

REPORT ON THE CONDITION OF WORKERS IN IRAQ AND THE KURDISTAN REGION

report by peace and freedom organization

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ABOUT THE PEACE AND FREEDOM ORGANIZATION

The Peace and Freedom Organization (PFO) is a non-governmental | anon-profit organization in Iraq and the Kurdistan Region working on the protection of rights and freedoms to ensure peaceful coexistence through strengthening trust and support between the different components of society and as well as the support and sustaining to guarantee rights, freedom, and social justice according to international standards.

W W W . P F O - K U . O R G

regarding labour laws and the laws on pension and social security in Iraq and Kurdistan, as well as assessing the situation of the rights of workers. Given the complexity of the rights of workers, this report does not intend to provide a comprehensive assessment of their overall situation. Instead, it focuses on some recorded cases to develop an understanding of living conditions of workers. The provided information in the report has been collected through the direct efforts of the Worker's Monitoring Team of PFO itself through 2023 or from other relevant channels. Finally, the report makes a number of recommendations for stakeholders to improve the level of workers' rights.

Social Security

The rights of Iraqi workers, as pointed out by Kazem al-Azawi and AbdulRazzaq Mashhadani, are one of the issues that are easily violated but not given enough attention. Workers face many challenges including ill-treatment, discrimination, threats of dismissal, and a significant weakening of union influence due to political and party factors. The absence of the role of trade unions has deprived workers of a strong advocacy tool to improve their working conditions. With the increase of these concerns, Amlashhadani, an employee of the General Company for the Production of Glasses, points out the seriousness of the social security issues. Senior workers, or those who get injured while working, find themselves outside all safety guarantees or rights to support after they have lost their ability to work. Absence of such support extends the lack of retirement rights, as pointed out by Kamal Hamid, a private sector worker. Despite long years of service, companies often refrain from registering their employees with the social security fund, which deprives them of their basic rights in the future. Furthermore, as explained by Hamid, workers themselves are reluctant to register for social security due to deductions to their salaries, low wages and their economic situation. This indicates a systematic failure to provide basic protection for workers. Moreover, it highlights the urgent need for reform to ensure that the welfare rights of Iraqi workers, especially in terms of social security and the right to retirement.

The new Iraqi Pension and Social Security Law No. 18 of 2023 for private sector workers is considered an effective step to improve the living conditions of workers. The law significantly expands the right to social security for different social groups in the

Chapter One:

The Condition of the Rights of Workers in Iraq and the Kurdistan Region

On a yearly basis, International Standard of Rights Reports, which evaluates the condition of the rights of workers, is conducted by the International syndicate Union for Workers. The 2023 Report highlights the challenges and violations faced by workers globally. Accordingly, there is deep concern about the increase of violations and the rejection of the workers' basic rights, which include the right to strike, the establishment of unions and participation in collective negotiations. The analyses includes 149 countries and is based on international legal standards on the basic rights established at the workplace. The finding of reports is important for understanding the current picture of the rights of workers. Moreover, it serves as a tool for guiding policy formulation, advocacy, and addressing the increase of this issue globally. According to this report, Iraq is the third, from 149 countries, in which the most violations of the rights of workers occur. It has maintained the same position from last year which was recorded in 2022, while it held tenth place among the Arab countries. The scale gives countries a score starting from one and ending in five+. The more a country violates the rights of workers, the higher the scale. For instance, Afghanistan ranked first in labour rights violations with a score of five+, while Iraq scored five.

According to the Iraqi legal framework, Labour Law No.37 of 2015 and the Pension and Social Security Law No.18 of 2023 regulates employment in the private sector and ensures the right of workers. These laws, to a certain extent, reflect on the standards of the labour market. However, its implementation is still a matter of debate. The Kurdistan Region continues to use Labour Law No. 71 of 1987, but the Pension and Social Security Law was amended by Law No. 4 of 2012. This is despite the law not providing a mechanism for the benefit of pension and social security rights in the informal sector. Therefore, it is urgent to amend both laws. The Kurdistan Regional Parliament did pass new labour laws in 2023 but after the dissolution of the Parliament by the Iraqi Federal Court, the implementation of the law was suspended.

This report highlights the various aspects of labour rights within the legal framework

of money they have to pay to the pension fund to provide for their employees. The unorganized sector, which makes up a large proportion of the working class, including self-employed people or daily wage labourers, suffers from a lack of social security rights. This is mainly due to government oversight over the private sector.

According to recent statistics of the Kurdistan Regional Government, 144,930 thousand workers are registered in the field of social security. However, the exact number of these workers in relation to the total number of workers and employees in the private sector is still unknown because the total size of the workforce in the private sector is not clearly defined. The PFO organization states that this figure is updating constantly, but does not take into account workers whose contracts have been cancelled or who have changed jobs. The social security situation of workers in the Kurdistan Region appears to be more favourable. According to the Director General of Labour and Social Security in the Region, 30% of the workers are secured. However, this figure is not confirmed by detailed statistics, especially with regard to the number of private sector workers. Additionally, there are no established guidelines or decisions for daily workers and the informal and unorganized sector. The Director General said that they are working with international organizations to develop a strategy to address this issue.

Trade Unions

According to Iraqi Labour Law, the concept of multi-unionism is established, which allows for more than one trade union to represent the interests of workers in dealing with official institutions. Accordingly, in any situation where workers' representation is required, the union with the largest number of workers' representatives is recognized. However, this legal principle is incompatible with the Trade Union Organization Law No. 52 of 1987, which is based on the idea of a single union. In 2017, Iraq officially ratified the International Labour Organization (ILO) Convention on Freedom of Association and Protection of the Right to Organize, through Law No. 87 of 1948. Per Article 11 of this law, Iraq is obliged to take all necessary and practical steps to guarantee the rights of both workers (employees) and employers to freely exercise their right to establish their own trade unions and organizations. This law was expected to lay the foundation for the

private sector, including organized and unorganized workers such as taxi owners, tailors, and mobile phone dealers, who will benefit from the law they pay their own pension contributions. This law, which was passed as part of the government's economic reforms, ensures broad coverage and equal treatment for all workers, with special attention to the unorganized sector and gender equality. Key features include state subsidies of 8% for organized sector wages, 15% for unorganized sector wages, optional pension provisions, and the inclusion of health care for pensioners.

