



Making a Living Beyond the Borders: Foreign Workers Living Conditions in the Kurdistan Region

By
Sangar Salih Yusuf

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Peace and Freedom Organization

The Peace and Freedom Organization is a non-profit organization works for protection of the rights and liberties, assuring peaceful coexistence by building trust, cooperation between different communities, and developing the politics of government and non-governmental institutions, to assure the rights, freedom, and social justice in accordance with the international guidelines. The organization works in Iraq and the Kurdistan Region.

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Abstract

Economic development or decline of any country heavily affects, directly and indirectly, the import of foreign manpower or exporting it. Part of authorizing and importing foreign manpower is related to the extent local manpower provide the necessities of the country (Sessen, S., 1990). The same reason causes too much controversy and critics against the governments, especially where the number of local jobless population is of rising and the government still allows for importing foreign manpower.

The collapse of the previous Iraq regime in 2003 and the arrival of big foreign companies were two major factors to expedite a flood of migrant workers into Iraq and the Kurdistan Region. The economic and social developments in Iraq and the Kurdistan Region afterwards caused migration of foreign workers become a phenomenon. We could argue that the rise in the number of foreign workers and the companies of foreign manpower, along with the rise in number of and interest in in-house servants are apparent indications of that phenomenon in the Kurdistan Region.

The statistics from the Ministry of Labor and Social Affairs of the Kurdistan Region Government (KRG) and the reports put out by the non-governmental organizations and governmental institutions on the case of foreign workers show that the foreign manpower business companies have risen in numbers. The number of foreign manpower companies in 2012 were only 25¹ as compare to 2015 when the number gets to become 151² companies, and in 2018, 163³ companies. This means that the number of foreign manpower companies have added by its sixth in a duration of 6 years since 2012. The same resources tell us that the number of migrant workers has also risen by 90% between 2007 to 2015.

The rise in the foreign workers in the Kurdistan region have caused them to be a part of the Kurdish community. Yet, what is still unclear is the absence of a knowledge to the realities of their lives and their rights. Foreign workers “do not possess citizenship from

¹ Special report from the Masala Organization on Iraq and Kurdistan region workers' rights, 2012.

² The Independent Human Rights commission for foreign workers in the Kurdistan Region, 2015.

³ The current study researcher retrieved such statistics from the Ministry of Labor and Social Affairs on 18/10/2018.

the country they work at⁴, and they cannot participate in elections, hence the political parties do not care for them much, and on another side, the attitude of native public is most of the times a negative attitude because foreign workers have caused them to have less job opportunities. It is possibly for the same reasons the foreign workers are called a vulnerable group (De Varennes, F., 2003).

Despite the powerlessness of the foreign workers and the special living conditions they are at, their number is in rising in the Kurdistan Region, yet attempts to show their living realities and to preserve their rights are limited. Hence, the importance of this study which is an attempt to showcase the living conditions of foreign workers in the Kurdistan Region, so it is made public knowledge the violations and the extent of these violations. The study further focuses on the legal dimensions of the preservation of foreign workers' rights and to what extent the present laws and regulations are formed in accordance with international standards. The study will also propose a collection of recommendations for policy makers to see how to protect and treat with foreign workers in the Kurdistan region.

The study utilized a qualitative method for answering the questions and collecting the data. The research used focus group, case study, and formal documents screenings as instruments of data collection for the study. During the data collection process 26 interviews, 2 focus groups, and 15 case studies were conducted. That is beside the formal papal documents from formal institutions and companies the research used as a source for data. Participants of the study for the interviews and focus groups include 40 individuals who were foreign workers, business owners, KRG officials, laborer activists, representative from the Workers syndicate, academicians, and representative from non-governmental organizations. The research site for data collections were formal institutions, company offices, workplaces, malls, markets, public parks, places where the workers staying places. Except some involuntary interviews that were done on the phone. The data collection process was conducted in January and February 2018 in both Erbil and Sulaimani cities.

⁴ The International Labor Organization in its 143 convention 1975, in the second chapter item number 11, has clearly defined a foreign worker, but there is an opinion stating that a migrant worker and a foreign worker are two different individuals. This is because migrant workers are mostly those who do not migrate for work, but for other reasons they become homeless and late a worker in the country the migrated to.

The most important findings of the study are that due to the absence of exclusive act of the foreign workers in the Kurdistan, the protection of their rights has not been taken into necessary legal considerations. This lack of legal act paves the way for the worker's rights violations. The study finds that the pathways by which foreign workers come into the Kurdistan Region is also making them face with different violations of their rights. Especially, through smuggling in and/or through the travel visa that assists some companies that don't realistically exist to easily deal with the entrance and exit of foreign workers.

The types of the violations that face the foreign workers include; trafficking that is clearly crossed to be just a case but a phenomenon in the Kurdistan Region. The trafficking includes deception, buy and sell, sexual trafficking, and not paying due which is the most common type of human rights violation.

On a larger scale violation types include absence of contract, no social assurance, withholding documents, sexual abuse, even the prohibition personal rights are the most apparent violations used against the foreign workers in the Kurdistan Region.

