

The Situation of Worker's rights in the Iraq and Kurdistan Region



Peace and Freedom Organization

PFO

About Peace and Freedom Organization:

The Peace and Freedom Organization is an independent non-governmental, non-profit organization, both administratively and financially. Committed to a nonviolent approach, its mission is to cultivate a culture of peace-building, conflict resolution, and nonviolent ethics. The organization advocates for the promotion of freedoms and human rights, the protection of diversity, the advancement of citizenship, the encouragement of peaceful coexistence and tolerance, as well as the development of youth capacities and the promotion of voluntary work within society

WWW.PFO-KU.ORG

PFO@PFO-KU.ORG

Table of the contents

Introduction	4
Social Security Coverage	4
Trade Unions	6
precarious working condition	8
Women and Youth worker	10
Occupational Safety and Health	10
Climate change and Agriculture	11
Recommendations	12
The Situation of Migrant workers in Kurdistan Region	14
Key Messages	15
Introduction	16
Legal Framework	16
Law and regulation enforcement environment	19
The entry and return mechanisms for migrant workers	20
Violations and reporting mechanisms	21
Freedom of associations and syndications for migrant workers	23
Migrant workers and labor market	24
Public image and knowledge production on migrant workers	25
Recommendations	26

Introduction

The 2023 Global Rights Index, an authoritative report published by the International Trade Union Confederation (ITUC)¹, presents a comprehensive assessment of the state of workers' rights globally. This report, the tenth edition, highlights the escalating challenges and violations that workers face across different regions. It reveals a concerning trend of increased suppression and denial of fundamental labor rights, including the right to strike, form unions, and engage in collective bargaining. The analysis spans 149 countries and is grounded in international legal standards of fundamental rights in the workplace. The findings of the report are critical for understanding the current landscape of workers' rights and are instrumental in guiding policy, advocacy, and action to address these pressing global issues.

According to the index report, Iraq ranked 30th among the countries in the world that most violate workers' rights, out of 149 countries, maintaining its position recorded last year in 2022, while it ranked tenth in the Arab world. The index gives points from 1 to +5 for countries. The more a country violates workers' rights, the higher its score. For example, Afghanistan ranked first in violating workers' rights and its score was (+5), while Iraq got a score of 5. At present, Iraq has implemented Labor Law No. 37 of 2015 and Pension and Social Security Law No. 18 of 2023. These laws are somewhat reflective of the contemporary standards and realities of the labor market, yet the extent to which they are effectively implemented remains a subject for discussion. In contrast, the Kurdistan Region continues to use Labor Law No. 71 of 1987. Moreover, its Pension and Social Security Law, revised in 2012 as Law No. 4, fails to encompass the unorganized labor sector. Therefore, it is urgent that both laws be amended. Despite the Kurdistan Regional Parliament enacting a new labor law in early March 2023, its application was suspended following the dissolution of the Kurdistan Regional Parliament by the Iraqi Federal Court.

This report sheds light on various facets concerning labor rights within the framework of labor, and social security legislation in both Iraq and Kurdistan, evaluating the state of workers' rights. Recognizing the complexity and diversity of workers' rights, the report does not aim for a broad evaluation of their overall condition. Rather, it focuses on instances to better comprehend the status of these rights. The data presented in the report were gathered either through direct efforts by the Workers' Rights Monitoring Team of Peace and freedom Organization throughout 2023 or sourced from other relevant materials. Ultimately, the report proposes a set of policy recommendations for key players, aimed at enhancing the living standards of workers.

1. Social Security Coverage

Iraqi workers' difficulties, as detailed by both Kazem Al-Azzawi and Abdul Razzaq Al-Mashhadani, is one of vulnerability and neglect. Workers face multiple challenges including ill-treatment, discrimination, threats of job termination, and a marked decline in the influence of trade unions due to political and partisan factors.

¹ <https://www.ituc-csi.org/ITUC-reports-expose-regular-abuse-of-migrant-workers>

This decline has left workers without robust advocacy or means to improve their working conditions. Adding to these concerns, Al-Mashhadani, an employee at the General Company for Glass Manufacturing, points out the serious issue of social security. Older workers, or those injured on the job, find themselves without any safety net or rights to support them after losing their capacity to work. This absence of support extends to retirement rights, as noted by Kamal Hamid, a private sector worker. Despite long years of service, companies often refrain from registering their employees in the social security fund, depriving them of essential future security. Hamid further explains that workers themselves are hesitant to register for social security due to the financial deductions involved, which are burdensome because of their low wages and challenging economic conditions. This situation underscores a systemic failure to provide basic worker protections and highlights the need for urgent reforms to ensure the welfare and rights of Iraqi workers, particularly in terms of social security and retirement benefits.²

The new Retirement and Social Security Law No (18) in 2023 for private sector workers is considered as a crucial step towards enhancing the living conditions of workers. The law significantly expands coverage to various social groups in the private sector, including organized and unorganized workers like taxi owners, seamstresses, and mobile trade owners, who will benefit from the law provided they pay the stipulated retirement contributions. The law, enacted as part of the government's economic reforms, ensures broad coverage and equal treatment for all workers, with special attention to unorganized sectors and gender equality. Key features include state support of 8% for organized sector wages, 15% for unorganized sector wages, optional retirement clauses, and healthcare coverage for retirees. One key element of this legislation is the broadening of social security benefits to cover the maximum number of employees, including those working outside the formal sector, as outlined in Article 69. The new law requires that the public treasury will contribute 15% towards subscriptions of Those who work in the informal sector or are self-employed, while the subscriber's responsibility is limited to only 5%, as detailed in Article 71. Furthermore, article 29 specifies retirement salary eligibility for insured individuals: Men at age 63 with 15+ years of service, or 60 with 20+ years, or 50 with 30+ years; Women at 58 with 15+ years, 55 with 20+ years, or 50 with 25+ years. Additionally, those reaching retirement age under Article 29 without sufficient service can purchase up to 5 years of service, paying both their share and the employer's 17% contribution, based on their average wage over the last five years, provided it's at least the minimum wage.

Some observers criticize the law's ambiguity and question its practicality, Federation of Worker Councils and Unions in Iraq (FWCUI) has officially declared their rejection of the law, regardless of its parliamentary approval. The Federation opposes any legislation ratified by Parliament that doesn't include the active participation of workers' representatives to ensure the protection of their rights.³ Others see it as a significant step forward in protecting the rights of nearly 15 million workers, most of whom are currently outside the social security system. The head of the General Federation of the Iraqi Trade Union, Star Denbos, pointed out the disparity between the large number of workers in Iraq (estimated at 15 million) and the relatively small number (650,000) registered

² <https://shorturl.at/jovDM>

³ <https://shorturl.at/kqyFK>

under the Social Security Law ⁴. Oil firms in Basra are dismissing workers without proper justification, and 90% of employees in the private sector lack retirement or social security benefits. The Federation of Trade Unions notes that 90% of owners of private companies either fail to register their employees or only register a portion of their workforce with the Department of Retirement and Social Security. This practice is often done to avoid tax obligations.⁵ The unorganized sector, which forms a large part of the working class including self-employed individuals and daily wage workers, suffers from a lack of rights, guarantees, and insurance. This is primarily due to the government's oversight of private sectors, 90% of which have faced enforced shutdowns according to Star Denbos.⁶ Based on recent statistics from the Kurdistan Regional Government, there are 144,930⁷ workers enrolled in social security within Kurdistan. However, the exact percentage of these workers in relation to the total number of private sector workers and employees remains unknown, as the total workforce size in the private sector is not clearly documented. The Peace and Freedom Organization notes that this figure is regularly updated but does not account for workers who either have their contracts terminated or switch jobs.

