Closing the Gap

From Work Rights to Decent Work for Syrian Refugees in KRI

NRC NORWEGIAN REFUGEE COUNCIL

The Norwegian Refugee Council (NRC) is an independent humanitarian organisation helping people forced to flee. In crises across 31 countries, NRC provides emergency and long-term assistance to millions of people every year. NRC promotes and defends displaced people's rights locally, nationally and on the world stage. NORCAP, NRC's expert deployment capacity, helps improve international and local ability to prevent, prepare for, respond to and recover from crises. NRC also runs the Internal Displacement Monitoring Centre in Geneva, a global leader in reporting on and advocating for people displaced within their own countries.

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INTRODUCTION

Forced from their homes in Syria, more than a quarter of a million Syrian refugees currently reside in the Kurdistan Region of the Republic of Iraq (KRI).[1] They have been largely welcomed with sympathetic policies by the Kurdistan Regional Government (KRG) and their shared identity as Kurds has contributed to a high degree of social and cultural integration. However, KRI is in the midst of an economic crisis. The conflict with the Islamic State group (IS), falling oil prices, disagreements over budgetary arrangements with the Iraqi federal government, coupled with the cost of sheltering refugees and internally displaced persons (IDPs), have seen debt and unemployment rise. The economic crisis has been magnified by the financial repercussions of the COVID-19 pandemic. While the pandemic severely impacted Iraqis' livelihoods, refugees have been disproportionately affected due to the reduction of jobs and wages in the informal sector, where most refugees work.[2] Since the pandemic, the income of most refugees has decreased,[3] which resulted in a 21 percent increase in poverty among Syrian refugees in KRI.[4]

The current scarcity of decent work opportunities in KRI is at the heart of both Iraqis and refugees' needs. Even before the spread of COVID-19, 70 per cent of refugees in KRI reported employment as their primary need.[5] At the household level, without decent work, many people are presently unable to rent adequate housing, provide food for their families, or afford healthcare, education, electricty and transportation. Refugee households are resorting to coping strategies including high levels of debt and keeping children back from school. They also contend with protection issues including child labour, child marriage and sexual exploitation. Desperate for work and faced with multiple barriers finding decent jobs, refugees are forced into situations where they often experience work rights violations and have nowhere to go for redress.

Beyond household concerns, the future of Syrian refugees in KRI depends on decent work opportunities that lead to economic inclusion. Economic inclusion can help refugees be empowered to become more resilient and self-reliant. Not wanting to remain dependent on aid, Syrian refugees wish to have sustainable livelihoods, contribute locally, and provide for their families. In the current economic crisis, as micro and small enterprises are a vital driving force of economic development, this must include support for refugees' entrepreneurship ambitions. With an enabling environment for new businesses and business growth, refugees are well able to contribute to job creation and economic recovery.

What is decent work?

Decent work is defined by the ILO as "work that is productive and delivers a fair income, security in the workplace, and social protection for families." It includes wage-paid work, as well as self-employment. For refugees, decent work "is fundamental to their resilience and self-reliance, benefitting both refugees and host economies and societies."[6]

Decent work opportunities are also critical for the long-term cohesion of Iraqis and Syrians in KRI and for durable solutions to forced displacement. After more than a decade of conflict in Syria, conditions remain unconducive to safe and dignified voluntary return. In 2021, 85 per cent of Syrian refugees reported that they intend to remain in KRI in the coming year.[7] Although the lack of livelihood opportunities is a significant driver of irregular migration from KRI to Europe,[8] there are limited options for legal resettlement to third countries. Indeed, local integration is the durable solution preferred by a significant portion of Syrians in KRI.[9] However, research by the Durable Solutions Platform for displaced Syrians (2019) has found that livelihoods opportunities are refugees' largest need and greatest obstacle to local integration and cohesion in KRI. This has been intensified by the economic consequences of the pandemic, which has impacted the livelihoods of Iraqi Kurds and strained relations with displaced people in KRI. However, if economic inclusion is not prioritised, refugees are at risk of being trapped in a poverty cycle, impacting generations and contributing to destabilisation.[10] Instead, refugees must be enabled to fully participate in the local economy and contribute to job creation, including through micro and small businesses. This can help to reduce the current tensions over scarce jobs.

This report, based on research conducted by the Norwegian Refugee Council (NRC), shows how Syrian refugees face considerable barriers to accessing decent jobs. It highlights the lack of awareness and enforcement of work rights in the private sector – in which the vast majority of refugees work – as well as the dearth of options for redressing work rights violations. The research demonstrates how Syrians hoping to establish or expand micro and small enterprises face difficulties registering their business. But it also reveals widespread ambition, unrealised potential and some success in refugee-led enterprise. This report acknowledges that KRG must be highly commended for its permissive policies with respect to refugees' work rights. However, there is immense untapped potential for refugees to contribute to economic recovery and achieve durable solutions.

Syrian refugees' right to work in KRI

The response to Syrian refugees fleeing to KRI has been led on an *ad hoc* basis by the KRG. The KRG acknowledges refugees' work rights, as dependent on legal stay. While the KRG has not enacted any legislation specifically governing refugees' or asylum seekers' rights, the Ministry of Interior in KRI issued decrees that established the right to seek asylum.[11] These decrees mandated KRI's Residency Directorates to grant asylum and residency to all Syrian persons, including those who leave KRI and return later.[12] This process is carried out in close collaboration with the United Nations High Commission for Refugees (UNHCR), who register asylum seekers and refugees and issue certificates valid for one year.[13] With these, together with security clearance from *Asayesh* (the KRG's security and intelligence agency), Syrians can formally obtain temporary residency permits in KRI. The UNHCR certificates and the residency permits must each be renewed each year.

With the residency permit, Syrian refugees can access some public services such as basic healthcare and education and are permitted free movement within KRI. They may also work in the private sector – as employees or self-employed.[14] However, this is not a right found in any legal framework. It is a *de facto* right only, that is – practiced consistently in reality.[15] In addition, the temporary residency permits do not confer the benefits of permanent residency or citizenship. This significantly limits livelihoods opportunities. For example, foreigners, which asylum seekers are considered to be, are not allowed to own land or immovable property.[16] This prevents them from taking out loans from formal institutions, as such assets are usually required as collateral.

Micro, small and medium enterprises (SMEs) established by refugees have the potential to create job opportunities, thereby reducing competition for existing jobs. SMEs are also recognised globally as drivers of economic development, and ensuring they have sufficient support is important for economic recovery.[17] While Syrian refugees are able to start up and own licensed businesses, the licensing process is complicated, lengthy, costly and requires *Asayesh* security approval. As explored further in this report, this disincentivises many from starting a business, and can also leave refugees open to exploitation and disputes.

Iraq is not party to the international Refugee Convention 1951 and it currently has no overarching refugee law.[18] As mentioned, the KRG has provided the *de facto* refugees' right to work, but it is entirely reliant on their residency status. With refugees' right to work not being enshrined in law, it is dependent on the ongoing sympathetic policies of the KRG. In addition, there is currently no legal pathway to citizenship or permanent residency for refugees in KRI. Research has shown that certainty about permanent residency status for refugees has a positive impact on labour market outcomes.[19] Ultimately the lack of certainty about long term residency precludes many possibilities for decent work and economic inclusion of refugees, which remains one of the most critical outstanding prerequisites of integration.

