

## PART THREE

### Development and Protection Rights: Circumscribed Implementation

*What is most important about the Convention, it is that it takes the traditional category of children's essential **needs** and elevates them to the category of **rights**, codifying them along with adult society's responsibilities to ensure they are respected...Can anyone doubt that this represents a major legal-ethical breakthrough for humankind?*

*James Grant, 1992*

**W**ithin the framework of the CRC **Development Rights** represent a set of social, economic, and cultural rights which entitle children and their parents to benefit from care services and facilities, the right of the disabled child to enjoy a full and decent life, and the right to benefit from social security and grants. Other rights in this cluster decree entitlement to education at all stages, and the right to literacy.

**Protection Rights** entitle children to protection from all forms of sexual and economic exploitation, torture and from engagement in combat. This set of rights also codifies children's entitlement to legal and judicial protection.

CRC Articles are similar to the battery of Iraqi constitutional laws decreed prior to adoption of the CRC in 1994.<sup>134</sup> The commitment to improve living conditions and promote children's welfare is reflected by the improved pre-1991 Human Development indicators.

Iraqi Children's Development and Protection Rights, like their Survival Rights, are now confronted by the limitations imposed by economic hardship. These frustrate provision of the essential **needs** which must be elevated to the category of **rights** within the framework of CRC implementation. Iraq's NPA for implementation of the CRC is more about what ought to be done in support of Development and Protection Rights than what is now feasible.

### 3.1 National Support of Development and Protection Rights

#### 3.1.1 Iraqi Statutes of Development and Protection rights

The Iraqi Constitution explicitly expresses the welfare state's agenda in support of social sector development in general and children's rights in particular. To complement legislation about Survival Rights, Iraq has a series of legal codes which closely resemble CRC articles of Development and Protection Rights.

Development Rights afforded children by Iraqi legislation cover developmental phases ranging from those of kindergarten children up to university education<sup>135</sup>. Iraq has a broader law for social welfare (*Social*

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<sup>134</sup> For details see Basil Youssef op.cit., 1995. This part of the Situation Analysis draws liberally on Youssef's study commissioned by UNICEF.

<sup>135</sup> The Ministry of Education Law of 1971 has a series of companion legislative codes: for Nurseries (1971); Kindergartens (1978) with Amendments; Compulsory Education (1976); Secondary School (1977); Vocational Schools (1978); Islamic Secondary Schools (1980); Higher Education (1988) and Eradication of Illiteracy (1980).

*Welfare Law number 126 of 1980*), and another regulating Parents and Teachers Councils (*Law number 1 for 1994*). The latter authorizes decentralization, which although still limited in practice, is unprecedented for Iraq's highly centralized social sector.

Protection Rights also have an overlap between CRC articles and Iraqi legislation. There are similarities related to issues of labour, criminal use of narcotics, and juvenile welfare.

The Iraqi legislation conforms with all the rights covered by the CRC except two<sup>136</sup>. These relate to children's right to form societies and sports clubs, and to seek refugee status. Iraqi legislation does not allow the formation of voluntary association by minors, and no legal statutes deal with child refugee rights.

### **3.1.2 Institutional Support**

Before the adoption of the CRC, a number of Iraq's ministries were responsible for defined facets of children's welfare, later identified as Development and Protection Rights within the framework of the CRC. These include specialized departments of Ministries of Health, Education, Higher Education, Labour and Social Affairs, Culture and Information, Trade, Internal Affairs, and Justice. The last includes the Office of the Prosecutor General, and specialized agencies for Juvenile Courts.

The Child Welfare Commission (CWC), established in 1979, and later headed by the Minister of Labour and Social Affairs, is the central authority on children's rights and welfare. The Commission is composed of representatives of most of the responsible ministries listed above, NGOs - the General Federation of Iraqi Youth (GFIY) and the General Federation of Iraqi Women (GFIW), and two expert consultants.

The CWC is responsible for formulating and executing policies on child development. These span sectors and range from the amendment of existing legislation to the development and implementation of annual programmes. The Commission's responsibilities extend to regional and international cooperation. For this, it supports studies and organizes conferences and seminars. However, the commission's role of coordination has been less than effective in generating productive programmes to support children's welfare.

NGO activities are relevant but not specific to matters of Child Rights. The Iraqi Society for Childhood Support is the only NGO which proclaims Child Rights as primary concerns.

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<sup>136</sup> Ibid.

### **3.2 The National Plan of Action**

The NPA sets goals and priorities related to the Development and Protection clusters of the CRC and to certain specific articles. However, it does not include a specific mechanism for monitoring, a responsibility assigned to the Central Statistics Organization (CSO). Achievements are to reach numerically well-defined goals set for the mid-decade, and the year 2000.

The NPA goals identify a number of Child Rights about early childhood development, reduction of the education gender gap, advocacy for the convention through the mass media, and improved services for disabled children. Governmental support for education has the highest social priority, second only to the provision of food rations.

The Ministry of Education aimed to reduce by one third the gap between primary school enrollment and retention by 1995; and by the year 2000 to provide universal access to basic education and completion of Primary School level education by at least 80% of eligible children. The goals set for Primary School enrollment had already been reached over a decade earlier.

Efforts towards implementation of the CRC within Iraq's NPA mainly depended on the state's political commitment, international support and available resources. Political commitment has been demonstrated. International cooperation was limited to the support by U.N. agencies and some overseas NGOs, mainly in the Autonomous Northern Region. The isolation of Iraq from the international community of scientists and researchers limits expertise to help promote children's welfare and other social sector concerns. Further, there is difficulty in defining the most needy groups with consequent formulation of a Safety Net programme, at a time when almost all the population is affected by the economic decline.

UNESCO and UNICEF helped rehabilitate primary schools, provide school supplies and other support. This role extends throughout the Child Rights domain (see Section 3.4 below). An added value is accepting local currency payments by the government, freeing valued foreign currency to augment scarce resources more effectively. This is relevant even within the framework of the Oil-for-Food programme which falls short of providing even basic survival needs, much less the implementation of Development and Protection Rights.

### **3.3 Support of Development and Protection Rights**

To facilitate implementation of the CRC, programmes must go well beyond Survival Rights. Support for education, especially of girls, helps preserve an essential component of Iraqi society under the present conditions of economic austerity. This is crucial at a time when other priorities put aside education requirements. Support of Development and Protection Rights includes planning, promoting community awareness and facilitating communication, and relevant information collection/use.

