

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	671
Land:	Irak
Kilde:	Migrationsverket og Landinfo
Titel:	The situation of children in Iraq and returning unaccompanied minors
Udgivet:	10. april 2014
Optaget på baggrundsmaterialet:	10. juni 2014

2014-04-10

The Situation of Children in Iraq and Returning Unaccompanied Minors



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This report was written according to the common EU-guidelines for processing factual COI (2008). It was therefore composed on the basis of carefully selected, publicly available sources of information. All sources used are referenced. All information presented, except for undisputed/obvious facts has been cross-checked, unless stated otherwise.

The information provided has been researched, evaluated and processed with utmost care within a limited time frame. However, this document does not pretend to be exhaustive. Neither is this document conclusive as to the merit of any particular claim to refugee status or asylum.

If a certain event, person or organization is not mentioned in the report, this does not mean that the event has not taken place or that the person or organization does not exist. The information in the report does not necessarily reflect the opinion of the authority and makes no political statement whatsoever.

1. Summary:

Iraq has the second youngest population in the Middle East and North Africa region. Iraq that was once reputable for its leading efforts in promoting child welfare is today considered by some sources as being one of the worst places for children to live in. Poverty, malnutrition and high rate of child mortality are some of the many issues the country has had to grapple with in the past two decades following the Gulf war and the subsequent UN-imposed sanctions.

The population upheaval caused by the deteriorating security and political situation in Iraq has resulted in mass displacement within the country as well as forced migration into neighbouring countries. The dislocation of millions of Iraqis over the past two decades has not only split and dispersed Iraqi families all over the world but has also contributed to undermining the dynamics of the extended family within Iraqi society.

The volatile security situation has also prompted unaccompanied minors to leave Iraq today.

The Child Welfare Commission within the Ministry of Labour and Social Affairs is committed to assisting unaccompanied minors returning to Iraq in locating their parents or other family members.

Access to updated information is one of the major challenges facing case workers when locating the whereabouts of parents or other family members who can assume guardianship for the minors upon return. Many families have either fled the country or have become displaced after the minors left Iraq. The socio-economic difficulties facing many Iraqis today has further deterred parents and other family members from receiving returnee minors from abroad as they cannot provide or fend for them.

The situation is to some extent similar in the KRI. The authorities there have also reiterated their commitment to receive returning minors provided they have documentation and sufficient information regarding the whereabouts of the parents and other family members.

2. Introduction

This report addresses the general situation of children in Iraq in light of the challenges facing the Iraqi society following the fall of the Baath-regime. The report also examines the work carried out by the Child Welfare Committee with regard to tracing and relocating parents and other family members of unaccompanied returnee minors.

The report deals with information partly compiled from open sources as well as interviews conducted during a joint fact finding mission to Baghdad and Erbil undertaken in November 2013 by the Swedish Migration Board's country of origin information unit, Lifos, and the Norwegian Country of Origin Information Centre, Landinfo, at the Norwegian Directorate of Immigration.

2.1. Challenges facing children in Iraq

Iraq acceded to the Convention on the Rights of the child on June 15, 1994. The country has the second youngest population in the Middle East and North Africa region (MENA), with children and young people making up 56% of its population of 33 million¹.

However, the situation of children is concerning. Iraq has fallen from being one of the leading countries in the MENA region to be a child in the 1970s to being one of the worst places in the region for children to live in.

2.1.1. Victims of violence

There is no conclusive information as to the exact number of children killed or injured in Iraq as a result of the ongoing violence that has rippled the country in the past decade. Aged based data breakdown is not always available, or accurate, in all instances when compiling information on security related incidents. The research group Iraqi Body Count (IBC) estimated in its report in 2012 that out of the 45,779 violent deaths for which IBC was able to obtain age data, 3,911 (8.54%) were children under age 18. Other age data made available to the IBC show that nearly one third (29%) of the civilian victims killed during the US-led coalition were children².