One of the key elements of this law is to expand social security benefits to cover as many employees as possible, including those working outside the formal sector, as provided for in Article 69. According to this law, the general treasury shall contribute 15% for those workers participating in in the informal sector or volunteers, while the responsibility of the participant's is limited to 5% as provided in Article 71. In addition, Article 29 determines the years of service to be eligible for pensions for insured people: Men aged 63 with +15 years of service, or 60 years with +20 years, or 50 years with +30 years; Women at age 58 with +15 years, 55 years with +20 years, or 50 years with +25 years. In addition, those who reach the retirement age under Article 29 without the required years to be eligible for a pension can buy up to five years of service, but must have both their own share and the employer's contribution of 17%, based on their average salaries over the past five years provided that the minimum salary is not less. However, some observers criticize the law's vagueness and doubt its implementation. The Federation of Workers' Councils and Unions in Iraq (FWCUI) has officially rejected the law, regardless of its approval by the Parliament. The administration opposes any law passed by parliament that does not include the active participation of workers' representatives to ensure the protection of their rights. Others see it as a significant step to protect the rights of some 15 million workers, many of whom are currently outside the social security system. The president of the General Federation of Iraqi Trade Unions, Star Denbos, pointed to the difference between the large number of workers in Iraq. It is estimated at 15 million (with the small number of 650,000) registered under the Social Security Act. 90% of private sector employees do not have social security. Trade union federations point out that private company owners either avoid registering their employees or register only some of their employees with social security. This is often done to avoid having to pay the amount

many ways, GFIW's position on labour issues differs from that of other unions. While there is a practical principle of multi-unionism in Iraq, there is no legal framework to govern the work of these various unions. Different perspectives on these two fronts have delayed the adoption of a law on trade union organization. Furthermore, there has been little effective communication and cooperation between the two sides to jointly resolve workers' problems. Instead, they sometimes accuse each other of various things. In a statement issued by the GFIW on the 3rd of January, the CIFWU operates illegally and has a criminal record. It appears that GFIW supports the government's policies while the CIFWU takes a position against these government policies. This polarization will have a negative impact on the interest of workers.

The lack of influence of Iraqi trade unions on inequality and the state's economic policy is remarkable. Generally, an important task of trade unions is to mobilize public opinion, especially among workers. This is especially to protest against the state's economic policies that have a negative impact on the working class. In some cases, the position of the unions may even influence the outcome of the elections. As an illustration of the role of trade unions in this regard, we have looked at trade union social media platforms, in which they have a limited presence. In an era when social media serves as a platform for widespread and accessible information, unions are largely absent from these channels, despite being able to convey their messages to a wide audience (if they had utilised these platforms).

It must be noted that the General Federation of Iraqi Workers is the most active trade union in Iraq in terms of social media presence, with a great number of posts registered in 2023. More than 90% of their posts are about reporting on official visits, as well as organizing or participating in various activities. In 2023, CIFWU, which serves as an umbrella organization for seven unions, made only three posts on its Facebook page throughout the year. GFWUI and IFOU have no pages on social media platforms. Only one of FITPUI's six 2023 posts addresses a real issue workers face. Both CNFITU and UTEP have respectively posted 30 and 36 times on their Facebook pages. However, most of these people emphasize official visits and participation. Only a few of them discuss the concerns of workers. In 2023, GFITU made 20 posts which mainly focused on

development and enactment of a law on trade union rights and freedoms.

In the latest step in this development, on August three and ten, the General Federation of Iraqi Workers (GFIW) was recognized by the Iraqi Government as the only representative union in the absence of legislation supporting the principle of pluralism to make a union. It held two meetings for members to discuss the draft law on freedom of association in Iraq. Moreover, on 15 September 2013, the ILO held a meeting with trade union representatives in Erbil to discuss the proposed law to regulate trade union activities in Iraq. On 16 August 2023, the Committee on Labor and Civil Society Organizations, chaired by Representative Nahidah Al-Daini alongside with other several members, met with a delegation of the Conference of Iraqi Federations of Workers and Unions (CIFWU). The meeting focused on discussing the proposed law on trade union organizations for workers and employees in Iraq. According to the statement of the meeting, it was aimed to align Iraq with the International Convention on Freedom of Trade Unions.

In Iraq, the trade union movement is divided into two main groups. The first group is the Conference of Iraqi Federations and Trade Unions (CIFWU). According to the declared goals, their framework emphasizes the consolidation of the efforts of the Iraqi trade union movement. Additionally, it works based on a commitment to freedom, independence, democracy and professionalism.

Seven major Iraqi Unions and Federations are included:

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

Another aspect of trade unions in Iraq is the General Federation of Iraqi Workers (GFIW), which has a special status and is the only union recognized by the Iraqi government. In

not primarily about labour issues. Interestingly, there is a lack of reporting of workplace accidents, despite thousands of such incidents occurring every day. In addition, there are few detailed reports on the number of workers injured or killed due to lack of occupational safety and health measures in the workplace.

Unstable Working Conditions

Precarious work refers to a lack of stability at work. This means that the employee is not sure of the continuity of his work and his basic rights are not guaranteed. It is a short-term job and can be terminated at any time. Generally, the pay is poor for hard work. Basically, precarious work is employment conditions that are uncertain and unpredictable from the worker's point of view. Often these "normal" guarantees at work are not provided, most importantly contracts and social security. In the Kurdistan Region, teachers are an example of this.

Abbas Zuhair, a member of the Executive Committee of the General Federation of Iraqi Workers (GFIW), highlights the continuing challenges and proposes reforms in the Iraqi labour market. Inspection committees, which include representatives of the GFIW and the Ministry of Labor, monitor brick factories in Diyala for violations of labour laws, particularly with regard to social security and minimum wage. Zuhair said employers often try to hide the facts, and some of them pay workers less than the legal minimum wage of 350,000 dinars. He also points out that the companies contracted by the government for hospital cleaning services only pay 200150- thousand dinars. In addition, Zuhair mentioned the influx of foreign workers, whose are increasingly hired due to lower demand for wages (\$200 to \$300) and willingness to work longer hours (up to 14 hours). Differently, Iraqi workers seek 500 dollars or 500600- thousand IQD per month with 8 hours a day. This reflects the complexity of the Iraqi labour market, including poor wages, exploitation of workers, and the non-implementation of labour laws in general. Iraq's industry is now facing significant challenges, with many factories shutting down, leading to widespread unemployment even among skilled workers. The Ministry of Industry operates about 290 manufacturing and laboratory facilities across Iraq, of which about 100 have stopped operating. The main reasons for this closure are

international days and events. Some other issues specific to Iraq were also addressed. These include unfair treatment of a union worker in the Ministry of Industry and Mines, the risk of privatization or dissolution of state-owned companies and their sale and support for its fundamental rights retired workers and freedom of association on International Social Justice Day, International Women's Day, International Human Rights Day and International Migrant Workers' Rights Day. In 2023, as the most active union among FWCUI members, CIFWU posted 64 times, mainly on labour issues. It has covered various labour-related demonstrations in Iraq. These include the strike of 250 workers of BC Reinforced Iron Manufacturing Company in Kirkuk on December 23, the protests of refinery and oil workers in Barsa on July 6, the demonstration of oil products distribution company employees on May 29 against Article 42 of the draft budget, and the farmers protest in al-Nashway district of Barsa on May 28 against the district's redesign project. One of the concerns that the FWCUI highlighted extensively in April 2023 was the strategy of assets selling of public sector companies and laying off their workers as part of the government's economic policies of Iraq. These policies, often under various names, focus on putting public wealth at the service of private companies. Restructuring these companies in accordance with World Bank guidelines, such as reducing the retirement age, is supposed to have a positive impact on the lives of ordinary citizens in many ways. However, in Iraq, these measures are primarily aimed at opening up markets to foreign goods due to the economy's dependence on natural resources. The social impact of these policies is profound, leading to increased unemployment, poverty and declining public services, which disproportionately affect the working class and the disadvantaged, while a minority reaps significant wealth. This principle is in line with the global capitalist agenda, which benefits financial institutions at the expense of impoverishing millions of other people, especially the working class. The Iraqi government and some political figures are working in the interest and facilitation of these international policies. The General Union of Kurdistan Trade Unions, the only trade union in the Kurdistan Region, has a limited presence on social media, like many Iraqi trade unions. In 2023, the union posted only seven times on its official website. Except for an announcement for International Workers' Day on May 1, all other posts related to news of official visits.

