

**Committee on the Application of Standards**

CAN/PV.13

**Commission de l'application des normes**

12.06.21

**Comisión de Aplicación de Normas**

109th Session, Geneva, 2021

109<sup>e</sup> session, Genève, 2021109.<sup>a</sup> reunión, Ginebra, 2021

Warning: this document is a draft and may contain omissions or errors. It is made available solely for the purpose of verification and correction. Persons referred to in this document are not to be regarded as bound by statements attributed to them. The ILO declines all responsibility for any errors or omissions which this document may contain, or for any use which may be made of it by third parties.

Avertissement: ce document est un projet, qui peut comporter des omissions ou des erreurs et n'est rendu public qu'à des fins de vérification et de rectification. Les mentions contenues dans ce document provisoire n'engagent pas les personnes dont les propos sont rapportés. La responsabilité du BIT ne saurait être engagée à raison des éventuelles erreurs et omissions entachant ce document, ou de l'utilisation qui pourrait en être faite par des tiers.

Advertencia: el presente documento es un proyecto y puede contener omisiones o errores. Solo se publica a efectos de comprobación y rectificación. Las declaraciones que se atribuyen en el presente documento provisional a las personas citadas en él no comprometen su responsabilidad. La OIT queda exenta de toda responsabilidad respecto de cualquier error u omisión que pudiera figurar en el presente documento o que pudiera derivarse del uso del documento por terceros.

**Tenth sitting, 12 June 2021 (cont.), 2.55 p.m.****Dixième séance, 12 juin 2021 (suite), 14 h 55****Décima sesión, 12 de junio de 2021 (cont.), 14.55 horas**

Chairperson: Ms Mvondo

Présidente: M<sup>me</sup> Mvondo

Presidenta: Sra. Mvondo

**Discussion of individual cases (cont.)****Discussion des cas individuels (suite)****Discusión de los casos individuales (cont.)****Iraq (ratification: 1959)****Discrimination (Employment and Occupation) Convention, 1958 (No. 111)****Convention (n° 111) concernant la discrimination (emploi et profession), 1958****Convenio sobre la discriminación (empleo y ocupación), 1958 (núm. 111)****Présidente** – Nous passons à la deuxième question à l'ordre du jour de nos travaux

cet après-midi, à savoir l'application par l'Iraq de la convention (n° 111) concernant la

discrimination (emploi et profession), 1958.

Je vous rappelle également qu'en prélude à l'examen de son cas, le gouvernement de l'Iraq a envoyé des informations écrites qui sont disponibles sur la page Web de la commission.

*Interpretation from Arabic:* **Government representative (Mr AL-LAMI)** – I would like to thank the ILO for its distinguished efforts and mindfulness regarding the holding of the meetings of the 109th Session of the ILC despite the circumstances and challenges the whole world is facing due to the COVID-19 pandemic.

Regarding equal opportunities and treatment, regardless of gender, ethnicity, colour, religion or ethnic origin, the Iraqi Constitution of 2005 is the supreme and higher law in Iraq and it provides for strong protection against discrimination and guarantees. Equal treatment for all Iraqis, regardless of their gender, ethnicity, origin, skin colour, denomination, belief, opinion, economic or social status, the Constitution presents strong and equal rights and lays down a strong foundation for the remaining Iraqi legal texts.

Article 14 stipulates that Iraqis are equal before the law without discrimination because of gender, ethnicity, origin, skin colour, denomination, belief, opinion or economic or social status. Direct discrimination has been defined in accordance with the provisions of article 25(1) of the Labour Law No. 37 of 2015, that any discrimination or exclusion or preference based on ethnicity, colour, gender, religion, denomination, opinion, political belief or origin is not allowed.

As for ethnic and religious exclusion from some labour markets, including employment, in the government and private sector positions, Article 16 of the Iraqi Constitution stipulates that providing equal opportunities is a right that is guaranteed to all Iraqis and that the State ensures that it shall take all the necessary measures to achieve that goal.

The coalition provisional authorities Decree No. 7 of 2003, regarding the Penal Code No. 111 of 1969, includes in its section 4 an important provision to combat discrimination in order to protect the rights of minorities. It is incumbent on all persons who carry out governmental duties or occupy public functions, including all those working in the police force or as prosecutors or judges, to implement the law without discrimination when carrying out their official tasks and no discrimination shall be exercised against anyone because of his or her ethnic affiliation or skin colour or language or religious affiliation or political opinion or nationality or ethnic origin or social status or home origin. The importance of this provision, in addition to section 372 of the Penal Code, which prohibits hate crimes and criminalizes actions that harm, attack, insult or invalid or destroy religious practices and holy sites of religious minorities in Iraq, has established a strong set of laws that protect the interest of the Iraqi minorities and we refer you to the provisions of section 3(1) of the Labour Law which is in force and applicable to all workers in the Republic of Iraq.