Programme priorities for 1997 and later focus on Education and Child Protection. These aim to preserve primary school enrollment rates, particularly females and enhance the **quality** of education. This starts with improved infrastructure (physical and human), equipment and supplies, including school water and sanitation facilities. Longer term improvement in the quality of education requires strengthening the Educational Monitoring Information System. This would enable policy makers to assess learning achievements and revise curricula.

Community-based participation through advocacy and social mobilization centre around the promotion of parental participation. Most of the recently-established Community Child Care Centres (CCCU's) for nutrition and health are located in schools; hence are a potential focal point for community action in education also. Further, school children can become an important conduit for messages to families. Examples for all sectors apply: in water/sanitation for appropriate maintenance of local networks

and equipment, efficient and safe water use; in health for campaigns, attention to children and families at great risk, use of local media, etc; education re-enforcement both in the school and the community.

As of 1993, 93% of all urban and 84% of all rural household own a television set; the data for radios would be comparable. Car ownership (but not necessarily functioning) has dropped from 23% to 21% in urban and 20% to 16% in rural areas, but is still substantial. There remains a vast audience which is still mobile. The infrastructure for increased information use, especially applicable to improved care and household practices addressing the current situation.

Assistance and protection measures for children with special vulnerabilities, involves the support to special services for these children, and upgrading the skills of specialist teachers and social workers. Media campaigns can bring to public attention about these needs.

### 3.4 Child Rights in the Context of Economic Austerity

#### 3.4.1 Education

Historically, Iraq has given education a high priority. However, the protracted economic hardship on Iraqi population has seriously affected every level of formal and informal education.

Article 28 of the Convention refers to the right of the child to education, calling for States Parties to make primary education compulsory and available free for all. This was done more than a decade before the CRC was adopted by the UN General Assembly. Further, there was a high political will to reduce illiteracy. 1977, the GOI launched the National Campaign for Illiteracy Eradication which covered over 2.5 million illiterate in the age group 15-45 years of which 70% were women<sup>137</sup>.

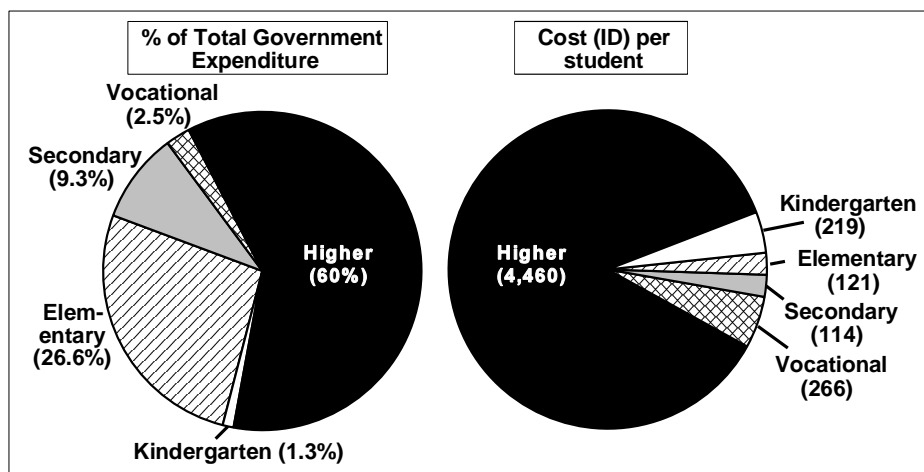
Despite the significant reduction in oil revenues during the period 1979-1986 (mainly due to the prolonged war with Iran), the total annual expenditure on education almost tripled from 1977 to 1987. On the other hand, while 48% of the education budget was allocated for primary education in 1977, this reduced to 26% in 1987. In terms of proportion to GNP in current prices, the percentage allocated to the education sector was reduced from 3.3% in 1977 to 2.9% of the GNP in 1987.

The extent of destruction of the education sector as a result of the Gulf War was extensive. In 1991, ID 1,427 billion was allocated to rehabilitate this sector. This amount was 6% of the GNP at current prices..

According to the Human Development Report/Iraq 1995, (60%) went to Higher Education of 30,000 students (Fig 3.1).

About one-quarter (26%) went for elementary education for 3.32 million and 9.3% for secondary or intermediate (1.02 million students). The figure also shows the cost per student, which was ID 4,460 for those at university and about ID120 for those in secondary or elementary school.

**Figure 3.1  
Education costs**



Source: Human Development Report/Iraq, 1995

<sup>137</sup> The campaign succeeded in reducing illiteracy rate among women in the same age group from 62.4% in 1977 to 25.2% in 1987 and among men from 24.4% to 13% during the same period of time.

In 1992, when the situation was not as bad as now, the Ministry of Education, in cooperation with UNICEF, conducted a survey to determine reasons for female drop-out from primary education. The survey found the major factors were economic ( such as inability of the family to meet education expenses) and social, rather than the deteriorating school conditions. Social factors included forbidding female pupils from continuing their education, growing number of family problems, poor desire of female pupil and her non-conviction of the importance of education and families' preference of female pupil early marriage.

Trends<sup>138</sup> (from 1960 to 1994) for educational enrollment, number of teachers and number of institutions<sup>139</sup> are shown in Table 3.1.

