to protect children.

Now, let us return to the report. A report on the situation of children and armed conflict and forced recruitment and their being hindered to go to school. Let us see how in a neutral way we can address this situation. The use of children in armed conflicts has two aspects: one is the authorization now used by Daesh and this can be seen within the efforts by the Government and international efforts. The international support which should be ongoing so that these children can be integrated into society once they are released from the clutches of Daesh. That is very important. As to those children who are recruited as part of the popular mobilization, there we must differentiate between popular mobilization which is part of the armed forces in our country, and those individuals who claim to belong to this mobilization.

These groups appeared after the chaos produced by Daesh. They are the ones they refer to in the report by the general secretariat. That means that the stabilization of our country and the liberation of regions were a priority for these peoples.

As to their forced use into sexual exploitation, I can say that the report did not refer to the Iraqi legislation I referred to earlier – article 37 of 2017, or the law on the prohibition of human trafficking and other related measures. As we did yesterday, we emphasized the financial support received from the World Bank. The ILO has also been carrying out programmes: one for decent work, another, a loan from the World Bank to support young people and women in the concerned governorates. As to education in Iraq, since the 1970s, education has been free of charge – both primary and middle education and university education. And we are now beginning to see the advent of private and civilian universities. Now much of this is often due to the economic situation and we are addressing this through our various reform policies which are our priorities. There is also the aspect that the exodus has led us to, into particular treatment for so-called itinerant schools for those who cannot go to school. I am referring to the figures or the lack of them. The report in front of me is an international report which refers to various ministries. But here we are before the ILO and I think that we should turn to the Education Ministry where we have precise figures on the

children who do not go to school. I am not saying that the figures are imprecise but normally I think we should be much more objective.

Finally, Iraq insists on the application of international labour standards and on the need to pay attention to all countries that are jeopardized. Regarding the recruitment for the armed forces, it has been said that there has been no further child recruitment in recent years. We do not have a compulsory military service at the moment. It is a voluntary military service. There may be isolated cases but we do not think they warrant the current statements that we have heard.

Membres travailleurs – Nous avons entendu le représentant du gouvernement iraquien et nous avons aussi écouté les intervenants pour leurs contributions. Il s'agit d'un cas grave, il s'agit d'un cas qui a été libellé avec double note de bas de page par les experts. Le traitement du cas de l'Iraq devant notre commission pour cette convention dans le futur dépendra de l'évolution de la situation dans le pays. Je ne peux donc affirmer que ce sera la dernière fois que ce cas sera discuté, mais je l'espère au moins.

Nous l'avons entendu, le gouvernement iraquien doit croire que la sortie définitive du conflit passera par le réinvestissement massif dans l'éducation de sa jeunesse, même celle qui a été la plus meurtrie par ces années de conflit. C'est par elle que l'Iraq pourra durablement rebâtir une société pacifique et démocratique. Pour y parvenir, le gouvernement doit prendre d'urgence des mesures en vue de démobiliser totalement et immédiatement tous les enfants et de mettre un terme au recrutement forcé d'enfants âgés de moins de 18 ans dans les forces armées et les groupes armés.

La promulgation d'une loi interdisant le recrutement d'enfants de moins de 18 ans en vue de leur utilisation dans les conflits armés est une première étape indispensable. Nous sommes convaincus qu'elle pourra être rapidement adoptée, vu l'engagement déjà exprimé du gouvernement iraquien de s'engager dans cette voie. Cette législation devra également prévoir des mesures immédiates et efficaces pour faire en sorte que toutes les personnes, y

compris les membres des forces armées régulières qui recrutent des enfants de moins de 18 ans pour les faire participer à un conflit armé, fassent l'objet d'enquêtes approfondies et de poursuites vigoureuses et que des sanctions suffisamment efficaces et dissuasives leur soient infligées dans la pratique. Il conviendra pour ce faire de doter les services d'inspection des moyens humains et matériels nécessaires afin d'assurer le respect de cette législation. Il sera également utile que le gouvernement fournisse des informations sur tout progrès réalisé à cet égard.

Etant donné les indications selon lesquelles des formations militaires sont organisées pour les garçons de 15 ans et plus, il nous apparaît opportun d'élaborer un plan d'action pour faire cesser la formation, l'enrôlement et l'utilisation d'enfants par les forces progouvernementales à des fins militaires.

Nous l'avons vu, l'accès à l'éducation de base gratuite est la meilleure garantie de sortir les enfants du travail, et a fortiori aussi des pires formes de travail. Même si la situation du pays rend cette tâche extrêmement compliquée, il est indispensable que le gouvernement prenne les mesures nécessaires pour améliorer l'accès à l'éducation de base gratuite pour tous les enfants, en particulier les filles, les enfants des zones rurales et les enfants des zones touchées par la guerre.

Les programmes de l'Organisation des Nations Unies pour l'éducation, la science et la culture (UNESCO) nous semblent être une opportunité que l'Iraq doit pleinement saisir, et nous l'invitons à renforcer la coopération et à dégager les moyens nécessaires à la réussite de ces programmes.

