



# General Assembly

Distr.: General  
10 February 2020

English only

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## Human Rights Council

### Forty-third session

24 February–20 March 2020

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Joint written statement\* submitted by the International  
Organization for the Elimination of All Forms of Racial  
Discrimination (EAFORD), Association Ma'onah for Human  
Rights and Immigration, Indian Movement "Tupaj Amaru",  
International-Lawyers.Org, Union of Arab Jurists, United  
Towns Agency for North-South Cooperation, non-  
governmental organizations in special consultative status,  
International Educational Development, Inc., World Peace  
Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is  
circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2020]

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\* Issued as received, in the language(s) of submission only.



## **Children exploitation in situations of conflict and Humanitarian Crises**

### **Introduction**

Violence against children is a major human rights problem. The impact of violation, abuse and/or neglect in childhood is detrimental to physical, psychological and reproductive health throughout the life-course, yet the high costs to society are avoidable. There are clear risk factors for violence at the level of the individual, family, community and society. According to the World Health Organization (WHO), each year, at least 55 million children in Europe suffer some form of physical, sexual, emotional or psychological violence and these abuses have been widely unreported.<sup>1</sup>

Whether it is during natural disasters, armed conflict or protracted humanitarian situations, crises are accompanied by inequalities and impoverishment impacting on child development. Existing vulnerabilities, from gender-based violence to discrimination and lack of economic opportunities are exacerbated during such crises.

Regrettably, these contexts result in children risking being exposed to sale, trafficking and other forms of exploitation, whether in their homes, communities or in places where migrants or refugees reside, including reception centers or refugee camps in source, transit and destination countries. Girls become victims of sexual exploitation, including sexual slavery, forced marriage, forced pregnancy and prostitution.

This statement specifically raises concerns about violence against children and its forms in the scenarios of conflicts and humanitarian crises where children are the victims, and it offers a further analysis on the grievous situation in post-invasion Iraqi.

### **Patterns of children exploitation around the Globe**

The heinous pattern of girls abducted from their homes or schools in conflict-affected settings by extremist groups has emerged. In Somalia there is a pattern of forced marriage of girls to militants from groups such as Al-Shabaab and Ahl al-Sunna wal-Jama'a, and soldiers of the National Army. In some situations, girls are treated as the "wages of war", often being gifted as a form of in-kind compensation or payment to fighters who are then entitled to resell or exploit them as they wish.

In humanitarian crises the pre-existing vulnerabilities of girls that are rooted in discriminatory traditions and customs persist and lead to harmful mechanisms. Children seeking to survive are often compelled to exchange sexual services. Girls are forced to marry for food, protection and shelter. According to the report of the Secretary-General on Conflict-related sexual violence, approximately 90 per cent of women and girls affected by conflict in north-east Nigeria do not have access to basic services. As a result, they are forced to exchange sex for food and other essential supplies, and the child or forced marriages of girls to older men are on the rise as a supposed protection mechanism and source of income for desperate families.<sup>2</sup>

When parents cannot work legally or simply cannot find work, children may be compelled to work to provide for their family's basic needs or sustain themselves. For example, Iraqi and Syrian refugee children in Lebanon, work in textile factories, construction, the food service industry, as agricultural laborers or street vendors in conditions equivalent to forced labor. According to the United Nations Children's Fund (UNICEF), in Jordan, Lebanon and Turkey, shopkeepers, farmers and manufacturers hire Syrian refugee children because they can pay them a lower wage.<sup>3</sup> Children, especially girls, are seen as less likely to be targeted by the police or prosecuted for illegal work than adults, making families more likely to send

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<sup>1</sup> WHO Regional Office for Europe. <http://www.euro.who.int/en/health-topics/disease-prevention/violence-and-injuries/news/news/2020/01/violence-against-children-tackling-hidden-abuse>

<sup>2</sup> S/2017/249, para. 90.

<sup>3</sup> UNICEF, *A Child is a Child*, pp. 40-41

them to work. These types of child labor, which often mask other forms of exploitation, such as trafficking for forced labor, have dire consequences for children.

Deplorably, in the context of conflict and humanitarian crises, even the deployment of peacekeeping forces and international humanitarian personnel is also a risk factor for children. In 2016, 138 cases of children, allegedly victims of sexual exploitation and abuse committed by such forces and personnel, were reported by the Office of the United Nations Special Coordinator for the Middle East Peace Process, the United Nations Assistance Mission in Afghanistan, the United Nations Integrated Peacebuilding Office in Guinea-Bissau, the United Nations Mission in South Sudan, the United Nations Multidimensional Integrated Stabilization Mission in Mali, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the United Nations Operation in Côte d'Ivoire, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Stabilization Mission in Haiti.<sup>4</sup>

Therefore, in this appalling context of impunity and violence suffered by children, it is time to prioritize their protection and tackle the scourge, by pressuring governments to effectively prevent and properly investigate these gross crimes and abuses toward children and bring all perpetrators to justice.

