
IRAQ

Republic of Iraq

Population: 28.8 million (13.8 million under 18)

Government armed forces: 227,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

There were no reports of under-18s serving in the Iraqi armed forces formed in 2003 after the US-led occupation. Armed political groups reportedly used children as combatants.

Context

According to the UN Secretary-General, children in Iraq continued to “suffer most in the ongoing violence” in the country. The Secretary-General also noted that “statistics from United Nations partners and Iraqi authorities suggest that approximately half of all Iraqi refugees are children, as are as many as 38 to 40 per cent of internally displaced persons.”¹

The new Iraqi constitution was adopted in October 2005 with the acceptance of all religious groups. Elections were held in December 2005 for a new 275-seat National Assembly. In June 2006 Prime Minister Nouri Maliki announced a 24-point National Reconciliation Plan addressing the political and security crises in the country. The plan provided for mechanisms to facilitate the political process, the disbanding of armed militias and the establishment of security plans. The Plan contained provisions for dealing with internal displacement, for enacting legislative and judicial reforms, for a partial amnesty for non-terrorist offences and for accountability mechanisms for human rights abuses.² Political uncertainty continued, however, as sectarian violence persisted.³

The US-led Multi-National Force–Iraq (MNF-I) and the Iraqi government faced increasing attacks from supporters of the former government and other armed groups. Attacks by the various groups intensified after the February 2006 bombing of the Samara Mosque, a Shia shrine, reportedly carried out by al-Qaeda in Iraq. The incident sparked increased sectarian violence and resulted in mass displacement. The bombing was followed by retaliatory violence; over a hundred people were killed in the immediate aftermath and at least 165 in the following days.⁴ Iraq’s civilian population was faced with daily violence perpetrated by armed groups,

criminal gangs, religious radicals and militias. There were also injuries and deaths resulting from operations by the security forces. Civilians accounted for the majority of these casualties. Human rights abuses, ranging from killings to discrimination on the basis of political and religious affiliation, gender, sexual orientation and professional group, had an enormous impact on the population.⁵

Abductions of children by Iraqi armed groups related to the sectarian violence increased significantly, in addition to the number of children abducted for ransom. A survey conducted by several local non-governmental organizations (NGOs) in Baghdad indicated that at least 20,000 people had been abducted throughout the country in 2006, half of them women and children.⁶

The Secretary-General reported that there had been “frequent attacks on schools, children and teachers” in Iraq since 2006. In January 2007 members of an armed group were said to have deliberately targeted a girls’ school in western Baghdad, with five students killed and 21 others injured in the incident. In June 2007 members of an armed group were said to have abducted 30 students between the ages of 17 and 19 from a secondary-school in Saydiyah.⁷

In mid-March 2006 five MNF-I soldiers were charged with the rape and murder of a 14-year-old girl and the murder of her family, including her 5-year-old sister, in Mahmoudiyah, south of Baghdad.⁸

Government

National recruitment legislation and practice

Article 9 of the 2005 Iraqi constitution stated that “[t]he Iraqi Armed Forces and Security Services will be composed of the components of the Iraqi people with due consideration given to its balance and its similarity without discrimination or exclusion and shall be subject to the control of the civilian authority”, and that “[m]ilitary service shall be regulated by law”.

In May 2003 the Coalition Provisional Authority (CPA) had ordered the complete dismantling of the Iraqi army, the demobilization of all enlisted soldiers and the indefinite suspension of universal conscription. The August 2003 CPA order creating the new armed forces specified that the minimum age of recruitment was 18 and that recruitment was voluntary. Former military officers of the rank of lieutenant-colonel and below were being accepted into the new army; all other males between the ages of 18 and 40 who were not listed on excluded lists were allowed to sign up at recruiting centres.⁹

Military training and military schools

MNF-I implemented a structured training and assessment process for the Iraqi military forces. Training was divided into two areas: for new recruits and for former soldiers. Membership of the Iraqi Special Forces Brigade required additional training. All Iraqi Special Operations Forces (ISOF) soldiers underwent a three-week assessment and selection course. They played crucial roles in major combat operations alongside, and sometimes independently of, multinational forces. A small number of army personnel attended advanced training with NATO and in US army schools.¹⁰

Armed groups

A wide range of armed groups operated in Iraq, most of them opposing the occupation of the multinational forces or engaging other sectarian militia groups. Iraqi armed groups opposing the occupation were mainly Sunni, although Sunni armed groups also attacked Shia targets. Al-Qaeda in Iraq (al-Qaeda of Jihad Organization in the Land of the Two Rivers) was the most prominent insurgent group.¹¹

Children were reportedly involved in attacks carried out by armed groups at least since November 2005, when a boy aged between ten and 13 carried out a suicide bombing targeting the police commander in the city of Kirkuk. No group claimed responsibility for the attack.¹² Later the same month two boys aged 12 and 13 reportedly carried out attacks against MNF-I patrols in Fallujah and Hweejah.¹³

Various armed groups allegedly used child soldiers. The two main child recruiters were al-Qaeda in Iraq and Jaysh al-Mahdi (Army of the Mahdi), according to research conducted by an Iraqi NGO. These groups reportedly used money to entice children into the group.¹⁴

The Sunni group al-Qaeda in Iraq was led by Abu Musab al-Zarqawi until his death in 2006. The group was believed to be led subsequently by Abu Hamza al-Muhajir (also known as Abu Ayyub al-Masri). Al-Qaeda in Iraq targeted mainly the MNF-I presence and individuals co-operating with MNF-I. It also launched attacks against civilians, often targeted at the Iraqi Shia majority, in an attempt to incite sectarian violence. Al-Qaeda was estimated to have more than 1,000 active members. Reports indicated that the group recruited children to carry out its attacks, but the number involved was not known.¹⁵