The organisation War Child International stated in its report in May 2013 that 692 children and young people had been killed, and almost 2000 injured, since December 2012.³

¹ BBC News, *Situation of children in Iraq 'a neglected crisis'*, 2013-05-01

<http://www.bbc.com/news/world-middle-east-22366451>

² Iraqi Body count, *Iraqi deaths from violence 2003–2011 Analysis and overview from Iraqi Body Count (IBC)*, 2012 <http://www.iraqbodycount.org/analysis/numbers/2011/>

³ War Child International, *Mission Unaccomplished, Iraq Statement report, 10 years on, May 2013*, http://cdn.warchild.org.uk/sites/default/files/Mission_Unaccomplished_%20Iraq_1_May_2013.pdf

UNICEF estimated in its report of 2011 that around 800 000 have lost one or both parents in the conflict following the fall of the Baath regime in 2003⁴.

2.1.2. Health care, malnutrition and poverty related diseases

The impact of the 2003 invasion and subsequent conflict has also brought about more challenges on an already burdened healthcare system. Attempts to resurrect Iraq's healthcare system remain hindered by a number of factors, including fragile national security and lack of utilities, such as water and electricity, as well as medical supplies. The gradual deterioration of the health sector since the end of the Gulf war led to a massive “brain drain” within the medical profession.⁵

In 2011 The World Health Organisation (WHO) estimated that Iraq had 7,8 doctors per 100 000 people, which at the time rated the country almost four times lower than its neighbouring countries; Jordan, Syria and Lebanon and even the Palestinian occupied territories.⁶

Malnutrition and other diseases brought about due to wide spread poverty, economic deprivation, absence of basic services and environmental degradation are other impediments facing children growing up in Iraq today⁷.

According to a report published on Iraq by the research and media organization, The Centre for Global Research, 3.5 million children live in poverty, 1.5 million under the age of five are undernourished in addition to 100 infants dying every day, which is equivalent to 35 000 deaths per year⁸.

Destruction of the military and industrial infrastructure has brought about serious military-related pollution. The release of hazardous substances in the environment has caused rise in the number of congenital birth defects as well as cancer cases⁹.

Mass displacement and a climate of fear, insecurity and violence have contributed to the high ratio of mental illness in the country. According to joint survey/study carried out by the Ministry of Health and the World Health organization, the number of Iraqis suffering from trauma and mental

⁴ UNICEF, *The Situation of Children and Women in Iraq, 2011*, http://www.unicef.org/iraq/MICS_highlights_ENGLISH_FINAL.pdf

⁵ IRIN, *Iraq 10 years on: War leaves lasting impact on healthcare*, 2013-05-02, <http://www.irinnews.org/fr/report/97964/iraq-10-years-on-war-leaves-lasting-impact-on-healthcare>

⁶ ibid

⁷ Iraq Body count, *Iraqi deaths from violence 2003–2011 Analysis and overview from Iraq Body Count (IBC)*, 2012 <http://www.iraqbodycount.org/analysis/numbers/2011/>

⁸ Kentane, Bie, *The Children of Iraq: "Was the Price Worth It"*, Global Research, 2013-02-19, <http://www.globalresearch.ca/the-children-of-iraq-was-the-price-worth-it/30760>

⁹ Kentane, Bie, *The Children of Iraq: "Was the Price Worth It"*, Global Research, 2013-02-19, <http://www.globalresearch.ca/the-children-of-iraq-was-the-price-worth-it/30760>

disorder relating to war and violence has increased. The country has an acute shortage of psychologists that can meet the population's mental health care needs. In 2010 it was estimated that there were only 200 psychologists in the country, few of whom were trained in treating war related mental disorders¹⁰. The mental health sector continues to grapple with shortages in funds as well as skilled medical professionals.

"Many Iraqis have been pushed to their absolute limit as decades of conflict and instability has wreaked devastation...." (Helen O'Neill, Médecins sans Frontières (MSF), Head of Mission in Iraq)¹¹

2.1.3. Sexual and domestic violence

The rise in violence and diseases are not the sole grievances facing Iraq's future generation. Kidnappings and sexual violations committed against children have also increased. Children are killed if their parents cannot pay the ransoms requested¹².

