



Child Labor in International Agreements and Iraqi Law

Mohammed Abdul Hussein Jabir Al-Farhani

Faculty of Law, University of Dfax, Republic of Tunisia

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*Correspondence: Mohammed Abdul Hussein Jabir Al-Farhani

Email: Maj18990@gmail.com

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Abstract: This study examines the issue of child labor in Iraq within the framework of international agreements and national laws. The research aims to identify the causes behind the prevalence of child labor, analyze human rights perspectives on the issue, and evaluate the stance of Iraqi legislation in addressing the problem. The study employs a descriptive and analytical methodology by reviewing international conventions related to children's rights and Iraqi labor laws, particularly the Iraqi Labor Law and the Constitution. The findings indicate that despite the presence of legal frameworks prohibiting child labor, enforcement remains weak due to economic and political instability. The study highlights that poverty, armed conflicts, and inadequate law implementation are key factors driving child labor in Iraq. While Iraq has ratified international agreements and enacted laws to regulate child employment, many provisions remain ineffective in practice. Strengthening law enforcement, enhancing social protection, and improving access to education are crucial to addressing this issue.

Keywords: Child Labor, Iraqi Law, Human Rights, Labor Regulations, International Conventions

Introduction

Human rights and Iraqi law have been interested in explaining the subject of child labor, as many constitutions and legal texts have explained the subject of child labor and shown the general treatments for child labor. When we examine the subject of child labor, we find that most laws have stipulated that the child must be over fifteen years old in order to be allowed to work. We also find that some laws have prohibited the employment of children until the age of eighteen, whether the harm harms the child in his health, safety or morals. We find that countries have established their constitutions and laws with texts that preserve the rights of the child. When we notice in Iraqi law and Iranian law, we find that they have paid great attention to explaining the subject of child labor, as we find many legal texts that explain the subject of child labor and its importance, and we must pay great attention to this subject because it is one of the important legal subjects that the law has been interested in explaining, especially Iraqi law and human rights.

Research objective:

Our research aims to know the reasons for the spread of the phenomenon of child labor, as the research aims to clarify the position of human rights on child labor and to clarify what the Iraqi law said about the centrality of child labor. The research aims to know the

reasons for child labor from the point of view of specialists in Iraqi law, and then the research begins to explain some of the proposed solutions in order to end this phenomenon and eliminate it from the point of view of specialists in the field of child rights science.

Methodology

The methodology was adopted in writing the research by referring to international agreements related to children's rights, especially the right to work, as well as referring to Iraqi laws and the constitution, especially the Iraqi Labor Law, in a descriptive and analytical manner.

Study Structure:

This study was divided into two sections. In the first section, we discussed child labor in human rights agreements, and in the second section, we discussed the workers' agreement and child labor in Iraqi law.

Result and Discussion

The First Topic

Child Labor in Human Rights Conventions

Preamble:

In the last few decades, we have seen an increase in the exploitation of children, sometimes due to the worsening of poverty in some parts of the world or due to the increasing number of conflict zones. However, the issue of children's rights is concentrated in all regions, North and South. Whether in the face of child prostitution or their recruitment in armed conflicts, we all bear a share of responsibility, and we can work to improve children's rights around the world. NGOs play a major role in achieving this. Thanks to them, the Conventions on the Rights of the Child have been expanded. It can contribute to the development of new international standards, moreover, it can contribute to the adoption of existing ones. It can also encourage countries that have not yet ratified the relevant conventions. Ultimately, NGOs are the eyes and ears of the international community for the protection of human rights. It is important for NGOs to be interested in this and therefore to distribute information on children's rights in their territories.

The First Requirement

Charter Of Economic, Social and Cultural Rights

Human rights provide a unified framework of universally recognized values and standards, and they articulate international obligations that compel states to act in certain ways or to refrain from other actions. Human rights are an important tool that increasingly holds states and non-state actors accountable for violations. They also provide the potential to mobilize collective efforts to develop local communities and create global frameworks that achieve economic justice, social well-being, and promote participation and equality. Human rights are universal, interdependent, inalienable, and indivisible. They are a set of human, economic, and social rights that include, for example: the right to education, the

right to housing, the right to an adequate standard of living, the right to health care, the rights of victims, and the right to science and culture.

Section One: Basic Principles Related to Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights sets out a number of important principles for the implementation of these rights, which are often included in other sources of economic, social and cultural rights. Under the International Covenant on Economic, Social and Cultural Rights, a State must take steps “to the maximum of its available resources” to achieve progressively the realization of these rights. Therefore, a State (including at subnational levels) is specifically obliged to:

Respect for economic, social and cultural rights (refusing to commit any violation of these rights). Protect economic, social and cultural rights (preventing third parties from violating these rights). Realize economic, social and cultural rights (taking the necessary measures to realize these rights through legislative and administrative measures, approving the budget, etc.). Request and provide international assistance and cooperation in the realization of these rights. The preamble to the Universal Declaration of Human Rights affirms that “every individual and every organ of society” shall strive to promote respect for human rights in order to “secure their universal and effective recognition and observance,” and this extends to corporations, international and multilateral organizations, and non-state actors.