While the social security status for workers in the Kurdistan Region appears more favorable, as per the Director General of Labor and Social Security in the region, it's reported that 30% of workers receive benefits. However, this figure lacks verification through precise statistics, particularly regarding the number of workers in the private sector. Additionally, there are no established policies or rulings in place for daily wage workers and informal sector. The Director General mentioned that they are collaborating with the International Labor Organization (ILO) to devise a strategy to address this matter.⁸

2. Trade Unions

Iraqi labor law upholds the concept of multi-unionism, which allows for the presence of multiple trade unions representing workers' interests in dealings with formal institutions. Under this principle, in any scenario requiring representation of workers, the union with the highest number of worker representatives is recognized. This approach, however, clashes with the Trade Union Labor Organization Act No. 52 of 1987, which is founded on the idea of a single trade union system. In 2017, Iraq officially adopted the Freedom of Association and Protection of the Right to Organize Convention No. 87 of 1948 of the International Labor Organization, through Law No. 87. As per Article 11 of this law, Iraq is committed to implementing all necessary and appropriate actions to guarantee that both workers and employers can freely exercise their right to organize. This enactment is expected to lay the groundwork for the development and passage of legislation concerning trade union rights and freedoms.

As the latest development in this progress, On August 3rd and 10th, the General Federation of Iraq Worker (GFIW) recognized by the Iraqi government as the sole representative union in the absence of legislation supporting the multi-union principle, held two meetings for its members to discuss on the draft law for Iraqi

٤ <https://shorturl.at/anBQ9>

٥ <https://www.facebook.com/watch/?v=٢١٩٥٩١٨١٨٠٦٠٢٨١٩>

٦ <https://shorturl.at/gBDIL>

٧ <https://gov.krd/dmi/activities/news-and-press-releases/٢٠٢٤/january/>

٨ <https://www.rudaw.net/sorani/kurdistan/٠٥٠٨٢٠٢٣١٦>

trade union organizations. Additionally, On September 15, 2023, the International Labor Organization (ILO) held a meeting in Erbil with representatives of trade unions to deliberate on the proposed legislation for regulating trade union works in Iraq. Moreover, on August 16, 2023, the Labor and Civil Society Organizations Committee, led by Representative Nahida Al-Daini and joined by several of its members, convened with a delegation from the Conference of Iraqi Federations and Workers Unions (CIFWU). This meeting focused on discussing the proposed law on trade union organizations for workers and employees in Iraq and aimed at aligning Iraq with the International Convention on Freedom of Trade Union Work.⁹

In Iraq, the trade union movement is divided into two main groups. The first group, the Conference of Iraqi Federations and Workers Unions (CIFWU), focuses on consolidating the efforts of the Iraqi labor union movement. This group operates with a commitment to freedom, independence, democracy, and professionalism. It encompasses seven key Iraqi trade unions and federations, forming the Conference of Iraqi Federations and Workers Unions (CIFWU).¹⁰

The member unions of CIFWU are:

1. *General Federation of Iraqi Trade Unions (GFITU)*
2. *Federation of Independent Trade and Professional Unions in Iraq (FITPUI)*
3. *General Federation of Workers' Unions in Iraq (GFWUI)*
4. *Iraqi Federation of Oil Union (IFOU)*
5. *Union of Technical Engineering Professions (UTEP)*
6. *Federation of Worker Councils and Unions in Iraq (FWCUI)*
7. *Central National Federation of Iraqi Trade Unions (CNFITU)*

Another side of worker unions in Iraq is represented by the General Federation of Iraq Workers (GFIW), which holds the unique status of being the sole union recognized by the Iraqi government. In numerous ways, the GFIW's stance on workers' issues diverges from that of other unions. While there exists a practical multi-union principle in Iraq, there is no legal framework in place to govern the operations of these various unions. Divergent opinions on these two fronts have been a factor in delaying the passage of legislation concerning the organization of trade unions. Effective communication and collaboration between the two sides to jointly address workers' issues have been lacking. On the contrary, they sometimes accuse one another of various things, such as the statement released by the GFIW on October 3 described the CIFWU as operating unlawfully and having a criminal background. It seems like GFIW is backing government policies and CIFWU is taking a stand against these government policies. Workers' interests will be negatively impacted by polarization.

The absence of Iraqi trade unions' impact on inequality and state economic policies is noteworthy. A critical function of trade unions is to rally public opinion, particularly among workers, to demonstrate against state

⁹ <https://shorturl.at/csxEI>

¹⁰ <https://www.facebook.com/1000642760393209/videos/2712803769011000>

economic policies that impact the working class, potentially even influencing election outcomes.¹¹ As an illustration of the function of trade unions in this regard, we have utilized trade union social media, trade unions have a limited presence in the social media platform. In an era where social media serves as a popular and accessible information platform, trade unions are noticeably absent on these channels, despite the potential for reaching a vast audience. It should be noted that the General Federation of Iraq Workers stands out as the most active trade union in Iraq in terms of social media presence, with a significant number of posts in 2023. More than 90% of their posts are focused on reporting formal visits, as well as organizing or participating in various activities. In 2023, CIFWU, which acts as an umbrella organization for seven trade unions, made only three posts on its Facebook page throughout the entire year,¹² GFWUI and IFOU do not have any pages on social media platforms. Only one of FITPUI's six postings in 2023 addresses an actual issue faced by workers.¹³ CNFITU¹⁴ and UTEP¹⁵ posted 30 and 36 times, respectively, on their Facebook pages, yet most of these posts focus on formal visits and participation, with only a handful addressing workers' protests. In 2023, GFITU¹⁶ made 20 posts, mainly focusing on international days and events, along with issues specific to Iraq, such as the unjust treatment of a union worker in the Ministry of Industry and Minerals, the risks of privatizing or dismantling state companies and selling their assets, and supporting retired workers and workers' fundamental rights and freedom of syndication observed on World Day of Social Justice, International Women's Day, International Human Rights Day, and the international day for migrant workers' rights. In 2023, as the most active among CIFWU members, FWCUI¹⁷ posted 64 times, predominantly on labor issues. It notably covered several work demonstrations in Iraq, such as the strike by 250 workers at the BC Reinforced Iron Manufacturing Company in Kirkuk on December 23, protests by refinery and petroleum workers in Basra on July 6, demonstrations by the Petroleum Products Distribution Company employees on May 29 against Article 42 of the draft budget, and the protests by farmers in Basra's Al-Nashwa district on May 28 against a district redesign project. One of the concerns that FWCUI focused on extensively on April 2023 is the strategy of selling assets of self-financing public sector companies and laying off their workers, as part of the Iraqi government's economic policies. These policies, often disguised under various names, are focused on the organized plundering and appropriation of public property, justified as investment ventures. The restructuring of these companies, in line with World Bank guidelines, such as reducing the retirement age, is purported to positively affect the lives of ordinary citizens in many countries. However, in Iraq, these measures primarily aim to open the market to foreign goods due to the economy's reliance on natural resources. The social impact of these policies is profound, leading to increased unemployment, poverty, and a decline in public services, disproportionately affecting the working class and the deprived, while a minority reaps significant wealth. This approach aligns with the broader global capitalist agenda, benefiting financial institutions at the cost of impoverishing millions, with the Iraqi government and influential figures acting as facilitators of these international policies. The Kurdistan Union General Union, the sole trade union in the Kurdistan Region, has a limited presence on social media, like many Iraqi trade unions.

11 <https://journals.sagepub.com/doi/full/10.1177/0031224100837649/10.1177>

12 <https://www.facebook.com/profile.php?id=100064276393209>

13 <https://shorturl.at/vy4A9>

14 <https://shorturl.at/eoN12>

15 https://www.facebook.com/utepiraq/?locale=ar_AR

16 <https://www.facebook.com/gfiw.iq/>

17 <https://www.facebook.com/profile.php?id=100063769172132>

In 2023, the union posted only seven times¹⁸ on its official page. Apart from an announcement for International Labor Day on May 1st, all other posts were related to news of official visits.