Trafficking and child prostitution, particularly with young girls, is another major issue of concern that has reached alarming levels within Iraqi society. The rise in prostitution and trafficking came about during the Baath regime. Although the period is mainly attributed to unprecedented dictatorship and repression it was also a time of advanced modernity, socialism and secularism. The prosperity that came from the oil revenues attracted small numbers of traffickers to bring in prostitutes from other parts of the world, for example Egypt and the Philippines. However, the economic sanctions that hit the country in the aftermath of the Gulf war brought about an alarming increase in prostitution within the local population. The ousting of the Baath regime and the virtual collapse of the security system left women and children vulnerable to criminal gangs of men who kidnap and sexually assault them. The victims are either kept in brothels in Iraq or sold off to other countries. The solicitation of women and young girls by family members is not uncommon. Women and girls sold into the industry by their own family members come from families who have adopted prostitution as a family business. Others come from families who are driven to desperate measures as a result of economic deprivation¹³.

The upsurge in prostitution has also given rise to the number of honor killings. The Organization of Women's Freedom in Iraq (OWFI) states in its

¹⁰ The Majalla, *Wounds of War, PTSD in Iraqis and veterans, 2010-10-20*, <http://www.majalla.com/eng/2010/10/article55165470>

¹¹ IRIN, *Iraq 10 years on: War leaves lasting impact on healthcare*, 2013-05-02, <http://www.irinnews.org/fr/report/97964/iraq-10-years-on-war-leaves-lasting-impact-on-healthcare>

¹² Mamouri, Ali *Iraqi children face poverty, violence, exploitation*, Al-monitor, 2013-11-06, <http://www.al-monitor.com/pulse/originals/2013/11/iraq-children-torn-instability.html>

¹³ The Organization of Women's Freedom in Iraq (OWFI), *Prostitution and Trafficking of Women and Girls in Iraq*, 2010-03-05, http://www.peacewomen.org/assets/file/Resources/NGO/dispvaw_prostitutiontraffickingiraqwomen_owfi_march2010.pdf

report; *Prostitution and Trafficking of Women and Girls in Iraq* that the number of honor related killings during the post-Gulf war era were the highest in the modern history of Iraq. Although there is no documentation over the number of honor killings carried out in central and southern Iraq the Independent Women Organization in the Kurdish region documented 9 000 killings within a nine year period following the Gulf War ¹⁴.

On another note, the rate of domestic violence committed against children is also high. According to UNICEF's Multiple Indicator Cluster Survey (MICS) for Iraq in 2011, 79% of children between the ages of 2-14 years were reported to be exposed to at least one form of physical or psychological punishment carried out by their caretakers or other household members. The MISC reported that 28% of children had been subjected to severe physical punishment. The survey further stated that children aged 5-9, from rural areas and those living in poor households were more likely to be exposed to at least one physical and psychological punishment in compare to their counterparts¹⁵.

In 2013 the KRI referred a draft law to the Shura Council which focuses on children's rights in general, and the rights of children with special needs in particular, in the areas of school enrollment and supportive environments. The draft law also addresses the regulation of child labor.¹⁶ However, the tribal composition within Iraqi society and parental views on child rearing are likely to hamper the implementation of the law¹⁷.

The proposals made by the Ministry of Justice to introduce amendments from the "*Ja'afari law*" (old shi'a law) to the *Personal Status law* are a serious breach to the rights of women and children. The law will enable Shi'a men to marry girls as young as nine years¹⁸. The law further reduces the age of marriage for boys to 15 years. The bill was approved by the Council of Ministers in February this year but has yet to be approved in parliament for it to become a law. Subsequently, the bill has added

¹⁴ The Organization of Women's Freedom in Iraq (OWFI), *Prostitution and Trafficking of Women and Girls in Iraq*, 2010-03-05, http://www.peacewomen.org/assets/file/Resources/NGO/dispvaw_prostitutiontraffickingiraqwomen_owfi_march2010.pdf

¹⁵ UNICEF, *Iraq, Monitoring the Situation of Children and Women, Multiple Indicator Cluster Survey 2011*, September 2012, http://cosit.gov.iq/documents%5Cstatistics%5Csocial%5CSurveys%5CFull%20reports%5CMultiple%20Indicator%20Cluster%20Survey%204-%20situation%20of%20women%20and%20children/MICS4_multiple%20indicator%20cluster%20survey_Volume_1.pdf

¹⁶ Zibari, Abdul Hamid, *Child-Protection Laws on Table in Iraqi Kurdistan*, al-Monitor, 2013-04-23, <http://www.al-monitor.com/pulse/originals/2013/04/child-protection-laws-iraqi-kurdistan.html>