Section Two: The Source of Economic, Social and Cultural Rights and Their Importance

Economic, social and cultural rights are enshrined in international law long after people around the world have been demanding these basic rights. This reflects a concern for the lives of every individual, especially the most vulnerable, as expressed in many philosophical, religious and other traditions. In an era of increasing economic globalization and growing inequality within and among nations, it is essential that grassroots groups, NGOs, academics and other organizations and individuals come together to recognize the links between ongoing local conflicts and the realization of human rights so that everyone can enjoy them in practice. The recognition that patterns of poverty, deprivation and related conditions are violations of economic, social and cultural rights, and that they are not mere misfortune, events beyond human control, or the result of individual failures, has increasingly articulated an obligation on states, corporations and other non-state actors to prevent and address such situations. The economic, social and cultural rights framework is used around the world to support actions aimed at achieving justice and combating injustice, and to advance progressive alternatives for enhancing the enjoyment of economic, social and cultural rights. Activists bring cases before UN treaty bodies, courts and other dispute settlement bodies to demand changes in documented and publicized violations, mobilize communities, draft legislation, analyze domestic budgets and international trade agreements to ensure human rights compliance, and build solidarity and networks between local and global communities. Economic, social and cultural rights unite women and men, migrants and indigenous peoples, youth and adults of all races, religions, political beliefs,

and economic and social backgrounds in a shared understanding of the universal principles of freedom and human dignity.

Section Three: Child Labor in the Charter of Economic, Social and Cultural Rights

The Charter recognizes the equal and inalienable rights of all members of the human family and emphasizes the need to deal on the basis of freedom, justice and peace in the world (5). The Charter addressed the subject of work directly at the beginning through Part Three, Article (6) thereof, which states that "1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. 2. The steps taken by each State Party to the present Covenant to achieve the full realization of this right shall include the provision of technical and vocational guidance and training programmes, and the adoption in this area of policies and techniques that will achieve steady economic, social and cultural development and full and productive employment under conditions guaranteeing fundamental political and economic freedoms to the individual (6). Likewise in Article Seven in the same part (7), these texts emphasize equality in providing equal employment opportunities commensurate with workers and their ability to work and providing a means of living for them and their families and providing means of well-being. It also stipulated the right to form unions and trade unions for everyone (8), and emphasized the necessity of the family as the primary source of children, and thus the economic situation of the family has the greatest impact on the subject of employment. Children.

The Charter referred to child labor in a clear and explicit manner, as it called for the necessity of not exploiting children and throwing them into the labor market, and stressed the necessity of providing education for children and the necessity of caring for the family as it is responsible for raising children, as Article (10) of it stipulated that "States Parties to the present Covenant recognize the following:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of both parties to the marriage.
2. Special protection should be provided to mothers during a reasonable period before and after childbirth. Working mothers should be granted, during such period, paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken for the benefit of all children and adolescents, without any discrimination based on parentage or other circumstances. Children and young persons must be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development must be punishable by law. States must also set age limits below which the paid employment of child labour is prohibited and punishable by law. (9) "

4. Recognizing the fundamental right of everyone to be free from hunger, the States Parties to the present Covenant shall take, individually and through international co-operation, measures, including concrete and specific programmes, as needed:
 - A. To improve methods of production, conservation and distribution of food products, to utilize fully technical and scientific knowledge, to disseminate knowledge of the principles of nutrition and to develop or reform agrarian systems in such a way as to achieve the best development and utilization of natural resources.
 - B. To ensure an equitable distribution of world food supplies in the light of need, taking into account the problems of food-importing and food-exporting countries alike" (10).

The Second Requirement

Convention On The Rights Of The Child

In the International Year of the Child 1979, Poland took advantage of this occasion and submitted a proposal to the Economic and Social Council - one of the main organs of the United Nations - to prepare a convention on the rights of the child in order to provide more protection for the child, by giving the force of treaty law to the rights of the child. The Polish proposal received support and enthusiasm from some countries because they realized that there are children in all countries of the world living in very difficult conditions and need special attention because they are the weakest group among people and the most affected, especially in light of wars and conflicts between countries, and the economic, social and health crises they cause, and the victim in the first place is the child. It was decided that the supporting countries would entrust the preparation of the content of this convention to the United Nations Human Rights Commission, which in turn formed an integrated working group to implement this project consisting of 43 countries, with representatives of the member states of the United Nations being allowed to attend the group's meetings as observers .