The importance of decent work and economic inclusion for refugees

Not being able to access decent work opportunities means refugees remain dependent on dwindling aid and fall deeper in debt. The right to decent work is a human right that ultimately enables refugees to become more self-reliant. Fostering economic inclusion and supporting refugees' entrepreneurial ambitions can contribute to job creation and help drive economic recovery in KRI. Reducing regulatory barriers to decent work – including formal business licensing – can benefit the KRI economy by broadening the tax base and increasing social security contributions. Investment in inclusive economic growth, private sector reform and job creation will help cultivate social cohesion and resilience amongst Iraqis and refugees. With decent work and economic inclusion, durable solutions for Syrian refugees are more likely to be achieved.

Research methodology

This brief draws on qualitative research conducted by NRC in KRI between June – November 2021. The primary data is comprised of 40 structured interviews with refugees.[20] Of these, 19 were living out of camp while 21 currently live in camps; 21 were male and 19 were female. Of the 40 interviewees, 12 had their own business.

In addition, NRC conducted five in-depth key informant interviews (three male and two female) and two roundtable discussions with key informants. It also conducted four focus group discussions with refugees focusing on enabling conditions for refugees to access decent work. The qualitative data was analysed using the thematic analysis method and was complemented by legal analysis and a desk review of publicly available literature.

Barriers to decent jobs

The economic crisis in KRI, which has significantly increased unemployment, is the most significant barrier to finding decent work faced by both Iraqis and refugees. The economic crisis has been magnified by the financial repercussions of the COVID-19 pandemic. While the pandemic has severely impacted Iraqis' livelihoods, refugees have been disproportionately affected due to the significant reduction of jobs and wages in the informal sector, where most refugees work.[21] Compounding the issue, Syrian refugees face additional challenges accessing decent jobs in KRI. These include regulatory barriers, discrimination, proximity to jobs, and limited social networks. These coalesce to deny Syrians their right to decent work and ultimately their ability to become self-reliant, integrate locally and contribute to KRI's economic recovery.

Regulatory barriers to jobs

As mentioned, Syrian refugees' right to work is dependent on their current residency status. The policy of allowing refugees with residency to work must be highly commended, particularly when compared to other countries in the region. The first requirement for getting a job is obtaining – and renewing annually – UNHCR asylum seeker certificate and residency. With refugee households struggling to meet their basic needs, many cannot afford to do this. While the UNHCR and temporary residency permits are technically free of charge, the cost of transportation to a registration center, together with the blood tests and photos required for residency, often add up to between USD33 – USD75.[22] A WFP/UNHCR survey (2018) found that cost is the reason reported by 62 per cent of refugees for being unable to register or renew their certificates and residency. Recently, the new government has begun imposing fines of 20,000 IQD (USD14) for each day that a residency permit is late for renewal. Lack of knowledge of the required procedures – which differ slightly in each governate – was the main reason reported by 36 per cent of refugees. Without residency, refugees do not have the right to work, including self-employment.

Even with temporary residency, their job opportunities are limited. Refugees are not eligible for jobs in the public sector,[23] albeit with some rare exceptions. Public sector employment accounts for a large proportion of jobs in KRI, and has higher salaries, written contracts, benefits, and significantly more accountability and oversight of work rights.[24] With this door closed, refugees typically look for jobs in the private – largely informal – sector, which often lacks such protections. Temporary residency also limits livelihoods opportunities in other ways. For example, foreigners – which asylum seekers are considered to be – are not allowed to own land or immovable property. This prevents them from taking out loans from formal institutions, as such assets are usually required as collateral. They are also prohibited from driving certain types of vehicles, and from receiving full social security benefits even when they pay tax.[25] Within the private sector, there are also a number of professions that are not open to refugees, even if they have completed the appropriate training in Syria or Iraq. These professions include lawyers, doctors, pharmacists, dentists, taxi drivers and goldsmiths. Some exceptions have been made, particularly in the case of much needed doctors. Most cases have been denied however, due to narrow interpretations of legal requirements, together with the internal policies of relevant professional associations.[26]

Young woman discouraged from medicine and dentistry

Dleen, a 20-year-old female Syrian refugee, is planning to apply for university in KRI. She would like to study medicine or dentistry. But when people tell her she may not be able to practice and have her own business, she feels incredibly discouraged. She explained: "because what if I studied all those years, with the fees, and am never able to work [in that profession] or open my own clinic." She added: "I wish there was no difference between Syrians and Iraqis."

Unequal access

When searching for jobs that Syrians are allowed to hold, many respondents reported experiencing discrimination. One respondent applied for a job in journalism, which is her passion. She said: "They didn't even give me the chance... They just said to me you're Syrian and you can't work here." A respondent with a university degree commented: "when I apply for job opportunities that I see posted online, it doesn't say that they will only hire Iraqi nationals, but I know it's true. They won't select me even if I have the better university degree or more experience. After all, I am a refugee". A DSP survey (2019) in KRI found 74 per cent of refugees believe they have unequal access to income generating opportunities compared to host communities.

Syrian refugees discriminated against when looking for stable work

Tahir, who lives in Zakho with his family, has been "in desperate need of a job". The only job he has found is as a casual construction worker. He said that the work is not stable and he only earns an average of IQD52,000 per week (USD 36). He said: "I wish I could find a better job with stable working days and a fixed salary, so I can live a decent life and at least pay the rent on time. Job opportunities are very few, and if there's something other than construction that I could do, they won't hire me – a Syrian refugee. They will hire someone Iraqi because that's how it works here. I don't know why. Maybe it's a trust thing because we're foreigners."

Proximity to jobs and transportation costs

Particularly for refugees residing in camps, a lack of proximity to jobs, combined with transportation costs, are barriers to finding decent jobs. FGD participants highlighted that there are very limited job opportunities in the camps, and options to getting to and from jobs outside of camps are limited and expensive. Respondents in camps mentioned that sometimes an employer provides transport, but the costs often add up to a very high proportion of the salary.

Limited social networks

Social networks and social capital are very important for securing jobs in KRI, whether one is Iraqi or Syrian. But refugees are less likely to have these. Many respondents pointed out that lacking these, it is very difficult to find jobs, despite having a high level of education.

Recent graduate cannot find a job without local connections

Abdul is a recent tertiary graduate who has applied for many jobs. He notes: "but I haven't been selected for an interview because I don't know anyone who can recommend me to the employer. If I knew someone, then I'd be selected".

The importance of social networks was also highlighted by several female respondents who currently have jobs. They reported finding out or being recommended for the job from their social networks. For example, a teacher working in the camp school said that she got the job – together with her educational background – partly becuase she knew some of the teachers there, who informed her of the opportunity.

Gender discrimination

As well as experiencing the same barriers as men, female Syrian refugees face an additional layer of discrimination when it comes to jobs. One female respondent said: "since I started looking for job opportunities, I realised that it is very hard for Syrians, and especially females to get a job here." Another female searching for work commented: "I am finding it hard to find a suitable job. Because first, the opportunities are very few and second, job owners rarely hire Syrians and especially females. I wish I knew why." Unequal access to jobs is evident among both Iraqi and Syrian women as a 2019 REACH survey found that 37 percent of women who were currently or previously employed believed their chances of being hired were less than men. However, Syrian women lack the ability to enter the public sector, as well as the social connections and networks to support them in finding a job in the private sector on top of this.

Syrian women discriminated against

Viyan is a 25-year-old woman with a tertiary degree and significant experience. She previously had work with an NGO in the camp, but their project finished. She could not find a job for two years. She said "the problem is that employers don't usually hire Syrian refugees; they prefer someone from the host community… I started losing hope of finding a job, just because I am a Syrian refugee and a woman." She also added that she now has a job, but "if there are any promotion opportunities, they won't give that to Syrians. They will promote Iraqis despite the fact that we have the required experience and education level."