In general, with exceptions of a few, the content shared by trade unions on social media is

Iraq. This issue is due to the high unemployment rate among young people. According to the World Bank, about 34.5 percent of Iraq's working-age population is unemployed. It is assumed that a significant proportion of this group may be young women. Discrimination and unfair treatment are significant challenges faced by pregnant women in the Iraqi private sector workforce. The Iraqi Council of Ministers recently decided to adopt ILO Communication No. 190, which recognizes the right of everyone to work in remote environments from any form of violence and harassment, including gender-based violence and harassment. This is a step towards increasing women's participation in the labour market if appropriate legal measures and implementation are followed.

Women such as Suad Omran, Sabrin Hashim and Fatima Jassim have lost their jobs or taken unpaid leave due to their pregnancies. These cases reflect a high rate of violations against women workers in the private sector, primarily due to the lack of implementation of labour laws and weak oversight by the executive branch. The Iraqi Labor Code No. 37 of 2015 includes provisions for the protection of pregnant and lactating women, including paid maternity leave, and breastfeeding leave during working hours. However, the implementation of these laws has resulted in violations of these rights due to exploitation by employers, lack of legal information and difficult living conditions. Hussein al-Kaabi of the Federation of Trade Unions emphasizes that employers often neglect these legal obligations, leading to widespread violations of women's rights in the private sector. The absence of legal employment contracts in the private sector further worsens the issue, as Abu Ali, an employer, pointed out. Financial and legal burdens are cited as reasons for not formalizing employment contracts with women workers.

The Iraqi economy is struggling with limited job opportunities and slow job creation, which has had a significant impact on youth. The rise of the "Gig economy", in which workers are hired for temporary work without any contracts or rights, further worsens the unstable working conditions, leaving many young Iraqis without legal and social protection. Many young Iraqis are engaged in temporary work without adequate legal and social protection, especially in markets, malls and other commercial places. Young university graduates are forced to participate in such activities, which all fall outside the social security system.

mismanagement, corruption, continued reliance on imports and lack of support for domestic products. Suspending these centres will cost millions of Dollars to the Iraqi State Treasury. Sudden termination of contracts without prior notice or compliance legal protocols are another manifestation of work instability faced by private sector workers. For example, in January 2023, an international school in Erbil suddenly fired 15 employees without any clear reason.

In April, a company in Sulaimani laid off 14 people who had been with the company for a year and a half to two years. This was in response to a government directive requiring the company to move these workers from daily wages to contract employment. In the Kurdistan Region, thousands of workers employed by private security companies face many obstacles. They mention that their salary payment is low, receiving only 400,000 dinars out of the 800,000 dinars paid by customers to companies per employee. Furthermore, employees bear the cost of their work clothes, including clothes and shoes, often spending 100,000 dinars out of their own pockets. Working conditions include long hours with minimal rest, lack of emergency support, and disrespect from the rich and families of officials. Despite the risks, these workers lack the necessary equipment and legal protection. Attempts by security personnel to demand better salaries and contracts from companies have resulted in empty promises and sometimes punishment. This is the case in many other parts of Iraq, especially in Basra, where oil companies fire workers without following legal procedures. All this is a clear indication of the instability of the labour market in Iraq, which is mainly due to the largely unorganized labour sector. This instability deprives workers of their most basic rights, especially pensions and social security.

Young People and Women

Young women account for a significant proportion of the unemployment rate in Iraq and the Kurdistan region. The female labour force participation rate is about 10.5%, which is among the lowest not only regionally, but probably nationwide in the Asian continent. Most of those are employed in the public sector, and a small percentage are estimated to be in the private sector, despite the fact that there are 13 million women of working age in

protection for workers. As a result, workers in fields such as construction cannot work, affecting their income and livelihoods. The government's neglect of the private sector and their lack of support measures, such as insurance or compensation, worsens the situation and make workers suffer more. A case filed by PFO highlights the unfavorable working conditions at an oil refinery during the summer heat. Several workers have resigned due to lack of adequate cooling systems and resting areas.

Another area closely related to climate change and likely to be affected is the agricultural sector. According to various reports and studies, this sector is not currently in a favourable situation in Iraq. A study conducted by the International Labor Organization (ILO) highlights several important issues in the Iraqi agricultural sector. In Basra especially, women are among the farmers who work primarily at the family level. Furthermore, the study reveals a significant gap in labour inspections, with only 2% of respondents aware of labour inspection visits by labour supervisory institutions. This is due to the remote location of the fields and the limited capacity of the inspectors. The lack of monitoring has led to several safety and health violations. For instance, most workers are unfamiliar with the chemicals they use. They are untrained in handling hazardous substances and also exposed to biological and chemical hazards. In addition, there is a lack of gender equal opportunities in this sector and wage gaps are evident. The study also points to the lack of contracts, which leaves workers exploited and unaware of their rights, including social security benefits and minimum wage standards. Child labour is also a concern in this sector, and is often ignored due to its family work context. Despite these challenges, the study reveals limited awareness and use of complaint mechanisms among workers. This study emphasizes the urgent need to improve labour inspections, safety training, awareness of workers' rights, and enforcement of labour laws to ensure the welfare and fair treatment of workers in the sector in Iraqi Agriculture. Additionally, due to the drought and low rainfall in the lower regions of Iraq, even in this bad situation, the opportunities for agriculture are reduced. An influx of internal migration is expected due to the impact of climate change. Some estimates put the migration of about 8 million people in these areas.

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 difference, 98% (3312) of the injured were male while only 2% (53) were female. The main causes of these injuries include falling and slipping (947 cases), machinery-related accidents (882 cases), and injuries due to hand tools (553 cases). Other common causes included traffic accidents (281), falling objects (243), and electric shock (125), among others. This information highlights urgent safety concerns in various sectors, particularly regarding fall prevention and equipment safety. Moreover, it emphasizes the need to enhance workplace and manual safety measures and opens up targeted interventions to effectively address these risks. The report did not provide details of worker deaths, but the Iraqi Observatory for Workers' Rights reported 26 deaths in different sectors of work. In addition, PFO, through its monitoring team, recorded 69 worker deaths, most of which occurred in the Kurdistan Region. According to the representative of the Kurdistan Construction Workers Organization, 73 workers (including 18 foreign workers), have lost their lives only in the Kurdistan Region. This is an increase compared to last year, which reported 59 deaths.