Mentally disabled children were allegedly sold to or abducted by al-Qaeda in Iraq and used by the group in night raids and as decoys to divert the attention of US or Iraqi forces in the run-up to attacks in cities such as Diyala, Ramadi and Fallujah.¹⁶

On 21 March 2007 mentally disabled children were allegedly used by al-Qaeda in

Iraq operatives in a suicide attack on a market in the Adhamiyah neighbourhood of Baghdad. According to a spokesperson for the Ministry of Interior, “they were put in the back of a car with another two adults in the front. The military let their car pass through the check point since it had children as passengers. When they reached the market, they [the adults] left the car with the children inside and detonated a bomb in the vehicle, killing the children and another five Iraqis.”¹⁷

Children orphaned since the US-led invasion in 2003 were allegedly used by the group as spies, or sent to gather information or distract troops while the group prepared to detonate bombs nearby. According to the Ministry of Interior, at least 12 children had died by April 2007 as a result of such bomb explosions.¹⁸

Jaysh al-Mahdi, led by radical cleric Sheik Muqtada Sadr, had a large presence in the cities of Najaf and Karbala and the “Sadr City” suburb in Baghdad. It was created in 2003 following the collapse of the Saddam Hussein government, and sought to replace more traditional factions as the voice of Iraq’s Shiite majority. As of early 2004 it was estimated to consist of about 500–1,000 trained combatants along with another 5,000–6,000 active participants, including under-18s.¹⁹ In summer 2004 Muqtada al Sadr directed a revolt that affected the primarily Shia south of Iraq, with the fighting against the MNF-I in the holy city of Najaf being particularly fierce. Child soldiers were allegedly used by the al-Mahdi militias during the fighting, some as young as 12.²⁰ In September 2006 children were reportedly used to throw stones at US troops in “Sadr City”, although an Al-Sadr spokesman denied organizing children for this purpose, stating that the rock-throwing was “spontaneous”.²¹

Ansar al-Islam, one of two main ethnic Kurdish Islamist groups in Iraqi Kurdistan, with around 600 fighters, was accused of links with al-Qaeda, and reportedly included non-Kurdish fighters.²² Since its establishment in 2001, the group engaged in intermittent clashes with the forces of the Patriotic Union of Kurdistan (PUK), in whose stronghold Biyara and Tawela were located. There was no available information as to whether this group recruited children.

Detention of suspected child soldiers

Children were reportedly held in centres under the jurisdiction of the Iraqi Ministry of Interior. Some were suspected of having taken part in clashes against government forces, including those suspected of being linked to the Mahdi Army.²³

By mid-2007 around 800 children aged between ten and 17 were held in an MNF-I base in Baghdad, accused of making and planting roadside bombs for armed groups or caught when acting as lookouts or carrying guns.

According to a US Army spokesperson, the number of child arrests was on the rise, from 25 a month in 2006 to 100 a month in 2007.²⁴

US soldiers within MNF-I described abuses against child detainees in detention centres run by MNF-I, including the rape of a 15-year-old boy at Abu Ghraib prison, forced nudity, stress positions, beating and the use of dogs.²⁵

As of October 2007 it was not clear whether children in MNF-I custody in Iraq were subject to the same detention review process as adults, who did not have access to lawyers and had to sign pledges of good behaviour and produce a guarantor to be released.²⁶ According to Major-General Douglas Stone, as of September 2007 between 50 and 60 children aged 15 to 17 had been turned over to Iraqi custody for trial.²⁷

Developments

The government, through the Commission of Child Care, began to address the challenges confronting children in Iraq. The Commission established a committee, which recommended that the government sign the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict.²⁸

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- 3 UNAMI, 11th report on the situation of human rights in Iraq, 1 April–30 June 2007, www.uniraq.org.
- 4 “Bombing shatters Mosque in Iraq”, *Washington Post*, 23 February 2006, www.washingtonpost.com.
- 5 International Committee of the Red Cross (ICRC), “Iraq: a desperate situation”, interview with Béatrice Mégevand-Roggo, 22 September 2007, www.icrc.org/; ICRC, “Iraq: civilians without protection”, report, 11 April 2007, www.icrc.org.
- 6 Report of the Secretary-General on Children and Armed Conflict, UN Doc. A/61/529-S/2006/826, October 2006; see also Amnesty International (AI), “Iraq: decades of suffering, now women deserve better”, 22 February 2005.
- 7 Report of the Secretary-General, above note 1.
- 8 Report of the Secretary-General, above note 6.
- 9 Global Security, “New Iraqi Army”, www.globalsecurity.org.
- 10 Ibid.
- 11 “Guide: Armed groups in Iraq”, BBC News, 15 August 2006.
- 12 “World: Islamic clerics condemn use of children in suicide bombings”, RadioFreeEurope/Radioliberty, 3 November 2005, www.rferl.org.

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- 15 Ibid.
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- 26 “US command in Baghdad launches bid to rehabilitate Iraqi detainees”, *Inside the Air Force*, Vol. 18, No. 29 (20 July 2007); Nancy Montgomery, “Board decides fate of thousands of Iraqi detainees: panel of Iraqis and American military has released more than 14,000 in 18 months”, *Stars and Stripes*, 23 February 2006.
- 27 Walter Pincus, “US working to reshape Iraqi detainees: moderate Muslims enlisted to steer adults and children away from insurgency”, *Washington Post*, 19 September 2007.
- 28 Report of the Secretary-General, above note 6.