Photo: Alan Ayoubi/NRC

Levels of women engaged in work in KRI are very low, especially among Syrian women. A UNWomen assessment in KRI (2018) found that only 4 per cent of Syrian female surveyed were employed, but 24 per cent wished to work. Syrian females respondents in this study also said they wanted to work but noted it was challenging to find 'suitable' opportunities. For example, female respondents in camps indicated that the transportation issues mentioned above were more complex for them than for men, as they involved not only cost and availability but also concerns about physical security, reputation and sexual abuse. Female respondents also highlighted gender

discrimination in the workforce and traditional gendered expectations, particularly women's perceived responsibility for significant non-paid work in the household including care for children, and ill, disabled or elderly relatives. Women in Iraq experience one of the most extreme inequalities globally for time spent in unpaid care work compared to men.[27] Female respondents who were the sole provider in their family highlighted that they were desperate for income, but it was very challenging to fulfil these unpaid roles and find paid work.

Woman without social networks struggles to find decent work

Given gender discrimination, it may be even more important for women to have social networks to secure a job. In a REACH survey (2019), 407 out of 499 female respondents who had been employed reported using connections of family and friends to find a job.

Dunya, who is divorced and receives no financial support from her ex-husband to provide for her two children, has been unemployed for 4 months. She previously worked outside the camp but the working hours were more than 13 hours a day, which was very challenging for her children. She said: "There aren't many suitable job opportunities. Employers will hire people they know personally and won't hire me – a person they don't know – even if I was qualified for the job."

Restricted access to tertiary education

Restricted access to tertiary education in KRI severely limits job opportunities for Syrian youth now and in the future. This is likely to negatively impact economic inclusion for generations of Syrians in KRI.

A CARE survey (2018) found that only 28 per cent of Syrian youth were attending tertiary education, compared to 74 per cent of Iraqi youth. While Syrian refugees in KRI are allowed free access to primary and secondary education, the expensive fees and living costs associated with tertiary education make it beyond the reach of most refugee households. A lack of scholarships and near-impossible documentation requirements compound the issue. For example, in order to have prior learning in Syria recognised or get educational certificates issued, they must travel to Baghdad or Syria – trips many refugees are unable or unwilling to make. University entrance in KRI is also extremely competitive. One study revealed that only 261 Syrian high school graduates were accepted for tertiary education, out of 7500 students who applied.[28]

Lack of awareness of legal protections

It is incredibly difficult for Syrian refugees to claim and protect their work rights in any circumstances. But when they do not know what those rights are in the first place, it is almost impossible. In a recent DSP study (2021), only 14 of 32 Syrian refugee participants said they were aware of laws and policies addressing refugee work rights. The study also found that women were less likely than men; and people who were informally employed were less likely than other employment categories, to be aware of such law and policies. A REACH survey (2019) also found that 40 per cent of women in Iraq who were currently or had previously been employed were not aware of any labour laws or policies. As reflected above, this is likely to be considerably lower amongst refugee women working in the informal sector.

Without decent work, women forced to resort to negative coping strategies

Many female respondents shared how the lack of decent work forced their family to resort to negative copies strategies, including dropping out of school, household debt, restricted nutrition and child labour. Hafia's husband had an accident which means he is unable to work. Because she cannot find a job from the camp, two of her sons (aged 14 and 15) had to drop out of school and start work. Hafia said: "it makes me so sad to see other children their age go to school, when [our sons] have to work to provide for us."

Dunya, another mother who is the sole provider for her 7- and 8-year-old children, emphasised that she needs to find a job soon, because she does not want her children to have to drop out of school. She added that sometimes she needs medicine for herself, but she cannot afford it as well as food. She commented: "I bear the pain just so I can buy food for them."

Sara lives in Zakho and her husband can only find occasional daily construction work. She would like to find work, as her husband does not earn enough to pay their rent and food. She said sometimes: "we have to visit the doctor for my child, but we don't have money, so we borrow it… We can't provide enough food for my child. She's three years old but everyone who sees her thinks she's younger because we can't provide her enough nutrition. Life is hard and everything is expensive."

Work rights violations

Almost all Syrian refugees in KRI work in the private sector, which is mostly informal. Compared to large public sector, it has lower average wages, less job security, few benefits and often lacks written contracts, social protection and accountability.[29] KRI's economy is in need of reform in enforcing worker protections in the private sector in order to be more conducive to decent work outcomes for Iraqis and Syrians alike. The economic crisis and impact of COVID-19 has highlighted this, resulting in wage reductions, business closures and fewer jobs in the private sector. These factors have dispropotionately affected Syrian refugees. Their vulnerability is compounded due to minimal oversight and enforcement of work rights in the private sector. Because refugees are often desperate for work, they are more vulnerable to exploitation. They commonly experience work rights violations and have nowhere to go for redress.

Casual labour

A very common form of informal work for refugees is casual, or 'daily' labour. A World Bank survey (2020) shows that 38 per cent of Syrian refugee households in KRI rely on casual agricultural work. However, due to the drought conditions in 2021, which are expected to worsen in 2022, the agricultural sector has suffered recently, resulting in less casual agricultural work.

Respondents reported a range of problems with this kind of work, including unstable income, pay that does not cover basic household expenses, and exploitation. Under the Labour Law, temporary and seasonal workers are entitled to the same protections as permanent employees.[30] However, as highlighted in a study by ILO and partners (2021), casual workers are unlikely to practically benefit from those provisions; they experience poor conditions, physically demanding work and unstable opportunities. In addition, most labourers are hesitant to claim formal work rights due to a lack of bargining power and other employment opportunities.

Casual work insufficient to cover food and rent

Salah works as a daily construction labourer. The work is unpredictable, with some days lasting only 4 hours and others 12 hours. Some weeks may have 2 or 3 days work while others nothing, making it hard to pay the rent on time. His son needs eye surgery, which they cannot afford noting: "we're barely affording our daily food."

Longer working hours and less pay than Iraqis

Many respondents reported having to work long hours. One young man described working at an ice cream shop for at least 12 hours every day, with only unpaid days off. As in this example, and many others described by respondents, this violates the maximum working hours and days prescribed in the Labour Law.

The Labour Law 1987

The government of the Republic of Iraq passed a new Labour Law (No. 37) in 2015. This is more progressive in its recognition of worker's rights than its predecessor, the Labour Law (No. 71) of 1987. The KRG has not ratified the 2015 labour law. It has however, been working on drafting its own labour law,[31] but progress has been slow. In the meantime, the Labour Law 1987 ('Labour Law') remains applicable in KRI. This law nonetheless includes the following provisions relevant to Syrian refugees:

- The right to work under equal conditions and with equal opportunity, without any discrimination on the basis of sex, race, language or religion (Article 2).
- Trade unions shall play a role in, inter alia, the protection of workers' rights (Article 6).
- The right to earn a wage which is adequate to meet the worker's essential needs and those of the worker's family (Article 4).
- Employers are obliged to deal promptly with complaints or grievances by employees without exposing workers to any penalty (Article 34).
- A contract must be written, and include the type of work and wages. But if there is no written contract, the worker bears the burden of proof to show the contract exists (Article 30).
- When a worker ceases employment, the employer must pay their wages within 7 days of the termination (Article 48).
- Employers must register employees for social security and make payments to the Social Security Agency, which can be reclaimed once a contract ends.
- Daily working hours must not exceed eight hours per day (Article 55), except in some exceptional circumstances (Articles 62-62).
- Daily working hours shall include one or more rest periods totalling between 30mins – 1hour (Article 58).
- The employee is entitled to a paid 24 hour day of rest every week (Article 60).
- Workers are entitled to 20 days of fully paid annual leave, on a pro rata basis (Article 68); feast day and official holidays adopted by the government; 30 days paid sick leave (Article 77); and 62 days full pay maternity leave for female employees (Article 84).
- Workplaces covered in this Act shall be subject to labour inspection (Article 114).