Generally, with some exceptions, the content shared by media outlets on social media doesn't primarily focus on workers' issues. Notably, there is a scarcity of reports on workplace accidents, despite the occurrence of thousands of such incidents every day. Additionally, there is a lack of detailed reporting on the number of workers injured or killed due to inadequate occupational safety and health measures at work sites.

3. precarious working condition

Based on the text, precarious work refers to employment that is characterized by a lack of stability, often involving short-term or insecure positions. These jobs typically offer poor pay, lack full-time hours, and do not provide decent wages or benefits. In essence, precarious work denotes employment conditions that are uncertain, unpredictable, and risky from the worker's perspective, often lacking the traditional securities associated with a «normal» job¹⁹.

Abbas Zuhair²⁰, a member of the Executive Office of General Federation of Iraq Workers (GFIW), highlighted ongoing challenges and proposed reforms in the Iraqi labor market. Inspection committees, including representatives from GFIW and the Ministry of Labor, are monitoring brick factories in Diyala for labor law violations, particularly regarding social security and minimum wages. Zuhair noted that employers often try to bypass these inspections, and some pay workers less than the legal minimum wage of 350,000 dinars. He highlights that companies contracted by the government for hospital cleaning services are paying workers only 150,200- thousand dinars. Furthermore, Zuhair discussed the influx of foreign workers who, due to lower wage demands (200,300- dollars) and willingness to work longer hours (up to 14 hours), are increasingly preferred by employers over Iraqi workers, who seek at least 500 dollars or 500,600- thousand dinars per month and adhere to the legal 8-hour workday. This situation highlights the complexities in Iraq's labor market, including wage disputes, worker exploitation, and the challenges of implementing and enforcing labor laws. The Iraqi industry is now facing significant challenges with many factories becoming inoperative and leading to widespread unemployment among skilled workers. The Ministry of Industry runs around 290 manufacturing and laboratory facilities across Iraq, out of which about 100 have ceased operations. The primary causes for this shutdown include mismanagement, corruption, a persistent reliance on imports, and a lack of support for domestic products. This halt in operations results in the loss of millions from the Iraqi state's treasury.²¹

Ending contracts abruptly without prior notice or following legal protocols is another manifestation of work precarity encountered by workers in the private sector. For instance, in October 2023, an international school in Erbil suddenly dismissed 15 of its employees without any clear justification. In April, a company

18 <https://www.facebook.com/kuwu.ec>

19 https://www.ilo.org/wcmsp0/groups/public/@ed_dialogue/@actrav/documents/meetingdocument/wcms_111381.pdf

20 <https://www.iraqyoon.net/VA74A/>

21 <https://almadapaper.net/view.php?cat=298788>

in Sulaymaniyah terminated the employment of 14 individuals who had been with the company for a period ranging from one and a half to two years. This action was taken in response to a government directive requiring the company to transition these workers from daily pay arrangements to contractual employment. In the Kurdistan Region, thousands of workers employed by private security companies face numerous challenges. They report being underpaid, receiving only 400,000 dinars out of the 800,000 paid by clients to companies per employee. Additionally, employees bear the cost of their work attire, including clothes and shoes, often spending 100,000 dinars from their own pockets. Work conditions include long hours with minimal holidays, and the lack of support during emergencies, as well as disrespect from wealthy individuals and officials' families. Despite the risks, including accidents and attacks on duty, these workers lack proper equipment and legal protection. Efforts to negotiate better salaries and contracts with companies have yielded only empty promises and sometimes punishment, highlighting the precarious situation of these workers and their ongoing struggles for fair treatment and adequate compensation. Despite these challenges, the exact number of employees remains unclear, and their problems are largely common across the sector .

This is happening in many other parts of Iraq, especially in Basra, where oil companies are firing workers without following legal procedures. Another indication of the instability of the labor market in Iraq is the presence of a large-scale unorganized labor sector. This instability deprives workers of their most fundamental rights, particularly pensions and social security, which are the most fundamental rights of workers.

4. Women and Youth worker

A significant number of young women in the working-age group find themselves without job opportunities. The rate of women's engagement in the workforce is as low as 10.5 percent, ranking among the lowest not just regionally, but potentially across the Asian continent. Most of these women are employed in the public sector, and it's estimated that only a few hundred thousand women are working in the private sector, despite there being 13 million women of working age in the country.²² This issue is further highlighted by the high unemployment rate among the youth. The World Bank reports that approximately 34.5 percent of the Iraqi young working-age population is unemployed, and it is presumed that a substantial portion of this group comprises young women.²³ Discrimination and unfair treatment are the significant challenges faced by pregnant women in the Iraqi private sector workforce. Women like Suad Omran, Sabreen Hashem, and Fatima Jassim have faced job loss or forced unpaid leave due to their pregnancies, despite their dedication and hard work. These cases illustrate a high rate of violations against working women in the private sector, primarily due to the lack of enforcement of existing labour laws and weak oversight from supervisory authorities. The Iraqi Labor Law No. 37 of 2015 contains provisions to protect pregnant and breastfeeding women, including paid maternity leave, and breastfeeding breaks during work hours. However, the implementation of these laws is hindered by employers' exploitation of women's lack of legal knowledge and their difficult living conditions. Hussein Al-Kaabi from the Federation of Trade Unions emphasizes that employers often disregard these legal obligations, leading to widespread violations

٢٢ <https://www.equaltimes.org/a-new-era-of-opportunity-is>

٢٣ <https://data.worldbank.org/indicator/SI.UEM.١٥٢٤.ZS?locations=IQ>

of women's rights in the labour sector. The absence of legal employment contracts in the private sector further exacerbates the issue, as noted by Abu Ali, a business owner. He cites financial and legal burdens as reasons for not formalizing employment contracts with female workers.²⁴ Iraq's economy has struggled with limited job opportunities and slow job creation, significantly impacting the youth. The rise of the gig economy further exacerbates precarious work conditions, with many Iraqi youths engaged in temporary, demand-based jobs without adequate legal or social safeguards. Moreover, the inadequacy of compensation and lack of essential benefits such as social security coverage in these programs are significant concerns.²⁵

5. Occupational Safety and Health

In 2023, the National Centre for Occupational Health and Safety reported a total of 3,365 workplace injuries, with a significant gender disparity where 98% (3,312) of the injured were men and only 2% (53) were women. The leading causes of these injuries were falls and slips (947 cases), followed closely by incidents involving machines and equipment (882 cases), and injuries due to manual labour tools (553 cases). Other notable causes included traffic incidents (281), falling objects (243), and electric shocks (125), among others. This data highlights urgent safety concerns in various sectors, particularly regarding fall prevention and machinery safety, and underscores the need for enhanced workplace safety measures and targeted interventions to address these risks effectively. The report omits data on worker deaths, yet the Iraqi Observatory for Workers' Rights noted 26 deaths in various labour sectors.²⁶ Additionally, the Peace and Freedom Organization, through its monitoring efforts, reported 69 worker fatalities mostly happening in Kurdistan Region. A representative from the Kurdistan Construction Workers Syndicate revealed that in the Kurdistan Region alone, there were 73 worker deaths this year, including 18 non-native workers, which is an increase from the 59 deaths reported in the previous year.²⁷

6. Climate change and Agriculture

The United Nations ranks Iraq as the fifth most vulnerable nation to climate change²⁸, highlighting the need for a reevaluation of working practices and the implementation of better protections in construction and other labor-intensive sectors. In Iraq, workers, especially in the unorganized sector, are facing severe challenges due to extreme heatwaves, with temperatures surpassing 50 degrees Celsius. This situation is exacerbated by the lack of adequate labor laws addressing working conditions during such extreme weather. Thaer Abdel Moein Al-Sultan, head of the Diyala Workers' Union, notes a 50% reduction in worker activity due to the scorching temperatures, which also increase the risk of heat-related illnesses like heatstroke²⁹. This severe situation is part of a broader context of climate change, with Iraq being one of the country's most vulnerable to its effects. The