After nearly ten years of preparation for the convention, it finally resulted in a draft that was read for the second time in December 1988 and was prepared for submission to the United Nations. It was accepted by the Human Rights Committee in March 1989, then by the Economic and Social Council, which referred it to the United Nations General Assembly, which in turn approved on November 20, 1989, the Convention on the Rights of the Child, which included all articles and texts in favor of the child with all their contents and previous international declarations and charters. Therefore, the preamble to the Convention was keen to refer to those covenants and charters as reserved rights on the basis that the child enjoys the protection contained in all these documents. The Convention was signed on January 26, 1990, the first day it was opened for signature by 61 countries, an unprecedented record. The Convention entered into force on September 12, 1990, thirty days after 20 countries ratified it.

Section One: Content of the 1989 Convention on the Rights of the Child and its related protocol

The Convention consists of a preamble that provides the general framework for the Convention and 54 articles, which are a wide range of civil, political, economic, social and cultural rights that must be guaranteed to the child without discrimination. The preamble refers to the need to protect human rights and recognize the dignity of all members of the human family as stipulated in the Charter of the United Nations and other international documents related to human rights. The introduction also refers to what is stated in these documents regarding the child's right to adequate legal care, assistance and protection before and after birth, as well as what is stated in the Geneva Declaration on the Rights of the Child of 1924 and the Declaration of the Rights of the Child of 1959 on the need to provide special care for the child. The preamble also recognizes that there are children in different parts of the world who still live in very difficult conditions, and that these need special care and that improving the living conditions of children requires international cooperation, taking into account the traditions and cultural values of peoples to protect the child (15).

Section Two: Content of the Agreement

The texts of the Convention are divided into three parts: Part One: It includes forty-one articles that define the child and his general rights as a human being, which concern him alone because he is a child and has needs and protection, and the role of the family, institutions and the state in achieving this without discrimination on the basis of color, gender, language, religion or opinion of him or his parents. The second part contains methods for disseminating and implementing the Convention, including Articles (42-45), and the third part covers the conditions and arrangements necessary for the success of the Convention, including Articles (46-54). Among the most important basic principles on which the Convention is based are the principle of non-discrimination (Article 2), the principle of caring for the general interest of the child (the best interests of the child) (Article 3), the right to life, survival and development (Article 6), respect for his views (Article 12), and the principle of international cooperation (Article 4).

Section III: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

It consists of a preamble and thirteen articles. The preamble affirms that children's rights require special protection and indicates its concern about the harmful impact of armed conflicts on children and condemns their targeting in places protected by international law such as schools and hospitals. It condemns the involvement of children in armed conflicts and wars and calls for the adoption of raising the age of recruitment. It also calls for the need to take into account the reasons for children's participation in armed conflicts, and urges international cooperation to implement this protocol and disseminate it to the public. The articles include: taking the necessary measures to ensure that children do not participate in armed forces, and that recruitment is voluntary in countries that allow

volunteering in their armed forces under the age of eighteen. Provided that this is done with the consent of parents or guardians. As for armed groups separate from the armed forces of any country, it is not permissible to recruit or use persons under the age of eighteen in hostilities therein, and that states work to implement the protocol within the scope of their powers and disseminate its principles and provisions among adults and children. The protocol also urges states to cooperate in order to implement and enforce this protocol. Articles (8-13) include the conditions and arrangements necessary to activate the Convention. However, the texts of these two protocols are not considered binding on the parties that signed the Convention on the Rights of the Child under the Convention. States parties must ratify the two protocols before they enter into force.

The Second Topic:

International Labor Agreements

Problems between workers and employers began to appear and spread since the beginning of the Industrial Revolution with the boom of industry and its spread from Britain to other European countries and then to the rest of the world and from there. The International Labor Organization is the only organization that guarantees the protection of workers and their rights through decision-making. The organization is one of the international agencies affiliated with the United Nations in the field of human rights protection. Any organization or body that derives its legal authority to exercise its functions from its statute or other, known for its formation, recommendations and agreements issued by it that have legal effects. Accordingly, we will discuss in this section the definition of the International Labor Organization and the subject of child labor in this agreement, as follows:

First requirement: Definition of the International Labor Organization

The International Labour Organization was established in 1919 in accordance with Chapter XIII of the Treaty of Versailles. The objectives, fields of work and procedures of the organization are determined by its Constitution, as well as by its constituent bodies in order to ensure the implementation of the tasks for which it was established. This requirement is divided into two sections, the first of which explains the origin and establishment of the organization, while the second section presents the objectives for which the organization was established as stated in its Constitution, and as stated in the Declaration of Valdelavia.