The income of many respondents was also below official current minimum wage. Respondents expressed that they felt they had no choice but to take these jobs because they are desperate for work. One respondent described it like this: "Syrians get less salary with more working hours than Iraqis. I guess employers do that because we are in desperate need of income, so they feel it's okay to use that against us." Some also explained that Iraqi employers felt Syrian refugees should be prepared to work longer hours and accept less pay due to a rather mistaken impression that all Syrians do not pay rent (only 37.5 per cent of Syrians live in camps[32], while those outside pay rent without subsidies); that they do not have to pay tax (only Syrians working in camps do not have to pay tax); and that they receive considerable government and NGO/UN financial support (only the most vulnerable Syrian households receive any financial support from the KRG or from NGOs/UN agencies).

Syrian refugees expected to work illegally long hours

Safa'a lives in Domiz camp and previously had a job at shop in a mall. She left after a short while, because she was not given breaks. She was not paid the salary she was owed. She now has another job but the hours are "extremely exhausting". She works nine hours a day, and only has two days off every month. She asked the shop owner several times to have a weekend off, but was refused. Because she has no contract and is afraid to lose her job, she has not mentioned it again.

Ahlam also lives in Domiz camp and works in a store in Dohuk. She reports that her long working hours (12 hours every day, except Friday) means she is scared to travel back to camp at night. She talked to the shop owner about reducing the hours but he told her: "that's what I have to do. That if I am not happy then I should leave." She explained "But I can't leave. I need to provide for my family... I am the only one who can work and earn money."

No written contracts and illegal dismissal

Without a written employment contract, work rights violations are more likely to occur, and less likely to be redressed. However, the vast majority of respondents reported not having a written contract. While some wished that they had one, they either did not know how to secure one, or were too scared to ask in case they lost their jobs. But it can potentially make a difference. An ILO and CCI survey (2020) found that respondents with written contracts did not experience a salary decrease during the COVID-19 pandemic. Those without written contracts experienced around 40 per cent reduction in income. One female respondent said she had only had a contract when working for an international NGO. Her others jobs – in the private sector – did not. She said "I think the private sector doesn't have contracts ... because on any day they can tell me to leave the job, as they did in my previous job." While hard to fight in the informal sector, this type of dismissal is illegal. The Labour Law only provides narrow circumstances in which an employer can terminate employment or dismiss staff.[33]

Syrian refugees not paid salary

Salah used to work as an electrician but after three months he had not received any salary. He asked about it, but the owner kept saying he would pay tomorrow. After two months without pay, he left. He says: "I couldn't do anything legally because I didn't have a contract, which was a big mistake because I couldn't protect my rights."

Ahlam works long hours at a store. Her previous work was in a small factory with five other Syrians. She left because they were never paid their salary by the Iraqi owner. She notes: "I hadn't signed any contract; there was nothing to prove I worked there."

Summary of international law and policy on work rights

The right to work is enshrined in several international human rights instruments, including Article 23 of the Universal Declaration of Human Rights and Articles 6 and 7 of the International Covenant on Economic Social and Cultural Rights. It is also an integral part of the 1951 Convention on the Status of Refugees, which protects the right of refugees to work, and their rights at work in their country of residence.[34]

International Labour Organisation (ILO) Conventions also apply to refugees.35 These relate to fundamental principles and rights at work, occupational safety and health, protection of conditions of work through labour inspection, and social security and social protection – not just for workers but as a human right for all. ILO has also developed Guiding Principles for global application on the access of refugees and others forcibly displaced persons to the labour market (2016). The right to decent work is also the basis of Sustainable Development Goal No. 8, which exhorts the promotion of sustainable, inclusive economic growth, full and productive employment and decent work. Finally, decent work rights contribute to the four key objectives of the Global Compact on Refugees (2018).

Lack of social security

Syrian refugees, along with many other vulnerable people in KRI, are largely being excluded from basic social security. Without social security people without work can be left unprotected and desperate. Social security is an integral part of the decent work rights package. As per ILO standards, it includes benefits to secure protection from lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age or death of a family member.

KRI has both pension and social insurance schemes operating under KRG control. However, they are strongly in need of reform, being largely ineffective, and not covering the most vulnerable.[36] Syrian refugees who are formally employed contribute part of their wages to the Social Security Agency, as do their employers if they are both formally registered. These social security contributions are designed to cover measures that include old age pensions, sickness benefits, disability pensions and the end of a job. For example, when employment comes to an end, including through resignation or retirement, if the employee goes to the Social Security department, they can apply for their severance pay. This is roughly equivalent to one month per each year of service.[37] However, many workers are not benefitting from this; an ILO and CCI survey (2020) of vulnerable Iraqi and Syrian workers found that 95 per cent of respondents had no social security coverage. The main reason is that often neither employers nor workers in the informal economy are registered with and contribute to social security. If employers are registered, it is a common practice for a business to only register a small portion of their employees. Even Syrian refugees who are registered and do contribute rarely claim their entitlements, likely due to a lack of awareness.[38]

Legal framework for social security in KRI

The framework for social security in Iraq, including KRI, is the Law on Pension and Social Security of Workers (No. 39) of 1971. However, it has never been implemented to the extent envisioned, with many gaps in its coverage. There is a proposed replacement law currently before the Iraqi Parliament, and a similar law has been drafted for the KRG.[39] These would extend coverage of social security to all workers covered by the Labour Law, as well as self-employed and workers in the informal economy. It also introduces unemployment insurance.

Sexual exploitation

With little accountability for violations in the private sector, combined with a lack of protection in the law, women are vulnerable to harrassment and sexual exploitation. Unlike the Iraqi 2015 Labour Law, the currently applicable Labour Law for KRI (No. 71 of 1987) contains no explicit prohibition of sexual harrassment or exploitation. A World Bank study (2019) in KRI indicated that sexual harrassment was one of the main reasons women avoid private sector jobs[40] – to which female refugees are largely confined.

Women experience harassment and sexual exploitation in bid for work

Dunya, the sole provider for her family, worries about experiencing exploitation again when looking for a job. She previously asked a man in the camp to help her find a job, but he said he would only help if she had sex with him.

Ahlam used to work at a ceramic store, but left the job because she was sexually harassed by a male colleague. She left "because she was scared to speak about it."

Nowhere to go to address work rights violations

When refugees experience work rights violations, there are very few options available except to leave their job. While the Labour Law allows for labour inspections of workplaces, this – and other accountability measures – has primarily taken place in the public sector. The private sector has been largely ignored. Combined with the power difference and need for continued social capital with Iraqi Kurds, refugees in informal employment are extremely vulnerable to right violations. They feel powerless to protect their rights. Respondents expressed this in a variety of ways. A young female respondent said: "We have to work in any job we can find, and all [employers] know this fact... I wish the government would put rules and regulations for Syrian refugees and force job owners to implement them... we should have contracts to guarantee our rights." One male worker said that he would not try to solve any issues legally because he is a foreigner without power, and he can not afford the transportation and lawyers fees. Even if he could, he commented: "it's a long process, and in the end, it's not even guaranteed."