¹⁷ Mamouri, Ali *Iraqi children face poverty, violence, exploitation*, Al-monitor, 2013-11-06, <http://www.al-monitor.com/pulse/originals/2013/11/iraqi-children-torn-instability.html>

¹⁸ Yacoub, Samir N. and Salaheddin, Sinan, *The Huffington Post, Iraq Child Marriage Bill Would Allow Girls To Wed, Severely limits Women's Rights*, 2014-03-17, http://www.huffingtonpost.com/2014/03/14/iraqi-child-marriage-bill_n_4962247.html

sectarian tinder to the highly volatile, and increasingly violent, political situation¹⁹.

2.1.4. Displacement and forced migration

The number of homeless and displaced children is significantly high. The largest displacement of people occurred between 2006 and 2008 at the height of the sectarian violence which forced many to flee their homes and even the country. The exact number of displaced persons tends to vary. UNAMI estimates that there are 1.3 million displaced persons in the country²⁰. UNHCR on the other hand estimated the number to around one million²¹. One in eight children are said to be displaced today.²² In addition, the number of Iraqi refugees who fled the country since the end of the Gulf war is numbered in the millions. This dispersed refugee situation has had a negative impact on family life and the role of the extended family in Iraqi society. Individuals and families are left to fend for themselves as relatives and other extended family members are widely dispersed in other countries or have become forcibly displaced within Iraq.

2.1.5. Child Labour

Displacement brings also about economic challenges on family life as parents struggle to make ends meet. Exploitation of children within the labour market is one such challenge. According to figures presented by UNICEF 500 000 children between the ages of 4-15 years are exploited as child laborers, the majority of whom live in rural areas²³. Children are sent to work in harsh and harmful environments, for example within the brick industry or garbage collecting. Moreover, 83% of Iraqi children have worked for their families on a permanent basis, without receiving any wage²⁴.

Article 29.3.b of the Iraqi constitution prohibits economic exploitation of children. Yet state institutions are unable to combat this growing phenomena, this is partly attributed to the government's preoccupation with the security situation in the country but also due to the complexity of the

¹⁹ Coleman, Isobel, *Status Anxiety; How the Jaafari Personal Status Law Could Set Iraqi Women Back Decades*, Foreign Affairs, 2014-03-24, http://www.foreignaffairs.com/articles/141065/isobel-coleman/status-anxiety?sp_mid=45478165&sp_rid=bmV2aW5ILm1hd2F0aUBtaWdyYXRpb25zdmVya2V0LnNISQ

²⁰ UNAMI, *The Plight of Internally Displaced Persons*, 2013-08-19, <http://unami.unmissions.org/LinkClick.aspx?fileticket=OBG2vkKw1FM%3D&>

²¹ UNHCR, *2014 UNHCR, country operation profile-Iraq*, <http://www.unhcr.org/pages/49e486426.html>

²² Mamouri, Ali *Iraqi children face poverty, violence, exploitation*, Al-monitor, 2013-11-06, <http://www.al-monitor.com/pulse/originals/2013/11/iraq-children-torn-instability.html>

²³ UNICEF, *The Situation of Children and Women in Iraq, 2011*, http://www.unicef.org/iraq/MICS_highlights_ENGLISH_FINAL.pdf

²⁴ Mamouri, Ali *Iraqi children face poverty, violence, exploitation*, Al-monitor, 2013-11-06, <http://www.al-monitor.com/pulse/originals/2013/11/iraq-children-torn-instability.html>

issue. The income which many of these children bring in may be the only source of income families have to in order to survive.

2.1.6. Education

Iraq was one of the most literate nations in the MENA region forty decades ago²⁵. In the 1970s the Iraqi government passed the Compulsory Education Law, whereby children between the ages of 6 to 15 were required to attend state schools. This law helped raise the literacy rate as well as promote free public education nationwide. While enrolment and literacy remained high through the sanctions, many schools fell into a state of neglect. Education fell as a priority as the government was obliged to address more urgent concerns within the public sector.