The State is striving to provide work based on equal opportunities, without discrimination in accordance with the provisions of section 4 of the same Law. Any violation or abuse against the principle of equal opportunities and treatment, whatever the reason, in particular with regard to discrimination between workers, whether direct or indirect discrimination and in relation to vocational training or employment or working terms and conditions in accordance with section 8(1) of the Law is prohibited. The indirect discrimination has been defined as any discrimination or exclusion or preference based on gender, age, health situation, social or economic status, affiliation or trade union activity, resulting in the cancellation or weakening of the implementation of equal opportunities and treatment in employment and occupation and I refer you to section 1(26). The State adopts a policy to strengthen full and productive work and the respect of fundamental rights and principles, whether in law or practice, in particular

paragraph 4, regarding combating discrimination and employment in accordance with article 6, and to guarantee the rights of workers who file a complaint with a labour court when they are exposed to any form of forced labour or discrimination or harassment in employment and occupation in accordance with section 11(1).

Sanctions of imprisonment are imposed for a period that does not exceed six months, and a fine that does not exceed 1 million Iraqi dinars, or either of these sanctions can be imposed on anyone who violates the provisions of the articles related to child labour, discrimination, forced labour, sexual harassment, according to each particular case in accordance with the provisions of section 11(2). No labour contract can be terminated because of discrimination in employment and occupation, whether the discrimination is direct or indirect, in accordance with the provisions of section 48(1)(e). As for the measures taken to combat the forms of discrimination faced by ethnic and religious minorities in employment and occupation, all projects, in workplaces covered by the provisions of this law, are subject to labour inspection under the supervision and guidance of the ministry in accordance with the provisions of section 126 of the Law which is in force and among the tasks of the Inspection Department, according to section 127(1)(e). It is the task to provide appropriate mechanisms to receive workers' complaints with regard to any violations of their rights as mentioned in this law and to broadly inform workers on how to use that mechanism.

The Inspection Department may provide a guiding list on how workers can file their complaints, and on the information to be included in the complaints, as well as how to direct the complaints to the Inspection Department and the Directorate and, in coordination with the Iraqi Parliament and the Trade Union Committee, an electronic form was prepared to file complaints at the Media Division that is affiliated to the Office of the Director-General of the Directorate of Labour and Vocational Training.

When such complaints are received, they are sent to the Inspection Department, and through its Inspectorate Committee, so as to carry out investigations. Parties to the dispute are summoned to come to the Directorate in order to reach a settlement. If such a settlement is reached, the complainant receives all his rights and this is recorded. In the event no settlement is reached, a recommendation is made. Then, the Inspection Committee prepares a report alongside the testimony of the inspector and these are considered as evidence by the court when it takes a decision and this is recorded within a data bank that is related and connected to the Trade Union Committee.

Most complaints, for which appropriate measures are taken, involve workers' rights, working hours, wages, termination of work without prior notice or the reduction of the number of workers without prior approval from the Minister of Labour and Social Affairs.

Complaints also have to do with termination of work through coercion by making the worker sign his resignation. Contact is made with citizens through the social media websites such as Facebook and when receiving complaints through private letters that are forwarded to the concerned sections so as to take the necessary measures.

Due to the Corona pandemic and the confinement that was imposed, as a consequence of the pandemic, employers terminated workers' contracts unjustly and a hotline was established in the Ministry using the WhatsApp application so as to receive complaints and these have been forwarded to the concerned section.

These measures include Baghdad and the other regions. A hotline system with four channels for the Ministry was purchased and a full channel shall be assigned for the Inspection Department. Our Ministry has not received any complaints regarding ethnic discrimination at the workplace. We would like to request technical assistance to train work inspectors and specialists in this field.

On the topic of direct and indirect discrimination indicators, and as well as on the topic of forced labour, raising the awareness of citizens shall be done through social media websites so as to inform them of their rights in the field of direct and indirect discrimination, in view of the few amounts of complaints that are forwarded to the Ministry in this context. Under the supervision and financing of the Central Bank, coordination has begun with the University of Baghdad and the work inspectors in Baghdad and the provinces. At the Ministry of Labour and Social Affairs in the region or Kurdistan to hold an online symposium in the field of ethnic discrimination against women, and the use of an electronic form by the inspectors. Currently, data is being collected regarding the inspectors' opinions on how to investigate, with women, on the occurrence of ethnic discrimination against them in their working place. The data will then be analysed and will be provided to you and we will provide you with the updates on this front.

You will also be provided at a later stage with any updates regarding the draft Law on the Protection of Diversity and Combating Discrimination, as well as regarding the draft Law on Protection of Rights and Ethnic and Religious Minorities. We refer you to – the Iraqi Government has legislated a Law on the Yazidi women survivors, No. 8, of 2021, as a compensation for what they endured in particular, and to protect them and their regions in view of the consequences of the crimes committed against them and against the other Christian, Turkmen and Shabak communities. Crimes considered as crimes against humanity, crimes that resulted in physical, psychological, social and material harm for all the victims, in particular women and children. And efforts are made to integrate them in the society.

