

Committee on the Application of Standards

Date: 17 May 2021

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 20 May 2021.

▶ Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Iraq

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

(Ratification: 1959)

1. The Iraqi Constitution of 2005, which is "the supreme law in Iraq," provides strong protection against discrimination and guarantees equal treatment for all Iraqis regardless of gender, race, nationality, origin, color, religion, sector, belief, opinion, or Economic or social situation. The constitution offers strong equal rights and lays a solid foundation for the rest of Iraqi legal texts. Most notably, Article 14 of the Constitution contains an equal protection clause for all.
2. Iraq has ratified many major human rights treaties, including several treaties that directly affect the status of minorities. By ratifying the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Iraq has pledged to abide by international law in protecting civil, social, Economic, political, and cultural rights of Iraqi minorities.
3. The Coalition Provisional Authority Order No. 7 issued in April 2003 regarding the Penal Code No. 111 of 1969 included in Article (4) an important clause against discrimination in order to protect the rights of minorities: "All those who service in governmental posts or work in public sector including police workers, public prosecutors and judges are to apply the law without bias in the performance of their official duties. No discrimination will be practiced against any person because of his gender, ethnicity, color, language, religious affiliation, political opinion, nationality, ethnicity, meeting, or hometown". The significance of this provision is that it is of non-discriminatory ruling. It was created, along with Article 372 of the Penal Code, (which prohibits hate crimes, which criminalizes acts that harm, attack, insult, disrupt, or destroy religious practices and holy sites for religious minorities in Iraq, has established a strong set of laws that protect the interests of Iraqi minorities).

4. The in force Iraqi Labor Law No. 37 of 2015 was defined in accordance with Article 1/25 -Direct discrimination: any distinction, exclusion or preference based on race, color, gender, religion, sect, political opinion or political belief, origin or nationality.

Indirect discrimination is defined in Article (26): it is any exclusion or preference discrimination based on nationality, age, health status, economic status, social status, affiliation and trade union activity, and its effect shall nullify or weaken the application of equal opportunities or equal treatment in employment and profession.

- This law aims, within Article 2 of it, to achieve sustainable development based on social justice and equality, and to secure decent work for all without any discrimination, to build the national economy and achieve human rights and fundamental freedoms.
- Article 4 of it stipulates: Work is a right for every citizen who is capable of it, and the state shall work to provide it on the basis of equal opportunities without any kind of discrimination.
- Article 6 / fourth of the Labor Law stipulates that: freedom of work is protected, and the right to work may not be restricted or denied. The state pursues a policy of promoting full and productive work and respects the basic principles and rights in it, whether in law or application, which includes: (Fourth: Elimination of discrimination in employment and profession).
- Article 8/ First: This law prohibits any violation or violation of the principle of equal opportunities and equality of treatment whatever the was the reason, and in particular the discrimination between workers, whether it is direct or indirect discrimination, in everything related to vocational training or employment or the terms and conditions of work.
- With the exception of Paragraph Three of Article 8 /Third: Not considered as distinction: any distinction, exclusion, or preference in connection with a particular job if it is based on the qualifications required by the nature of this work.
- The worker has the right to resort to the Labor Court to file a complaint when he is exposed to any form of forced labor, discrimination or harassment in employment and profession (under Article no. 11/first)
- Imposing a penalty of imprisonment for a period not exceeding six months and a fine not exceeding one million dinars or one of these two penalties for anyone who violates the provisions of the articles contained in this chapter relating to child labor, discrimination, forced labor and sexual harassment according to each case (Under Article 11/second).
- When there is no text in this law, the provisions of the relevant Arab and international labor conventions legally ratified shall be applied (under Paragraph Three of Article 14 of Labor Law).
- The employment contract does not end according to Article 48 /First - e: "Discrimination in employment and profession, whether direct or indirect".
- Job seekers may enroll in training programs free of charge in accordance with Article 26 /Fourth.
- The worker enjoys the following rights - To benefit from vocational training programs in accordance with Article 42/First - f.

- Equality between the wage of women and men for work of equal value under Article 53/ five.
- All projects and workplaces are covered by labor inspection under the direction and supervision of the ministry, in accordance with the provisions of Article 126 of the Labor Law.
- The Inspection Department in Directorate of Labor & Vocational Training in the ministry of Labor & Social Affairs , according to Article 127 First, undertakes many tasks in clauses a,b,c,d of this article)
- the Directorate of Labor and Vocational Training, one of the formations of the Ministry of Labor and Social Affairs, has prepared a workers complaint form, which is available to all, and an urgent response is made upon submission by the worker.
- The inspection committees were authorized under Article (128) of the law several tasks, including conducting any examination or inquiry deemed necessary to ensure that there is no violation of the provisions of this law, especially the following:
 - A) Investigate with the employer or the project workers separately or in the presence of witnesses about any matters related to the implementation of the provisions of this law.
 - B) To review any books, records or other documents whose preservation is a duty according to the provisions of laws and instructions related to work to ensure their compatibility with the provisions of this law. Copies or samples of these documents can be taken.
- Under Article 129, the inspection committees prepare a report after each visit that includes a summary of violations and recommendations for taking legal action against employers who violate the law.
- In the event that any case of discrimination or any violation of the law is discovered, the recommendation is to refer the employer to the Labor Court in accordance with Article 134 /second. The minister, based on the report of the inspection committee, may decide to refer the violating employer to the competent labor court in accordance with the provisions of this chapter, or to initiate a penal case against the violating employer based on the recommendation of the inspection committee based on the inspection visit report.
- The report of the inspection committee, together with the inspector's testimony, is evidence that the court will take upon issuing its decision, unless proven otherwise (under Article 134/three).