Section One: Establishment of the International Labor Organization

After World War I, trade unions were called upon to work on finding solutions to labor problems and finding legal protection for them, and this resulted in the Peace Conference in 1919, where the "International Labor Legislation Committee" was established. This committee consisted of fifteen members with the aim of studying means of protecting labor and workers, and through this committee a project was approved to establish a permanent body specialized in labor and workers, which led to the establishment of the International Labor Organization. The organization was established on April 11, 1919, and Section XIII of the Versailles Agreements (Articles 427: 387) became under the title "Labor"

(19). Geneva in Switzerland was considered the headquarters of the organization, and on the fiftieth anniversary of its founding in 1969, it was awarded the Nobel Peace Prize. The International Labor Organization began its life before the emergence of the League of Nations, and the first International Labor Conference was held in Washington in October 1919, at a time when the League of Nations was under discussion in the US Congress, and the International Labor Organization continued its activities even after the failure and collapse of the League of Nations. After the establishment of the United Nations in 1945, the International Labor Organization was officially announced through an agreement linking the United Nations and the Economic and Social Council, as stated in Article 63 of the United Nations Charter, where the two countries agreed. The International Labor Conference and the United Nations General Assembly in December 1946 became the first specialized agency of the United Nations. The researcher believes that the International Labor Organization is the first specialized international body seeking to provide and raise the level of work, so it works hard to open branches in all countries of the world to facilitate its tasks and continue its activities to serve youth and the population in order to meet their needs for employment, work and social protection.

Section Two: Objectives of the International Labor Organization

The Constitution of the International Labor Organization includes a set of objectives, which are as follows:

1. Achieving social justice: The preamble to the Constitution of the Organization states the following: "Lasting world peace can only be built on the foundation of social justice." In the 2030 Agenda, as stated in the International Labor Organization's Strategic Plan for the period 2018-2021 (Article 18), one of the most important objectives of the Organization is the eradication of poverty and the central role that is attributed to decent work for all in achieving this goal, which means that no one, whether a woman or a man working full-time, has an income less than the minimum. Meeting the needs of the working poor is an essential part of comprehensive efforts to address global poverty as stated in the 2030 Agenda, which in turn represents a starting point for addressing issues arising from the diversity of forms of employment.
2. Ensuring comprehensive and lasting peace: - By protecting the interests of workers, improving their living conditions, applying labor law rules, and emphasizing the principle of equal pay for equal work.
3. Working on developing legislation to protect workers and rehabilitate them technically: Countries seek to secure humane conditions for workers, and develop their national legislation to grant workers more benefits, and therefore the delay of other countries in this field hinders progress in legislative development in them, as indicated in the preamble. The constitution of the organization states the following: "Where the failure of any country to provide humane working conditions is an obstacle to the efforts of other countries wishing to improve the conditions of workers within their countries."

One of the most important principles stipulated in the Philadelphia Declaration, which also became one of the goals of the International Labor Organization, is that "humanitarian work is not a commodity like other commodities, and that poverty in the world threatens prosperity everywhere in the world." The Philadelphia Declaration included a number of basic goals for the International Labor Organization, which are as follows:

Article 1 of the Declaration emphasized the basic principles on which the organization was founded, which are:

1. That work is not a commodity.
2. Freedom of expression and freedom of assembly are indispensable for progress.
3. Poverty wherever there is a threat to well-being.
4. The struggle against want must be waged with unwavering determination within each country, as well as through a sustained and concerted international effort, in which representatives of workers and employers participate on an equal footing as representatives of governments.

Article 2 of the Declaration affirmed that lasting world peace can only be achieved if it is built on the foundation of social justice through the equality of all human beings. Article 3 affirmed the organization's commitment to provide assistance to the countries of the world by developing and implementing valid programs to achieve the goals it seeks. Article 4 deals with the ILO's commitment to provide cooperation at the national and international levels to improve the health, education and well-being of all peoples. Article 5 of the Declaration of Philadelphia affirmed that these principles apply to the peoples of the world as a whole, taking into account the stages of economic and social development of peoples. One of the objectives of the International Labour Organization is to protect rural people, remove obstacles and challenges faced by rural workers' organizations, and expand the range of vocational education and training facilities available to other workers' organizations, rural workers' organizations and their members. In addition, to enable rural workers' organizations to pursue a policy that ensures social and economic protection and benefits. It is consistent with the protection and benefits available to industrial workers or, as appropriate, to workers employed in other non-industrial occupations which include their members.

The principles of freedom of association must be respected, and rural workers' organizations must be independent and voluntary in nature and free from oppression, interference or coercion. The International Labour Conference also adopted in 1998 the Declaration of Fundamental Principles and Rights at Work, which reaffirmed the commitment of the international community "to respect, promote and realize" the rights of honest workers and employers to freedom of association and the right to collective bargaining. It also commits member states to work towards the elimination of all forms of forced or compulsory labor, the effective elimination of child labor, and the elimination of discrimination in employment and occupation.

Section Three: Main agreements related to the protection of workers' rights

The International Labour Organization (ILO) actively participated in the drafting of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It recognizes the definition of migrant workers provided by the Convention, and considers the Convention a fundamental document for the rights of migrant workers. There are also a number of other conventions adopted by the ILO related to the abolition of forced and compulsory labour. These conventions are divided into conventions related to migrant workers and members of their families and conventions related to the abolition of forced and compulsory labour.