The study results show that despite the existence of supervisions and audit committees for the workplaces in the Kurdistan Region, but the mechanism used to do so are weak and the members of these committees are not qualified and skilled enough to do the job. While the foreign workers living conditions are getting worse and worse, there are opportunities to work on improving their life conditions in the future. One of these is the new parliament cabinet that could be used put out new regulations to protect the rights and liberties of foreign workers in the Kurdistan Region.

Another opportunity is to make use of the Confronting Human Trafficking Law the Iraqi Counsel of Representatives issues and the Kurdistan Parliament put into effect in 2018. This piece of law paves the way for more supervision and investigation into the living conditions of foreign workers in the Kurdistan Region. That is if the related parties set out serious techniques and strategies to prohibit the violations. Furthermore, the local and international organization that work on workers can also be used as another opportunity for mutual plans to develop capacities and raise awareness regarding the protection of the rights of foreign worker and support campaigns.

The Legal Framework of the Study

The considerations for foreign workers dates to after World War I when attempts were made to establish the International Labor Organizations and to lay out its principles. Rights of foreign workers and their lives were one of the first endeavors for the Organization to work on (Hasenau, M., 1991). The Universal Declaration of Human Rights reiterates the rights of all human individuals living or working anywhere in the world (Universal Declaration of Human Rights, 1948).

In 1990, the General Assembly of the United Nations signed the A/RES/45/158 treaty that clearly declares the Protection of the Rights of All Migrant Workers and Members of their Families. Thirteen years later in 2013, the treaty was put in motion. The treaty is a very good step for the protection of the rights of foreign workers on an international level. Yet, as compared to other treaties for the protection of the rights of other groups of people, this treaty is less known and less welcomed by nations. Iraq is one those countries that has not yet announced its compliance to ratify such a treaty (The United Nations High Commission for Human Rights, 2018), within which the Kurdistan Region has no commitment to the treaty, as the Region is considered a part of Iraq and it is not an independent state.

There are no foreign workers' rights policy in Iraq. Except for a mention in the Iraq Work Law number 71 of the year 1987 item number 23, where it states that coming in and working of foreign workers to the country should be in accordance with the regulations issued by the Ministry of Labor and Social Affairs. Depending on this policy item, the Ministry of Labor and Social Affairs of Iraq issued Regulations No. 18 in 1987 that consisted of 12 items regulations to be followed for dealing with foreign laborers in Iraq. Similarly, to Iraq, the Kurdistan Region as of this moment has no policy declarations for the protection of the rights of foreign workers. While it has been mentioned on other policy mandates and regulations. The 2006 Parliamentary Law number 4 of the Kurdistan Region which is also known as the Investment Law, is one of the legal frameworks relates to foreign workers. In the third chapter of the second section of this legal document it is mentioned that investors can make use of foreign manpower in their projects in the Kurdistan Region. It is stated in the 7th item that "the investor is permitted to employ necessary foreign workers for the project while also developing local workers

in their work, as per work legalities in the Region”. In the 4th subsection of the same 7th item it mentions how a foreign worker may deal with their pay, it states “the non-Iraqi workers on the project and those outside the Kurdistan Region may transfer their payments abroad”.

Based on the Item 23rd of the Iraqi Work Law number 71 of the year 1987, The Kurdistan Region Ministry of Labor and Social Affairs put out some regulation for dealing with foreign workers in 2007. The latest of these regulations is the Regulation number 2 of the year 2015 that consists of 28 items. These regulations centralize the directives of bringing foreign workers and maintaining their duties and rights. It is mentioned in the second section of the 2nd item of these regulation that “the permission to bring in workers by the minister or any authorized body by the minister will be given to the company, that is after when it has met all the conditions in the regulations”. It is further referred to in the fourth item “no private, mixed, or incorporate business owners can make use of any foreign worker if the business has not been authorized to work in accordance with the procedures put forth in the regulations”.

The item number 7 of the regulations presents the procedures for work permit for the foreign worker, it clearly states that the worker should “present a formal application to the Labor Directorates or the business owner who employs the worker should do that in his/her stead”. It then goes on to state that the foreign worker should “present all the formal documentations testifying his entrance to the Region and residence in the legal manner”. Furthermore, the third section of the same item states that “the application should clarify details of the workers’ skills evidenced with degree transcripts that clearly shows name, nationality of the individual, along with evidence of absence of any criminal acts, types of work, duration of work, and addresses”.

Data and Methods

This study follows the qualitative method of research to answer the research questions. The research used focus group, case study, and formal documents screenings as instruments of data collection for the study. During the data collection process 26 interviews, 2 focus groups, and 15 case studies were conducted. That is beside the formal paper documents from formal institutions and companies the research used as a source

for data. The participants for the focus groups and interviews were conveniently chosen. There were 46 participants 17 of whom were foreign workers, 3 business owners, 7 KRG officials, 5 laborer activists, 6 representatives from workers' syndicates, 3 academicians, and 5 civil society activists. A questions guide was used for both the interviews and the focus groups. The main topics for questions and discussions were 1) legal frameworks for preserving foreign workers' rights, 2) the mechanisms for foreign workers' living conditions inspections, and 3) the types and sorts of violations.