Regarding the absence of complaints, or legal measures regarding ethnic discrimination or the absence of will at the level of the authorities to file legal actions

against the perpetrators of these actions, Iraq has ratified many of the main treaties of human rights, including many treaties that have a positive impact on the situation of minorities and through the ratification on the International Covenant on Economic, Social and Cultural Rights and the International Covenant on the Civil and Political Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination. Therefore, Iraq has respected the international law in protecting civil, social, economic, political, cultural rights of the Iraqi minorities.

With regard to providing statistics based on gender and the employment of the ethnic minorities, and the sectors in which they work, we refer you to the establishment of a gender unit within the tasks of the Human Rights Division at the legal level, which is one component of the Ministry of Labour and Social Affairs, which has among its tasks guaranteeing the integration of a gender perspective and achieving social equity between men and women, strengthening the principles of equal employment and also guaranteeing sectoral statistics and providing data based on gender and an analysis of gender integration.

Taking into consideration gender perspectives within the strategic planning and the administration's work plans, also you will be provided with information about the number and nature of complaints presented to the courts and other competent authorities, such as the Supreme Iraqi Commission, which has to do with discrimination based on religion, colour, origin.

As for the discriminatory stereotypes based on gender, colour or origin of workers, men and women, that are still hindering their participation in education, and in vocational training programmes, and their ability to obtain a wide range of work opportunities, and leading to minimum wages for similar accomplished work, section 19(1) of the Labour Law provides for services that are presented to jobseekers,

employers and employees or workers free of charge, and also allowing jobseekers to join training programmes free of charge according to section 26(4).

Workers enjoy rights, as stipulated in section 42(1)(c) in equal opportunities and treatment in employment and occupation, far from discrimination. And in the paragraph (g) of the same article, workers benefit from vocational training programmes. Equal wages between men and women for equal work, is also stipulated in section 17. With regard to the Law on Rewards to the Trainers in Vocational Training Centres Affiliated to the Ministry of Labour and Social Affairs, Law No. 38 of 2008, where every trainer who joins the vocational training centres affiliated to the Ministry of Labour and Social Affairs would obtain a training award, the value of which is 10,000 Iraqi dinars for every day he or she spends training others.

And the reason why Iraq has been late in preparing the annual report regarding this Convention is because the Ministry of Labour had to address several sectoral bodies to prepare an integrated response. It is also due to the conditions of the Corona pandemic in Iraq, many of these institutions and departments are not fully functioning, which caused the delay in the arrival of answers to prepare our national report on the extent of Iraq's response to this. In this regard, we will make sure to deliver the annual reports on the date set by the Committee in the upcoming dates. We are ready, if the ILO provide us awareness-raising campaigns on the issue of discrimination of all its aspects.

...

We have concluded our statement.

**Employer members** – The case of Iraq concerns the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) which is a fundamental Convention that has been ratified by 175 Member States. Together with the Equal Remuneration Convention,



1951 (No. 100), Convention No. 111 is an important instrument that protects the fundamental principle of “the elimination of discrimination in respect of employment and occupation”.

By way of background, Iraq ratified Convention No. 111 in 1959. The CAS has discussed this case once before in 1993 and provided three observations in the past – in 2002, 2018 and 2020 – and we thank the written information provided by the Government this year and the presentation given just now by the Director-General of the Department of Labour and Vocational Training.

The main issue in this case concerns discrimination against and exclusion of minority groups from certain labour markets, including employment in government and public sector. We understand that Iraq’s population is a complex one, comprising 75–80 per cent Arabs, 15–20 per cent Kurd, and a number of ethnic minorities including Turkmen, Shabak, Chaldeans, Assyrians, Armenians, Iraqis of African descent and Roma. That said, the concerns raised in relation to Iraq’s application of Convention No. 111 relate primarily to two groups.

The Committee of Experts’ observations highlighted that the people of African descent are disproportionately affected by poverty and social exclusion, and racial discrimination and marginalization. Similarly, Roma citizens who do not hold national identification face discrimination, including access to employment.

The Committee of Experts noted that the Government developed a draft diversity protection and anti-discrimination bill and a draft bill on the protection of the rights of religious and ethnic minority groups in 2017.

Regretfully, however, we lack information on progress towards implementation of these measures or of the provisions established under the Coalition Provisional

Authority Order No. 7 issued in April 2003 regarding the Penal Code No. 111 of 1969 and also the Iraqi Labour Law No. 37 of 2015 concerning discrimination.

The Committee noted that the Government has not responded to its request to provide information on any measures taken to address discrimination faced by ethnic and religious minorities in employment and occupation. We note that Labour Law No. 37/2105, which entered into force in February 2016, prohibits both direct and indirect discrimination in all matters relating to vocational training, recruitment and terms and conditions of employment.