**Table 3.1: Number of Schools, teachers and students (1960 to 1994)**

<b>Schools</b>	<b>1960</b>	<b>1975</b>	<b>1990</b>	<b>1994</b>
Elementary	3,709	7,602	8,725	8,839
Secondary	383	1,234	2,700	2,937
Vocational	38	75	289	309
<b>Teachers</b>				
Elementary	25,130	69,224	130,115	155,705
Secondary	3,715	19,299	44,479	56,587
Vocational	579	1,607	8,816	9,729
<b>S t u d e n t s (enrolled) '000's</b>				
Elementary	760	17,765	33,328	32,251
Intermediate	11	376	814	838
Preparatory	25	133	210	265
Vocational prep	8	24	143	122
Teachers' training	9	15	30	31
Higher	12	71	175	203
Parallel education	-	-	15	19
<b>GRAND TOTAL</b>	<b>9</b>	<b>2</b>	<b>4</b>	<b>4</b>

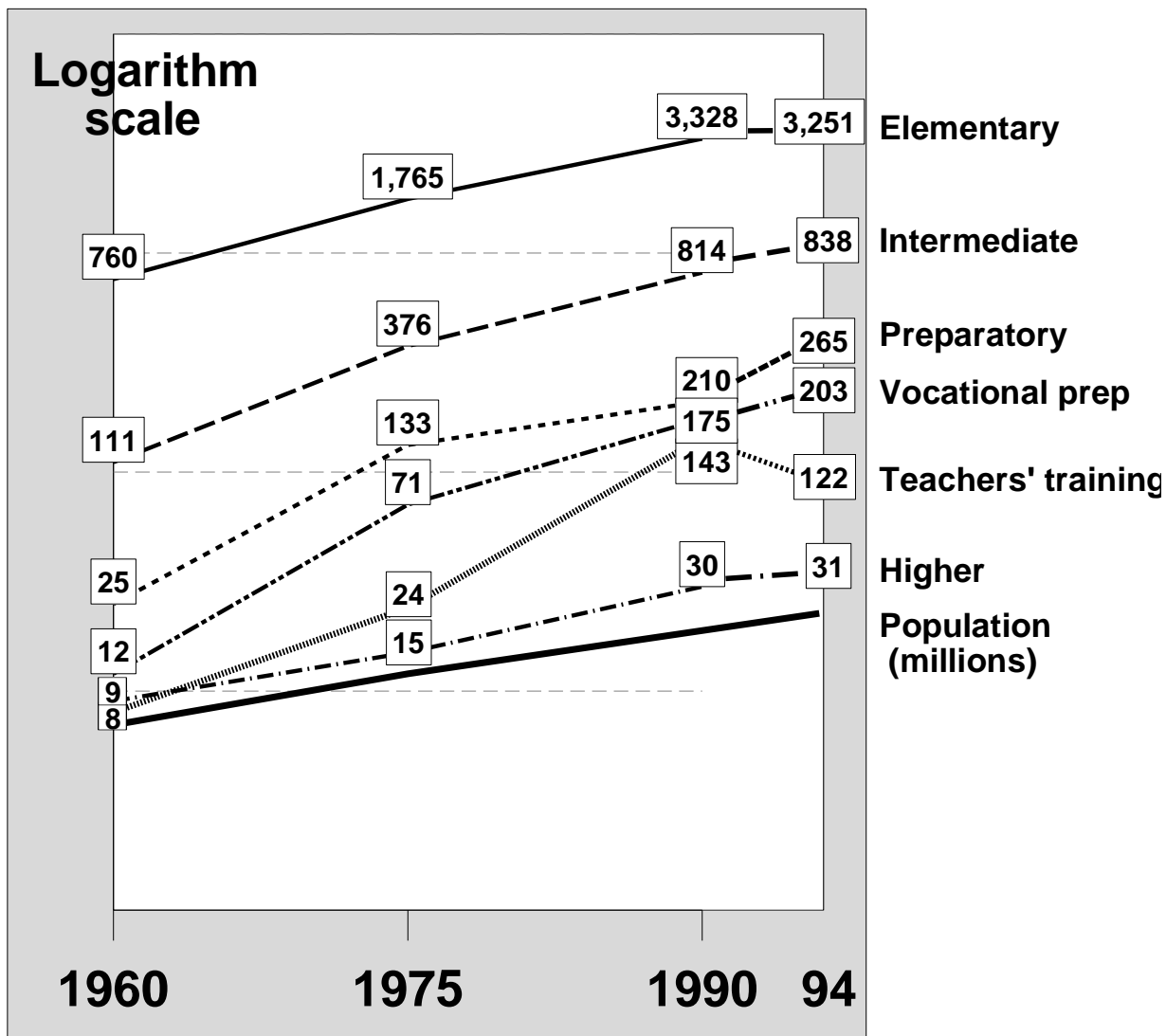
<sup>138</sup> Official statistics in this section, as in others, should be interpreted knowing the constraints in service-based information collection and analysis under the constraints of the embargo

<sup>139</sup> The educational system in Iraq has four basic levels: [1] Pre-school (4-5 years); [2] Elementary (6-11); [3] Secondary - Intermediate (12-14) and Preparatory or Academic (15-17); [4] Post-school: University (4-6 years), Teachers' Training Institutes and Colleges (2-5 years) and Technical Institutes (2+ years). Education to Secondary school is financed by the Ministry of Education; after that, apart from private institutes, by the Ministry of Higher Education and Scientific Research.

At all levels, the rise of student attendance has been greater than the population growth, reflecting the increased proportion of those educated over time (*Table 3.1 and Figure 3.2* - note the scale is logarithmic). Interestingly, the rise in higher education is no greater compared with other levels. Further, the only group that appears greatly affected by the embargo (taking 1990 to 1994 as the guide) is teachers training, which dropped from 143 to 122 thousand students over that time. However, flattening is evident for elementary, secondary and higher education.