The researcher conducted the interviews in both English and Kurdish languages. The research site for data collections were formal institutions, company offices, workplaces, malls, markets, public parks, places where the workers staying places. Except some involuntary interviews that were done on the phone. The data collection process was conducted in January and February 2018 in both Erbil and Sulaimani cities.

Before the interviews and the focus groups were done, the participants were informed about the purposes of collecting the data and how the data are handled. Meanwhile, the participants were also told that participation is completely voluntary, and participation does not provide in returns for them. Participants were ensured of the security of their personal information such as names, workplace, and name of work institution will be kept secret. Some of the participants showed consensus for their information to be revealed, and thus pseudonyms were only used for the participants who did not consent for names to be mentioned in the study. After filling out the consent form, all the interviews and focus groups were recoded, then for data collected and analysis purposes the interviews and the focus groups were transcribed. The study utilized content analysis method for its data analysis.

Study Limitations

The limitations of this study are due lack of time and human support. It could not cover a bigger sample that could affect the results to make them more general and lack details. Meaning, the study may not mention details of all the considerations of the lives of foreign workers. Due to the personal privacies of the female servant workers who work inside homes, it was not doable to take more of these workers as samples of the study, so it could dig deeper into their lives. The study could not have multinationals samples as there are 25 different national workers in the Kurdistan Region. The living conditions of

workers could be different based on where they come from. Moreover, foreign workers have jobs in different place and different workplaces of different sectors, due to the duration that was allocated for the conduction of the study samples from all these different sectors could not be taken as it may also affect the results.

Violations against Foreign Workers

On an international scale, the rights of foreign workers are preserved and kept within conventions and international treaties. Most of the times these rights are well mentioned in the constitutions and national rules of different countries based on such treaties. Foreign workers' rights include; the right for protecting their dignity which is the simplest of rights for a man to have as their humanity obliges us to respect them and preserve their dignity, social and economic rights such as having a contract, equal pay, and social insurance, that is along with legal and health rights that include freedom to choose job type, establishment or membership in professional or workers' syndicate and unions, workplace safety, health insurance, ... etc. Despite the preservation of such rights in international treaties and national rules, violation of foreign workers' rights is an expected possibility.

Inferring from the data and information collected, the study concludes that foreign workers on both individual and group basis face different violations in the Kurdistan Region. Despite the variations in opinions regarding the extent and the how of these violations, yet most of the participants agree that the absence of law for the protection of foreign workers' rights, refraining from using regulations, weakness of supervision mechanisms, and the workers' unawareness regarding their own rights and how to demand them have all made it easy for violations to be done and continue. The followings are the types of violations made done foreign workers in the Kurdistan Region;

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How do Foreign Workers Enter the Kurdistan Region?

As per international treaties, the entrance and bringing in foreign workers should be based on mutual understandings between the two countries or the official agents. The International Labor Organization in its 143th convention 1975 states “Considering that the migration of workers due to conditions in labor markets should take place under the responsibility of official agencies ... or in accordance with the relevant bilateral or multilateral agreements, in particular those (countries) permitting free circulation of workers”.

In special report (2015) the Independent Human Rights commission for foreign workers in the Kurdistan Region reports the lack of bilateral and/or multilateral agreements. The report states that because Kurdistan Region is not an independent state, therefore many times brining in foreign workers is not on a basis of bilateral agreement. Meaning, foreign workers do not directly enter the Kurdistan Region, rather the come from another country. This will also pave the way for many legal problems and leave negative reflections on the foreign workers circulation process. These, sometimes, lead to big crimes as human trafficking.

Despite official regulatory procedures laid out by the Ministry of Labor and Social Affair such as the Regulations No. 2 of the year 2015 for bringing in foreign manpower, but from what we see from this study is that there are more than one way foreign workers import from into the Kurdistan Region.

Foreign Workers Entry through the Manpower Companies and the Ministry of Labor and Social Affairs

Foreign workers can come into the Kurdistan region legally through those companies that are formally permitted by the Ministry of Labor and Social Affairs. According to the data gathered from the director of recruitment office in the Ministry of Labor and Social Affairs, from 2007 until the current time there are 163 companies that are formally permitted by the Ministry to bring in overseas manpower. 32 of these companies are active and working in the Erbil, Sulaimani, and Duhok cities. 57 companies are ceased to work because they have not put their assurance money on bank account which 50000 US dollars. Moreover, 32 other companies are terminated, and some other companies have adopted their workers that were brought by these 32 companies. 11 other companies are blacklisted as they have violated regulations from the Ministry of Labor and Social Affairs.

The Ministry of Planning of the Kurdistan Region Government enlisted two overseas manpower companies for violation for two years but were later taken off the list. These companies are (L. Q.) and (X. N.) companies. The first one was enlisted according to the Ministry of Interior document issue number (412) on January 12th, 2015, then ordered number 927 on April 25th, 2011 to be taken off the list. The second company (X. N.) was enlisted by the Ministry of Interior decision number 1163 on July 18th, 2015, then ordered number 423 on February 22, 2017 to be taken off the list. It draws attention to see from the written document from the Ministry of Planning in which factors for blacklisting is explained that wordings are formed as workers are objects to be dealt with. It states, the reasons for blacklisting these companies was “exporting imported workers to the Region once more to the outside the region”.