Shortly after the US-led invasion in 2003 an interim administration, known as the Coalition Provisional Authority (CPA), was established to fill the vacuum after the collapsed Baath-regime. One of the first initiatives brought by the CPA was to order the removal of all Baath members within the state apparatus, including the educational sector. As a result of the “de-Baathification” and the prevailing situation in Iraq, many teachers, academics and administrative officials within the educational sector were fired. Reportedly, Iraqi academics became targeted by death squads. More than 400 academics were assassinated by 2003 and 2010. The attacks and threats led to a new wave of “brain drain” forcing thousands of scholars and teachers to flee the country. In addition to that schools were looted, damaged and burned. More than 2,500 schools were targeted in 2003 alone. The destruction and insecurity reduced school attendance considerably²⁶.

There are more than six million people who are illiterate, which is equivalent to 20% of the population. Illiteracy amongst women is double that of men. According to figures presented by UNICEF 40% of children drop out school before completing their primary school education, in practical terms this would involve 450 000 children on a yearly basis²⁷.

2.2. Facilitating the return of unaccompanied minors

The Child Welfare Committee in Baghdad (CWC) within the Ministry of Labour and Social Affairs (MoLSA) is designated to tracing and locating parents and family members to unaccompanied minors wishing to return to Iraq. The CWC is only involved in cases pertaining to minors who for various reasons are unable to trace their parents or other family members.

²⁵ Iraqsolidaridad, *Illiteracy Rate in Iraq Climbs amongst Highest in the Region*, 2011-07-21, <http://iraqsolidaridad.wordpress.com/2011/07/23/illiteracy-rate-in-iraq-climbs-among-highest-in-the-region/>

²⁶ Iraqsolidaridad, *Illiteracy Rate in Iraq Climbs amongst Highest in the Region*, 2011-07-21, <http://iraqsolidaridad.wordpress.com/2011/07/23/illiteracy-rate-in-iraq-climbs-among-highest-in-the-region/>

²⁷ UNICEF, *The Situation of Children and Women in Iraq, 2011*, http://www.unicef.org/iraq/MICS_highlights_ENGLISH_FINAL.pdf

Officials from the CWC the delegation spoke to during its mission to Iraq affirmed the committee's commitment to assist unaccompanied minors wishing to return Iraq, provided that the return is carried out on a voluntary basis and in accordance with the best interest of the child. . In that case they will get care, shelter and education – even if the parents or extended family can't be traced.

The officials also stressed that the deteriorating security situation in the country and children's need for safety is one of the dominating factors behind the continuant exodus of minors from Iraq. The economic situation in the country is also difficult and there are many needy families. Government assistance is often limited to cash assistance, loans or social benefits. In some cases the government can assist in finding employment to the parents, but in a very limited capacity.²⁸

The CWC has since 2009 received 24 queries from the Swedish Migration Board (SMB) requesting the CWC's assistance in tracing parents or family members to minors wishing to return to Iraq. At present, the CWC has 12 pending requests from the SMB. However, this number is likely to decrease as some of the minors are due to reach the age of majority whereby the CWC is no longer required to continue tracing legal guardians for them.

One of the officials the delegation spoke to stated that the CWC has not received any minors from Sweden since 2005. However, the CWC would like to set up a bilateral meeting with all parties concerned to further discuss the matter and to further clarify the roles of all parties concerned.

The task of tracing family members in Iraq is cumbersome as well as time consuming. CWC officials the delegation spoke to said that one of the common challenges facing case workers is locating the family's last known address or updated data pertaining to the whereabouts of the parents. In most cases, case workers are able to track the parents address in the country only to discover that the family has moved to another location or left the country. In some cases the address given by the minors were either incorrect or fictive. The CWC officials further explained that minors who claim to have no knowledge of their family's whereabouts are not necessarily lying. The family may well have become displaced, or fled Iraq after the minor left the country.

Attempts to trace family members who have relocated to other parts of the country are usually futile. The food distribution system (PDS) which is administered by the Ministry of Trade (MoT) is the only reliable and hence accessible source of information available to the CWC when trying to trace family members. It is impossible for the CWC to locate family members who have not updated their resident status in the MoTs data base.