Figure 3.2

## Education Enrollment (thousands)

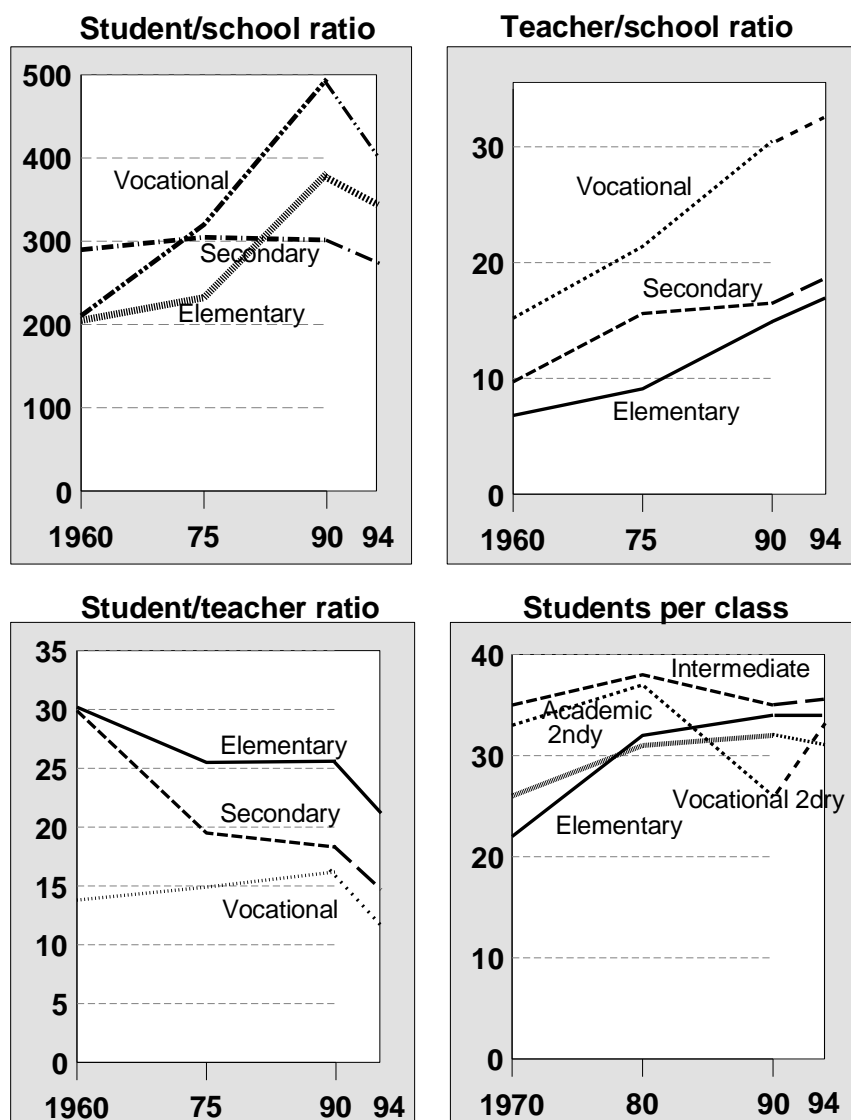


Source: Human Development Report/Iraq, 1995

Ratios for selected levels of education are shown in Figure 3.3. It should be emphasized that these are averages for the whole country and do not reveal variations by area (e.g. governorate or urban/rural) or within educational levels. For example, some schools may be overcrowded, others under-utilized.

The number of students per school, on average has decreased from 1990 to 1994, reflecting decreased enrollment, as the number of schools has continued to increase a little. The teachers per school ratio has continued to climb, reflecting the continuing employment of teachers and perhaps a significant number of replacement unqualified teachers. As in other sectors, many qualified teachers have left, due to their inadequate salaries. The motivation of those who remain is seriously effected by lack of school facilities and their own personal hardship. The increase in teacher school ratio is less apparent for secondary schools. The student teacher ratio has fallen from 1990 to 1994, reflecting less students. The number of students per class (apart from vocational secondary) appears about the same from 1990 to 1994.

**Figure 3.3**  
**Trends in Schoolenrollment 1960-1994**



Source: Human Development Report/Iraq, 1995

UNESCO has documented the number of students attending levels of education<sup>140</sup>.

Comparing the number of pupils/students from 1988/9 to 1996/7; those at high school (intermediate and preparatory) appears increased (by 7.5%) over that time; those at other levels have decreased: primary school by 2.2%, kindergarten by 13% and vocational school by almost one-half (46%). These findings are not necessarily different from those in the graph just described due to different years and definitions of school level, for example for "vocational" compared with "vocational preparatory".

The number of school dropouts remains low (of the order of 2-3%); those of failures is much higher, as has been in the past<sup>141</sup>. The Ministry of Education reported 14.2% failed primary and 28.4% failed secondary school for the most recent year.

The extent of lack of school attendance was shown in the Multiple Indicator Cluster Survey (MICS). For Iraq as a whole, most children (84%) aged 6-11 years enrolled in primary school during the prior school year, 1995-6. However, less children (about two-thirds or 68.8%) entered school in the first year<sup>142</sup>. The 84% estimate for South/Central Iraq represents an 8% decrease from the 92.4% figure for 1992. There was at most, little difference between the South/Centre and the Northern Governorates (Autonomous Region)<sup>143</sup> - Table 3.2

**Table 3.2: Percent of Primary School Enrolment and Entry Rates - MICS 1996**

	IRA Q	South/Ce ntre	Northern
Primary School Enrolment Rate (6-11)	84.0	84.4	81.4
Primary School Entry Rate (6 years)	68.8	67.8	75.4

In the South/Centre, urban-rural differences in enrollment are 10% for primary school enrolment, and reach 20% for school entry. There were no gender differences for this group (Table 3.3)..

**Table 3.3: Primary School Enrolment and Entry Rates South/Centre Governorates - 1996**

	Urban / Rural		Sex	
	Urb	Rur	Mal	Fe
<b>Primary School Enrolment Rate (6- -South/Centre</b>	88.	76.	87.	81.
Northern Autonomous	86.	72.	86.	75.
<b>Primary School Entry Rate (6 years) -South/Centre</b>	74.	53.	68.	66.
Northern Autonomous	78.	69.	78.	72.

For the northern governorates, the school attendance urban/rural gap is limited (86% vs 72% for children aged 6-11 years and 78% vs 70% for school entry) and there is a marginal gender gap in favour of males (Table 3.3). Further analysis revealed that school attendance by children aged 12-14 was 68%. The gender gap in education is conspicuous for the teen years, especially in the rural areas. Among rural children aged 12-14 years, 40% of the girls attended school during 1995/96, compared to 67% of

<sup>140</sup> First draft outline for the Programme Review of the Central, South and Northern Governorates of Iraq (unpublished and undated), based on the UNESCO IBE 1996 (World data on education) presumably for the earlier years and Ministry of Education, Iraq "Impact of the Embargo on the Educational Sector" (Arabic Version),

<sup>141</sup> In 1980/81, the failure rate for intermediate students was reported as 50%.

<sup>142</sup> The entry rate might reflect better the regular attendance at least for six year olds - Personal communication UNICEF Education Officer

<sup>143</sup> A marginal difference of a few percent must take into account the sample effect and that different observers worked in the South/Centre and North

boys. By the time children reached 14 years of age a mere 13% of females attended school compared to 66% for males. (*Sample sizes are low for precise estimates, especially for single years*). These results are consistent with a preference for home-based protection of adolescent girls and in some cases, early preparation for marriage of girls.