The Director of Recruitment Office in the General Directorate for Labor and Social Assurance explained the process of backlisting a company and then how it is taken off;

“Blacklining a company is for six months to a year, then if the company fixed the problems that made it be blacklisted, the company will, for sure, can resume business. The (X. N.) company was blacklisted because it took workers to Baghdad which is a violation of the law. After the company

brought the worker back and dealt with the formalities of the problem, it was then taken off the list”

The workers being entered to the Kurdistan Region by the overseas manpower companies are of two sorts; the project workers and the servant workers. The servant workers are also of two sorts; in-house servants and cleaner workers.

Among the foreign workers are Syrian and Iranian workers who do not possess Iraqi citizenship by they are treated almost like a local worker. Whereas, these workers go under the category of foreign workers. Syrian workers come into the region with the flood of Syrian refugees, and the Iranian ones are those who enter the region in illegally or smuggle themselves in, who are mostly originally Kurds of the West Kurdistan.

The overseas manpower companies state that they find these individuals and they bring them into the region for work through their agents in countries like Indonesia, Bangladesh, Philippine, India, Nepal, and others. For example, Amanj who owns the (L. W.) company working in the Erbil city points out that they have agents in a country like Indonesia. “the agent receives CVs from these individuals who want to come into the Kurdistan Region for work. Whenever we need more manpower in the region, the agent sends the required number of workers here”.

The companies show the process as to be like, yet the activists and representatives from civil society organizations report that these workers are brought from their home country without having the knowledge that they are being taken to the Kurdistan Region. While according to regulations from the Ministry of Labor and Social Affairs, the companies should inform the workers on tier workplace and they even should hand over a copy of the contract they are being offered with before the set feet out of their home country. Yet, many times the companies bring in workers without even finding them jobs ahead of time. It is therefore very possible for them to violate rules.

It is stated in the regulations from the Ministry of Labor and Social Affairs number 2 of the year 2015. For example, item number 9 that lays out the responsibilities and the guidelines for the overseas manpower companies, investment project owners, 5 start hotels and restaurants and above will need to abide by. It states, “there should a petition along with a list of names and skills of the foreign workers the company is interested in entering them into the region”. In the same item, it is stated that the company “should

advertise in both print and visual media stating their need for manpower along with project type, place, pay, number of workers, and skills and competences required for the project”.

The same party should submit a copy of the contract. To make sure these regulations are enacted the Ministry of Labor formed special committees to follow the need for bringing in foreign workers and the workers’ legal entry to the region. For this, the committees visit the projects venues and workplaces. When, after, the committees identify the need for manpower, the company will be permitted for foreign workers entry. The regulations state that contract length is one year, and the worker can extend the duration for one more year. Afterword, the worker should have a valid visa for entry, and then residency permit along with medical checkups are too required action items for after the workers’ entry. According to some of the participants of this study and data from the reports on the foreign workers conditions, many times these regulations are done because they need to be done, just like a routine, but they are not in accordance with the guidelines.

What is interesting is that after when both the workers on the projects and in-house servants are employed, will not keep a good contact with the companies that brought them into the Region. This means that the companies do not supervise their workers to look into their workplace, their stay, health, work hours, and household/job owner’s treatment. The rate of incoming foreign workers into the Kurdistan region through the Ministry of Labor and Social Affairs is shown in the graph number 2.

Graph no. 2



Foreign Workers Entry through the Ministry of Interior-Kurdistan

Foreign workers enter not only through the Ministry of Labor and Social Affairs by the overseas manpower companies, they also enter by having a travel visa through the Ministry of Interior. These are workers who are in immediate need for big companies or the oil companies, so they conduct a designated endeavor. Therefore, the Ministry of Interior issues them travel visas so they enter the Region early and conduct the job. There are other types of workers who are brought as in-house servants for VIPs and the Ministry of Interior offers them residency permit. On this issue, The Director for Labor and Social Assurance in the Erbil Governorate said;

“It is something good that the travel visa is stopped. Whenever an in-house servant entered the country on a travel visa, we would have problems. After several meetings between our general manager and the Ministry of Interior, it has been a month the travel visa is stopped to be issued for in-house workers. Now, they need to enter the country through the Ministry of Labor and Social Affairs”

What should be noted is that there are not statistics to state the number of workers coming through the Ministry of Interior. Hypothetically, if the number of foreign workers in the oil and gas sector are all entering the Kurdistan Region through the Ministry of Interior, then the number of foreign workers in the Kurdistan oil and gas sector until the end of 2014 have been 3734 workers.

According to a report of the Ministry of Natural Resources, there have been 1639 foreign service workers and 2095 workers in oil and gas companies in the Kurdistan Region until the end of 2014. There are 60 nationalities among the foreign service workers and 67 nationalities among the workers in the oil and gas companies. Most of them come from Egypt, the UK, India, United States, Moldova, Pakistan, Romania, China, Syria, and Canada.