It also promotes equality of opportunity and treatment in employment and occupation as well as prohibiting sexual harassment and harassment based on sex. We further noticed that the Labour Law provides for sanctions (imprisonment for a period not exceeding six months or a fine not exceeding 1 million Iraqi dinars) in cases of discrimination and sexual harassment. The Law is couched in unequivocal terms and it is reasonable to expect that its application would be commensurate. The lack of information is therefore concerning. The employers echo the Experts' request for information on the application in practice of Labour Law No. 37/2015 and for details of any complaints of discrimination or sexual harassment filed with the labour court, or details of any other complaint mechanisms, as well as any sanctions imposed.

With respect to the obligation to promote equality of opportunity and treatment in employment and occupation, we acknowledge that the adoption of legal provisions prohibiting discrimination on the basis of a number of grounds in employment and occupation constitutes an important step in addressing the matter covered by the Convention. However, as alluded to earlier, it is important to see this Law in action. The Experts drew the Government's attention to the fact that the formulation and implementation of a national equality policy presupposes the adoption of a range of

specific measures, which often consist of a combination of legislative and administrative measures, collective agreements, public policies, affirmative action measures, dispute resolution and enforcement mechanisms, specialized bodies, practical programmes and awareness-raising.

Concrete and specific measures are necessary to address discrimination effectively and promote equality and this is what we now seek. We urge the Government to take steps to promote equal opportunities and treatment in employment and occupation irrespective of race, colour, sex, religion, political opinion, social origin and national extraction, and any other prohibited grounds of discrimination.

Equal opportunities for men and women, including men and women belonging to ethnic or religious groups, in the labour market, in the public and private sectors, should feature prominently in this regard as well as evidence of specific steps taken to promote tolerance and coexistence among religious and ethnic groups and raise awareness of the existing labour legislation prohibiting discrimination.

To conclude, we are pleased to see that laws upholding the principles of Convention No. 111 have been passed. Now we desire to see results. We echo the Committee of Experts' request to the Government to:

- provide up-to-date information on the progress made in the adoption of the draft diversity protection and anti-discrimination bill and the draft law on the protection of the rights of religious and ethnic minority groups;
- strengthen its efforts and adopt proactive measures to address discrimination against ethnic and religious minority groups;
- report on the impact of these measures on increasing these groups' access to employment and occupation; and

- provide statistical information, disaggregated by sex, on the employment of ethnic minority groups and the sectors and occupations in which they are employed.

Furthermore, we would also request the Government to provide detailed information on the application of Convention No. 111 in law and in practice in the country according to the regular reporting cycle.

**Membres travailleurs** – L'Iraq a traversé depuis trois décennies une série d'événements extrêmement douloureux. Si le pays semble s'orienter sur la voie de la reconstruction, il est nécessaire dans ce cadre de tirer les leçons de ce passé récent. Une des plus importantes leçons à retenir est la manière dont les différences ethniques et religieuses ont été instrumentalisées dans les épisodes de violence et de déstabilisation du pays. Il est dès lors nécessaire de neutraliser ces foyers de tensions en mettant en œuvre des politiques inclusives visant à éradiquer toutes les formes de discrimination.

Le rapport de la commission d'experts portant sur le respect de la convention n° 111 fait écho à des éléments évoqués par le Comité des Nations Unies pour l'élimination des discriminations raciales. Celui-ci a exprimé un certain nombre de préoccupations concernant la persistance de la discrimination raciale structurelle, de la marginalisation et de la stigmatisation que subissent les personnes d'ascendance africaine. Ce comité s'est également dit préoccupé par la situation des citoyens roms qui n'ont pas de documents nationaux d'identité uniformisés, ce qui les exposerait à la discrimination, notamment dans l'accès à l'emploi.

Nous sommes parfaitement conscients de la situation du pays. Les violences et conflits armés ont engendré d'importants déplacements de population. À cela s'ajoutent les tensions politiques et sociales qui ont certainement impacté la capacité du gouvernement à faire face à ces enjeux. Toutefois, il doit être clair que cela ne dispense

pas les autorités publiques de la nécessité de s'attaquer à ces problèmes et que cela fasse partie intégrante du processus de reconstruction.

À ce titre, nous notons avec inquiétude que les projets de loi visant à lutter contre les discriminations et à protéger les minorités restent pendants devant le Parlement depuis plusieurs années. Mais au-delà des dispositions législatives, il faut surtout avoir égard aux actions et mesures concrètes prises pour lutter effectivement contre les phénomènes de discrimination.

L'absence d'une vue transparente sur le nombre de plaintes portant sur ces questions et la manière dont elles sont prises en charge empêchent d'en mesurer correctement l'ampleur. Il en va de même de l'absence de précision concernant les mesures prises par le gouvernement pour combattre les formes de discrimination visées par la convention. Le groupe des travailleurs apportera des illustrations en évoquant des cas concrets qui permettent d'avoir une vue ne serait-ce que partielle sur cette triste réalité.

Permettez-moi néanmoins d'insister ici sur la situation des femmes qui, en Iraq, à l'instar d'autres pays de la région, restent largement sous-représentées dans le monde du travail et subissent de nombreuses discriminations dans l'accès à l'emploi. Ces entraves sont aggravées par une série de conditions et dispositions qui les placent littéralement sous tutelle. Cette situation appelle d'urgence des réponses pertinentes, articulées et de nature à relever ces importants défis.