First: Agreements related to migrant workers and their families:

The 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is a comprehensive international treaty that emphasizes the link between migration and human rights, a topic of great importance at the global and national levels. It is worth noting that this convention is the product of thirty years of discussions and studies conducted by the United Nations. In the field of human rights.

Accordingly, we will address it through the following points:

1. The content of the convention:

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by General Assembly resolution 45/158 of 18 December 1990 (30). The convention entered into force in July 2003. The convention supports and complements other core United Nations human rights treaties, and responds to the special and vulnerable circumstances of migrant workers and members of their families. Similar to other human rights treaties that address the vulnerability of women, children and persons with disabilities (31). The preamble to the Convention states the following: (States Parties to the Convention, taking into account the principles contained in the core United Nations instruments relating to human rights (32), taking into account the principles and standards set forth in the relevant instruments established within the framework of the International Labor Organization (33).

2. The importance of the Convention:

The importance of the Convention can be highlighted in the following points (34):

- A- The Convention seeks to set standards for the protection of the civil, political, economic, social and cultural rights of all migrant workers and members of their families, and to encourage States to improve their national legislation or harmonize it with international standards.
- B- The impact on the global economy resulting from labor migration, and the contributions made by migrants to the economies of host countries' societies as well as to the development of their countries of origin, depend on the legal recognition and protection of their human rights. Therefore, the Convention sets standards that make these rights justiciable and enforceable under national law.

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- C- If some migrant workers and their families succeed in their attempt to find decent work and adequate living conditions abroad, others face exploitation and discrimination and suffer from violations of their rights, and in most countries non-citizens often face greater problems in obtaining recognition and protection of their rights than nationals of the country concerned, the Convention recognizes the precarious situation of migrant workers and members of their families and the consequent need for adequate protection.
 - D- The Convention is the most comprehensive international instrument to date in relation to migrant workers, and provides a set of international standards that address the treatment of migrant workers and members of their families, and ensure their welfare, rights, obligations and responsibilities of the States concerned, including countries of origin, transit and States of employment, all of which benefit from bilateral and regional instruments, which are important because they enable States Parties to establish and provide special migration arrangements at the bilateral or regional levels. However, these agreements are only of value if they do not conflict with agreed international standards or provide higher standards in the field of labour migration. Protection of migrant workers and members of their families.
 - E- The Convention affirms the recognition of the rights of all migrant workers. The Convention covers all migrant workers regardless of their legal status, but seeks to encourage the status of documented migrant workers, and encourages all workers and employers to respect and comply with the laws and procedures of the countries concerned.
 - F- The philosophy of the Convention is based on the principle of non-discrimination. All migrant workers and members of their families, regardless of their legal status, enjoy the same basic human rights as nationals of the State, and documented migrant workers and members of their families receive the same treatment as nationals in a large number of cases. King.
 - G- The Convention provides an internationally agreed definition of a migrant worker, which is a broad definition that includes all migrants, men and women, who are employed, are in the process of being employed, or have been employed to work in a remunerated activity in a country other than their country of origin. The Convention also provides definitions for some categories of migrant workers. It applies to every region of the world.
 - H- The Convention seeks to prevent and eliminate the exploitation of all migrant workers and members of their families at all stages of the migration process. It seeks to put an end to illegal or clandestine recruitment and trafficking of migrant workers and to prohibit the inappropriate employment of migrant workers in an irregular or undocumented situation.
 - I- Finally, the Convention establishes a Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families. The Committee reviews the

implementation of the provisions of the Convention by States Parties by considering reports on the measures taken by States Parties to implement the Convention.

Second: International Convention on Forced or Compulsory Labour No. (29) of 1930:

The International Labor Organization considers that forced labor or compulsory labor has effects similar to those of slavery. The International Labor Office studied the international problems resulting from forced labor in 1923 AD, and issued its report, which represented a general survey of laws and practices in this field, which encouraged the organization and pushed it at the International Labor Conference in its fourteenth session, held in Geneva in 1930, to adopt the first Convention on Forced Labor No. (29) of 1930. The provisions of this Convention include all workers, and impose on ratifying countries a complete ban on the use of forced labor or compulsory labor in all its forms. The first paragraph of Article 2 of the Convention defines forced labor as: "This work is required of a person under the menace of any penalty, provided that the person himself has not performed it voluntarily." The second paragraph of Article 2 adds that not all work or service is considered compulsory labor:

- This is done in accordance with compulsory military service.
- It is carried out in accordance with normal civil obligations.