### **Sale and trafficking of children for sexual purposes in Iraq**

Trafficking of persons is a new phenomenon in Iraq. It appeared in the early days of the U.S. presence as occupying forces in 2003. After dissolving the Iraqi Army, police and security forces, and other institutions, the Iraqi borders were left without any security measures to control the flow of foreigners inside the country. The occupation forces also used a large number of mercenaries from all over the world to support its operations on the Iraqi territory. Those mercenaries started to commit grave human rights violations, including sexual exploitation and human trafficking. The country experienced a breakdown of law and order resulting in a rise in kidnapping and trafficking of women and children, especially in the capital city Baghdad.

The onset of conflict with ISIL in 2014 worsened existing trends in trafficking that were happening since 2003, by leading to more atrocious trends in which children were abducted, confined, sexually abused and tortured. An organized system of sexual slavery was created by ISIL with a network of warehouses to retain the victims, viewing rooms to inspect and market them, and sales contracts notarized by ISIL-run courts. Several girls and women from the persecuted Yazidi community and other ethnic and religious minorities, were either given to ISIL fighters as 'spoils of war', or sold as slaves in markets around Iraq and the Syrian Arab Republic to lure more boys and men into ISIL.<sup>5</sup>

Refugees and Internally Displaced Persons (IDPs) in camps remain vulnerable to sale and trafficking for sexual purposes. In particular, local government authorities and security personnel work in an ongoing collaboration with human trafficking networks in the Kurdistan Region of Iraq (KRI), specifically in the Domiz refugee camp.

Here is the unfortunate scenario: while some victims are lured with false promises of placements outside the Kurdistan Region of Iraq (KRI), other IDPs and refugees sell their children to ensure a better future unintentionally putting them in the chain of human trafficking. The KRI government reported conducting 58 investigations concerning abuses against Iraqi citizens by collaborators working with foreign human trafficking networks. However, there is no further information about prosecution or conviction of respective offenders and some evidence indicates that key officials and traders are involved in such trafficking activity, often using their powers in key government security positions to aid criminals in escaping justice.

<sup>4</sup> See A/71/818.

<sup>5</sup> UNAMI and OHCHR. (2014). Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July-10. 15 September 2014.

Regarding Iraqi national legislation, article 37 of the Iraqi Constitution establishes that, “forced labor, slavery, slave trade, trafficking in women or children, and sex trade are prohibited.”<sup>6</sup> The Iraqi 2012 Law on Trafficking in Persons implements this constitutional prohibition, reflecting some of the key elements of the definition of trafficking in persons of the Palermo Protocol. However, it fails to legally recognize trafficking of children as an offence regardless of the means used.<sup>7</sup> In the Kurdistan area, traffickers benefit from a legal gap, as the 2012 Law on Trafficking is not applicable to the Kurdistan region, which regrettably lacks its own legislation on the matter.

### **Recommendations**

We remain deeply concerned about the failing legal obligation of States to identify, protect and assist children who are victims of sale, trafficking and other forms of exploitation. Therefore, we call upon the States to:

- Ensure that national legislation prohibits and criminalizes the sale of and trafficking in children as separate crimes, with penalties that reflect the gravity of those crimes.
- Enforce ‘zero tolerance’ policies on sexual exploitation by the military, peacekeeping troops, extremist groups or family members, as well as, child or forced marriages, whether in refugee or IDPs camps or in the host country.
- Ensure that child victims have the right to receive long-term care and protection, including full access to health care, psychosocial support, social services, education, vocational training and life skills education as well as in places where migrants or refugees reside, including reception centers, refugee camps or informal settlements
- Concerning the situation in Iraq, we urge the Iraqi government to:
  - Amend the 2012 Law on Trafficking, in order to legally recognize trafficking of children as an offence regardless of the means used, and
  - We further call on the Government of Iraq to enact provisions in law defining the exploitation of children in prostitution and child sexual abuse materials in compliance with the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (OPSC).

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Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.

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<sup>6</sup> Constitution of Iraq. (2005). Art. 37(3) (Republic of Iraq).

<sup>7</sup> Article 3, (b) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Resolution 55/25 of 15 November 2000.