Je souhaite encore attirer l'attention sur le traitement réservé aux travailleuses migrantes et aux travailleuses d'origine africaine qui sont encore plus durement frappées par les pratiques discriminatoires.

Le chemin de la reconstruction du pays passe par une sérieuse prise en charge de ces dimensions, car une société inclusive est la meilleure garantie contre l'instabilité.

**Worker member, Norway (Ms MJØBERG)** – I am speaking on behalf of the trade unions in the Nordic countries.

Iraq is discussed here today due to discrimination in employment and occupation. In addition to discrimination based on colour and religion, which has already been mentioned, there is also discrimination of women.

Women continue to be discriminated in access to employment and job security. Only 16 per cent of women participate in Iraq's formal labour force. COVID-19 measures have added to the disproportionate amount of time that women already spend on unpaid domestic care work compared to men. Loss of sources of income, confinement within the household, and increased stress and anxiety are some of the key prevalent causes of the reported increase in gender-based violence.

The Labour Law limits women from working during certain hours of the day and does not allow them to work in jobs deemed hazardous or arduous. Women must obtain permission from a male relative or guardian before being granted a Civil Status Identification Card for access to employment. The law does not prohibit discrimination based on age, sexual orientation or gender identity.

In addition, Iraq has still to enact a national anti-domestic violence law and amend article 398 of the Penal Code of 1969 which currently allows marital rape and gives impunity to men for sexual violence against women and girls if they marry the victim.

Women trade unionists face also greater harassment. An example of this can mention that Taiba Saad, a member of the Social Services Syndicate was kidnapped from the city of Baghdad. She was subjected to torture during her detention such as being stripped and severely beaten.

We urge the Government of Iraq to take its obligations in the ILO seriously, comply with the Convention and provide the information requested by the Committee of Experts urgently.

*Interpretation from Arabic:* **Government member, Egypt (Ms HUSSEIN)** – We have taken note of the measures taken by the Government of Iraq to seek to bring domestic legislation into line with the Convention. What the Government has done confirms the intent of the Government of Iraq to ensure respect for international labour standards. The Constitution of Iraq guarantees protection against discrimination and insists that there be equal treatment for all the people of Iraq. Further, Iraq has ratified many agreements and treaties that have a direct impact on minorities. Iraq is committed under international law to respecting civic, social, political and cultural rights for all segments of the Iraqi population. As well as that, many laws have been promulgated to protect the rights and interests of the people of Iraq. For instance, Labour Law No. 37 adopted in 2015. This relates to sustainable development being achieved on the basis of social justice and equality while ensuring decent work for all without any discrimination whatsoever. It also talks about building the national economy and promoting human rights and fundamental freedoms. The State of Iraq has policies intended to promote productive employment.

**Government member, Portugal (Mr CLAUDINO DE OLIVEIRA)** – I have the honour to speak on behalf of the European Union and its Member States. The Candidate Countries Montenegro and Albania, the EFTA country Norway, member of the European Economic Area, as well as the Republic of Moldova align themselves with this statement.

The EU and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights. We actively promote universal ratification and implementation of the fundamental international labour standards. We

support the ILO in its indispensable role to develop, promote and supervise the application of international labour standards and of fundamental Conventions in particular.

The prohibition of discrimination is one of the most important principles of international human rights law. In the European Union's founding treaties, the prohibition of discrimination is a core principle. With respect to employment and occupation, Convention No. 111 is founded on the same principle.

The EU and its Member States are long-term partners of Iraq. In response to the many challenges Iraq is facing after years of conflict, in 2018, the EU has adopted a new strategy for Iraq to support the Government's efforts towards stabilization, reconstruction, reconciliation and development. The EU and Iraq have also signed a comprehensive Partnership and Cooperation Agreement.

We note the Committee's observations, the report of the United Nations Special Rapporteur on minority issues on a mission to Iraq in 2016 and the observations made by the United Nations Committee on the Elimination of Racial Discrimination in 2019. We welcome the written information provided by the Government of Iraq and the clarifications as regards provisions of the Penal Code No. 111 and the Iraqi Labour Law No. 37.

However, we call on the Government to provide information on the progress made in the adoption of the draft diversity protection and anti-discrimination bill and the draft law on the protection of the rights of religious and ethnic minority groups. We welcome Iraq's efforts, despite the difficult situation prevailing in the country, to cooperate with the ILO and to improve labour standards, notably through ratification of further ILO Conventions, and through projects also supported by the EU and its Member States.



In this regard, we welcome the signature of the Decent Work Country Programme end 2019, the ratification of Convention No. 184 for occupational safety and health in agriculture, and the ongoing Iraqi efforts for ratifying Convention No. 81 on labour inspection, all supported by EU programmes.