Syrian refugees feel powerless to protect rights at work

Dleen has recently graduated from high school. She would like to apply for tertiary education but she needs to work to provide an income for her family. She comments: "maybe there is a law to protect our rights, but [employers] are not committing to it. And they know that Syrians won't go to court or sort those issues legally, because we don't have the money to pay for lawyers... and because they already know powerful people who can support them and not us."

Dunya has worked at a range of jobs in and out of camp, commenting that in most of them: "I felt very small, because my [employer] makes me feel that way – just because I am a Syrian refugee and I would do anything to provide for my children. It is true – I would work for any decent job I could find, but I want to be respected, I want my rights to be protected."

Critically, respondents in more formal employment expressed willingness to pursue work rights concerns. One woman works with an NGO and said that if she was not able to resolve an issue by talking about it with her manager she: "would solve the issue legally to protect my rights. I have a contract and I know what my rights are and how to protect them." A female respondent working for a public school in a camp said that she has a signed contract and that she knows the relevant rules and policies. She commented that if she experienced misconduct or other violations, she knows who to go to and how to get her concerns addressed. This demonstrates the significant difference in refugees' ability and willingness to take action to protect their rights when there is a conducive environment that includes a formal contract, awareness of one's rights, clear known systems of accountability and the confidence or trust that employers or institutions will fairly uphold the law.

Job creation through micro, small and medium enterprises

For Syrian refugees, decent jobs are hard to find and work rights violations are common, with redress almost impossible. Refugee respondents in this study shared how they see being self-employed in their own business as an alternative that can provide them autonomy and control over their own working conditions, a sense of security, and pride in their self-reliance. Women also saw it as potentially providing them income-generating opportunities while also carrying out unpaid care work. Respondents also revealed how refugees in KRI face obstacles trying to establish, maintain or develop SMEs. These original findings are particularly timely. According to ILO, Iraq – including KRI – faces a 'jobs crisis'.[41] In KRI, unemployment rates in vulnerable Iraqi and Syrian households were around 55 per cent, even before the pandemic.[42] The economic crisis and growing tensions over scarce jobs between host, IDP and refugees communities mean job creation is critical for stability and cohesion. SMEs provide 50 per cent of jobs globally, and play a vital role in job creation.[43] With SMEs a key driving force of economic development and potential to foster integration, support for refugees' business ambitions in KRI must be escalated.

NRC support for refugees' access to decent work in KRI

A total of 11,346 refugees in KRI benefited from NRC's Livelihood/food security and Information, Counselling and Legal Assistance (ICLA) programmes.

Untapped potential for SME development

Many Syrian refugees are eager to start their own business. Of the 28 refugees (in and outside of camps) interviewed for this study who either have a job or are looking for a job, 15 were interested in opening their own business. Of those, 10 were female and 5 were male. These respondents provided reasons why they have not done so already, many of which included access to credit, discussed below. This reflects a WFP survey finding (2018) that 74 per cent of Syrian refugees in KRI who did not already have a business, wished to open one in the future. Another 15 percent already had their own business. In short, a very large proportion of Syrian refugees have entrepreneurial aspirations.

Respondents explained why they wished to start their business. The reasons ranged from being tired of long working hours imposed by others, wanting to work in a sector in which they have previous experience, to women hoping to combine work with caring for their children, or women hoping to work in the camp rather than travelling alone. Or as one respondent put it: "I just don't want to work for someone else anymore."

Refugee women keen to open their own business

Hana, the sole provider for her children, would love to have her own home-based cosmetics business in order to be with her children and earn an income. But she does not know where she could get the start-up money and some training for that.

Sara is 20 years old and has not finished her education because she needs to support her family financially. She has not been able to find a suitable job, and says that she would really like to have her own business to work from home. That way she saves money on transportation, does not have to worry about travel safety concerns, and can still care for some of her older family members. She has applied for NGO training on how to start a business and hopes that they will select her.

Ahin lives in Zakho and would like to help her brother provide for their wider family. But she has found it hard to find a job. She would like to open a pastry shop, because she has experience doing that and enjoys it, but lacks the money to do so.

In this study 12 refugees (2 female, 10 male) who have started businesses were also interviewed. Ten businesses have been operating between two – seven years, and two were established within the last year. Respondents were pleased to have established businesses, expressing pride in their self-reliance, autonomy and security. One respondent running a small market said: "I'm depending on myself and no one has the right to give me orders", while another commented: "I can now support my family". A respondent with a hairdressing business stated: "I feel that my work is secured". The two women, who are their families' sole providers, said their

home-based business have helped combine income generation with unpaid childcare work.

Syrian business owners in urban areas employing and training others

All of the male business owners operating outside of camps (5) had between 2-3 employees. One of the two females operating their business outside of camps had an intern who they were helping to train. Several business respondents had plans for how to further expand their business, but lacked access to funds to implement them.

FGD participants suggested that possibilities in camp for opening one's own business were limited – due to oversaturation, limited camp economy and restrictions imposed by camp management. However, the findings with business owners in urban areas suggest that Syrian-led business can contribute to job creation. Support to SME endeavours needs to ensure opportunities are market-driven and based on evidence of sustainable demand.

Business registration

The environment in Iraq, including KRI, is not conducive to small business development. Iraq is ranked a very low 172 out of 190 economies for the World Bank's Ease of Doing Business Index for 2020. Even the KRI Vision 2020 (KRG's current planning strategy) acknowledges: "the legal and regulatory environment for doing business is outdated and confusing. This is difficult for all business, but is especially difficult for smaller businesses." The implications of this for Syrian refugees' resilience, self-reliance and cohesion with host communities have rarely been considered.

That said, some refugee-led businesses are being formalised, to a degree. They are contributing not only to local job creation, but also to the wider economy through tax. However, aspects of the formalising process are disincentivising refugees who would like to start their own business. There was a widespread perception amongst respondents that to have a licensed business outside of camps it must be owned by, or in the name of an Iraqi. This is connected with obtaining *Asayesh* approval, which Syrians are often required to have an Iraqi partner or 'sponsor' to the business.[44]

For many respondents – male and female – this was a significant factor disincentivising them from opening a business, and was a matter of resentment for some. This is of concern, given the findings above suggest that many out of camp businesses led by refugees are resilient and contributing to job creation. Previous sponsorship required by *Asayesh* has been removed, as in many cases the 'sponsor' did not know the person but was doing it in exchange for money.[45] A similar exploitative dynamic is reportedly happening for some refugees wishing to start businesses.

Female refugees discouraged from opening a business

Dleen, a young female respondent, noted that for her to open a licenced business outside the camp it had to under an Iraqi's name. She commented: "I can't own anything, because I'm Syrian. Being a refugee, there are so many rights we are deprived of, the right to own a business or property".

Rewan, who has unsuccessfully applied for small business opportunities with NGOs many times, said that even if she was able to find the money to open a small salon: "the owner has to be Iraqi – all paperwork has to be under their name and not mine. That's an issue, because I don't know if I can trust someone with my own business."