Climate Change and Agricultural Sector Workers

The United Nations ranks Iraq as the fifth worst affected country by climate change. This points to the need to evaluate working methods and implement better protection in construction and other busy sectors. Workers in Iraq, especially in the informal sector, have faced difficulties due to the heat wave, with temperatures exceeding 50 degrees Celsius. In the summer especially, workers sometimes faint due to extreme heat. No necessary measures have been taken regarding this situation because it has not been adequately described in the Labour law. Ar Abdullain al-Sultan, head of the Diyala Trade Union, said workers' activity has decreased by 50 percent due to high temperatures, which increases the risk of heat-related diseases. This difficult situation is part of a broader context of climate change, with Iraq being one of the countries most affected by the effects of this phenomenon. The Iraqi Labor Law No. 37 of 2015 does not regulate working hours during high temperatures, nor does it provide adequate safety and health

compliance measures. There should be an awareness campaign for both employers and employees regarding the importance of enrolling in social security and its long-term benefits. In addition, incentives or financial assistance can be offered to small enterprises and the unorganized sector to enrol in the social security system.

2. Promoting trade union rights and representation: Iraq must adopt a legal framework that supports a multi-union system that ensures fair representation of all workers. Trade unions should be empowered to actively participate in legislative processes, ensuring that workers' rights are adequately protected. Cooperation between unions should be promoted to address common goals and reduce polarization.

3. Improve occupational safety and health standards: The government should implement strict safety regulations across sectors, with special attention to hazardous industries such as construction and agriculture. Regular safety inspections and compulsory training for workers and severe penalties for non-compliance with safety standards are very important. Additionally, a general database of workplace incidents and fatalities should be maintained for transparency and accountability.

4. Addressing precarious working conditions: Implement labour laws to prevent exploitation of workers, especially in terms of unfair dismissals below the minimum wage. The government must 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 a priority.

5. Promoting women and youth employment: Develop targeted programs to increase women and youth labour force participation. This includes enforcing anti-discrimination laws in the workplace, providing vocational training and education opportunities, and creating jobs in various sectors.

6. Using social media to advocate for unions: Unions should increase their presence on social media platforms to communicate with and advocate for a wider number of workers fight for their rights and rally support for the workers' cause. This will also help

Results and Guidelines:

Although Iraqi workers face a number of different challenges, trade unions have a limited role in defending workers' rights. An important issue facing the workers is the lack of social security, which is due to the reluctance of both workers and employers to participate in the system due to financial obligations to both sides. Moreover, the absence of workplace supervision in these relevant institutions has led to most workers not benefiting from this right. The new Pension and Social Security Law No. 18 of 2023 is an important step to address this issue by expanding coverage of all types of workers, especially in the unorganized sector, as well as introducing measures such as state support for wages and health care for pensioners. Trade unions in Iraq are divided between multi-unionism and a single union system. Discussions and meetings continue to align with international agreements and resolve this issue within the framework of the laws to which Iraq is committed. However, there is a lack of communication and cooperation between unions, which affects their ability to influence state policies and protect workers' interests. Precarious working conditions, instability and low wages are another problem of workers. The influx of foreign workers, factory closures and unjustified dismissals worsens the situation. Women and youth face challenges such as discrimination, low labour force participation and lack of job opportunities. Occupational safety and health are a major concern, with a high number of workplace injuries and deaths, especially in the construction sector. The impact of climate change, especially in the fields of construction and agriculture, will create more challenges. Workers face harsh working conditions, health risks and exploitation due to non-compliance with laws and regulations and limited work inspections.

Recommendations to stakeholders

Based on the analysis of the problems and obstacles faced by Iraqi workers, we recommend the following recommendations to the responsible parties to address these issues effectively:

1. Increase the rate of workers benefiting from social security: The new Pension and Social Security Law No. 18 of 2023 should be properly implemented by establishing strict

Chapter two:

The Situation of Workers in the Kurdistan Region

Key Messages

- In the Kurdistan Region, there is no special law to regulate the cases of foreign workers. The only tools are within the framework of some provisions of the Labour Law, the Investment Law and several guidelines for foreign workers. There have been some specific efforts by the KRG to review its guidelines for foreign workers, but the applicable laws and guidelines are still flawed. The texts contain different interpretations, making it difficult to organize the cases of these workers.
- There are several enforcement, monitoring, and judicial institutions in the Kurdistan Region that deal with foreign workers. However, the most important agencies are of the Ministry of Labor and Social Affairs, which are largely responsible for organizing the cases of most of the workers who come to the Kurdistan Region. The coordination between the agencies and institutions of the KRG has been organized through the high and special committees at the relevant ministry level. However, the number of committees, the capacity of their members and the logistical support for the work of these committees are limited. Therefore, they cannot visit and monitor the lives of foreign workers in the Kurdistan Region.
- The guidelines of the Ministry of Labor and Social Affairs and the Ministry of Interior have determined the official procedures for how to bring foreign workers. However, there is more than one way, including illegal ways, to bring foreign workers to the Kurdistan Region. This has led to various types of rights violations for foreign workers.
- Legal gaps, weak mechanisms for monitoring and follow-up on the rights of foreign workers, and low levels of awareness of foreign workers themselves have often created opportunities for workers to be subjected to violations. These include lack of employment contracts, lack of safety in the working environment, non-payment and delay of wages

to raise awareness about workers' issues among the general public.

7. Adaptation to the impacts of climate change: Develop and implement labour laws that take into account Iraq's climatic conditions, especially in sectors such as agriculture and construction. This includes rules for working hours, compulsory rest and the provision of adequate equipment and cooling.

8. Improve conditions in the agricultural sector: Intensify labour inspections in remote agricultural areas, provide training on safe handling of chemicals, and enforce labour laws to protect against exploitation, especially women and workers of children. Conduct awareness campaigns on workers' rights and available complaint channels in rural areas.

9. Regulate informal employment: Develop strategies to formalize the informal sector, provide legal protection to workers and access to social security and fair wages. This includes creating mechanisms for informal workers to register and receive the same benefits as formal sector workers.

10. Enhance labour law enforcement and monitoring: Strengthen the capacity of labour inspection agencies and enhance monitoring mechanisms to ensure compliance with labour laws across all sectors. This should include prompt and effective action against employers who violate labour laws.

seven dimensions of foreign workers which provides as a basis for a comprehensive understanding of foreign workers in the Kurdistan Region. The dimensions specific to foreign workers are:

1. Legal Framework for Foreign Workers
2. Law and Regulatory Enforcement Environment
3. Mechanisms of entry and return of foreign workers
4. Circumstances of violations and reporting mechanisms
5. Freedom of association and trade union for foreign workers
6. Foreign workers and the labour market
7. General picture and knowledge production of foreign workers

In terms of methodology, the data and information of this report is based on the analysis of legal documents, reports of official institutions and civil society organizations. In addition to monitoring the rights of foreign workers through a special team of PFO, the organization conducted interviews with officials of government institutions, trade unions and civil society organizations, import companies Foreign workers, labour researchers and many foreign workers in the Kurdistan Region. The participants of the interview were not all asked the same questions. Instead, the interviewees were asked questions based on the background and relationship of each of the dimensions of foreign workers.



and overtime, cultural differences and violations of personal rights, trafficking, lack of social security, sexual violence, and the confiscation of their documents. Female foreign domestic workers are often the most vulnerable to be subjected to these violations.

- Foreign workers are not allowed to form their own associations, trade unions and organizations. They do have the right to become a member of a trade union in Kurdistan, but they do not have full membership rights.
- Foreign workers send most of their earnings back to their countries of origin. Their participation in the economic development of the region is indirect, while some of them help develop the capacity of local workers. Others contribute to increasing the participation of women in the labour market. This reflects the fact that there is both positive and negative discourse about foreign workers in the Kurdistan Region.