²⁸ Ministry of Labour and Social affairs, Baghdad ,2013-11-18

In the event the case workers are unable to locate the minors' parents they may turn to other family members asking them to receive the minors. However, such attempts have also proved futile. Family members commonly refer to lack of funds or to their inability to fend or support the minors as the main reasons for their reluctance to assume guardianship for the children upon return. In cases where family members are reluctant to receive the children the MoLSA may find a place for the children in an orphanage or a children's care centre.

Another problem hampering the CWC work in receiving and reuniting minors with family members in Iraq is the Iraqi embassy's inability to issue passports to undocumented minors. Minors leaving Iraq illegally with the help of smugglers often lack documentation.²⁹ One official the delegation spoke to suggested that the CWC could assist in obtaining documents for the minors at the Civil Registration Office provided they had the child's full name. According to the CWC, children who are registered in their family records can receive documents.

The CWC also requested the SMB to provide as much information as possible in order to broaden the CWC's search. One suggestion is to try to get telephone numbers of parents or family members³⁰.

The issue of unaccompanied minors was also raised with the Directorate of Passport and Nationality (DoPN) in Erbil. According to a high ranking official within the Directorate; unaccompanied minors originating from the KRI all have legal guardians. The overall majority come from families that are financially well-off and who can afford sending their children abroad³¹.

The Directorate is willing to assist in tracing family members provided they have the minor's full bio data, most preferably a valid documentation, or any substantial information (ex. telephone number, home address etc.) that could be of assistance in tracing and eventually contacting family members that can receive the minor upon return to the region.

The official gave an example of a request made by the Dutch police in tracing family members of an unaccompanied minor asylum seeker claiming to be an orphan and subsequently unable to receive adequate institutional care upon return to KRI. Having received a scanned copy of the minor's identity card from the Dutch police the official was able to trace the minor to Sheikhan. Upon obtaining the family's address from the Civil Registration Office the official contacted the child's father in Sheikhan. The father informed that his son had stolen 10 000 USD and used the money to travel to Turkey and then onwards to Europe³².

²⁹ Child Welfare Committee, Ministry of Labor and Social Affairs, 2013-11-18

³⁰ *ibid*

³¹ Directorate of Passport and Nationality, Erbil, 2013-11-21

³² Directorate of Passport and Nationality, Erbil, 2013-11-21

3. Conclusion

Living conditions for children in Iraq have gradually deteriorated since the end of the Gulf war. The economic and social hardship brought about the sanctions after 1991 followed by the virtual collapse of the state apparatus after the fall of the Baathist regime in 2003 hampered state institutions from meeting their obligations towards protecting and promoting basic rights for Iraq's young population.

Poverty and the lack of security are one of the main contributors to the exodus of minors from the country. Parents continue to send their children abroad in the hope of finding a better future for them.

Displacement and forced migration caused by the ongoing violence has dispersed family members and undermined the role of the extended family. This in turn has left many families and individuals more vulnerable and destitute than before.

The Iraqi authorities, through the CWC, have reiterated their commitment to assisting returning minors wishing to reunite with their parents or other family members in Iraq. However, the work of tracing and locating family members is cumbersome and time consuming. One of the major challenges facing the CWC is to find updated and sufficient information regarding the whereabouts of family members. In many cases, the family have either been displaced or left the country. Attempts by CWC case workers to get close family members to assume guardianship have also been futile. Weakened social ties and economical constraints often deter family members from wanting to receive returning minors.

The CWC is willing to explore new avenues in order to facilitate the return of unaccompanied minors to Iraq. One such proposal is to assist in obtaining documentation to the minors through the Civil Registration Office. However, this would also require further efforts by the SMB to provide detailed and updated bio data as well as any other information that can assist the CWC in their line of inquiry.

The KRI is equally committed in assisting the SMB in locating parents and other family members, provided they have adequate information, as well as documentation, pertaining to the minors and their family members inside Iraq.

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4.3 Acronyms

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|----------|---|
| 1. MoLSA | Ministry of Labor and Social Affairs |
| 2. CWC | Child Welfare Committee |
| 3. MoT | Ministry of Trade |
| 4. SMB | Swedish Migration Board |
| 5. DoPN | Directorate of Passport and Nationality |
| 6. IBC | Iraqi Body Count |
| 7. OWFI | The Organization of Women's Freedom in Iraq |
| 8. CPA | Coalition Provisional Authority |