It is implemented based on a conviction issued by a court, provided that it is under the supervision and control of a public authority. - In a state of emergency, i.e. in a state of war or disaster, such as fire, flood, famine, epidemic, or invasion of animals, insects, or agricultural pests, and in general any circumstance that threatens the survival or prosperity of all or some of the population, and it is not permissible to request forced or compulsory labor except for healthy males who are supposed to be not less than (18) years old and not more than (45) years old, and does not include women in general. Cases. The law (36), when it decided in its twenty-fifth article that: "The unlawful imposition of forced or compulsory labor shall be punishable as a criminal offense, and each party to this Convention shall ensure that the penalties imposed by law are effective and that they are strictly enforced. Given the importance of the principles stipulated in this Convention to protect basic human rights, prevent their exploitation in acts contrary to human dignity, and put an end to the coercive acts they practice as a means of punishment, the Convention included texts obligating the competent authorities to issue precise regulations regulating the resort to forced or bonded labor and to take all measures to ensure the implementation of the regulations in accordance with the provisions of the Convention, and to work to educate the persons concerned who are forced to work or are forced to work according to the regulations and guarantees set for them in accordance with national laws and international standards (37).

The Second Requirement Child Labor In Iraqi Law

Childhood is one of the most dangerous and important stages of life in building the individual's personality. The child is weak and cannot meet his needs that guarantee the

continuity of life by relying on himself. The child is the foundation on which society is built and ensuring the rights of the child is one of the priorities of countries to build a generation capable of leading towards development in all areas of life. Therefore, the legislation was keen to protect the rights of the child, according to the Iraqi Constitution of 2005. The state guarantees the protection of motherhood and childhood, and children have the right of their parents to education and care (38).

The economic exploitation of all children is prohibited and the state takes measures to protect them and prevent all forms of violence and abuse in the family, school and society. The state guarantees a decent life for the individual and the family, especially the child. The Iraqi legislator also guaranteed the rights of the child in the Juvenile Care Law No. 78 of 1980. The Juvenile Care Directorate is responsible for protecting the child's money under Article 101 of the Juvenile Care Law, imposing control and supervision on those who care for the minor's affairs, i.e. the guardian and trustee, preserving the minor's money and developing it in the form of deposits in banks and managing the minor's real estate or supervising and monitoring those in charge of managing it, and caring for the minor in all aspects of his social and academic life and the legal aspects of the interests of minors. The Iraqi legislator also guaranteed the rights of the child in the Juvenile Care Law No. 76 of 1983, and that the investigation of the juvenile is carried out by the Juvenile Court, and the child may not be arrested for violating it, and that the juvenile is tried in a secret session in the presence of his guardian, and that the measure taken against the juvenile is called a measure and not a punishment according to the provisions regulating the inclusion of the orphan or the one of unknown parentage according to the provisions of inclusion in the Juvenile Care Law, and among the rights of the child is the right of the child to inheritance and even the fetus in his mother's womb.

The crime of a child who has not completed nine years of age, and considering child trafficking crimes within it within the Iraqi jurisdiction, and considering the commission of the crime against a child an aggravating circumstance (39). The Iraqi legislator also provided guarantees for the child in the Iraqi Penal Code, as the law stipulated crimes related to paternity, the care of minors, exposing young children to danger, and abandoning the family, including removing the child from his custody. Accordingly, and after what we have presented, we will address this topic in three demands as follows:

The First Section: In The Iraqi Constitution

The Iraqi constitution did not include an explicit text regarding child labor, but it referred to it implicitly and in multiple texts, through interest in the family as the custodian of the child and responsible for his upbringing, as Article (29) of it stipulated that:

- The family is the foundation of society, and the state preserves its entity and its religious, moral and national values
- The state guarantees the protection of motherhood, childhood and old age, and cares for the young and provides them with the appropriate conditions to develop their talents and abilities, Second: Children have a right over their parents to upbringing, care and

education, and parents have a right over their children to respect and care, especially in cases of need, disability and old age.

- All forms of economic exploitation of children are prohibited, and the state shall take the necessary measures to protect them. Fourth: All forms of violence and abuse in the family, school and society are prohibited."

This means that the constitution has prohibited child labor without going into the details related to determining the type of work and the age of puberty, as it has left the regulation of these matters to other laws. It pointed to the necessity of educating children and enrolling them in educational institutions to develop their abilities and keep them away from the exploitation practiced on them by employers. Article (34) of the constitution stipulates that:

First: Education is a fundamental factor in the progress of society and a right guaranteed by the state. It is mandatory in the primary stage, and the state guarantees the fight against illiteracy.

Second: Free education is a right for all Iraqis at its various stages..." (41).

The constitution also stipulated the necessity of providing health care, especially for children and women, as it stipulated in Article (30) that "First: The state guarantees the individual and the family - especially children and women - social and health security, and the basic requirements for living a free and dignified life, providing them with an appropriate income and suitable housing. Second: The state guarantees social and health security for Iraqis in the event of old age, illness, inability to work, homelessness, orphanhood or unemployment, and works to protect them from ignorance, fear and poverty, and provides them with housing and special curricula to rehabilitate and care for them, and this is regulated by law." (42). The constitution also stipulated that work is a right for all Iraqis, ensuring a dignified life for them (43), and that equal opportunities are a right for all Iraqis (44).