1. Introduction

Within the framework of its program on rights and freedoms, PFO has defined labour and workers' issues as part of its working scope since its establishment. In this context, through various projects, PFO has focused on the development and protection of workers' rights and the freedom of trade union in Iraq and the Kurdistan Region.

In addition to conducting several studies on minority workers, female workers, freedom of association, unemployment, PFO conducts annual reports on violations against women Workers, Occupational Safety and Health in Iraq and the Kurdistan Region. In regard to foreign workers, PFO, in addition to conducting a detailed study in 2018, has annually referenced the general situation of the rights of foreign workers, within the framework of reports on workers' rights.

This report is part of the organization's continuous efforts to better understand the situation of foreign workers in the Kurdistan Region. The aim is to create a knowledge base that will become a source and guidance to produce continuance work on the rights of foreign workers in the Kurdistan Region. In more specific terms, this report introduces

states that “the investor may employ local and foreign workers for the project, with the promotion of local workers in operation, in accordance with the applicable laws in the region.” The same article, (being Article 7), but in paragraph 4, deals with the rights of foreign workers regarding the treatment of the money or wages they receive. It states that “Non-Iraqi workers of the project and those dealing with them outside the region may remit their wages abroad”.

In accordance with Article 23 of the Iraqi Labor Law No. 71 of 1987, the Ministry of Labor and Social Affairs of the Kurdistan Region, in 2007, issued several guidelines to organize how to bring and manage the case of foreign workers in the Kurdistan Region. One of the most important of guidelines is Guideline No. 2 of 2015, which consists of 28 articles. It emphasizes the procedures for bringing foreign workers and regulating the duties and rights of this sector. Article 2 of the guidelines (paragraph 1) states that “the license to bring workers shall be issued by the Minister or any person authorized by the Minister to the company after fulfilling the conditions set out in the guidelines”. Furthermore, Article 4 of the Guidelines also states that “an employer in the private, mixed and cooperative sectors shall not employ any foreigner unless he has obtained employment in accordance with the conditions and procedures specified in this guideline.” Article 7 of the Guideline deals with the procedures for obtaining a work permit. Paragraph one of the Article specifies that “a written application must be submitted either to the employment authorities or through the hiring employer.” Following, the second paragraph of the same Article states that “the submission of a legal document confirming entry into the region and the legal residence”. Paragraph 3 of Article 7 states that “the application must include all information related to the worker’s skills and be supported by the necessary certificates and documents such as name, citizenship, criminal record, type of work, length of employment and the name of the employer and include the full address.”

On the 22nd of December 2022, the Ministry of Labour and Social Affairs, within the framework of the guidelines, in No. 295 of the Kurdistan Gazette published the guideline No. 8 (of 2022), which is one of the efforts of the Kurdistan Regional Government to regulate the use of foreign workers. The guidelines apply solely to project workers and do not cover workers employed by UN organizations, international governmental and non-

2. Legal Framework

There is currently no specific law in the Kurdistan Region to regulate and manage the cases of foreign workers. However, this matter is included in the Iraqi Labor Law No. 71 of 1987, which is still the only applicable law to regulate work and workers' rights in the Kurdistan Region. In recent years, the Ministry of Labor and Social Affairs of the Kurdistan Region, in coordination with other official bodies, have been drafting a "Labor Law" to replace Labour Law No. 71 of 1987 with a new law. Even though the new draft law has been voted on in the Kurdistan Parliament on March 1, 2023, but it has not yet been officially published in the Kurdistan Gazette for it to come into force! If the new law is published and comes into force, it will apply to foreign workers in the same way as Law No. 71 did. The draft law, which was obtained by PFO from the Ministry of Labor and Social Affairs, cannot be regarded as the final copy of the voted law. A special section of the new law is expected to apply to foreign workers. This is in addition to many of the articles and provisions of the law applying to foreign workers in the same way as Law No. 71 of 1987 did. According to the draft, like the old law, the Minister of Social Affairs of the Kurdistan Regional Government will be empowered to issue guidelines for foreign workers. This is in addition to the articles and clauses that refer to the need for employment contracts, employer obligations, work permits and penalties for violating the legal provisions. By comparing this draft with Law No. 71, it can be said that according to the draft, the legal framework for the rights of foreign workers is expected to be better than in the past. Nevertheless, there are will legal shortcoming related to foreign workers. After the approval of the draft law in the Kurdistan Parliament, civil society organizations working in the field of workers expressed their views. The organizations' attention is related to the need for a law on foreign workers, or incorporating all issues related to foreign workers into the labour law in a better way than is currently voted on.

In addition to the labour law, foreign workers are covered by other laws and regulations. The Law No. 4 of the Kurdistan Regional Parliament of 2006, (also known as the Investment Law), is one of the legal frameworks related to foreign workers. The second and third sections of the Law state that investors have the right to employ foreign labour in their projects in the Kurdistan Region. Specifically, Article 7, paragraph 2 of the Law

3. The Circumstance of Implementing Laws and Guidelines

The extent to which the laws and regulations related to foreign workers are implemented in practice depends on several factors, including: 1) the amount of private institutions present, 2) the implementation of effective follow-up and monitoring measures 3) the extent to which coordination mechanisms exist between the relevant parties. As for the executive branch, there are several ministries, directorates, departments and units in the Kurdistan Region that work on the issue of foreign workers. For example, the Ministry of Labor and Social Affairs has a General Directorate of Labor and Social Security that has a special department that deals with foreign workers. This department works directly with the department for foreign workers at the level of labour departments in the provinces and autonomous administrations on the cases regarding workers who come to work in the Kurdistan Region. Within the General Directorate of Labor and Social Security, there are labour inspection committees (labour inspectors) that include employees of the Ministry of Labor and Social Affairs, members of the trade unions and its chambers, businesses, parties involved in labour, workers and employers. This is in addition to the existence of the Occupational Health and Safety Department, which through the committees of safety and health inspectors and along with the work inspection committees visit and inspect the workplace and projects to ensure the implementation of the law Green guidelines and protection of workers' rights. The number of committees, the capacity of their members and the logistical support for the work of these committees are however limited. Therefore, to a certain extent, they cannot visit and monitor the lives of all foreign workers in the Kurdistan Region. Moreover, the procedures for monitoring and documenting their work have not been properly integrated and digitized.