Following the Committee's report, and bearing in mind the Committee's general observation of 2018, we underline that it is necessary to adopt a comprehensive, coordinated and proactive approach to tackling the obstacles and barriers in employment and occupation due to race, colour, sex, religion, political opinion, national extraction or social origin, and to promote equality of opportunity and treatment for all.

We call on the Government to strengthen its efforts and continue to report on the measures taken to eliminate discrimination against persons belonging to ethnic and religious minorities. We underline the importance of evidence-based policymaking and call upon the Government to provide gender and ethnic disaggregated data, substantiating the impact these measures have in terms of increased access of these groups to employment and occupation and a reduction in the number and the gravity of complaints.

In connection to discrimination, we take this opportunity to also call on the Government to take steps towards eliminating child labour.

The EU and its Member States remain committed to our close cooperation and partnership with Iraq and look forward to continuing joint efforts with the Government and the ILO, including in the elimination of discrimination in employment and occupation so as to improve labour standards for all in Iraq.

*Interpretation from Arabic:* **Worker member, Bahrain (Mr SHEHAB)** – I would like to echo what Mr Marc Leemans said and add a few points. Firstly, it is very important to strike a balance between different types of responsibilities, protecting workers rights, be

they nationals or migrants. Secondly, the *kafala* system constrains the rights of migrant workers and we need to improve the situation there. Thirdly, it is very important to make social justice between workers in Iraq, and equality between them, a reality so that decent jobs are a reality for all and that is in spite of divisions of various types. For instance, the unemployment rate in the south of Iraq, and particularly in the area of Basra, is at 20 per cent, despite the fact that that is one of the richest areas in Iraq and has significant natural resources such as oil and gas.

Due to the lack of transparency, residents cannot benefit from essential services to a sufficient extent, such as education, healthcare and social protection. Iraq is also being targeted by terrorist groups, which has led to the exile of thousands of Iraqi families who have come to be a burden for the Iraqi State, and they have lost their jobs in many cases.

We would also like to stress the need to engage in social dialogue among the workers so that social protection and sustainable development can be bolstered.

In conclusion, we need to respect the standards of the International Labour Organization and ratify Conventions specifically Convention No. 111.

The country should have recourse to ILO technical assistance on how to prevent discrimination.

*Interprétation de l'arabe:* **Membre gouvernemental, Algérie (M. MERCHICHI)** – L'Algérie prend bonne note des informations fournies par l'Iraq sur l'application de la convention n° 111. La Constitution iraquienne assure une forte protection contre toute forme de discrimination et garantit l'égalité des droits entre les citoyens irakiens. De plus, l'Iraq s'est engagé à respecter le droit international et à protéger les droits civils, sociaux, économiques, politiques et culturels des minorités, et ce conformément aux traités et aux conventions ratifiés par l'Iraq.

L'Algérie prend également note des informations indiquant que la loi du travail de 2015 garantit les droits et les libertés énoncés dans la Constitution et l'encourage à poursuivre la mise en œuvre des mesures de prévention, d'inspection et de formation, et ce afin d'atteindre les objectifs du travail décent.

Enfin, l'Algérie estime que, vu la situation difficile en Iraq, l'assistance technique fournie par le BIT serait de nature à permettre de réaliser les progrès escomptés pour ce qui est de la mise en œuvre de la convention n° 111.

**Miembro trabajadora, España (Sra. ORTEGA FUENTES)** — Hoy se habla aquí del Iraq por la discriminación en el empleo y la ocupación. Además de lo mencionado por otros representantes de los trabajadores, me gustaría reiterar que la falta de un marco legal más amplio contra la violencia doméstica y el acoso sexual en el lugar de trabajo crea el ambiente propicio para la impunidad contra el abuso físico y el creciente acoso y discriminación contra las mujeres tanto dentro como fuera del lugar de trabajo.

Los esfuerzos en el Parlamento para aprobar un proyecto de ley contra la violencia doméstica se han estancado. El Código Penal iraquí, aplicable tanto en el territorio controlado por Bagdad como en la región del Kurdistán del Iraq, tipifica como delito las agresiones físicas, pero no menciona explícitamente la violencia doméstica.

Las mujeres también son más atacadas por su opinión política y su activismo sindical, como demuestran los numerosos casos de abusos y secuestros contra mujeres y sindicalistas que participaron en la revolución de octubre. Al menos ocho mujeres han sido asesinadas durante la revolución por reclamar justicia social, empleo y salarios más justos.

Las mujeres sindicalistas se enfrentan a la persecución en el lugar de trabajo: una mujer miembro de la oficina ejecutiva de la Federación General de Sindicatos Iraquíes, y

presidenta del Departamento de Relaciones Internacionales, se quejó del acoso y la persecución en el lugar de trabajo.

Se lanzó una campaña de difamación contra ella y contra su familia. En 2005 mataron a su marido por sus actividades sindicales, y desde entonces la amenazaron hasta que tuvo que abandonar su domicilio y esconderse. Hoy día sigue escondida.