Section Two: In the Labor Law

Article (7) of the Iraqi Labor Law No. 37 of 2015 set the minimum working age, stating that "the minimum working age in the Republic of Iraq is (15) fifteen years" (45). Iraqi legislation related to labor law is largely consistent with the agreements related to children's rights, the most important of which is the Convention on the Rights of the Child with regard to determining the age of the worker and theoretical reform measures (46). The Iraqi Ministry of Labor is working to combat child labor in the country, and conducts field inspection tours throughout Iraq to register violators and follow up on children by specialized committees in the Ministry of Labor, noting that violators quickly get rid of children to avoid legal trials (47). Article (10) of the Labor Law prohibits all forms of sexual harassment against a worker, whether a child or a person of full legal capacity. This article states that "First: This law prohibits sexual harassment in employment and profession, whether in the context of job search, vocational training, employment, or working conditions and circumstances. Second: This law prohibits any other behavior that leads to the creation of an intimidating, hostile, or humiliating work environment for the person to

whom this behavior is directed. Third: Sexual harassment, according to the provisions of this law, means any physical or verbal behavior of a sexual nature or any other behavior based on sex..." (48). The Labor Law grants the child worker the right to resort to the courts if he is forced to work, and anyone who violates the provisions of the Labor Law is punished with various penalties that may reach imprisonment for a period not exceeding six months or a fine (49). These texts regulating child labor are binding, but the Iraqi reality is witnessing a frightening spread of the phenomenon of child labor, as there are large numbers of children working in various jobs, some of which are beyond their mental and physical capabilities.

This is due to many reasons, economic, social and political, and as we mentioned, due to the repeated wars that Iraq has fought and the resulting social backwardness that led to family disintegration, which led to a large number of children turning to work in order to help their families provide the basic means of living. There are some of these children who are a source of livelihood for their families and not just assistants. Therefore, we can say that the texts of the labor law are almost paralyzed or difficult to implement due to what the economic, social and political reality imposes, and that the majority of employers who violate the texts of the law always evade legal accountability by dismissing workers in the event that there are inspection committees in the work facilities, and this is another matter that makes it difficult to implement these texts (50). Poverty is certainly the reason behind pushing children into the labor market, and it is an inevitable result of the "destructive economic policies that the country has gone through." Children between the ages of 6 and 15 are spreading in various fields, including the private sector in particular, leaving behind school desks, which brings back the phenomenon of illiteracy to Iraqi society, which was supposed to have disappeared five decades ago (51).

The Human Rights Commission estimates the rate of child labor in Iraq at about 2%, or about 800,000 children, which is considered a violation of the labor law. The Commission believes that practicing child labor poses a danger to them due to the nature of the working conditions and the difficulty of their work, warning against all types of harassment and exploitation by begging gangs, human and drug trafficking, etc. (52). The Labor Law regulates the work of minors in Chapter Eleven, which prohibits the employment of minors in work that harms their health, safety, and morals. The Ministry of Labor has also assigned organizations to periodically review the extent of compliance with the provisions of the law and not to violate them. Article 95 of the Labor Law states that "First: It is prohibited to employ minors, or to enter work sites, in work whose nature or working conditions may harm their health, safety, or morals. Second: The Ministry, in consultation with the relevant workers' and employers' organizations, shall periodically review, whenever necessary, the list of work to which the provisions of Clause One of this Article apply. Third: It is prohibited to employ minors in night or mixed work" (53). It is also not permissible for minors to work even in permitted jobs unless they are properly examined by medical committees to show their ability to do the work they are to be employed in, and then a certificate is issued to prove their fitness.

Article 95 of the Labor Law states that "First - minors may not be employed in permitted jobs unless they undergo a comprehensive medical examination by a medical committee that confirms their physical fitness and ability to do the work they are to be employed in. Second - A certificate of physical fitness for the minor shall be issued for a job in accordance with the following:

- A. Specific employment conditions
- B. A specific job or a specific group of jobs that have the same health risks are classified as a group by the competent authority."

The follow-up by these committees continues to ensure the minor's continued fitness to do the work required of him, until he reaches the age of eighteen.

During this period, the minor is subject to repeated examinations every year, and these examinations continue until the worker reaches the age of 21, provided that the worker or his parents do not bear the costs of the medical examinations.

As for vacations, the working juvenile is entitled to a vacation of thirty days during the year with full pay according to the text of Article 99 of the current Labor Law.

Article 100 of this law stipulates that "First - the employer who employs juveniles whose employment is permitted by law must place a copy of the provisions related to their protection in a prominent and clear place on the bulletin board at the workplace.

Second - the employer must organize a special register for juveniles that includes their names, ages, and the work assigned to them" (54).