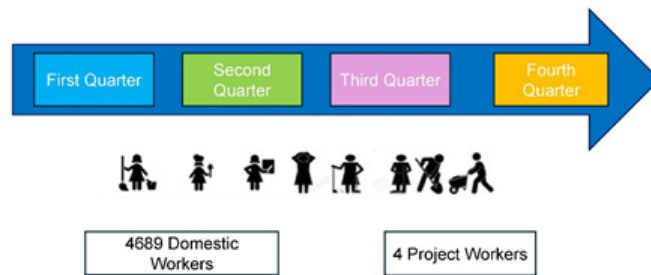
At the level of the Ministry of Interior, each of the Directorate for Combating Organized Crime, including human trafficking (which belongs to the General Directorate of Interior and the Directorate of Residence Affairs and the Directorate of Tourism and General Citizenship, are involved on cases regarding foreign workers. In addition to the committee for the elimination of human trafficking and investigate the lives of foreign workers in case of trafficking, a High Coordination Committee has been established consisting of representatives of the various ministries and the Office of Monitoring and Coordination

governmental organizations, diplomatic missions and consulates, as well as foreigners who work for the government. As stated in Article 18 of this guideline, foreign workers working as domestic servants are excluded from this guideline. The content of the guideline articles demonstrates that the KRG wants to limit the arrival of foreign workers in order to take advantage of local human resources and skills. As stated in Article 2, paragraph 1, “In the market and private sector projects, as well as joint projects between the public and private sectors, priority shall be given to the citizens of the Kurdistan Region so that at least 75% of the workers in the projects will be citizens from the Kurdistan Region.”

Paragraph 2 of the same article states that the proportion of foreign labour in projects shall not exceed 25% under any circumstances. The guidelines also indicate some measures that employers must comply with, from how to request labour and types of skills to investigate and determine the penalties for violations in accordance with the applicable laws and guidelines. These include the Labor Law, the Investment Law and the Guidelines on Bringing Foreign Workers per No. 2 of 2015. It is important to note that this guideline does not replace any other previously issued guideline. Instead, it complements the applicable guidelines.

On December 20, 2023, the Council of Ministers of the Kurdistan Regional Government discussed the draft of a new guideline for foreign workers preventing the illegal entry of foreign workers and creating more job opportunities for young people in the Kurdistan Region, in a way that the owners of companies turn more to local workers and employees. At the same time, the job and stay of foreign workers in the region should be secured and the experience and expertise of foreign workers who have expertise in various fields should be taken advantage of. This draft, like any other law and regulation, needs to be published in Waqi Newspaper (Iraq’s official Gazette) for it to be implemented. For now, the contents, articles, and clauses of the draft are not clear. One of the feedbacks regarding the legal framework for foreign workers is that it is not comprehensive and there are many opportunities for interpretation, which can lead to various problems in implementation.

institution, is primarily responsible for organizing and managing the majority of foreign workers who come to the Kurdistan Region. Most foreign workers, especially workers in investment and tourism projects, cleaners and domestic workers, arrive to the Kurdistan Region through foreign labour recruitment companies licensed by the Ministry of Labor and Social Affairs. According to the data of the Ministry, 4693 foreign workers came to the Kurdistan Region in the first three quarters of 2023 through the Ministry.



In addition to the workers who arrive to the Kurdistan Region through foreign labour companies and under the supervision of the Ministry of Labor and Social Affairs, another part of the foreign workers arrive through the Ministry of Interior and visit visas Kurdistan Region. These usually include workers who are experts in a particular field and often due to the urgent needs of large companies or oil companies must arrive in the region in a short time to do work. It is indeed therefore that the Ministry of Interior will allow such workers to arrive in the region early and start working by issuing visas.

Before, there was a gap in the arrival process of foreign workers through the Ministry of Interior, which paved the way for the monopolizing and violating the rights of these workers. However, now the process is of receiving Visa applications are made online, limiting the opportunities for monopolization. Sometimes foreign workers arrive in the Kurdistan Region illegally. These workers are mainly citizens of neighbouring countries (especially Iranians and Turks). They can cross the border and enter unlawfully due to their border with the Kurdistan Region. It furthermore appears that other foreign citizens also try to cross the borders illegally. Due to their illegal entrance into the region, it is likely that they will be arrested either while crossing the border points or within the territory of the Kurdistan region and face legal punishment, as a result. Examples of such cases include the arrest of 16 Pakistani citizens in Darbandikhan on May 27, 2023, who according to media reports entered the Kurdistan Region from Iran. On the 16th of July

in the Council of Ministers. They review and monitor the labour market and protect the rights of workers and implement these guidelines. Furthermore, they bring in foreign labour and organizing the stay and employment of foreign workers.

The Independent Commission for Human Rights is another official body concerned with the issue of foreign workers, which works on human rights issues in general. This includes monitoring and protecting the rights of foreign workers, through its offices in the cities and towns of the Kurdistan Region. In spite of the Commission not having annual data, statistics and reports on foreign workers, in 2015 it published a comprehensive report on foreign workers. The report focused on the demographics of foreign workers and their living conditions in the Kurdistan Region. In regards to the judicial institutions, the labour courts in the provinces of the Kurdistan Region are involved to the cases of foreign workers.

Like any other labour-related case, the labour courts deal with cases of foreign workers that arrive at the tribunals. However, due to the absence (or lack of) translation services in the courts and the illegal arrival of some foreign workers, foreign workers rarely have access to the services at the labour courts. For this purpose, there are no accurate data and statistics available to show the amount of cases regarding foreign workers reach the courts of the Kurdistan Region annually and how they are resolved. In addition, there are no specialized centres at the provincial and autonomous administration levels to resolve disputes related to foreign workers before they reach the courts.

4. The Mechanisms of Arrival and Departure of Foreign Workers

According to international agreements, foreign workers must be organized through a memorandum of understanding between both the country of origin and their host country through official routes, to ensure and protect their rights. The 2015 Directive No. 2 of the Ministry of Labor and Social Affairs defines the official procedures for bringing in foreign workers. However, there are more ways, including unlawful ones, to bring foreign workers to the Kurdistan Region.

The Ministry of Labor and Social Affairs in the Kurdistan Region as, an official government

unions, and civil society organizations having various mechanisms and initiatives to raise awareness, prevent, protect and monitor the rights of these workers. However, these efforts have not yet adequately limited the level and type of violations. Foreign workers in the Kurdistan Region still suffer from violations. These include the absence (or shortcomings) of labour contracts, lack of safety in the working environment, non-payment and delay of wages and overtime, cultural differences and rights violations personal trafficking, lack of social security, sexual violence, and confiscation of documents.

Although there are different views on the quantity and nature of violations, it is clear that some foreign workers are more serious and more vulnerable to violations than others. Female foreign domestic workers are often the most vulnerable type of workers. Some of these workers have been trafficked in their own countries by foreign labour companies and brought to the Kurdistan Region in the name of other countries to do other work. Even before they arrive at the house where they are supposed to work as servants, they are subjected to violations and are not provided with adequate accommodation. When they arrive at the workplace, they are often not followed up with, or the mechanisms and procedures are not effective enough to reach these workers to see how well their rights are protected. Therefore, the situation and lives of these workers depends on the personality of the household owner and how much sympathy they have to the workers. This means that if the landlord is not a good person, foreign workers in the household will be subject to various types of violations. These include forced labour, sexual assault, beatings and threats, confiscation of passports and personal documents, and discrimination and prevention of the practice of religious and cultural beliefs, etc.

As for project workers and companies, some of them suffer the above-mentioned violations. However, the worst is the absence of a safe working environment, especially in the industry, construction, and services sector, in which some cases lead to the death of workers. According to the reports of PFO on occupational safety and health, as well as data and statistics of the Kurdistan trade unions and press reports, dozens of workers pass away and hundreds get injured every year, most of them foreign workers.