Otra mujer, la presidenta del Sindicato Nacional Central de Sindicatos Iraquíes (GFITU), cuya organización había sido registrada oficialmente en 2019, fue acusada de suplantación de identidad, después de que la rama sindical apoyada por el Gobierno presentara varias denuncias contra su sindicato. Fue puesta en libertad provisional bajo una fianza de 5 millones de dinares (unos 2 823 euros) y se enfrenta al acoso diario en el lugar de trabajo.

El Gobierno del Iraq debería solicitar la asistencia técnica de la OIT para acabar con la discriminación sistemática de las mujeres en el Iraq.

**Miembro gubernamental, Venezuela (Sr. COLMENAREZ)** — El Gobierno de la República Bolivariana de Venezuela agradece la presentación de la distinguida delegación del Gobierno del Iraq, con relación al cumplimiento del Convenio núm. 111.

Hemos tomado debida nota de que el Gobierno del Iraq cuenta con una Constitución y una amplia legislación que prohíbe la discriminación y prevé ampliamente la igualdad de derechos en toda circunstancia.

En especial, valoramos que la Ley del Trabajo iraquí consagre la prohibición expresa de toda discriminación a nivel laboral, a los fines de lograr un desarrollo sostenible basado en la justicia social y la igualdad. Se garantiza el trabajo decente sin discriminación alguna, con miras a construir la economía nacional y alcanzar la plena observación de los derechos humanos y las libertades fundamentales.

Incluso, en procura de evitar la discriminación y garantizar la igualdad de oportunidades para todos, el trabajador iraquí tiene derecho a recurrir al Tribunal del Trabajo en caso de que sea sometido a discriminación en el empleo.

En definitiva, valoramos que el Iraq hace frente a cualquier tipo de discriminación y atiende las inquietudes de la Comisión de Expertos.

Finalmente, el Gobierno de la República Bolivariana de Venezuela espera que las conclusiones de la Comisión sean objetivas y equilibradas, con la finalidad de que el Gobierno del Iraq siga avanzando en el cumplimiento del Convenio núm. 111 de la OIT.

*Interpretation from Arabic:* **Government member, Lebanon (Ms DAHROUJ)** – We have taken note of the observations made by the Iraqi Government in its detailed response concerning the application of the provisions of Convention No. 111. We would like to congratulate the Iraqi Government for its efforts and for having taken legislative measures, as well as undertaking reforms. It has also taken a number of positive practical steps. We encourage the Iraqi Government to further implement the necessary measures to combat discrimination, particularly discrimination against women. We also urge it to pursue social dialogue and to further consult with trade unions on amendment processes to ensure that national legislation is in line with international labour Conventions. We also call upon the ILO to engage in further cooperation with the Iraqi Government and to provide technical assistance so that more progress can be made in these regards.

*Interpretation from Arabic:* **Observer, International Trade Union Confederation (ITUC) (Mr AL-SAFFAR)** – Our Confederation would like to stress how important it is to apply what is stipulated in Iraqi national legislation, particularly laws on the fight against discrimination as well as the international conventions that Iraq has ratified on human rights, including a number of agreements that have a direct impact on the situation of

minorities: the International Convention on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and so on.

Iraq has committed to respecting civil, economic, social, political and cultural rights of minorities in Iraq. Among activists, many women fall victim to discrimination and have come under pressure to stop their activism. A number of complaints have been lodged against them with the judiciary to stop them from undertaking those activities and they have been the victim of discrimination at work. A number of domestic workers, also women, have been the victims of harassments and persecution and that sometimes has been in the form of sexual harassment and human trafficking. These reports have been lodged with the police authorities in Iraq.

There is also discrimination concerning economic, social and cultural rights, particularly from some institutions. In light of this, we need to ensure that the social partners can all work together to improve the labour system, take into account international labour Conventions and the fight against all forms of harassment at work. This would be a positive step and would mean that trade union freedoms and affiliation could be guaranteed without interference in trade union activity. That would be a forward step with the fight against discrimination.

We should also ensure freedom to join trade union organizations and the Government should do all it can to fight discrimination while providing the necessary legal and psychological support to victims of discrimination. Statistical data about infringements should also be provided and awareness-raising campaigns should be carried out.

In conclusion, we thank the Committee on the Application of Standards for its interest in the workers in our countries and its efforts.

*Interpretation from Arabic:* **Government member, Egypt (Ms HUSSEIN)** – We have taken note of the measures and efforts made by the Iraqi Government to bring its national legislation into line with Convention No. 111. This confirms the Iraqi Government's respect for international labour standards.

Indeed the Iraqi Constitution provides significant protection against discrimination, as well as treatment on an equal footing for all Iraqi citizens. Furthermore, Iraq has ratified a number of agreements that have a direct impact on minority rights. It has committed to respecting international law.

The Iraqi State has promulgated a number of laws that protect Iraqis' interests. Examples include the Labour Law No. 37 of 2015, which seeks to ensure that sustainable development can be achieved on a basis of social justice and equality, and to provide decent work for all without discrimination to build a national economy and to ensure that fundamental freedoms and human rights can be enjoyed.