Foreign workers use these entry pathways;

-  Overseas manpower companies that work through the Ministry of Labor and Social Affairs of the Kurdistan Region Government
-  Travel visa through the Ministry of Interior
-  Illegally through crossing borders and Smuggle Entries

Workers Illegal and Smuggle Entry

There are foreign workers who enter the Kurdistan Region through illegal pathways. These are mostly holders of Turkish and Iranian citizenships. Their countries share borders with the Kurdistan Region that helps them cross the borders and enter the Region illegally. Their illegal entry causes them legal punishments such as imprisonment whenever they got into trouble with the job owners. Therefore, when pleading for their rights they will not have strong legal claims, because their entry is illegal at first. Consequently, their rights are violated by the job owners.

Notable Violations Against Foreign Workers in the Kurdistan Region

- Cultural differences and individual rights violations
- Absence of job contract and contract shortages
- Foreign workers trafficking
- Absences of Social Assurance
- Sexual Abuse
- Documents holdups
- Safety of the workplace
- Not paying and withholding work pays, and extra load.

Cultural Differences and Personal Rights Violations

Foreign workers come from 27 different countries to the Kurdistan Region. Their language, religion, nationality, and even their race and gender are different from the job owners' or the people they are interacting and socializing with in the Kurdish society. Hence, their different worldviews and perspectives affects the social interaction and relationships they are building with the members of the Kurdistan society. As the participants of this study mention it. This case has left apparent effects on the living conditions and the rate of violations done against them.

Nazdar, an employee in one of the overseas manpower companies mentions that religious identity effects the demand for in-house servants. She says;

“Many times a family comes and says that the servant should be a Muslim ... whether the servant is a Muslim or not she/he adapts to the household but they still ask for that. They think it is bad if the servant is not a Muslim, which is not true. There are households who take in a Nepali Buddhist, they will have her wear hijab and it is normal, the girl (the servant) would not refuse. The girl would not refuse what to wear. Sometimes they take a Nepali and have her wear Muslim clothing, when she comes back here we think she is a Muslim, the servants don't mind. It is the households that minds”

According to Nazdar, the foreign workers hold their own personal rights up, so they adapt to the household they work for. Even though, the right to wear is a personal right and needs to be protected, but these comments show that the workers refrain themselves from this right.

Participants of this study state that not knowing about the culture of the Kurdistan society has many times cause violations against the foreign workers. Azad Muhammad, an activist who closely follows the living conditions of foreign workers, states;

“the foreign workers' lack of knowledge and awareness have caused them to face violations. They know nothing about the country or the cultures of the country ...”

In some cases, these differences have caused for some rights violations that they have been prohibited to even hold or even participate in their own religious occasions and activities. Taking Afyia as an example, Afyia is a Ghani citizen, she has worked as an in-house servant for in Erbil for two years. She is 22 years of age. She talks about here experience where the household she was working for did not let her go for church and to do the religious rituals. After finishing her two years contract as an in-house servant, Afyia went back to her country and later came back to the Kurdistan Region. She is now working in a beauty salon in Ainkawa town. When asked of her experience she said;

“When I was working for this household, I could not go to church for two years, because the house owner did not allow me to, but I work independently now, and go to church every week in Ainkawa”

Most of the participants of this study, especially the company owners and the representatives from the Ministry of Labor and Social Affairs state that the cultural differences have most of the times caused both the foreign workers (especially the in-house servants) and the job owner (house owner) issues with not being able to cope with each other. The consequences of such incidents are to return the worker back to the company and be offered the same job in another house. According to the regulation number 2 of the year 2015, the house owner can only return the servant (worker) back to the company only in the first 3 months and ask for another one. The Labor Manager in the Erbil Governate says;

“There are households who have changed 8 servants until they have had one the prefer most”

But a company owner said “we have had workers who have changed 4 households until he/she was ok to get along with one”.

Viraj is foreign worker, an master's degree holder in Business Management. He is 34 years old and it has been 5 years he is working with foreign companies in the Kurdistan Region. He has already worked for 10 years in his own field in India. He has applied for a job online and was then accepted for the job. As he says, him and 29 other workers were interview in India and brought to the Kurdistan Region. He is pleased with his job and has a good life in Kurdistan. He has not faced any problems yet.

He is Christian, and he has no problems practicing his religion. His only obstacle is the language, except his language he can only speak English.

Even though a group of workers say that they have a good life in the Kurdistan Region and they have adapted themselves to a good extent, but this does not change the fact that cultural differences, specifically language and religious differences are factors for violations against foreign workers. Xalil Salleyi, the ex-judge for the Labor Court in Erbil points out that;

“Many times, in court sessions where a foreign worker is involved, because he/she does not know the language, he/she cannot give voice to his/her message for his/her rights are not violated. It is a pity that we have not been able to provide translators for foreign workers' cases in the court houses of Kurdistan”

Nazdar, an employee of one of the overseas manpower companies, told a story of one of the servants who was working in a house, later changes her religion. When Nazdar was asked if there was any worker forced to change her/his religion, she said: “It happened at the beginning, the servant was a Nepali Christian girl, the household lady told her to change and she became a Muslim. Even when she changed her household she still was a Muslim and had her hijab. The girl was Christian. Nepali Christians come here rarely. When I met her I asked, Are you a Muslim now? She said yes. I asked if her parents know about that, she said that they do not.