٢٤ <https://annabaa.org/arabic/investigations/٣٤٧٩١>

٢٥ <https://www.arab-reform.net/publication/from-tangential-livelihood-programming-to-integrated-social-protection-conceiving-a-long-term-approach-to-youth-economic-and-social-policy-in-iraq/>

٢٦ <https://almrsd-alarraqi.blogspot.com/٠٤/٢٠٢٣/the-iraqi-observatory-for-workers-and.html>

٢٧ <https://rojnews.news/?p=٤١٥٦٥٠&fbclid=IwAR٣uVvCojUlt٨٩aRuArkIGp٥DChQCqopulu١AVC٥degilBNOCAfX٣dhiLM>

٢٨ <https://shorturl.at/bgoqG>

٢٩ <https://shorturl.at/prRS٦>

Iraqi Labor Law No. 37 of 2015 does not regulate working hours during peak temperatures, nor does it provide adequate safety and health protections for workers. Consequently, workers in fields like construction are unable to work, affecting their income and livelihood. The government's neglect of private sectors and absence of supportive measures like health insurance or compensation exacerbates the issue, leaving workers vulnerable. A case recorded by the Peace and Freedom Organization highlights the extreme working conditions at an oil refinery during summer heat, where several workers resigned due to the absence of adequate cooling systems and appropriate rest areas.

Another area closely linked to climate change and likely to be impacted is agriculture. Yet, based on various reports and studies, this sector is currently not in a favorable condition in Iraq. A study, conducted by International Labor Organization (ILO)³⁰, highlights several critical issues in Iraq's agricultural sector, particularly in Basra among smallholders who primarily employ family labor, often women. The research reveals a significant gap in labor inspections, with only 2% of respondents witnessing such visits, attributed to farms' remote locations and limited inspector capacity. This lack of oversight has led to numerous safety and health violations: most workers are unfamiliar with the chemicals used, lack training in handling hazardous materials, and are exposed to biological and chemical risks, with insufficient safety measures in place. Additionally, there's a notable absence of gender-equal opportunities and pay disparity in the sector. The study also points out the severe lack of contractual agreements, leaving workers vulnerable to exploitation and unaware of their rights, including social security benefits and minimum wage standards. Underage labor is a concerning issue, often blurred by family work contexts. Despite these challenges, the study finds limited awareness and use of complaint channels among workers, with few utilizing available avenues like police, legal entities, or village leaders. This research underscores the urgent need for improved labor inspections, safety training, awareness of workers' rights, and enforcement of labor laws to ensure the wellbeing and fair treatment of workers in Iraq's agricultural sector.

Conclusion .

Iraqi workers face a range of challenges including discrimination, job insecurity, and a decline in trade union influence, leading to vulnerability and neglect. A significant issue is the lack of social security coverage compounded by reluctance from both employees and employers to engage with the system due to financial constraints and avoidance of obligations. The new Retirement and Social Security Law No (18) of 2023 aims to address these issues by expanding coverage to various social groups, particularly in the unorganized sector, and introducing measures like state support for wages and healthcare for retirees. Trade unions in Iraq are divided between multi-unionism and a single union system, with ongoing discussions and meetings to align with international conventions and address workers' rights. However, there is a lack of effective communication and collaboration between unions, impacting their ability to influence state policies and protect workers' interests. Precarious working conditions are prevalent, characterized by instability, low pay, and lack of benefits. The influx of foreign workers, factory shutdowns, and dismissal of workers without legal justification exacerbate these conditions. Women and youth face additional challenges with low workforce participation rates, discrimination, and inadequate job opportunities. Occupational safety and health are major concerns, with high numbers of workplace injuries and fatalities, particularly in the construction sector. The impact of climate

change, especially in agriculture, poses further challenges, with workers facing extreme working conditions, health risks, and exploitation due to inadequate labour laws and inspections.

Policy Recommendations:

Based on the detailed analysis of the challenges faced by Iraqi workers, the following policy recommendations are proposed to address these issues effectively.

1. Enhance Social Security Coverage and Compliance: The new Retirement and Social Security Law No (18) of 2023 should be rigorously implemented with strict compliance measures. There should be an awareness campaign to educate both employers and employees about the importance of social security registration and its long-term benefits. Additionally, financial incentives or subsidies can be offered to encourage small businesses and unorganized sectors to enrol in social security programs.

2. Strengthen Trade Union Rights and Representation: Iraq should adopt a legal framework that supports both multi-unionism system, ensuring fair representation of all workers. Trade unions need to be empowered to participate actively in legislative processes, ensuring that workers' rights are adequately protected. Inter-union collaboration should be promoted to address common goals and reduce polarization.

3. Improve Occupational Safety and Health Standards: The government should enforce stringent safety regulations across all sectors, with special attention to high-risk industries like construction and manufacturing. Regular safety inspections, mandatory safety training for workers, and strict penalties for non-compliance with safety standards are crucial. Additionally, a public database of workplace accidents and fatalities should be maintained for transparency and accountability.

4. Address Precarious Working Conditions: Enforce strict labour laws to prevent the exploitation of workers, particularly in terms of unfair dismissals and below-minimum wages. The government should also regulate the influx of foreign workers to ensure fair competition and job security for Iraqi workers. Policies to support job creation and stability in various sectors should be prioritized.

5. Promote Women and Youth Employment: Develop targeted programs to increase the participation of women and youth in the workforce. This includes implementing and enforcing laws against discrimination in the workplace, providing vocational training and education opportunities, and creating job opportunities in diverse sectors.

6. Leverage social media for Trade Union Advocacy: Trade unions should enhance their presence on social media platforms to engage with a wider audience, advocate for workers' rights, and mobilize support for their causes. This would also help in raising awareness about workers' issues among the general public.

The Situation of Migrant workers in Kurdistan Region

Key Messages

* The Kurdistan Region of Iraq lacks a specific law exclusively focused on regulating migrant workers. Instead, pertinent provisions are dispersed across the Labor Law, Investment Law, and specific regulations related to migrant workers. Despite efforts by the Kurdistan Regional Government (KRG) to amend these regulations, the current laws and regulations are not flawless. The wording allows for different interpretations, posing challenges in effectively managing the status of migrant workers.

* Several enforcement, monitoring, and judicial institutions in the Kurdistan Region are engaged in matters related to migrant workers, with the most pivotal ones operating under the Ministry of Labor and Social Affairs. These institutions primarily address the movement and concerns of migrant workers upon their arrival in the Kurdistan Region. Despite coordination being managed through high committees and specialized committees at the ministry level, there are constraints regarding the number of committees, the capabilities of their members, and logistical support. As a result, there are limitations in effectively visiting and monitoring the lives of the migrant workers in the Kurdistan Region.

* While the official procedures for bringing migrant workers to the Kurdistan Region are outlined in the regulations of the Ministry of Labor and Social Affairs and the Ministry of Interior, there are multiple ways, including illegal ones, for bringing migrant workers. Consequently, this situation has resulted in various violations of the rights of migrant workers.

* Deficiencies in the law, inadequate monitoring mechanisms for safeguarding the rights of migrant workers, and the limited awareness among the workers themselves create conditions where various violations occur. These involve issues such as the absence of labor contracts, unsafe working conditions, delayed or non-payment of wages, human trafficking, lack of social security, instances of sexual violence, and confiscation of documents. Among these violations, female migrant domestic workers often face heightened vulnerability.

* Migrant workers are not allowed to form their own associations, trade unions, and organizations. While they possess the right to join trade unions in Kurdistan, their membership rights are not fully recognized.