Similarly, Iraq has adopted texts on promoting equality at work in law and in practice. We applaud the efforts made by the Iraqi Government to ensure the application of Convention No. 111, and we hope that, in its conclusions, the Committee will take into account the efforts made and measures taken by the Iraqi Government.

*Interpretation from Arabic:* **Government representative (Mr AL-LAMI)** – We have taken note of the comments and observations made by the International Labour Organization's Committee of Experts and the Government, Employer and Worker representatives of this Committee.

Iraq would like to reaffirm its commitment to all international labour standards and labour rights. We are one of the Arab States that has ratified the largest number of ILO Conventions in fact.

We are committed and we very much respect the need to apply labour Conventions, including during the COVID-19 pandemic. We have ratified some significant Conventions, including Convention No. 184 of 2001 and Convention No. 185 of 2013, as amended.

We reiterate the esteem in which we hold this Organization and would call on it to provide further technical assistance to help us to fight discrimination and sexual harassment.

I am sorry that we were unable to provide all data by the deadline due to the preventive health-related measures that are currently in place in the country.

A number of laws are in place in Iraq on domestic violence, discrimination and other matters and these are currently being promulgated in Iraq in some cases.

**Membres travailleurs** – Les différentes interventions ont permis de mettre en lumière l'étendue des problèmes soulevés dans le cadre de cette discussion.

Pour le groupe travailleur, il est essentiel que les projets de loi relatifs à la lutte contre la discrimination et la protection des minorités voient rapidement le jour.

À cet effet, nous invitons le gouvernement à faire appel au Bureau pour lui prodiguer une assistance technique. Il convient aussi d'intégrer la mise en œuvre de la convention n° 111 dans le cadre du programme de travail décent qui sera négocié prochainement.

À ce titre, une attention particulière doit être accordée à la situation des femmes en ce compris les travailleuses migrantes.

Tenant compte qu'une partie des obstacles concernant la situation des femmes vient aussi des dispositions relatives à l'état des personnes, il est donc crucial que ces aspects soient également examinés et modifiés.



**Employer members** – We thank again the Government for its engagement in this case and also to all those delegates who contributed to this discussion.

It is actually evident that we have got a situation where the legislation that has been put in place is good, but we lack the information to be confident that it has been enacted.

In light of today's discussion, we echo the Committee's request: to provide up-to-date information on the progress made in the adoption of the draft diversity protection and anti-discrimination bill and the draft law on the protection of the rights of religious and ethnic minority groups; to strengthen its efforts and adopt proactive measures to address discrimination against ethnic and religious minority groups; to report on the impact of these measures on increasing these groups' access to employment and occupation; provide statistical information, disaggregated by sex, on the employment of ethnic minority groups and the sectors and occupations in which they are employed; and to provide detailed information on the application of Convention No. 111 in law and in practice in the country according to the regular reporting cycle.

All of these things are really important, the law is important, the practice is important; at the moment we are seeing the law, we have not yet seen much evidence of the practice and we urge the Government to provide evidence of this.

**Présidente** – Comme pour tous les autres cas qui l'ont précédé, je vous informe que la lecture du projet de conclusions concernant ce cas aura lieu lors de la dernière séance de la commission, le vendredi 18 juin 2021.

Nous sommes arrivés au terme de l'examen des deux cas individuels qui étaient inscrits à notre ordre du jour cet après-midi, mais avant de clore nos travaux, quelques informations pratiques sont nécessaires.

Les procès-verbaux verbatim concernant l'examen des cas d'hier relatifs à la Chine, pour la Région administrative spéciale de Hong-kong, concernant la convention (n° 87) sur la liberté syndicale et la protection du droit syndical, 1948; et la Namibie pour la convention (n° 111) concernant la discrimination (emploi et profession), 1958, sont maintenant disponibles sur la page Web de la commission. Vous avez jusqu'au lundi 14 juin 2021, 13 heures précises, pour déposer les éventuels amendements que vous souhaiteriez apporter à la transcription des déclarations que vous aurez formulées, à l'adresse [CAN2021@ilo.org](mailto:CAN2021@ilo.org).

Notre commission poursuivra ses travaux lundi à 13 heures, heure de Genève, avec la discussion des cas individuels suivants: la Roumanie pour la convention (n° 98) sur le droit d'organisation et de négociation collective, 1949; et El Salvador pour la convention (n° 144) sur les consultations tripartites relatives aux normes internationales du travail, 1976.

J'invite tous les membres de notre commission souhaitant prendre part à ces discussions, s'ils ne l'ont pas encore fait, à bien vouloir s'inscrire sur la liste des orateurs en envoyant un courriel à l'adresse de la commission – que nous connaissons tous, mais qu'il est utile de rappeler: [CAN2021@ilo.org](mailto:CAN2021@ilo.org).

Je vous souhaite à toutes et à tous une bonne suite de week-end.

*The sitting closed at 4 p.m.*

*La séance est levée à 16 heures.*

*Se levantó la sesión a las 16 horas.*