In regards to the mechanisms for reporting and following up on violations, much work

2023, The Kurdistan Regional Security Agency (Sulaymaniyah) announced in a press release that their forces arrested 64 foreign immigrants and six smugglers, including their leaders when they wanted to cross the borders and enter the territory of the Kurdistan Region illegally. Moreover, on the 20th of August 2023, it was reported that 14 Afghan migrants were arrested in Darbandikhan. They had been brought by smugglers through Iran and had been left behind.

Foreign workers and migrants do not reach the Kurdistan Region in only one way. Furthermore, there is not only a single institution that monitors their entry and exit. Therefore, there are problems in organizing and managing the cases of foreign workers. For example, the illegal entry of foreign workers into the region allows workers to experience violations of their rights. In situations where they face issues with their employers, foreign workers will not have a strong legal support to claim their rights from their employees. This is due to their illegal arrival, which paves the way for the employers to violate their rights.

Similarly to the existence of different mechanisms for the arrival of foreign workers, there is no solely one mechanism which deals with the return of foreign workers. It is the laws and regulations that determine the procedures for the return of foreign workers. After the expiration of their legal residence period, they must either leave the Kurdistan Region or renew their residence permits.

Nevertheless, in some situations, foreign workers expire their residence permits and find themselves in an illegal situation, which paves the way for foreign workers to face many violations. Despite the arrest of workers in illegal conditions here and there, the extent to which the process of forced deportation is implemented and how the Kurdistan Regional Government deals with the cost of their deportation remains unclear.

5. Violations and the Mechanisms of Reporting the Violations

Legal gaps, weak mechanisms for monitoring and follow-up on the rights of foreign workers, and low levels of awareness of foreign workers themselves have often led to instances for workers to experience various types of violations. The government institutions, trade

6. Freedom of Organizational Work and Unions for Foreign Workers

In the Kurdistan Region, trade and labour unions still operate under Iraqi Law No. 52 of 1987. According to the applicable laws of the Kurdistan Region, foreign workers are not allowed to establish their own associations, trade unions and organizations. While foreign workers have the right to membership in Kurdistan trade unions, they do not have full membership rights. They especially cannot hold senior positions in the unions or become trade union representatives Workers' cadres at work.

In the general structure of the trade unions of the Kurdistan Region, which consists of eight different unions, there is no department of committee dedicated to foreign workers. Even now, there are no data or statistics available to show the membership of foreign workers in trade unions.

The denial of the right to form trade unions by foreign workers themselves has often isolated the relevant actors from those foreign workers. Consequently, this directly reflect on the violation of their rights. This is despite the international agreements and communications guaranteeing such right to foreign workers. The trade unions in Kurdistan are an important advocate for the rights of foreign workers. However, their capacity to work and activities seems to be limited due to problems such as lack of human resources, logistical and media support. This is while trade unions are members of some of the government committees that are officially authorized to visit and inspect workplaces.

NGOs operating in the field of workers' rights and foreign workers are another important aspect of defending and protecting the rights of foreign workers. The difference between trade unions and labour- focused NGOs in general, and foreign workers in particular, depends on the representation and influence of the unions. This is due to the official position that trade unions have to defend the working class, that NGOs do not have. Examples of this may include legal support that allows trade unions to visit workplaces as official representatives of workers to monitor workers' conditions. However, NGOs are not allowed to do so.

There are about 5,000 NGOs registered at the Office of NGOs (government department)

remains to be done to report and access all violations committed by foreign workers. One of the available mechanisms to monitor foreign workers' rights is the reporting and complaining regarding problems and violations encountered through a hotline number (5500). There is currently no information regarding the amount of workers having used this service. However, it seems that the lack of awareness about the hotline by the workers themselves and language barriers are two obstacles causing workers not to benefit from it. The General Directorate of Labor and Social Security shall establish a special committee to investigate complaints received through the hotline or the Labor, Health and Safety Inspection Committees or any other means. The provinces of the Kurdistan Region shall resolve cases in accordance with the applicable laws and guidelines of the Kurdistan Region. The complaints received through the hotline or the Labor, Health and Safety Inspection Committees or any other means must lead to the establishment of a special committee the General Directorate of Labor and Social Security. The labour Tribunals in the provinces of the Kurdistan Region must then decide on the cases based on the applicable laws and guidelines of the Kurdistan Region. This is in addition to reporting and monitoring the committees for the elimination of trafficking in persons that monitor the lives of foreign workers in case of trafficking. A report by the Office of the Coordinator of International Recommendations shows that 108 foreign citizens were victims of human trafficking in the Kurdistan Region in 2022, of whom 17 have been returned to their countries.

In addition to the above, local and international civil society organizations have their own methods and mechanisms to monitor and follow up on cases of violations committed against foreign workers that occur on project sites or at a household. The most important mechanism used by organizations is the use of publications in public and private places which contain necessary information on how to access assistance and emergency resources. In addition, organizations are constantly trying to reach out to foreign workers through media channels and social media. This is not to only help them when they face violations, but to also inform them about their rights before any incident occurs. Through activities such as conferences, seminars and open discussions, organizations often try to establish contacts with workers in order to be informed about their living conditions.

some other necessities of life that are on the responsibility of the household. The positive aspect of these workers is that they are all female, meaning that there is an increase of women in the labour market. They also become part, as workers, of family members who have sick elderly people who need continuous care.

Another part of the foreign workers who come to the Kurdistan Region are project workers. They work in the sectors of investment, cleaning companies and sectors of restaurants and cafes. the majority of these workers are unskilled. These workers, despite their limited salaries, send most of their wages back to their countries of origin. Moreover, they spend only a small portion of their money in the markets of the Kurdistan Region as the workers often live together in a house or apartment. The positive impact of such foreign workers on the economic growth of the region is often interpreted as a small handful of people doing jobs that Kurdistan citizens do not. However, there is also an interpretation that these workers have caused an increase in unemployment among the citizens of the Kurdistan Region and some of them even work at night on the streets.

Among the project workers, there are a number of foreigners working in the sectors of education, higher education, health, media, arts, sports, and beauty salons, which are mostly considered as skilled workers. There are no accurate data and statistics on the proportion of these employees in the labour force and their contribution to the economic growth of the region, especially the extent to which they have come to the Kurdistan Region on the basis of rare expertise. It is also unknown to what extent these foreign employees participate in the development of the skills and expertise of local employees in the Kurdistan Region. The monthly salaries of these employees are to a certain extent better than those of domestic service workers and cleaning companies. Although most of these workers take their money back to their countries of origin, they spend a certain amount of their monthly salary in the markets of the Kurdistan Region. This is because their lifestyle is somewhat similar to the lifestyle of Kurdistan Region citizens in terms of expenditure and providing their daily necessities.

Another type of foreign workers are employees of oil companies, telecommunications companies and other huge projects that require skilled workers and are rare or not available

in the Kurdistan Region. The amount of organizations working in the field of (foreign) workers, however, remains unclear. The working environment and living conditions of workers in the Kurdistan Region, including foreign ones, does not solely require the activation of trade unions, but also the existence of labour focused organizations who defend the rights of workers. This comes from the fact that organizations working in the field of workers can play various different roles.