Almost all of respondents with businesses had registered them, receiving a business license. However, this was made possible in large part, through the support of NRC's legal assistance team. Even with free legal support, respondents described the process as "very complicated", "too long", "very difficult" and one commented that before receiving NRC's support "I didn't know how to apply." That said, they were all glad to have registered their business. The main reason was that local tax and health authorities regularly check whether small businesses have the required license. If not, the business is given a warning, fined or closed down. While respondents did not report receiving any benefit from being registered, everyone reported being glad to have certainty and avoid such penalties. A market owner commented: "I feel more secure because my business is registered legally" while a restaurant owner mentioned: "now no one can close my business". All except one of the urban businesses reported paying tax; those in camps are not required to pay tax.

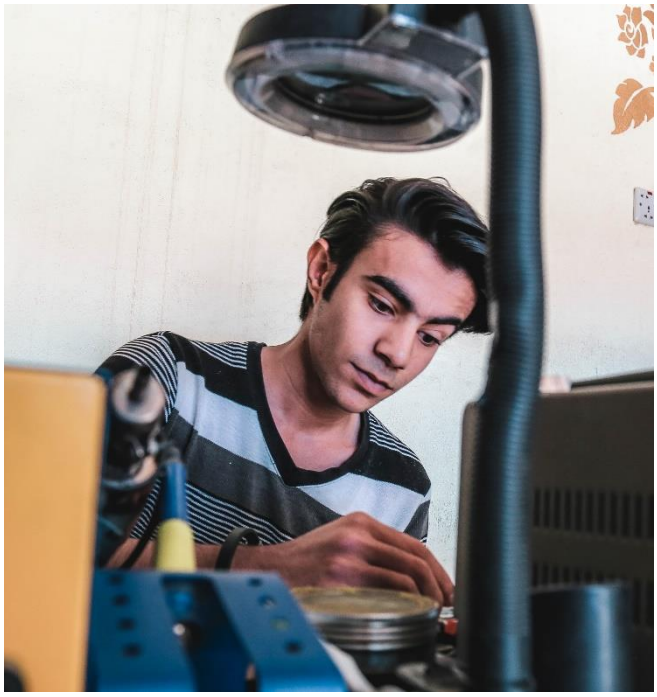

Photo: Alan Ayoubi/NRC

Business licensing process for refugees in KRI

The process for getting a business licensed in KRI involves the following[46]:

- Ensure UNHCR asylum seeker certificate is up-to-date (renewed).
- Ensure residency permit is up-to-date (renewed).
- Obtain a formal lease agreement if your business involves leased property.
- If the business is outside a camp, gain a support letter from the Labour Syndicate.
- If the business is inside a refugee camp, obtain permission from camp management.
- Submit UNHCR certificate, residency permit, lease agreement and personal ID documents, and registration fee, to the Income Tax Directorate (KRI's tax authority), who will register and open up a tax file for my company.[47]
- Then, submit all documents to Asayesh for security approval. Asayesh may not approve the business without proof of an Iraqi partner, sponsor or owner.
- Obtain permission from Mayor's office, who will direct you to the Health directorate.
- Provide proof of tax registration and Asayesh approval to the Health Directorate to make an application for your business license.
- A health card attesting to your personal good health (following blood and other medical tests) may be required if your business involves close customer contact.[48]
- Receive an inspection of the business premises from the Health Directorate to ensure the business meet health and safety regulations. If standards are not completely met, the health directorate may provide recommendations that must then be met at a second visit.
- If satisfied, the Health Directorate will issue a license in the form of a certificate.

The cost for a new application is around 150,000 IQD (USD100), not including UNHCR and residency cards. The cost of annual renewal of the business license is around 60,000 IQD (USD50). The renewal normally only involves an inspection by the Health Directorate.

Although not yet relevant for refugees in KRI, it is worth noting that a streamlined digital system for business registration was piloted in Baghdad in late 2020. This was initiated by the governments of Iraq and the US, the United Nations Conference on Trade and Development (UNCTAD) and the Global Entrepreneurship Network. The 'single-window' system, accessed at the Iraqi Ministry of Trade website, requires the completion of only one form and one payment to register a limited liability company, reserve a company name, and obtain a tax and social security number.

Access to finance

Access to finance is vital for the start-up and growth of SMEs. However, lack of credit is a significant barrier for Syrian refugees' business aspirations. 11 of the 12 business owners in this study required funds to start their business. Most started with between USD1,000 to 4,000 and two between USD8,000 to 10,000. The majority accessed finance through loans from family or friends. Of the 15 respondents who said would like to open a business, 14 cited lack of access to finance as the primary reason preventing them. The other main reason, discussed above, was the perception that the business would have to be owned or 'sponsored' by an Iraqi. Some respondents also mentioned that skills training relating to entrepreneurship would be helpful.

With the financial sector in Iraq dominated by state-owned banks who rarely currently provide credit to SMEs, this is a constraint faced by both Iraqis and Syrians. Some recent efforts have been made to improve access to loans through banks, for example, the One Trillion Dinar initiative run by the Central Bank of Iraq. However, due to complicated requirements, this has only disbursed 1 per cent of the fund.[49] Legally, refugees are not prohibited from opening a bank account or accessing bank credit.[50] However, the banks' risk-adverse stance and requirements including high-value collateral, documented credit history, and financial guarantees – not to mention lack of financial literacy and high interest rates – means refugees are not practically able to access bank financing options. While some NGOs provide small start-up grants to displaced people, these services are far from meeting the demand.

Photo: Alan Ayoubi/NRC

Recommendations

Kurdish Regional Parliament

- Revise and pass the new Labour Law that has been drafted specifically for KRI. The new law should include provisions that are missing from the currently applicable 1987 Labour law. These must:
  - simplify the labour code to improve relations with private sector development and contribute to safe, formal job opportunities,
  - protect the work rights of casual and part-time employees,
  - bring maternity leave provisions in line with the ILO Maternity Protection Convention and Recommendation,[51]
  - provide childcare at work to support women's economic inclusion
  - prohibit harassment and sexual exploitation at work,
  - incentivize employers to provide signed, written contracts to all employees. Shift the burden of proof of whether an employment relationship exists in the absence of a written contract from the worker to the employer,
  - mandate independent inspections of work places by labour inspectors,
  - set out conditions for employing minors in line with international law, and
  - provide more accessible employment dispute resolution options.
- Revise and pass the proposed new Pensions and Social Security Law. This should include provisions that extend social security to workers who are self-employed, in the private sector or informal economy, including refugees.

Ministry of Labour and Social Affairs

- Establish easy-to-access pathways for private sector employees to confidentially report exploitation, harassment and other labour rights violations.
- Reform and improve labour inspection, investigation and enforcement mechanisms in the private sector, including penalties for work rights violations.
- Scale up the number of labour inspectors for the private sector.
- Pilot more accessible employment dispute mechanisms – such as free neutral mediation – for workers in the informal sector, including refugees. Given valid fears, this must incorporate some form of guarantee against adverse consequences for refugees making any complaint.
- Institute a public awareness campaign of labour rights in the private sector.
- Establish one-stop-shop job seeker centres in urban areas that host refugees. These should provide services to Iraqis and Syrians such as information on labour rights, business licensing

processes, skills training and job linking services.

Ministry of Interior

- Issue a ministerial decree instructing residency directorates to extend residency permits from 1-year to 3-year duration for refugees, remove fines for late renewal of residency and waive the cost of the required blood test.
- Unify the residency process for refugees across all governorates of KRI, in coordination with UNHCR on administrative instructions.
- Develop an online portal for residency renewal to reduce transportation costs and barriers.
- Remove the requirement of Asayesh approval for refugees from the process of receiving business licenses, and related 'sponsorship' practice.