Between country comparisons

Trends in child schooling attendance rates reported from Iraq and selected neighbouring countries show a relative decline

or lack of progress for Iraq in the last decade (Figures 3.4 to 3.6). This is especially the case for females enrolled in Secondary School.

Figure 3.4

Primary School Enrolment - Gross (girls)

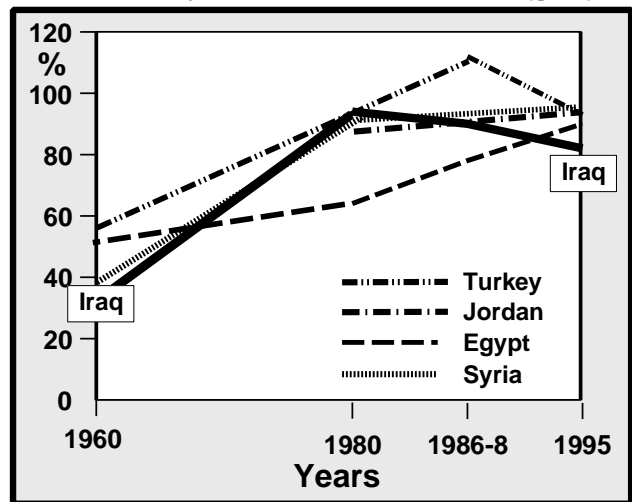


Figure 3.5

% Reaching Grade 5 (total)

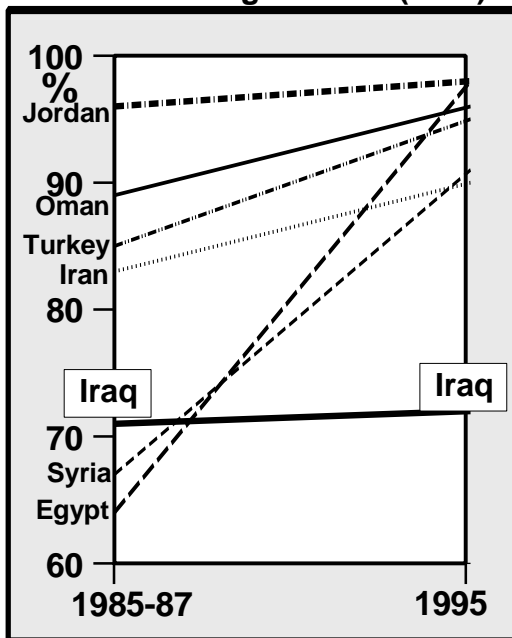
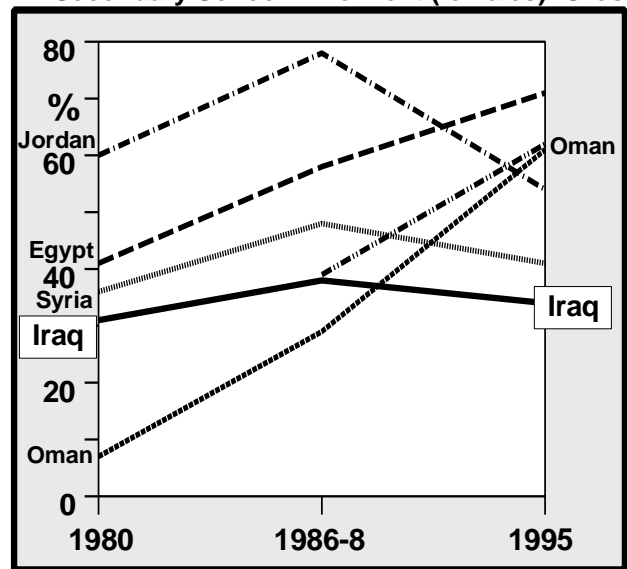


Figure 3.6

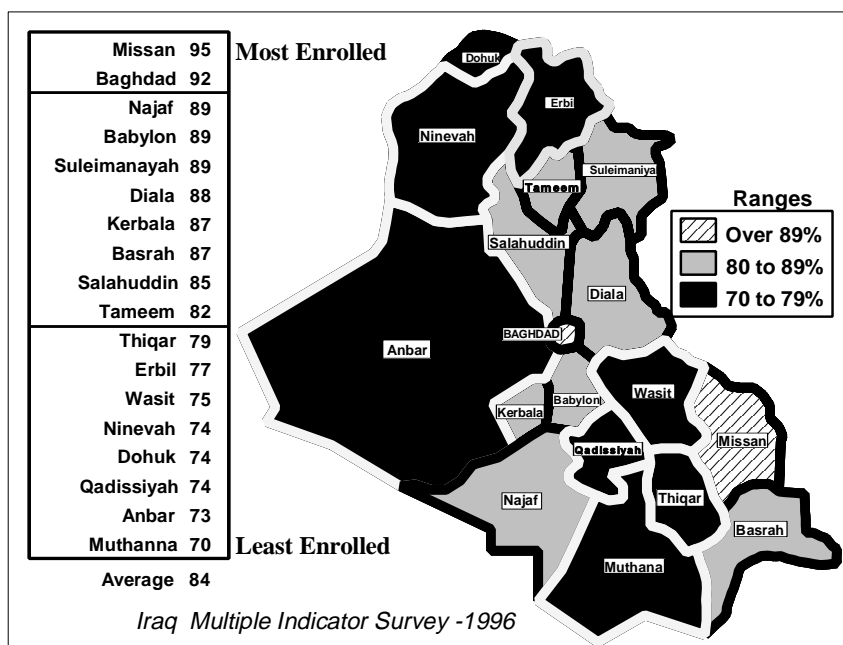
Secondary School Enrolment (females) -Gross