* Migrant workers predominantly send a significant portion of their earnings back home. Their contribution to the economic development of the region is indirect, as some assist in enhancing the skills of local workers, while others (domestic workers) contribute to increasing women's participation in the labor market in the Kurdistan Region. This dual impact highlights the existence of both positive and negative narratives toward migrant workers in the region.

1. Introduction:

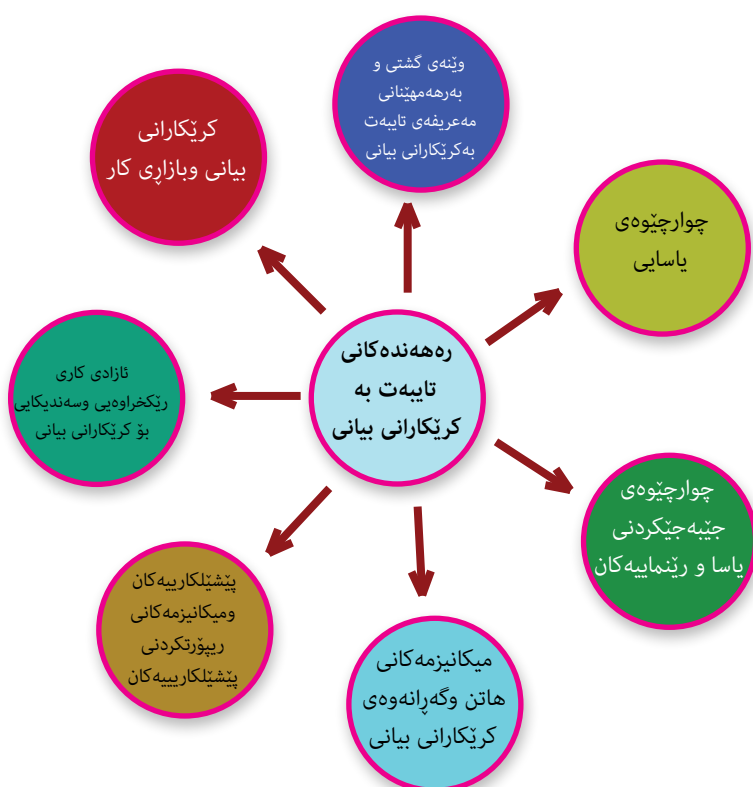
As part of its rights and freedoms initiative, Peace and Freedom has consistently addressed labor issues since its establishment. In this capacity, the organization has concentrated on enhancing and safeguarding the rights of workers and the freedom of trade unions in both Iraq and the Kurdistan Region through diverse projects. Apart from conducting various studies on minority workers, female workers, freedom of association, and unemployment, the Peace and Freedom Organization publishes annual reports detailing violations against workers and occupational safety and health in Iraq and the Kurdistan Region. Concerning migrant workers, the organization, besides a comprehensive study conducted in 2018, consistently addresses the overall situation of migrant workers annually within the framework of reports on workers' rights.

This report represents the organization's continual commitment to gaining deeper insights into the situation of migrant workers in the Kurdistan Region. The goal is to establish a knowledge foundation that serves as a resource and directs the ongoing knowledge production regarding the rights of migrant workers in the region. More specifically, this report will provide a basis for a comprehensive understanding of migrant workers in the Kurdistan Region by introducing seven dimensions of migrant workers.

The dimensions related to migrant workers are (1) legal framework for migrant workers, (2) law and regulation enforcement environment, (3) the entry and return mechanisms for migrant workers, (4) violations and reporting mechanisms, (5) freedom of associations and syndications for migrant workers, (6) migrant workers and labor market, and (7) public image and knowledge production on migrant workers.

Methodologically, the data and information presented in this report are sourced from the analysis of legal documents, reports issued by official agencies and civil society organizations. Additionally, the rights of migrant

workers were monitored by a dedicated team from the Peace and Freedom Organization. The team conducted in-depth interviews with a certain number of individuals, including government officials, representatives of trade unions and civil society organizations, personnel from foreign labor companies, researchers, and numerous migrant workers in the Kurdistan Region. It is important to note that the questions posed during the interviews varied, tailored to the background and the specific dimensions relevant to each individual's connection with migrant workers.



2. Legal Framework:

The Kurdistan Region currently lacks a dedicated law for the regulation and management of migrant workers. However, this issue is encompassed within the Iraqi Labor Law No. 71 of 1987, which serves as the sole applicable law governing employment and workers' rights in the Kurdistan Region. In recent years, the Ministry of Labor and Social Affairs in the Kurdistan Region, in collaboration with other official entities, has been engaged in drafting a new «Labor Law» to replace the existing Labor Law No. 71 of 1987.

Despite being approved by the Kurdistan Parliament on March 1, 2023, the new draft law has not been officially published in the Kurdistan Gazette for it to become effective. If the new law is eventually published and implemented, it is anticipated to share similarities with Law No. 71, particularly regarding migrant workers. Information from a draft law obtained by Peace and Freedom organization from the Ministry of Labor and Social Affairs, although not considered the final version, suggests that a dedicated section within the new law is likely to address the rights and regulations pertaining to migrant workers. In addition, many of the articles and provisions of the law apply to migrant workers in the same way as Law No. 71. As outlined in the draft, similar to the existing law, the Minister of Labor and Social Affairs of the Kurdistan Regional Government will retain the authority to issue guidelines for migrant workers. This encompasses aspects such as the necessity for employment contracts, employer responsibilities, work permits, and penalties for breaching legal provisions. While the draft indicates an anticipated improvement in the legal framework for the rights of migrant workers compared to Law No. 71, there are still existing legal gaps concerning migrant workers.

Following the approval of the draft law in the Kurdistan Parliament, civil society organizations specializing in labor issues shared their perspectives. These organizations particularly emphasize the necessity for a dedicated law addressing migrant workers or, alternatively, a more comprehensive inclusion of all matters related to migrant workers within the labor law framework, surpassing the current formulation.

Apart from the Labor Law, migrant workers are addressed in other laws and regulations. Law No. 4 of the Kurdistan Parliament in 2006, known as the Investment Law, is a pertinent legal framework concerning migrant workers. Within the law's third section specifies that investors are granted the authority to enlist foreign labor for their projects within the Kurdistan Region. Precisely, Article 7, paragraph 2 of the law articulates that «the investor is authorized to hire both local and migrant workers essential for the project, while prioritizing the promotion of local workers in operations, in accordance with the prevailing laws in the region.» Within the same article (Article 7), paragraph 4 specifically addresses the rights of migrant workers concerning the management of the money or wages they receive. It explicitly states that “Non-Iraqi workers involved in the project and individuals interacting with them outside the region have the option to remit their money and wages abroad¹.”