Ministry of Trade and Industry

- Provide easy to access guidance for Iraqis and refugees on exactly what procedures are required for licensing SMEs, as well as annual licensing renewals and related costs.
- Adapt the 'single-window' digital system developed for registering limited liability companies, for a more streamlined registration of SMEs.

Ministry of Planning

- Include goals relating to economic inclusion of refugees, and support for refugee-led enterprise and job creation in the upcoming *Vision 2030.*

Ministry of Finance and Economy

- Work with banks to significantly ease procedures and requirements so that licensed SMEs, including refugee-led SMEs, can access low-interest loans.

Ministry of Education

- Ease the documentation requirements for recognition of prior learning for Syrian applicants to tertiary education and/or provide alternate entrance exams for refugees to demonstrate they meet entrance requirements.

Professional associations (for example, the Kurdistan Bar Association)

- Remove restrictions on Syrian refugees working in professions where they have proof of required or equivalent professional training and/or permit refugees to take alternate exams to prove they meet professional standards.

Agencies supporting livelihood and legal assistance services[52]

- Conduct awareness raising with workers and employers on refugees' right to work and all employee's work rights.
- Provide negotiation skills training tailored to informal employment situations to people, including refugees, who are employed or wish to be employed.
- Partner with authorities such as the Chamber of Commerce and private companies to establish/incentivise factories in closer proximity to refugee camps. As a condition of support, require decent jobs with contracts, labour rights awareness and labour inspections.
- Develop income generating programmes targeted at refugee women in camps who cannot leave and need flexibility due to double burden of unpaid care work.
- Provide entrepreneurship training and micro-finance to people, including refugees, wishing to open businesses or expand their business in urban areas.
- Develop peer-to-peer mentoring, group training and micro-finance tailored for women, including refugees, wishing to establish home-based businesses.
- Offer coaching – such as CV development, interview and negotiation training and avenues to deal with discrimination and sexual harassment – tailored to women, including refugees, wishing to enter the workforce.
- Invest in medium-sized businesses, requiring refugees to be employed in compliance with labour and social security laws. Support these businesses to develop dispute resolution pathways, and to provide rights awareness training.

Donors, development partners, and diplomatic missions

- Provide technical support to key line ministries, including the Ministry of Labour and Social Affairs, to implement or replace existing laws with ones that promote refugee's decent work opportunities.
- Promote KRG reforms that support business growth conducive to decent work opportunities for all and refugees' economic inclusion, as critical economic recovery and stabilisation policies.
- Promote procedural reform and investment that strengthen access to credit for SMEs, including those led by refugees.
- Scale up support for SME development programmes for women and men. This should include start up grants, given lack of access to credit is a key barrier to SME establishment and growth.
- Require the inclusion of decent work standards – with accountability mechanisms – into stabilisation and economic recovery programming.
- In the absence of policy changes, continue support for SME formalisation through legal aid programming, recognising that affordability of the current procedures is a key barrier to having a business licence.

Endnotes

[1] At 30 November 2021, there are 252,591 Syrian refugees registered with UNHCR in KRI. https://data2.unhcr.org/en/situations/syria/location/5

[2] Kebede, Stave and Kattaa, "Rapid assessment of the Impacts of COVID-19 on vulnerable populations and small-scale enterprises in Iraq" ILO, Fafo and CCI, (July 2020).

[3] Regional Refugee and Resilience Plan in response to the Syria crisis (3RP), Iraq Country Chapter 2021-2022 (2020).

[4] World Bank and the UNHCR, Compounding Misfortunes: Changes in Poverty since the onset of COVID-19 on Syrian Refugees and Host Communities in Jordan, the Kurdistan Region of Iraq and Lebanon, December 2020.

[5] IMPACT Initiative, Multi-sector needs assessment (MSNA) IV of refugees living out of formal camps in the KI-I (May 2019).

[6] ILO, "Employment and decent work in refugee and other forced displacement contexts: Compendium of ILO's lessons learned, emerging good practices and policy guidance" (2020).

[7] Durable Solutions Platform and IMPACT Initiatives, "Far from home: Future prospects for Syrian refugees in Iraq" (January 2019). The DSP is a joint initiative established in 2016 by NRC, IRC, DRC, Oxfam, AAH and Save the Children.

[8] Yassen, "Durable solutions for Syrian refugees in the Kurdistan Region of Iraq", Middle East Research Institute, (August 2019).

[9] DSP (2019).

[10] ILO (2020).

[11] Although residency affairs fall primarily within the federal's government of Iraq's sphere, the KRG has exercised jurisdiction over many residency issued since gaining autonomy.

[12] Decree No. 7174 and Decree No. 10041. In practice, this means Syrians are not subjected to detention for border crossings, that they may otherwise under the Residency Law. This is also reiterated in the Guidelines from the General Directorate of Asayesh in Kurdistan No.1463. 2016.

[13] Qadir (2019) states: "KRI authorities do not have legal authorities to grant refugee status to its asylum seekers in KRI because of the Article 110 of the 2005 Constitution and also absence on an inclusive refugee law recognising non-political refugees. Until a new refugee law is enacted in Iraq and authorise a decision-making body to conduct refugee status determination, the status of these categories of refugees in KRI does not change to refugee status."

[14] Public sector employment is generally only possible in camps – such as being a teacher at a school in the camp.

[15] ILO, UNDP, UNWomen, IOM, Fafo and CLCI "A diagnostic of the informal economy in Iraq" (November 2021).

[16] There are numerous laws that general restricit the right to own property in Iraq, including KRI to Iraqi nationals, with very limited exceptions for Arab nationals and foreign investors.

[17] See, for example, UNCTAD "Supporting mall businesses is critical for COVID-19 recovery" 2021, available at: https://unctad.org/news/supporting-small-businesses-critical-covid-19-recovery

[18] The Political Refugee Law 1971 only recognises "political refugees" and has been interpreted very narrowly, excluding most Syrian refugees currently in Iraq. For analysis, see Qadir, Legal Status of Asylum Seekers and Refugees in Iraq and Kurdistan Region of Iraq. The Scientific Journal of Cihan University – Solemani 3(2) (December 2019).

[19] Schuettler and Caron, "Jobs interventions for refugees and internally displaced persons", World Bank (2020).

[20] All names have been changed and identifying information removed to protect the anonymity of respondents.

[21] Kebede, Stave and Kattaa, "Rapid assessment of the Impacts of COVID-19 on vulnerable populations and small-scale enterprises in Iraq" ILO, Fafo and CCI, (July 2020).

[22] KII, Nov, 2021.