Par ailleurs, selon nos informations, il apparaît que l'obligation scolaire n'est imposée que jusqu'à 12 ans, alors que l'âge minimum d'admission à l'emploi est lui bel et bien de 15 ans, laissant un vide juridique de trois années. Nous demandons au gouvernement iraquien de fournir des informations à ce propos et de veiller à relever l'âge de l'obligation scolaire à 15 ans afin qu'il coïncide avec l'âge minimum d'admission à l'emploi.

Ces mesures permettront d'accroître les taux de scolarisation, de fréquentation et d'achèvement des études primaires et secondaires et de réduire les taux d'abandon scolaire afin d'éviter que les enfants ne soient soumis aux pires formes de travail des enfants.

S'il est fondamental de travailler sur le volet préventif, la situation en Iraq rend nécessaire un travail de fond sur le volet curatif. En effet, de nombreux enfants ont été enrôlés dans un conflit et en ont subi de sérieux traumatismes. Le gouvernement veillera dès lors à prendre des mesures efficaces et assorties de délais pour soustraire les enfants aux groupes armés et assurer leur réadaptation et leur intégration sociale. Toute information sur les mesures prises à cet égard et sur le nombre d'enfants soustraits aux groupes armés et réintégrés sera utilement transmise à la commission d'experts.

Le nombre important d'enfants ayant fait l'objet de mesures de privation de liberté nous pousse à insister auprès du gouvernement iraquien pour que les enfants soustraits aux groupes armés soient traités comme des victimes et non comme des délinquants.

Une intervenante a par ailleurs affirmé lors des discussions que des enfants faisant l'objet de mesures privatives de liberté sont placés en détention avec des adultes. Nous prions le gouvernement de bien vouloir transmettre des informations sur ce point et, plus généralement, sur les conditions de détention des enfants.

Si le gouvernement iraquien veille à faire cesser le plus rapidement possible les mesures de détention prises à l'égard des enfants, les informations relatives aux conditions de détention de ceux-ci permettront au gouvernement iraquien de prendre les mesures adéquates pour assurer la réintégration sociale de ces enfants.

Nous l'avons entendu, des faits sordides d'esclavage sexuel ont été rapportés par divers organismes. Le gouvernement veillera à prendre des mesures efficaces et assorties de délais pour soustraire les enfants de moins de 18 ans à l'esclavage sexuel et assurer leur réadaptation et leur intégration sociale. Le gouvernement n'ayant fourni aucune information dans son rapport à cet égard, il serait utile de faire parvenir des informations écrites à la

commission d'experts sur les mesures spécifiques prises ainsi que sur le nombre d'enfants soustraits à l'esclavage sexuel et réhabilités.

En vue de réaliser l'ensemble de ces recommandations, nous demandons au gouvernement iraquien de solliciter l'assistance technique du BIT.

Employer members – We appreciate the detailed nature of the submissions and found this most useful. We also thank the other speakers that took the floor and believe that this was quite a rich discussion about clearly a very complicated issue. The core of this case is the procurement and use of children in armed conflict. Related issues in this case include the deprivation of children of basic education, the prosecution of children for participation in conflict, treating them as offenders and the abduction, sexual exploitation and sexual abuse of children. Undoubtedly, there is no worse form of child labour than forcing children into armed conflict. Clearly this is the most serious of violations.

It is clear from the discussions today and yesterday evening that there is a broad consensus regarding the seriousness of the issues presented in this case and the need for the Government to take immediate measures, both in law and practice, to address these most serious issues. The Employers also take a moment to recall that the use of children by Daesh or ISIS or the Popular Mobilization Forces is equally problematic. While the Employers' group recognizes the challenges facing the country, it is also clear from the discussion today and the interventions made that members of the international community stand ready to support the Government in these important efforts. We think that this is an example of how the international community can come together to address this most serious issue. Therefore, in the strongest terms, the Employers' group urges the Government of Iraq to collect and make available without further delay information on investigations, prosecutions and penalties relating to the worst forms of child labour, according to national enforcement mechanisms. We urge the Government to develop policies and a programme aimed at ensuring equal access to free public education for all children by taking steps to give immediate effect to its previous commitment to introduce laws that prohibit the recruitment

of children for armed conflict and to dissuasively penalize those who breach this law. We support the call for an action plan for the Government to cease using children for pro-government military forces, whether this use is either compulsory or voluntary.

The Employers' group urges the Government to supplement without delay the UNESCO Teacher Child Project and other projects with such measures that are necessary to afford access to basic education for all children of school age, particularly girls, particularly in rural areas and those areas affected by war.

The Employers' group urges the Government to take effective measures without delay to ensure that children who are most often unwillingly conscripted and associated with armed groups that they are not unfairly treated simply because of that association, that they are not treated as offenders and that all are afforded appropriate means of social reintegration back to civil society.

The Employers' group urges the Government to identify and support without delay children who have been sexually exploited and sexually abused through such means as sexual enslavement by either anti-government or pro-government forces and ensure that their basic human rights are restored and respected and that there is particular attention given to their integration into civil society.

The Employers' group urges the Government to avail itself of ILO technical assistance as a matter of urgency to ensure its continued path to meeting its obligations under the Convention.

Finally, the Employers' group invites the Government, and stresses the importance of its provision of information in detail on the measures taken to implement these recommendations, to the next meeting of the Committee of Experts in November of 2019.