⁵ Kurdistan Parliament. 2006. Investment law.

https://www.parliament.krd/media/%E2%80%A2%DBA%Z%D%AA%ZVD%AB%Z%D%AA%ZVDBA%Z-%DA%9A%D%A0%9D%AA%ZVD%AB%1D-AV%9
%-E%D-A%9%9D%AB%Z%D%AA%ZVDA%B%0DBA%Z%-Y%0-1-DBA%Z%D%AA%ZVD%AB%Z%D%AA%ZVDBA%Z-%D%AA%9D%-AV%9D%AA%AD-AV%9
%D%AB%1D%AV%9DBA%EXD%A%9A%D%AA%ZVD%-A%9A%D%A%9A%D%-AV%9D%AV%9D%-AV%9D%AB%1DBA%EXD%A0%9DBA%Z-%D%A%9A%D%AA%9D%AB%1D%AA
F%D%AB%Z%D%AA%ZD%AA%ZVD%-A%9A%D%AB%9DBA%Z%D%AB%1D%AA%ZVDA%Y%9A.pdf

Derived from Article 23 of the Iraqi Labor Law No. 71 of 1987², the Ministry of Labor and Social Affairs in the Kurdistan Region has released a number of regulations from 2007 onward. These regulations are aimed at establishing regulations for the processes involved in bringing in and overseeing the cases of migrant workers within the Kurdistan Region. Among these, regulation No. 2 of 2015 holds particular significance, comprising 28 articles that highlight the protocols for the arrival of migrant workers and the comprehensive regulation of their duties and rights. In the first paragraph of Article 2 within the regulation, it is articulated that «the issuance of the license to recruit workers will be undertaken by the Minister or an individual authorized by the Minister to the company, provided the conditions outlined in the regulation are met.» It emphasizes the need for collaboration and underscores that employing any migrant worker is contingent upon obtaining a work permit aligned with the conditions and procedures delineated in this regulation. Article 7 of the regulation addresses the steps for acquiring a work permit, particularly outlined in paragraph 1 as «submitting a written application to the labor departments or through the employer seeking employment.» Additionally, paragraph 2 of the same article specifies that the submission should include «legal documents confirming entry into the region and legal residence.» Further, paragraph 3 of Article 7 mandates that «the application must encompass all pertinent details regarding the skills of the workers and accompanied by the requisite certificates and documents. This information includes name, citizenship, criminal record, type of work, duration of employment, name of the employer, and complete address.»³

٢ Iraqi Parliament. ١٩٨٧. Labor Law.

Ministry of Labor and Social Affairs of KRG. ٢٠١٥. Regulation No ٢.

Ministry of Labor and Social Affairs of KRG. ٢٠٢٢. Regulation No ٨.

in projects must not surpass 25% under any circumstances. The regulation delineates various procedures that employers are obligated to adhere to, encompassing the process of requesting labor, specifying skills required, and outlining measures for monitoring, along with determining penalties for infringements in accordance with prevailing laws and regulations, including the Labor Law, the Investment Law, and the regulation for Bringing Migrant Workers No. (2) of 2015. It's crucial to emphasize that this regulation serves as a complement to existing guidelines and does not replace any previously issued regulations.

On December 20, 2023, the Council of Ministers of the Kurdistan Regional Government (KRG) discussed a new draft regulation concerning migrant workers. The primary objectives of this regulation include the regulation of work permits, visas, and residence permits, the prevention of illegal entry of migrant workers, the generation of additional employment opportunities for youth in the Kurdistan region, prompting companies to prioritize local workers, and safeguarding the security and well-being of migrant workers within the region. Concurrently, the regulation seeks to ensure the utilization of the experience and expertise of migrant workers proficient in diverse fields.⁵

Similar to any other law or regulation, this draft requires publication in the Kurdistan Gazette newspaper for implementation. A noteworthy comment regarding the legal framework for migrant workers is that it lacks comprehensiveness, leaving room for multiple interpretations, which may result in various challenges during implementation.

3. Law and regulation enforcement environment:

The practical implementation of laws and regulations pertaining to migrant workers is contingent on various factors, namely (1) the extent to which there are dedicated institutions, (2) the efficacy of monitoring procedures, and (3) The extent to which coordination mechanisms exist between the parties concerned.

Regarding the executive authority, a certain number of ministries, directorates, departments, and units are actively involved in addressing the issues of migrant workers in the Kurdistan Region. For instance, the Ministry of Labor and Social Affairs encompasses the General Directorate of Labor and Social Security, which has a dedicated department focusing on migrant workers. This department collaborates directly with the migrant workers' department at the labor directorate level in provinces and autonomous administrations, managing the cases of workers arriving to work in the Kurdistan Region.

Within the General Directorate of Labor and Social Security, there are labor inspection committees, comprising employees from the Ministry of Labor and Social Affairs, along with representatives from trade unions and

٥ (ADBA/CZY • ZDZABZPDAZVDAZBZDBAZCZY • ZDZAZZDZAZ • DZAZZDZAZZ • ZYDZABZ\DBAZEXDZ\Z\ZDZ\AAZVDBZ\ACZDBAZCZY • ZDZAAAZDZAAZVDBAZCZDZAAZADBZ\ZDZ\AAAZZ • ZDZAAZADBZ • Z\ZDZAZAZDZABZ\DBAZEXDZAZAZDZAAZVDZABZ\DBZACZY • ZDZAAZADBZCZDZAAZVDZ\Z\ZDZABZC.pdf

chambers of commerce. Additionally, an occupational health and safety department is tasked with overseeing visits and inspections of workplaces and projects through safety and health inspectors, working in tandem with labor inspection committees to ensure adherence to laws and regulations and safeguard the rights of workers and employers. However, the limited number of committees, the capacity of their members, and the logistical support available hinder their ability to visit and monitor the lives of migrant workers in the Kurdistan Region. Moreover, the procedures for monitoring and documenting their work lack proper integration and digitization.

At the Ministry of Interior level, the Directorate for Combating Organized Crime, encompassing human trafficking crimes, operates under the General Directorate of Interior. The Directorate of Residence Affairs and the Directorate of Travel and Citizenship are also pertinent government entities dealing with migrant workers. A high-level coordination committee has been established, involving representatives from various ministries and the Office of Monitoring and Coordination from the Council of Ministers. This committee holds ministerial mandates to review and monitor the labor market, protect workers' rights, and enforce regulations related to the recruitment, stay, and employment of migrant workers. Additionally, the Independent Human Rights Commission, operating through its offices across cities and towns in the Kurdistan Region, addresses human rights issues, including monitoring and protecting the rights of migrant workers. While lacking specific data and statistics on migrant workers, the Commission published a comprehensive report in 2015 focusing on the demographics and living conditions of migrant workers in the Kurdistan Region.

Regarding the judicial system, the labor courts in the provinces of the Kurdistan Regional Government (KRG) play a crucial role in handling cases involving migrant workers. These labor courts handle cases of migrant workers similarly to other labor-related disputes. However, due to the absence or limited availability of interpretation services in the courts and the illegal entry of some migrant workers, their access to labor court services is infrequent. Unfortunately, there is a lack of precise data and statistics detailing the number of migrant worker cases reaching the courts in the Kurdistan Region and their annual resolution outcomes. Furthermore, there is a notable absence of specialized centers at the provincial and autonomous administration levels to address disputes related to migrant workers' cases before they escalate to the courts.

4. The entry and return mechanisms for migrant workers:

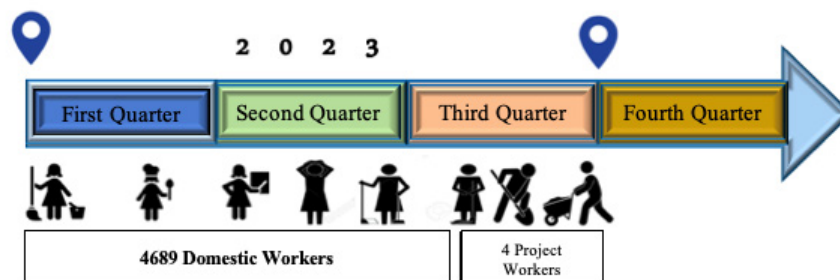
In adherence to international conventions aimed at safeguarding the rights of migrant workers, the move of these workers should be regulated through

a memorandum of understanding between their country of origin and the host country, facilitated by an official agent. Despite the provisions outlined in Regulation No. (2) of 2015 by the Ministry of Labor and Social Affairs, which outlines official procedures for bringing foreign labor to the Kurdistan Region, there exist multiple methods, including illegal means, to bring migrant workers into the region.