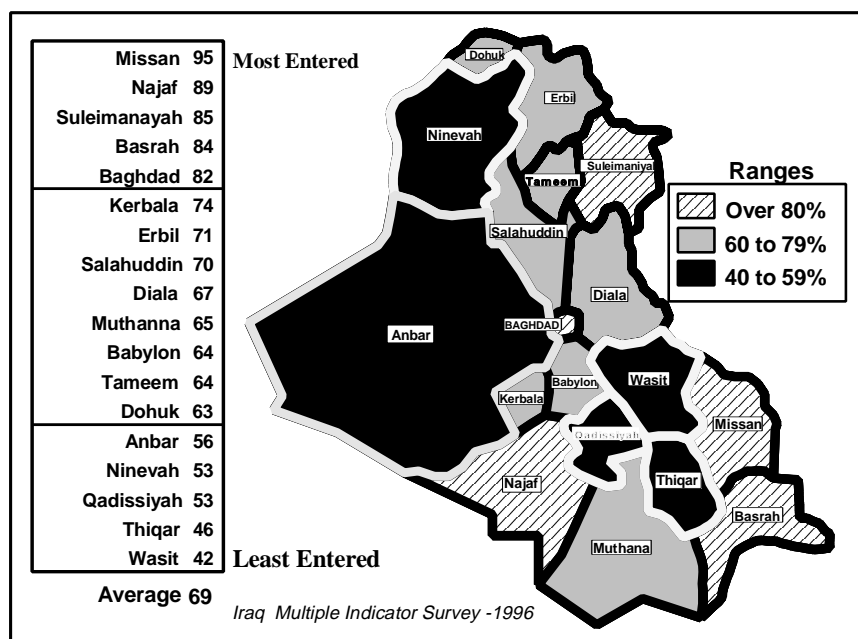
Sources: State of the World's Children 1990, 1998; Statistics on children in UNICEF-assisted countries

Results by governorate (Figures 3.7 and 3.8) show wide variation in enrolment (6-11 years) of 70 to 95% and even wider for school entry rates - 42 to 95%. The ranking order by governorate for each group (enrolment, entry) appears similar. Oddly, Missan has the best result, despite its highest malnutrition rates.

**Figure 3.7:**  
**Percent of Children 6-11 years enrolled in Primary School - by Governorate**



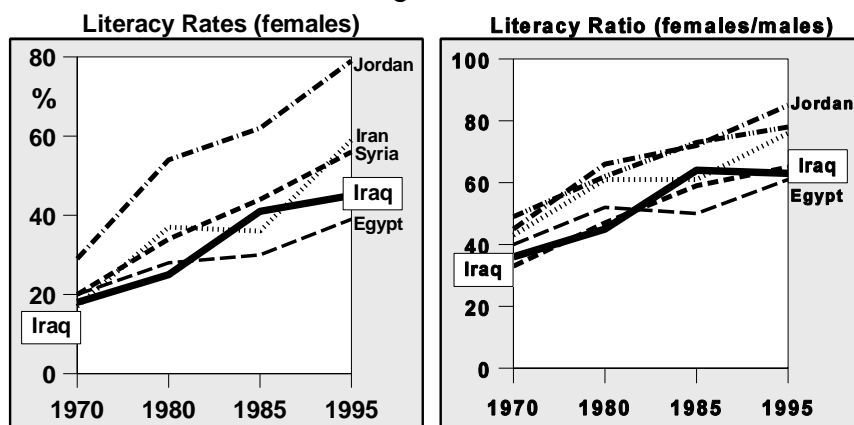
**Figure 3.8:**  
**Percent of Children who Entered Primary School - by Governorate**



The MICS reveals that only 36% of mothers of the urban areas of the northern governorates are literate, and only 17.7% in rural areas. MICS information for the South/Centre is unavailable.

**Comparisons of literacy rates between countries** show an increasing trend for all since 1970 (Figure 3.9). Iraq has slowed down from 1985 to 1995. The literacy ratio (%females literate/% males literate as a percentage) is a reflection of disparity between the sexes (100% would mean equal rates). Again, all countries have shown an increase, with very similar slopes and a narrow range between countries, shown by the bunching of lines in the graph. Again, recently the results for Iraq show no progress in comparison to the others.

Figure 3.9



Sources: State of the World's Children 1990, 1998;  
 Statistics on children in UNICEF-assisted countries -1990

These findings, though negative, do not begin to accurately reflect the compromises of Iraqi Children's Development Rights as these relate to the educational sector. As noted regarding access to water, information on access to education does not indicate the quality of education, nor the decline in school facilities.

These include lack of the most basic school supplies such as blackboards, chalks, pencils, notebooks<sup>144</sup> and paper, inaccessibility to any water and absent or defunct sanitation. Some children deprive themselves from water and food before going to school so as not to develop the need to use a toilet. Others have to return home if the need arises. Due to shortage, up to four children may be assigned to each desk. If children have to sit on the ground, some parents do not send their child to school on the day when it is their turn.

There is no public budget for school maintenance. Broken windows, leaky roofs, and defunct latrine and washbasins remain in disrepair. Even when electric power is available, children "learn" in an atmosphere of dim light, poor ventilation and water leakage from classroom ceilings. Health and safety

hazards on school grounds and in the vicinity include naked electric wires, garbage, insects and rats, and stagnant water

<sup>144</sup> Apart from the state's scarce resources, other issues arise in terms of approval of items by the Sanctions

Committee. These include pencils and textbooks designated as "non-essential".

"Unsanctioned Suffering: A Human Rights Assessment of United Nations Sanctions on Iraq." New York, 1996, p.6. Center for Economic and Social Rights (CESR).

resulting from the blockage and discharge of sewage pipes. Most schools do not have a first aid kit.

**Schools in the northern governorates** have added problems specific to armed conflict and cold climate. Some of the schools are occupied by refugees and displaced people. Heaters are unavailable, except for a limited number provided by agencies. A survey in early 1997, showed that 80% of sampled primary and intermediate schools had serious structural damage.

UNESCO list the priority needs (for the South/Centre) based on 4,157 severely damaged schools (about 1/3rd of all schools); 323 thousand desks in need of repair; 1.34 million books damaged; 488 computers and accessories; destroyed equipment in 107 vocational schools (1/3rd of all these schools); and about 900 thousand teaching kit, laboratory sets, etc affected. According to the MOE, the total cost for replacement or repair is \$645 million. Further, 84% of all schools need rehabilitation. The stopping of production in the Ministry's printing facilities and workshops has caused not only an inability to replace textbooks, school aids etc., but also a loss of much needed income to the order of ID 1.95 billion.

UNESCO also indicates the need for an additional 678 schools or a 5% increase (at all levels) over that anticipated during 1996-7, numbering 12,567.