Labor focused NGOs and foreign workers can play an important role in improving the legal framework for trade unions and ensuring workers' rights. They can participate in the drafting of appropriate legislation, support the establishment of workers' rights and freedom of trade unions. These organizations can also be an important monitoring body for monitoring violations against foreign workers and their freedom of employment and membership in trade unions. In addition, they can play an important role in spreading awareness about workers' rights and the work of trade unions through conferences, workshops and the use of the media. Furthermore, labour focused NGOs can address the problems of foreign workers and present their suggestions and recommendations through the preparation of reports and policy papers. NGOs can also play a positive role in building the capacity of trade unions and their members to actively defend workers' rights.

Most importantly, NGOs can bridge the gap between those who care about foreign workers and freedom of association for foreign workers through networking and alliances.

7. Foreign Workers and the Job Market

The participation and influence of foreign workers in the labour market and economic growth in the Kurdistan Region should be interpreted according to the classification of foreign workers and their sector of work. For example, domestic workers who make up the majority of foreign workers may not have a direct positive impact on the region's economic growth. On the contrary, they send the amount of money they receive as a monthly salary (even if it is small) to their families in their countries of origin. These workers also have the lowest expenses as they reside in the house they work in where they are provided with the basic needs such as food, shelter, communication devices, and

In general, the media and journalists' treatment of the issue of foreign workers is not based on a continuous strategy, but rather on exciting events. In other words, the media and journalists pay attention to this issue when there is a specific event or an event for foreign workers. According to the information and investigations of the teams of PFO in 2023, no idea, auditory and adoption media have had a special continuous program on the issue of foreign workers in the Kurdistan Region.

Moreover, the institutions related to the field of foreign workers do not have their own media and influence. For example, the media department of the General Directorate of Labor and Social Security, in addition to a website, has a page on social networks. In their latest step, they opened a YouTube channel that publishes the work and activities of the organization. Similarly, trade unions do not have any other media outlet to discuss the dimensions of foreign workers except their Facebook page. In addition, none of these institutions have a detailed report on the case of foreign workers that is published annually for the awareness of the general public.

As for universities, research centres and researchers, it appears that adequate scientific research and investigation on foreign workers has not been conducted. With the exception of a few studies, the accumulated knowledge literature on foreign workers in the Kurdistan Region is still poor. If academic research has been conducted here and there, it has not been used properly or as the basis for thorough debate and discussion in order to improve policies, laws, rules and procedures for the protection of rights of foreign workers.

Looking at the titles and contents of the journalistic reports and programs of the media and research agencies, it appears that there are two types of discourse about foreign workers. They include: 1) a negative image of foreign workers who are a burden on Kurdish society and the labour market by reducing job opportunities for the citizens of the region, which is mostly supported by ordinary citizens and workers. 2) a positive image of foreign workers, mostly supported by employers who focus on low wages and higher profits, as well as by citizens with a humane attitude.

in the Kurdistan Region. Due to the expansion of the international labour market and the rapid growth and movement of international companies in Iraq and the Kurdistan Region in the past decade, a certain number of such workers have come to the Kurdistan Region. However, their exact number is unknown. The monthly salary of these workers may be of a high rate. Nonetheless, it is unknown how much money goes out of the region through these workers. The positive participation of these workers in the economic development of the Kurdistan Region depends on the extent to which they help local workers develop skills and expertise that are not available in the Kurdistan Region.

Other foreign workers are employed at civil society organizations in the Kurdistan Region. The expansion of the civil society sector is one of the sources of increased revenue and economic growth in the region. Although part of the revenue of these organizations goes outside the region through their foreign employees, but the presence of foreign employees has a positive role in promoting the civil society sector and empowering local employees and workers in this sector. In addition, some of the organizations and their foreign employees have a positive contribution to the improvement of the situation of rights in general and the rights of workers (including foreign workers). Accurate data and statistics are not available to show the proportion and participation of these employees and workers in the civil society sector. However, the monthly salary of these employees is high and according to the laws and regulations of the Kurdistan Region, a part such as personal salary tax is paid to the Kurdistan Regional Government.

8. Public Image and the Production of Special Knowledge to Foreign Workers

The attitude of society and citizens towards foreign workers depends largely on how accurate information about foreign workers is produced and disseminated. This depends on the extent to which the media and institutions such as universities, research centres and researchers pay attention to foreign workers on the one hand, and on the other hand, the extent to which they provide accurate information and knowledge through appropriate methods they are produce and disseminate through effective channels.

or section for foreign workers could be formed in the trade unions. Furthermore, it is important for trade unions to establish strong relations with trade unions in the countries of origin of foreign workers in order to protect their rights.

- Work to raise awareness about the rights of foreign workers and dispel any negative attitudes that encourage discrimination between domestic and foreign workers.
- Intensify the measures of inspection and monitoring of the living conditions of foreign workers in order to protect and ensure their rights.
- Increase efforts to raise awareness among foreign workers about their legal rights and responsibilities and familiarize them with the mechanisms and procedures for reporting cases of violations.
- Regulate the procedures for the entry of foreign workers through visit or smuggling visas in such a way as to protect the rights of foreign workers.
- Create a network of organizations working in the field of foreign workers.
- The media should give attention to the issue of foreign workers in such a way that it becomes a source of public awareness and help policy makers to protect the rights of foreign workers.
- It is important to increase the number of scientific research projects by researchers and academic institutions in order to produce accurate and reliable knowledge that can become the basis for formulating policies and plans Protecting the rights of foreign workers in the Kurdistan Region.

9. Guidelines and Recommendations

- The Kurdistan Region's obligations to international agreements depend on the Iraqi state's commitment to these agreements. It is therefore important to work on the Iraqi parliament to ratify the UN International Convention No. 15845/ issued in 1990 on foreign workers and their family members. This is because demonstrating commitment to this agreement will pave the way for improving the legal framework and guidelines for the protection of the rights of foreign workers in the Kurdistan Region.

- Policies, laws, and guidelines must be redesigned to ensure the rights of foreign workers in a way that minimizes different interpretations and conforms to international standards.

- The Kurdistan Regional Government has previously approved the Kurdistan Regional Plan for Human Rights 20052021-. Moreover, the first report on the implementation and progress of the plan was approved by the decision 194 of the Council of Ministers on 152023-1-. Nevertheless, emphasis on coordination and follow-up has to be done to implement the contents and provisions of the report. In this context, more attention is needed to reorganize the labour market and take advantage of the ability of foreign labour force according to the needs and rare expertise that serve the economic development of the Kurdistan Region and protect the rights of foreign workers.

- In the past, there was an attempt to conduct a survey of foreign workers working in different sectors in the Kurdistan Region. It is important to accelerate this work and create a comprehensive database of foreign workers in order for it to become a source of accurate information about these workers and develop specific plans for dealing with them and protecting their rights.

- Kurdistan trade unions should work seriously on the living conditions of foreign workers in the Kurdistan Region and pay them the same attention as local workers. It is important to emphasize the right of all foreign workers to membership in trade unions, to the extent of establishing trade unions for these workers. In the near future, a committee

REPORT ON THE CONDITION OF WORKERS IN IRAQ AND THE KURDISTAN REGION

report by peace and freedom organization

2023