* *As of the end of September 2023, the Kurdistan Region has welcomed a total of 4,693 migrant workers.*

* *There are 196 registered foreign labor companies, with only 96 currently active*

The Ministry of Labor and Social Affairs in the Kurdistan Region, functioning as an official government institution, holds the primary responsibility for the coordination and oversight of the majority of migrant workers entering the Kurdistan Region. The majority of migrant workers, particularly those engaged in investment and tourism projects, as well as occupations such as cleaning and domestic work, enter the region through foreign labor companies authorized by the Ministry of Labor. According to the Ministry's statistics, 4693 migrant workers arrived in the Kurdistan Region during the initial three quarters of 2023 through the ministry's channels.⁶



Apart from workers entering the Kurdistan Region through foreign labor companies under the supervision of the Ministry of Labor and Social Affairs, another part of migrant workers arrives through the Ministry of Interior using visit visas. These individuals, often with specialized skills urgently required by large companies or oil corporations, need to quickly enter the region to fulfill their responsibilities. The Ministry of Interior facilitates their early arrival by issuing visas, allowing them to commence work promptly. While there were previous challenges leading to monopolies and rights violations for workers arriving with visit visas⁷, the visa application process has now been streamlined online, reducing monopolistic opportunities.

Sometimes, migrant workers enter the Kurdistan Region illegally. Primarily, these individuals are citizens of neighboring countries, particularly Iranians and Turks, who clandestinely cross the border and enter the Kurdistan Region due to their proximity to the region's border. Moreover, foreign citizens also attempt unauthorized border crossings. Although these individuals do not enter the region through official channels, there is a significant likelihood of them being arrested—either during border crossings or at any point within the region—and subsequently facing legal consequences. Instances of such cases include the apprehension of 16 Pakistani citizens in Derbandikhan on May 27, 2023, who were reported to have entered the Kurdistan Region from Iran⁸. Furthermore, on July 16, 2023, the Kurdistan Regional Security Agency (KRG) detained 64 individuals, along with six smugglers and leaders, attempting to illegally cross the border and enter the Kurdistan Region. Another incident occurred on August 20, 2023, with media reports detailing the arrest of 14 Afghan migrants at the Derbandikhan border after being smuggled from Iran.

⁶ The statistics obtained from the general directorate of labor and social security in December ۲۰۲۳.

^۷ Peace and Freedom Organization. ۲۰۱۸. Making the living beyond the border: the condition of migrant workers in KRI. file:///Users/macbook/Downloads/JS۱۹_UPR۳۴_IRQ_E_Annexe۳-۲.pdf

^۸ Zamen Press. ۲۰۲۳. <https://www.zamenpress.com/Details.aspx?jicare=۶۵۳۶۲>

The entry and return of migrant workers into the Kurdistan region⁹ involve various routes and institutions, resulting in challenges in effectively managing and monitoring their cases.

The illicit entry of migrant workers exposes them to various violations, creating a situation where they lack legal protection to defend their rights, especially in cases of employer misconduct. This predicament arises from their unauthorized entry, enabling employers to infringe upon their rights without legal repercussions.

Similar to the diverse mechanisms governing the entry of migrant workers, there is no singular process for their return. While laws dictate the procedures for migrant workers to leave the Kurdistan Region upon the expiry of their legal stay or renew their residence permit, instances arise where their permits lapse, plunging them into an unlawful status. This precarious situation exposes migrant workers to multiple violations. Although individuals with expired permits may face occasional arrests, the extent to which forced deportation is implemented and how the Kurdistan Regional Government handles the associated costs remain unclear.

5. Violations and reporting mechanisms:

Legal gaps, inadequate monitoring mechanisms, and limited awareness among migrant workers themselves have often created opportunities for various forms of violations. Civil society

* *In the year 2023, 18 migrant workers lost their lives and 108 foreign nationals fell victim to human trafficking in the Kurdistan region.*

organizations have implemented numerous initiatives to raise awareness, prevent, protect, and monitor the rights of these workers. However, these efforts have not fully succeeded in curbing the frequency and types of violations. Migrant workers in the Kurdistan Region continue to encounter issues such as the absence of employment contracts and contractual deficiencies, unsafe working environments, delayed or non-payment of wages and overtime, cultural differences leading to violations of personal rights, human trafficking, lack of social security, instances of sexual violence, and the confiscation of documents.

While there are different perspectives on the extent and nature of violations, it is evident that certain migrant workers are more vulnerable to exploitation than others. Female migrant domestic workers, in particular, are often considered the most vulnerable. Some of these workers are victims of trafficking in their home countries through foreign labor companies, brought to the Kurdistan Region under the pretext of different job roles, and eventually placed in domestic service. Upon arrival, they often face violations, lack proper accommodation, and encounter inadequate follow-up procedures. The mechanisms in place are frequently ineffective in ensuring the protection of their rights. Consequently, the challenging circumstances faced by these workers, dependent on the mercy and sympathy of the household owners for the workers. If the household owners prove to be less than benevolent, migrant domestic workers may endure physical abuse, threats, confiscation of passports and personal documents, as well as discrimination and hindrance of religious and cultural practices, among other hardships.

⁹ Rudaw Media Channel. ۲۰۲۳. <https://www.rudaw.net/sorani/kurdistan/18-07-23>.

Regarding the mechanisms for reporting and tracking violations, there is evident room for improvement in reporting and accessing all cases of violations against migrant workers. One available mechanism for reporting violation against workers' rights is the hotline number (5500), which migrant workers can utilize to report problems and violations they face. However, the extent to which migrant workers have utilized this service remains unclear, with lack of awareness about the hotline among the workers and potential language barriers being two obstacles that may hinder its use. Complaints received via the hotline and labor, health and safety inspection committees, or any other means to the General Directorate of Labor and Social Security will prompt the formation of special committees. Labor courts in the provinces of the region will then decide on the cases based on the prevailing laws and regulations. Additionally, there are reporting and follow-up committees on the elimination of human trafficking that monitor the lives of migrant workers in cases of trafficking. According to a report from the Office of the Coordinator of International Advocacy, 108 foreign nationals were identified as victims of human trafficking in the Kurdistan Region in 2022, with 17 of them repatriated.¹¹

[illegible]

6. Freedom of associations and syndications for migrant workers

In the Kurdistan Region, the general trade unions and syndicates continue to operate in accordance with Iraqi Law No. 52 of 1987. According to the prevailing laws, migrant workers are not allowed

* *There is only one general trade union consisting of 8 different syndications in KRI.*

* *There are about 5000 registered NGOs in the Kurdistan Region.*

to establish their own associations, trade unions, or organizations. While migrant workers have the right to join trade unions in Kurdistan, they do not have full membership rights, particularly as they are not eligible for senior positions within the unions or to serve as trade union representatives in workplaces. The organizational structure of the general trade union and worker's syndicates of lack specific departments or committees dedicated to migrant workers. Presently, there is no available data indicating the membership status of migrant workers in trade unions.

The inability of migrant workers to establish trade unions directly contributes to their isolation from stakeholders, leading to a lack of representation and advocacy for their rights. Despite international agreements ensuring this right for migrant workers, it remains unfulfilled in the Kurdistan Region. While Kurdistan trade unions play a vital role in advocating for migrant workers' rights, their effectiveness is hindered by challenges like limited human resources, logistical support, and media outreach. Nonetheless, trade unions participate as members of government committees with official authorization to conduct workplace visits and inspections.

Specialized NGOs focusing on workers' rights, including those of migrant workers, play a crucial role in advocating for and safeguarding the rights of migrant workers. Contrary to trade unions, the distinction lies in their level of representation and influence. Trade unions hold official positions tasked with safeguarding workers' rights, granting them legal permissions such as workplace visits and close monitoring to assess working conditions. NGOs, however, lack these official capacities and are therefore unable to conduct such monitoring activities.

Approximately 5,000 NGOs are registered in the department of NGOs in the Kurdistan Region ¹², but the specific number dedicated to workers' and migrant workers' issues remains unclear. The working conditions and living standards of all workers, including migrant workers, necessitate not only the revitalization of trade unions but also the presence of multiple organizations committed to protecting workers' rights. This need arises from the diverse roles non-governmental organizations can fulfill to ensure workers are exercising and enjoying their rights.