In the Northern Governorates, 780 primary and 15 secondary schools need rehabilitating; water and sanitation facilities for 180 schools and equipment/supplies required for teaching about 130,000 primary and 100,000 secondary school students with desks, kits, stationary, etc)

The Oil for Food programme provides every six months, only \$12 million for the South/Centre and \$15 million for the Autonomous Northern governorates. This amounts to some 10% of basic requirements.

**Non-formal education:** In 1994 the Ministry of Education (with UNICEF and the GFIW) developed a programme of Non-Formal Education for drop-out girls of the age group 10-14 years, reaching 12,000. More importantly, the programme encouraged many of the girls to rejoin the schools after completion of their Non-Formal Education. In 1996, the MOE stopped this programme, with priority for the reactivation of Yafeen schools. These schools help older children who had dropped out of primary education. This policy shift is understandable in light of the MOE's limited resources but adversely affects gender equity, female literacy and income generation opportunities.

The Yafeen programmes have the potential to deal with the increasing number of working/street children. Their flexible school schedules would provide these children and other drop-outs, with access to a condensed version of primary school curricula, skill training, and vocational education.

On a very limited scale, to support their level of schools, communities are starting with private contributions. However, this is no substitute for state responsibility and programmes in support of public welfare and the Child Rights to education.

**As the unprecedented trend of declining school enrollment continues unabated, so does the related violation of the national Compulsory Education Law. Iraq, once honoured by UNESCO for its active promotion of Education, is now experiencing the unavoidable compromise of the CRC for education.**

### **3.4.2 Protection Rights**

The educational goals set within the framework of the CRC are to simply preserve children's motivation to remain in school, and the social esteem for education is dwindling right to education in the face of economic decline. However, by necessity, families are forced to saddle their children with the burden of labouring, within or outside the home sphere. Children are losing their motivation to attend school due to the new survival dominated realities of everyday life.

In spite of the "political will" in support of Protection Rights, and Iraq's Compulsory Education Law, the shielding of children from economic exploitation is now close to impossible. Child Protection has now a new expanded meaning beyond its conventional referents, such as children with physical and mental disabilities, orphans, and juvenile delinquents.

The distinctions between child work, child labour and street children, do not readily apply to the Iraqi context.<sup>145</sup> Hence the term "labouring/street children" is used in this part of the Situation Analysis. This refers to children who labour part or full time in workshops, popular restaurants, and on the streets to beg, sell cigarettes, wipe the windshields of cars which stop at traffic lights, etc. Many of these children are full-time pupils. This is done with great difficulty, also the poor quality of education and corporal punishment limits motivation.

In Erbil, a recent survey found that children of displaced families and returnees are reportedly forced by their families to do so even when they are sick<sup>146</sup>.

Children who are malnourished and who spend as long as 12-13 hour working daily suffer further deterioration to their health. Some complain of recurrent pain in the backs and limbs. Added constraints include malnutrition, illness and limb/body pains.

The continued neglect of labouring/street children in programmes and research is an affront to the CRC and delays solutions.

#### **3.4.2.1 Children, Labour, and Economic Austerity**

With economic austerity, the Iraqi authorities cannot enforce the law regulating compulsory education, nor prevent economic exploitation in the form of child labour. To do either would obstruct families' efforts to avoid further poverty.

There is a growing number of street and working children and juvenile delinquency (from 2,600 juvenile court cases in 1991 to 4,420 in 1996). This goes on par with the decreased attendance at school, drop-outs and repetition rates. Because of the economic hardship, there is now a weak enforcement of the existing comprehensive laws on child work and compulsory education, compounded by little experience to deal with this new phenomena.

The numbers of working/street children are unknown, but their presence on the street is notable. Authorities also recognize an increasing problem of juvenile delinquency. Children arrested on the streets and taken to state operated "observation homes" cannot receive the type of protection they are entitled to not only by the provisions of the CRC but also by Iraqi legislation.

Foster families for orphaned or certain labouring/street children are unavailable. The lives of ordinary Iraqis are "regulated by the ration card" as stated by a specialist on delinquent children. Every family is assigned a ration for each member. Another mouth to feed without any ration is a deterrent to accepting a foster child.

#### **3.4.2.2 Disabled, Orphaned and Traumatized Children**

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<sup>145</sup> Soheir Morsy "Child Labour in the Arab Middle East." Unpublished report prepared for the Meeting of the International Working Group on Child Labour (IWGCL), Bangalore, India, 1994.

<sup>146</sup> Survey of CEDC in Erbil, Department of Social Affairs, Jan 1997, University of Salahuddin, Save the Children/UK, and UNICEF.

Iraq's Social Welfare Law of 1980 provided for the care of children with disabilities, orphaned children and those victimized by dysfunctional families. The Ministry of Labour and Social Affairs (MOLSA) is responsible for the social care for all disabilities except for special education for slow learners. In 1990, MOLSA was running 43 institutes attending to 3,452 disabled (mainly for the deaf and dumb, and mental disabilities). These services were considered among the best in the Middle East.

The 1987 census reported just under 50 thousand disabled children aged 0-14 years (or 0.6% of their population).<sup>147</sup> A re-estimate will come with the 1997 census results, although the total is expected to be much greater.

Of the 25 State Homes with the capacity for 1203 orphans and children from broken families, the 18 now open have deteriorated. The 863 beneficiaries rely on UN assistance, such as WFP for food.

Reform schools for delinquents have also been similarly affected.

The structure of institutes serving the disabled has declined and the early detection mechanism and categorization of children with disability is no longer functioning. This is compounded by a lack of proper referral services for childhood disabilities, high reliance on costly/sophisticate technology for child disability treatment/rehabilitation, traditional attitude towards disabled and inability to share experiences and new approaches with neighbouring countries in the region. Further, a centre-based instead of community-based approach to disabilities is favoured.

Of special concern are traumatized children, about whom information is limited. An international team in 1991 interviewed 214 children of primary school age in Baghdad and Basrah<sup>148</sup>. The Team found a high level of psychological stress. Five months after the war, 75% had fears of losing their families and 62% doubted that they would reach adulthood. Of the adults, females aged 21-40 years appeared to be the most traumatized.