Lack of Contracts and Its problems

The right to having a contract in the outset of any foreign workers’ deal is regulated in the Kurdistan region, yet this right is highly violated when it comes to practice. The 2nd section on the act number 6 of the year 2015, in its first item states “All the companies and businesses that make use of foreign manpower should provide a contract with the employed foreign worker in accordance with laws of labor, retirement, social assurance of workers and all the regulations from the Ministry”.

Tenzij is a Nepali worker and is 25 of age. He came on a travel visa two years ago and stayed in the Kurdistan Region. He has worked as a waiter in a restaurant in Sulaimni. He talked about how he came to Kurdistan and mentioned being employed without a contract. He said;

“I gave 3000 USD to a visa agent, so they take me into Kurdistan. When I got here, I stayed in a hotel and started looking for jobs...My first job was as a waiter in a restaurant. A friend of mine found me this job. We went into the restaurant together and talked to the restaurant owner. The owner asked me some questions regarding language and such. That was it. I started working right away and there was no contract or any written form between us. Until this moment I work with the same person in a market and still without a contract”

The director of The Independent Board for Human Rights in Sulaimani mentioned the same point when he said;

“We, as the Sulaimani Office, have investigated into many foreign worker cases and even they the workers themselves have visited us, Arab and Nepali workers. One of the most apparent violations against foreign workers is the absence of a work contract between the job owner and the worker. This has created a legal gap and has made it easy for abuse, why? Because if there is no contract, the job owner can play with the worker in whatever way that increases his/her revenue”

The absence of a contract is mostly in the interest of the business owner. Especially when the business owner does it on purpose, so he/she will not pay for social assurance as a condition for contracting. Despite the fact that lack of a written document or contract is in itself a violation, it will also lead to the worker’s inability to legally demand his/her taken rights. Even though the Labor Courthouses also depend on witnesses in the absence of a contract, but for a foreign worker, it is very difficult for them to demand for their rights in court without a contract. On the issue of absence of contract, Xalil Salleyi, the president for Labor Court in Erbil city said;

“It is very unfortunate, we get cases where you see it is very big company, but they do not offer job contract with a worker. They don’t write one for them. This is a very big violation. When such cases come to court I ask them; where is your contract. They say we don’t have one, they did not give us any. This is really a big violation of the law. Uncivilized... We fortunately have that law for the workers. So they prove their own rights in the courthouse, even if it is with a witness... the policy makers had that article for the protection of the workers, not for the job owners to oppress them and not offer them with a contract”

What can be note here is that those workers who are do not have a contract of work, they are mostly those who entered the country through the Ministry of Interior holding the

travel visa, and they will then stay. The Director of Labor and Social Assurance indicated to that as well;

“in-house workers all have contracts. All other workers who enter the country in our way, which is through the Ministry of Labor and Social Affairs, all have their work contract”

Abina, a 27-year-old girl, who comes from Ghana. It has been more than 2 years she is working in the Kurdistan Region. She talked to the principal investigator of the study in front of one of the Beauty Salons in Ainkawa town. She talked about her work and life experiences. As she mentioned it, she has come to the Kurdistan region through an overseas manpower company as an in-house servant. After her two years contract as a servant finishes, she goes back to Ghana. A while later she comes back to Kurdistan on a travel visa. She said that a friend of hers has found this job for her. She works as a servant and cleaner in the Beauty Salon. When asked if she has a contract for her current job, she said that she does not.

Despite the absence of contracts between the worker and job owner, the participants of this study called attention to the problems and shortages in the contracts that are made between those two. Many times, the contracts are written in a language that workers don't understand, which again makes the worker not know his rights and duties. The officer of the Relations section of the Labor Syndicate-Sulaimani says; “Despite that absence of contract for foreign workers most of the times, but event it exists it is not written in a language they could understand”

He further states;

“The contracts are written in accordance to our regulations. The contracts in written in Kurdish, Arabic and I think it English as well. If I am not wrong. Those who enter this country, their Arabic is good. Especially the Indonesians and the Nepalis. They, therefore, do not face problems”

Even though the Iraqi Labor Law number 37 of the year 2015 in its item number 16 states that Arabic and Kurdish languages should be languages for writing the contract, but

according to international by-laws and standards, the contract language should be the mother language and the workers should understand it

Another side of the contracts is related to the Labor Courthouses. Sometimes in the contracts it is written which courthouse is dedicated for solving any problems that may occur. This makes the Labor Courthouses not play any roles in some cases for taking care of rights violation cases. Just as Hakim Xalil Sallayi mentions this very clearly, he says; “If the contract is made in another country, we will need to look into all the items. Many times an item is added. For example, it says in any case a problem occurs with this, there this court or that place that is related for supervision. The court will finalize it. So if the problem is brought to us, we will tell them where to go as per the contract”

Trading Foreign Workers

Due to special circumstances and many times due to the lack of needed mechanism for their protection, foreign workers are one of the groups that easily enter the circle of human trading. The law firm of combating human trafficking in Iraq is Law number 28 which is released by the Iraqi Parliament Council in 2012, also this law has been activated in Kurdistan Region in the 2018 Law number 6. For enforcing this law, the Ministry of Interior in the Kurdistan Region released regulations number 3 in an official letter number 12034 August 14, 2018 and accordingly: the organizational firm of standing against human trafficking in the region is by establishing a directorate of combating human trafficking inside Kurdistan Ministry of Interior, also establishing offices for the same subject free areas and provinces.