Specialized NGOs focusing on workers and migrant workers have a significant potential to enhance the legal framework for trade union activities and safeguard workers' rights. They can contribute by actively participating in the formulation of appropriate legislation and supporting advocacy campaigns aimed at establishing

¹² The Department of NGOs in the Kurdistan region. ۲۰۲۳. <https://gov.krd/dmi-en/activities/news-and-press-releases/۲۰۲۳/february/kurdistan-region-is-a-great-environment-for-ngo-activities>

and upholding workers' rights and trade union freedoms. These organizations serve as crucial watchdogs, monitoring instances of legal infringements against migrant workers and their rights to employment and union membership. Furthermore, NGOs play a vital role in raising awareness about workers' rights and the functions of trade unions through various platforms such as conferences, workshops, and media channels. Additionally, they address migrant workers' challenges and offer recommendations by producing reports and policy papers. Moreover, NGOs can positively impact the capacity-building efforts of trade unions and their members, empowering them to effectively champion workers' rights. Importantly, these organizations act as intermediaries, fostering connections and collaborations among stakeholders committed to advocating for the rights and freedom of association of migrant workers.

7. Migrant workers and labor market

The impact and contribution of migrant workers to the labor market and economic development in the Kurdistan Region vary depending on their classification and the sector in which they are employed. For instance, domestic workers, who constitute the majority of migrant workers, may not directly stimulate economic growth in the region. Instead, they are often associated with remittances sent back to their families in their home countries, which can lead to capital outflow. Despite typically earning modest salaries, these workers have lower living expenses as they reside in employer-provided accommodations and have basic needs catered for. Their notable contribution lies in their role in increasing female participation in the labor market and providing essential care for sick or elderly family members, thus alleviating familial burdens.

Another part of migrant workers arriving in the Kurdistan Region comprises project workers employed in various sectors such as investment, cleaning companies, restaurant services, and cafes, with many of them being unskilled laborers. Despite earning modest salaries, these workers typically remit the majority of their earnings to their home countries and only allocate a small portion to local markets in the Kurdistan Region, as they often reside collectively in shared accommodations. While their presence contributes positively to the region's economic growth by fulfilling jobs that local residents may not readily undertake, there is a prevalent perception that these workers have exacerbated unemployment rates among citizens in the Kurdistan region. Additionally, some of these migrant workers are known to engage in nocturnal street work, further influencing public perceptions.

There is also a segment of foreigners employed in sectors such as education, higher education, healthcare, media, arts, sports, and beauty salons, typically categorized as skilled workers. However, precise data on the proportion of these workers in the labor force in the region and their contribution to economic growth remain elusive. This lack of clarity extends to understanding the extent to which these skilled workers are recruited or attracted to the Kurdistan Region, as well as their involvement in enhancing the skills and knowledge of local employees. While their monthly salaries generally surpass those of domestic service workers and cleaning companies, the exact extent to which they remit earnings to their home countries versus spending locally

remains uncertain. Nonetheless, many of these skilled workers do allocate a portion of their earnings to the markets in the Kurdistan region, reflecting a lifestyle somewhat akin to that of local residents in terms of expenditure and daily necessities.

Another category of migrant workers comprises those employed by oil companies, telecommunications firms, and other large-scale projects that demand specialized skills often scarce or unavailable in the Kurdistan Region. The expansion of the international labor market and the rapid growth of multinational corporations in Iraq and the Kurdistan region over the past decade have attracted a certain number of such workers to the region, although the precise figure remains undisclosed. These workers likely command high monthly salaries, although the extent of remittances sent abroad through their earnings is unclear. Their positive contribution to the economic development of the Kurdistan region hinges on their role in assisting local workers in acquiring skills and expertise not readily accessible within the region.

Foreign nationals also serve as employees within civil society organizations operating in the Kurdistan Region, contributing to the region's economic growth and revenue generation. While a portion of these organizations' earnings may be repatriated through their foreign staff, the presence of these employees plays a constructive role in advancing the civil society sector and empowering local workers within it. Moreover, certain organizations and their foreign staff members have positively influenced the enhancement of overall rights conditions, including the rights of migrant workers. Although precise figures regarding the proportion and involvement of these employees and workers in the civil society sector are unavailable, it is recognized that their monthly salaries or wages are substantial. Furthermore, in compliance with laws and regulations established by the Kurdistan Regional Government (KRG), these foreign employees are obligated to pay personal income tax.

8. Public image and knowledge production on migrant workers:

The perception towards migrant workers within society and among citizens is heavily influenced by the accuracy and accessibility of information available about these workers. This hinges on the attention given to migrant workers by media outlets, as well as by institutions like universities, research centers, and scholars. Moreover, the effectiveness of the dissemination of information relies on employing suitable methods to produce accurate information and ensuring its widespread distribution through effective channels.

Typically, the media and journalists do not adopt a consistent strategic approach towards migrant workers, but rather respond to events as they occur. Their coverage tends to be event-driven, focusing on migrant workers when particular incidents or issues arise within this group of workers. Throughout 2023, no media outlet dedicated a continuous program specifically addressing the concerns of migrant workers in the Kurdistan Region, based on observations and information gathered by Peace and Freedom Organization teams.

Furthermore, institutions pertaining to migrant workers lack dedicated effective media outlets. For instance,

the media department of the General Directorate of Labor and Social Security, aside from its website, maintains a presence on social media platforms, including a YouTube channel showcasing its efforts and initiatives. Similarly, trade unions rely solely on their Facebook pages to address issues concerning migrant workers. Additionally, these institutions do not produce comprehensive annual reports on migrant worker cases for public dissemination and awareness.

Regarding universities, research centers, and scholars, it seems that there is a lack of substantial scientific inquiry into migrant workers. Despite a handful of studies, the body of literature on migrant workers in the Kurdistan Region remains deficient. If academic research has been conducted here and there, its utilization and integration into informed debates and discussions aimed at enhancing policies, laws, regulations, and procedures for safeguarding the rights of migrant workers have been inadequate.

Analyzing the titles, media contents, and research materials reveals two prevailing discourses concerning migrant workers: Firstly, portraying a negative and burdensome portrayal of migrant workers, depicting them as straining Kurdistan's society and job market, consequently diminishing employment prospects for local citizens. Secondly, presenting a positive depiction of migrant workers, championed by certain employers aiming for lower labor costs and increased profits, along with some citizens who exhibit compassionate attitudes towards migrant workers.

9. Recommendations:

- The Kurdistan Region's adherence to international agreements is intertwined with Iraq's obligations to these agreements. Hence, there's a significant need to advocate within the Iraqi Parliament for the ratification of the UN International Convention No. 45158/, established in 1990 and tailored to address the rights of migrant workers and their families. Such ratification would signify a dedicated commitment and would serve as a catalyst for enhancing the legal infrastructure and directives aimed at safeguarding the rights of migrant workers in the Kurdistan Region.
- Revisions to policies, amendments of laws and regulations are essential to guarantee the rights of migrant workers, aiming to streamline interpretations and align with international standards.
- Although the Kurdistan Regional Government has endorsed the Human Rights Plan 2021-2025-, with the initial progress report approved by Council of Ministers Decision 194 on 15/2023/1/, greater focus is needed on restructuring the labor market and utilizing foreign labor in line with the region's economic development needs, while safeguarding the rights of migrant workers.
- Previously, there was an effort to conduct a survey of migrant workers across various sectors in the Kurdistan Region. It is crucial to promptly conduct this initiative and establish a comprehensive database of

The Situation of Worker's rights in the Iraq and Kurdistan Region



009647707600575



pfo@pfo-ku.org



www.pfo-ku.org