Two follow-up studies commissioned by UNICEF in 1992 and 1993 confirmed these findings, indicating the long term effects of war-related trauma. Of note (reported in the CRC/Iraq pp 64-5) is that done in Baghdad by Mustanssiryia University with the Iraqi Society for Child Support in March 1993, covering 2000 children from schools in Baghdad. In general about half of the children reported combinations of several psychological symptoms, such as anxiety, anger, aggression, feeling of isolation, lack of self-confidence, lack of attention span and concentration.

Of note in the study was the reporting of increasing child abuse (from 22% to 42%) in the family, primarily due to the inability to provide food and clothing for the child.

A start has been made to support a Baghdad-based programme attended to war-related trauma among children and their families, but little else seems to be done. The same applies to children with disabilities.

For the Northern Autonomous Region, UNICEF reports that the serious deterioration in socio-economic conditions, with sustained exposure to the armed conflict, has increased the vulnerabilities of children, especially the disabled and traumatized among them.<sup>149</sup>

**In summary**, with the collapse of the national social security structure, local authorities could not sustain adequate services for CEDC. Further, extended kinship networks are rapidly losing their prior cohesion and traditional social support functions. These once provided communal child care and protection for orphaned children and those with physical or mental disabilities.

### **3.5 The Social and Economic Impact of Land mines**

The Autonomous Region of Northern Iraq is one of the most mine-ridden areas in the world. The Mines Advisory

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<sup>147</sup>- The Status of the disabled institutes in Iraq and requirement for its improvement. Ministry of Planning, 1992, table 6, page 58.

<sup>148</sup> Health and Welfare in Iraq after the Gulf Crisis, International Study Team, Harvard University, Mimeo., Oct 1991. The Baghdad sample was from families affected by the Amriya Shelter bombing.

<sup>149</sup> The Draft of the Situation Analysis for the Autonomous Region states that "a wide range of disabilities were also identified and some children had been born with (a) disabilities while the majority had acquired a disability..." 1997, p.28

Group (MAG) estimate that there are between ten and twenty million land mines scattered in rural areas, principally near the border with Iran.<sup>150</sup> By the end of 1996, MAG had surveyed over 2000 minefields with an unknown number remaining to be detected and surveyed..

Mines have a devastating impact on the socio-economic status of the population, and particularly the vulnerable groups. This is especially apparent when it is realized that much of the area is still an agrarian based society. Many IDPs have chosen not to return to their villages near the border because of the presence of mines, and if they do it is sometimes too dangerous to farm the land. The potential presence of mines and unexploded ordnance (UXO) is therefore a serious barrier to implementing programmes aimed at bringing a degree of normality back to the rural areas of the region.

From January 1991 to the end of 1996, there have been 2,391 deaths and 4,324 injuries reported among civilians as a result of mines or UXO.<sup>151</sup> However, many accidents go unreported and the true figure of injuries and deaths is almost certainly much higher. For example, MAG estimate that only 50 per cent of deaths are reported.

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<sup>150</sup>Mines Advisory Group, Northern Iraq, Overview of the Program, January 1997, p.2.

<sup>151</sup> Ibid.

### 3.5 Hidden Vulnerabilities of War and Sanctions

There is ready acknowledgment of the existence of the disabled, orphaned and perhaps, those psychologically traumatized. This is not the case for domestic violence, which is "sheltered" in the privacy of the home but seriously affects children's welfare and the CEDAW.

#### 3.5.1 Domestic Violence

Violence against women is a Human Rights concern with a profound impact on the physical and mental well-being, not only of the primary victims of domestic abuse but also of their children. Children who witness maternal abuse are at risk of being themselves assaulted themselves and of developing adjustment problems<sup>152</sup>.

Domestic violence may affect Child Survival in subtle ways. While many studies, including the 1996 MICS show a positive correlation between maternal education and child health/survival, the mechanism is not clear:

*There is increasing evidence that schooling works not by imparting new knowledge or skills related to health, but by eroding fatalism, improving women's self-confidence, and changing the balance of power in the family....Mothers with higher self-esteem take a more assertive role in their child's feeding- they take swifter action when a child is sick,...New empirical data also link abuse of women by their husbands to the nutritional status of their children..<sup>153</sup>*

When the male traditional role of provider is undermined, the potential for abuse increases, as does the risk to children's welfare. In Iraq, it is probable that incidents of domestic violence have increased in conjunction with economic austerity. One possible example is that husbands may blame their wives for their unhealthy malnourished children.

Although there is no information on domestic violence, its awareness should be raised, as well as its relationship to child health, girls' education and its violation of the CEDAW. Domestic violence must be recognized as a social and public health problem under the current socially disrupted situation which affects women especially.

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<sup>152</sup> R. Teske and M. Parker, "Spouse Abuse in Texas: A Study of Women's Attitudes and Experiences." cited In L.L. Heise, J.Pitanguy and A. Germain "Violence Against Women: The Hidden Health Burden," Washington, D.C.: The World Bank, 1994, p.28.

A survey of battered Texan women showed children of over a third of the battered women were also battered.

<sup>153</sup> L.L Heise et al, op cit., 1994, p.28.

### **3.5.2 Environmental Impact of War: The Alleged Effects of Depleted Uranium**

Depleted Uranium (DU) is extracted from uranium through a process that makes it a metal with properties of great density, range and velocity, hence its use in shells. Once these hit their targets the particles dissipate into the air. This is reported to have been used by the U.S. during the Gulf War.<sup>154</sup> Reports, mainly by Iraqi physicians, propose that DU is the cause of congenital malformations, leukaemia and an undiagnosed disease.<sup>155</sup> Although studies of DU have been few, Hoskins states that DU "...may be the cause of fatal illnesses including cancer and mysterious new stomach ailments showing up in Iraqi children"<sup>156</sup>. If DU is indeed a problem, then any remaining sources risking exposure should be removed.

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<sup>154</sup> James Mathews "Radioactive bullets Raise Cancer Fears". News Section, Journal of the National Cancer Institute Vol 85(13), 1993, p.1029-1030.

<sup>155</sup> The International Scientific Symposium on Post War Environmental Problems in Iraq (ISS), op.cit.

<sup>156</sup> Eric Hoskins - medical coordinator of the Harvard International Study Team which surveyed health conditions in post-war Iraq and Kuwait