The item number 1 in the regulations number 3 of Ministry of Interior, clearly defines the meaning of human trafficking which is “leading, transforming or pulling a group of people under the use of threaten or verities of force like kidnapping, forcing or exploitation for purposes such as (sexual abuse, enslavement, beggaring or using organic parts of their body for medical experiments).

When applying the above definition of human trafficking on foreign workers in Kurdistan and after focusing on the participants’ statements and the available cases on this research, it becomes clear that human trafficking exists in Kurdistan Region in many ways. Most of the participants of this study stated that foreign workers in general and the females

ones specially become a product of trading. A member of the a special committee of foreign workers in Ministry of Social Affairs said: “I can’t say that trading of foreign workers doesn’t exist, yes it does... but it happens in every country”

Many of the participants, especially activists, lawyers and representatives of organizations working in this area were agreed on that: many times workers are brought to Kurdistan under the name of some particular jobs, but in reality they enforced the workers do other jobs, not what was intended.

Alla Kamal, an activist of this field in Sulaimani city declares that foreign workers are brought to Kurdistan by deception and are used for other purposes and this defines is as human trafficking.

Alla said: “seriously there are many cases that happen against the female workers in public places and night clubs, they were fooled under the justification that the work will be doing a cashier job or something like that, but when you dig deeper you’ll find that they hired this woman for more than one man and the men raped her, this is my case and I’m working on it now...”

This is another example of human trafficking and deception, because the workers do not come for sex purposes, but they are obliged to do so, many of the participants said that places like massage centers and night clubs are the many places for these illegal actions.

In 25/10/2018 a teller informed Sulaimani human freedom rights office that three Vietnamese female workers have been kept forcefully in a hotel and they are forbidden to go anywhere, after investigations, the office and the police of crime combating under the order of judge could free the three women. After further investigation it appeared that a Chinese man brought these three workers and did all the required paper works for them to reach Kurdistan, the office knew that this Chinese man told these women that they would work in restaurants or cafes, but after they arrived to Sulaimani the man took all documents and made them do inappropriate things, but the women never agreed.

According to the office of human freedom rights, the chines man was never punished instead he only wrote a promising letter not to do anything like that again.

What is noticed is that not having a law to combat human trafficking in the past was a reason for re-victimizing the female workers again in court, after being a victim of manipulation and fraud, the lawyers whom were working in these cases referred to the

above points. Aras Rahim is a lawyer who has been working in this firm for three years with international organizations, said:

“unfortunately, many times in cases of women trafficking, the females become a victim for the second time, because of the law of combating prostitution, and were treated like prostitutes, so if the lawyer is not very careful he may end up losing their cases, and the women being guilty”

Aras talked the cases he worked on and how these workers were fooled and became a product of sex, he said:

“most of the cases that we have, are about the foreign workers whom came from different countries, I can say that these situations only happen to female workers, these women were brought from their countries and were promised to work in suitable places, such as hotels and notable restaurants, but when they arrived none of that happened, they were sold even before they arrived to the region like products, many of them were not even told that they would come to Iraq, some of them were brought to France then to Britain then to an Arabic country and finally to Iraq”.

Taking from what Aras says, it appears that the subject of human trafficking in Kurdistan region is combined with human trafficking on international levels. Aras’s words prove that trading of foreign workers actually happen, which is a kind of human trafficking. This type of human trading has been mentioned in the report number 1 in 2018 of the Ministry of Interior of the Kurdistan Region.

Azad Mohammed, an activist in this area, talked about the ways of fraud and lying in the cases of bringing foreign workers to Kurdistan and said: “many groups are created here, they take money from the workers without any reason, or sometimes they take their passports and lie to them and say they need them for paper worked, but they never return the passports to them”

The Director for Labor and Social Assurance in the Erbil Governorate mentioned a specific group of people who fraud the foreign workers, he said: “for example every residency card must be renewed one month before the expiration date, but the workers don’t know about these instructions, some lawyers use this as an opportunity to take more money from them because they wait until two or three days before the expiration date

which cause some trouble in the residency directorate which lead to terrify the workers and they would pay more only to get out of trouble”

Another participant (Mohammed), the owner of C.V company, with four years of experience in sponsoring foreign workers. Mohammed’s company has some special lawyers to sponsor foreign workers. He talked about human trading by mentioning an example from his own company and said:

“one of our lawyers sponsored 66 foreign workers to come and work in Kurdistan, all of them have being hired and are working now, except two workers, we never saw them. Their arrival time was in same time of the decision of closing Kurdistan airports, and they were the last to arrive Erbil airport before it was closed, the agent who supposed to bring them went to Dubai and never came back, a man from Nepal who lived in Kurdistan but had connections in Baghdad took the chance and brought the two workers by taxi to Baghdad, it was a good business for him because getting residency in Kurdistan is more cheaper and easier than Iraq, we succeeded in bringing one of the workers back to Kurdistan, but the other is still remained there, we found his place, he is working in a restaurant in Baghdad, we contacted the owner but he said that he bought him for 1000\$ we offered him they money but he asked for 4000\$ more under the justification that he taught him how to work”

Azad, another activist in the same area talked further about human trafficking and thinks that sometimes some cases inter the circle of slavery and said:

“situations happen in which the worker can buy himself/herself, they can pay 3500\$ to 4000\$ to the company that brought them to the region and then can be free and go work in anywhere they like, but again they will face bigger problems because when they go without residency, they get caught by police, and here many people take this opportunity.