[23] REACH, Assessment on employment and working conditions of conflict-affected women across key sectors (November 2019).
[24] ILO et al. (2021).
[25] KII, Nov 2021.
[26] KII, Nov 2021. One such professional association is the Kurdistan Bar Association, which regulates who can practice as a lawyer in KRI. There is no article in the Kurdistan Bar Association Law (No. 12, 1999). But in practice, the Kurdistan Bar Association does not permit Syrian lawyers to be part of the association. We note that article 2 of the Iraqi Bar Asssocation Law (No. 173, 1965) states that the lawyer should be Iraqi. However, this should not prevent Syrian lawyers practicing in KRI as the laws and bar associations for KRI and federal Iraq are separate. For doctors, see Article 4 of the Doctor's Law (No. 81, 1984). This states that members of the professional must be Iraqi nationals holding an Iraqi Medical College certificate or its equivalent. It also adds that the medical association of doctors may accept Arab or foreign doctors.
[27] Samman, Presler-Marshall and Jones, "Women's work: Mothers, children and the global childcare crisis" ODI (2016).
[28] El-Ghali, Ali and Ghalayini, American University of Beirut, "Higher education and Syrian refugee students: The case of Iraq, policies, practices, and perspectives," Issam Fares Institute for Public Policy and International Affairs, (March 2017).
[29] ILO et. al (2021). See section 2.2.1 for definitions of informality adopted herein.
[30] Article 32, Labour Law. Unfortunately the Labour Law 1987 does not include the term "causal" for workers, as Article 1 of the Labour Law 2015 does.
[31] For an overview of the draft Labour Law for KRI, as reviewed in September 2021, see ILO et al (2021).
[32] UNHCR, "Iraq Factsheet – August 2019" (2019),
[33] The grounds for employment contract termination are laid out in Article 36, and grounds for dismissal are laid out in Article 127, Labour Law.
[34] It specifically includes the right of association (Article 15), the same favourable treatment as nationals of the country with regards to the right to paid employment (Article 17), and treatment as favourable as possible – but no less favourable than foreigners – with respect to the right to self employment (Article 18).
[35] In particular, Recommendation 205 (2017) deals with employment and decent work in fragile settings. All of section XI of this recommendation is dedicated to refugees and returnees.
[36] Durable Solutions Platform and IMPACT Initiatives, "My hope is to stay here: Shared livelihoods services as a pathway towards integration in the Kurdistan Region of Iraq" (March 2021).
[37] KII, Nov 2021.
[38] KII, Nov 2021.
[39] ILO et al. (2021).
[40] World Bank and KRG, "Women and jobs for an inclusive labour market in KRG: A pilot programme. Program Summary" (January 2019).
[41] ILO, "Decent work country programme Iraq: Recovery and reform 2019-2023" (2019).
[42] Kebede et al. (2020).
[43] World Bank, "Small and Medium Enterprise (SMEs) Finance: Improving SMEs access to finance and finding innovative solutions to unlock sources of capital" (2021).
[44] KII, Nov 2021.
[45] DRC and the Danish Immigration Service, "The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation" (2016).
[46] Based on experience of ICLA lawyers employed by NRC based in Dohuk, and triangulated in interviews with business registration respondents.
[47] The legal basis for this is article 2 of the Income Tax Law, No. 133 of 1982.
[48] The legal basis for this seems to be article 2 of the Public Health Law, No. 89 of 1981.
[49] UNDP and CSO, "Mixed formal and informal micro, small and medium-sized enterprises surveys in the governorates of Baghdad, Basra and Nineveh" (September 2021).
[50] ILO, "ILO's Financial Inclusion Strategy in Iraq – An entry for decent jobs: Based on outcomes of financial inclusion study conducted by the ILO" (2021). The study notes that "With the amended Investment Laws in 20167, Foreign Born Residents, including refugees, would also

in principle have equal access to government credit schemes for SMEs, but this is not widely known or acknowledged."

[51] ILO Maternity Protection Convention 2000 (No. 183) and ILO Maternity Protection Recommendation 2000 (No. 191).

[52] Working towards integration and social cohesion – particularly in the current context of KRI where many Iraqis are also struggling with high unemployment and the lack of decent work – means addressing the needs of both host communities, IDPs and refugees.

References

CARE International, “Eight years into exile: How urban Syrian refugees, non-Syrian refugees and vulnerable host communities in Jordan are coping and meeting challenges, eight years into the Syria crisis,” (August 2018).

DRC and the Danish Immigration Service, “The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation” (2016).

Durable Solutions Platform and IMPACT Initiatives, “Far from home: Future prospects for Syrian refugees in Iraq” (January 2019).

Durable Solutions Platform and IMPACT Initiatives, “My hope is to stay here: Shared livelihoods services as a pathway towards integration in the Kurdistan Region of Iraq” (March 2021).

El-Ghali, Ali and Ghalayini, American University of Beirut, “Higher education and Syrian refugee students: The case of Iraq, policies, practices, and perspectives,” Issam Fares Institute for Public Policy and International Affairs, (March 2017).

ILO, UNDP, UNWomen, IOM, Fafo and CLCI “A diagnostic of the informal economy in Iraq” (November 2021).

ILO, “Decent work country programme Iraq: Recovery and reform 2019-2023” (2019).

ILO, “Decent work indicators for social security”, available: https://www.ilo.org/secsoc/areas-of-work/statistical-knowledge-base/WCMS_206217/lang--en/index.htm

ILO, “Employment and decent work in refugee and other forced displacement contexts: Compendium of ILO’s lessons learned, emerging good practices and policy guidance” (2020).

ILO, “ILO’s Financial Inclusion Strategy in Iraq – An entry for decent jobs: Based on outcomes of financial inclusion study conducted by the ILO” (2021).

Kebede, Stave and Kattaa, “Rapid assessment of the Impacts of COVID-19 on vulnerable populations and small-scale enterprises in Iraq” ILO, Fafo and CCI, (July 2020).

IMPACT Initiative, Multi-sector needs assessment (MSNA) IV of refugees living out of formal camps in the KI-I (May 2019).

Ministry of Planning, KRG, “Vision 2020. A vision for the future” (2013).

NDI, Iraq Post-Daesh national survey findings, improved social cohesion, but Iraqis remain dissatisfied with government, (July 2019).

REACH, Assessment on employment and working conditions of conflict-affected women across key sectors (November 2019).

Regional Refugee and Resilience Plan in response to the Syria crisis (3RP), Iraq Country Chapter 2021-2022 (2020).

Qadir, Legal Status of Asylum Seekers and Refugees in Iraq and Kurdistan Region of Iraq. The Scientific Journal of Cihan University – Solemani 3(2) (December 2019).

Samman, Presler-Marshall and Jones, "Women's work: Mothers, children and the global childcare crisis" ODI (2016).

Schuettler and Caron, "Jobs interventions for refugees and internally displaced persons", World Bank (2020).

UNCTAD, "Supporting mall businesses is critical for COVID-19 recovery" 2021, available at: https://unctad.org/news/supporting-small-businesses-critical-covid-19-recovery

UNDP and CSO, "Mixed formal and informal micro, small and medium-sized enterprises surveys in the governorates of Baghdad, Basra and Nineveh" (September 2021).

UNHCR, "Iraq Factsheet – August 2019" (2019), available at: https://reliefweb.int/report/iraq/unhcr-iraq-factsheet-august-2019

UNWomen, "Unpacking gendered realities in displacement: The status of Syrian refugee women in Iraq," (2018).

WFP, UNHCR and the Kurdistan Region Statistics Office (KRSO), "Iraq: Joint Vulnerability Assessment," (June 2018).

World Bank, "The mobility of displaced Syrians, An economic and social analysis" (2020).

World Bank, "Small and Medium Enterprise (SMEs) Finance: Improving SMEs access to finance and finding innovative solutions to unlock sources of capital" (2021).

World Bank and KRG, "Women and jobs for an inclusive labour market in KRG: A pilot programme. Program Summary" (January 2019).

World Bank and UNHCR, Compounding Misfortunes: Changes in Poverty since the onset of COVID-19 on Syrian Refugees and Host Communities in Jordan, the Kurdistan Region of Iraq and Lebanon (December 2020).

Yassen, "Durable solutions for Syrian refugees in the Kurdistan Region of Iraq", Middle East Research Institute, (August 2019).