The employer must place the medical certificate stipulated in Article 96 in a file and submit it to labor inspectors for review (55). According to the text of Article 103 of this law, its provisions do not apply to minors over the age of fifteen who work in a family environment under the supervision of the husband, father or mother, which produces for local consumption and does not employ paid workers. Whoever violates these texts shall be punished with a penalty of no less than one hundred thousand dinars and no more than five hundred thousand dinars (56).

Section Three: In other laws

The legislations did not explicitly address child labor, but some of them addressed it implicitly and others did not address it absolutely. The Iraqi Civil Law No. 40 of 1951 in Article (46/First) set the age of majority at eighteen years, and gave those who reached the age of majority full capacity to exercise their civil rights (57). In Article (97), it divided the actions of the discerning minor into two categories, beneficial and non-beneficial. His actions are considered if they are beneficial to him even if they are without the guardian's permission, and they are not considered if they lead to pure harm even if his guardian permits. The age of the discerning minor is seven full years (58). We note here the lack of reference to child labor absolutely. In the Personal Status Law No. 188 of 1959, it was stipulated that the father should provide for his children. Here we notice an implicit reference to combating child labor. If the condition of providing for the father is fulfilled, the work is no longer necessary and therefore there is no need for it.

Article (59) of the aforementioned law stipulates that “1- If the boy does not have money, his expenses are on his father..., 2- The children’s expenses continue until the female marries and the male reaches the age at which his peers earn, unless he is a student...”. There are many legislations that mentioned the child, but they did not address the subject of our research. Some of them were satisfied with defining the child and some specified the age of puberty. However, the most prominent legislation that spoke about the child in detail and addressed child labor is the Juvenile Care Law No. 76 of 1983. The law aims to care for juveniles in order to reduce the phenomenon of delinquency through the social and moral adaptation of the juvenile (59). We note that Article 3 of this law considered a person who has not reached the age of nine as a minor, and a juvenile who has completed nine years of age. A juvenile is considered a boy if he has completed nine years of age but has not completed fifteen years of age, and a young man if he has completed fifteen years of age but has not completed eighteen years of age (60).

The Juvenile Care Law considered a juvenile or minor homeless if he begs or works in professions that lead to delinquency, such as shoe polishing and selling cigarettes, and if he is under 15 years of age. He is also considered a delinquent if he practices any other profession or works without his relatives (61). According to Article (25) of this law, a juvenile or minor is considered deviant if he performs work in places of prostitution or gambling or mixes with homeless people known for their bad behavior. This leads us to ask about the extent to which the provisions of the Juvenile Law can be applied? In the Social Protection Law No. 11 of 2014, we note that it obliges the Social Welfare Authority to coordinate with the relevant authorities in order to provide social services to children, young people and juveniles and to prepare a healthy environmental environment for them (62), i.e. it referred to the subject of our research implicitly, as the necessity of care and preparing the environment is achieved by providing the necessary requirements that enable them to integrate with society or by providing job opportunities appropriate to their ages and mental, intellectual and physical capabilities. There are also many legislations that stipulate child labor, which there is no room to mention, except that the most prominent legislation is the draft Iraqi Child Protection Law, which has not seen the light until the date of writing this research, as it was reviewed by the State Shura Council to the House of Representatives based on the provisions of Articles (61 / First - 80 / Second) of the Constitution. The law also aims to provide a role for social, psychological, health, educational and housing protection for the child who suffers from family disintegration or the loss of the care of one or both parents for any reason, and to secure all his needs.

Conclusion

The research sought to clarify this phenomenon and its danger to Iraqi society in agreements and law, as we find that the rate of child labor has increased recently, so this phenomenon was clarified and some results and proposals were presented to reduce this phenomenon.

1. Regulating working children is one of the duties of the government and cannot be resorted to external sources, and therefore the duty of civil society is limited to monitoring and follow-up and does not enter the field of executive affairs.
2. The texts related to child labor in Iraq, whether in the labor law or other laws, are almost disabled in practical reality.
3. The economic aspect is considered one of the most important factors causing the increase of this phenomenon in Iraq.
4. The phenomenon of child labor is increasing in developing countries, while its rates are decreasing in developed countries, and this is due to its direct connection to the economic and social factors of each country.
5. The successive wars and armed conflicts in Iraq have a major impact on the increase of this phenomenon and its spread very significantly.

Recommendations

It is clear that child protection is not only legal but also economic, cultural and social for childhood, so it is necessary to move to serious work at all levels to save children in Iraq.

1. Creating a sense of responsibility towards children: It is the duty of the Iraqi government with all its institutions and the Iraqi society with all its components and members to deal with all forms of child abuse.
2. Enacting child protection laws in Iraq, especially the Child Law.
3. Working hard to activate the laws in force that include privileges for the child.
4. Providing health insurance: The Iraqi government must adopt a real plan to protect children.
5. Ensuring social security: According to Articles 29 to 30 of the Constitution, the Iraqi government must expand the umbrella of social protection to include children, especially those with special needs, those who have lost their parents, or those who are directly exposed. Included. Violence by terrorist groups.

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