Unfortunately, there are lawyers whom vouch the workers by around 1000\$. The only problem the workers have is residency, they didn’t come here to do explosion or something, so when the only problem residency:

why not deporting them to their country? Why the government arrests them and put them in jail?

Despite of the mentioned types of human trading, the participants pointed to another kind, which is not paying the worker's monthly pay. The Head of Human Rights Office said:

“not paying monthly payment is another kind of violence that we noticed, for example an employer hire workers and assign them many works, after they finish their works the employer does not give them the payment and again this is because that law is applied as it should be”

After taking the participants words, it become clear that human trafficking is one of the violence that stand against foreign workers, what is noticed is the absence of law, not following legal instructions and the weakness of following up processes are reasons of the continuity of human trafficking in Kurdistan Region. The opportunity of working on human trafficking increased with time in Kurdistan, especially after activating the law of combating human trading, also organizational firms of combating human trafficking can be very worked on very seriously, also several local and international organizations were and are still working on the issues of foreign workers trading.

The Peace and Freedom Organization is a non-governmental organization working in human rights and freedom area. It provides legal services to workers. One of the case the organization has worked on is the human trading case in 2018. The Organization officials tolls us and said "on August 19, 2018, it was 10:00 in the morning they called us. They were two Egyptian workers. They were brought into the Kurdistan Region by unknown people and were left in the Erbil Airport. After looking for the workplace they were supposed to work at, but they were rejected and left with not support and work in the Kurdistan Region. Then, they left for Sulaimni but again their attempt to find a job was futile. We called them, and they came to tell us their story.

One wanted some money to go back to Egypt and the other wanted renewal of the residency card so he stays and finds a job. They said, they were not alone, there are other like them. The Peace and Freedom Organization lawyer who offers legal services to workers says that this is considered human trading. The lawyer further says "We informed the Ministry of Labor, so they and the rest of supervision committee pay a visit to the intended place.

Lack of Social Assurance

The right of social assurance is one of the fundamental rights of foreign worker and it is mentioned in the frame of interior and international laws and rules. For instance, the right of social assurance for workers is structured and constructed by the rule number 39 of the year 1971 of Iraq and the revised rule number 4 of 2012 of Kurdistan Region. On the instruction number 2 of 2015 of the Ministry of Social Work of Kurdistan, this right is provided and guaranteed for the workers based on the worked rules of Iraqi and Kurdistan government. Like the local workers, which have the right of social assurance, the foreign workers have the same right in the region.

Although several participants argued for that the local workers do not have the right of social assurance as much as the foreign workers have, there are many foreign workers that do not have the right of social assurance. For example, Xalil Salleyi, the president for Labor Court in Erbil city pointed out to the lack of social assurance in general in the region and also mentioned that some of the foreign workers have this lack as well as he said:

"The Social guarantee is really not concerned about. Most of the companies are not obeying it, and this is not done for both the local or foreign workers. Any worker starts working in a certain place, right away the owner of the job must inform the department of Social Insurance and Contract and open a new folder for him in the Contract department.... For us, most of the sues are for this matter...."

The participants believe that those foreign workers that face these problems are the ones that do not come by the Ministry of Labor. The CEO of the media of work of Erbil mentioned this point and said "Those workers that are smuggled into the region are the ones that are not provided with the Social assurance."

Afya is a girl from Ghana and since the beginning of 2017, through her scouts of getting visas in her country has come to Kurdistan Region. She is 27 years old and has finished high school. She works in one of the overseas manpower companies as a secretary, and she tells her story. Although she is happy with her life in Kurdistan Region and she is always called the lucky one by her friends, but as a reply to the question that whether she has gotten contract and the social assurance, she replied "I have contract, and in my contract it is mentioned how much I should get as a monthly payment, but they don't consider my social assurance right. Although, when I need something, they do it for me."

A number of the participants in the survey are pointing to that in some cases, the owner of the company whom due to his own benefits, do not provide social rights payment for the worker as he gives the monthly payment. One of the organs in the department of labors in Kurdistan in Erbil mentioned this point and said:

"There are worker whose monthly payments must be 1500\$ but is given 300-400\$ which is in favor of the owner of the company and this illegality is intentionally done...."

Osman Zindani, the CEO of Construction Department in Sulaimani is pointing out to the same point and says:

"The foreign workers have more rights of social assurance. Those workers that work in the constructions are provided with social rights. But the problem here is that some of the times the worker's payment is 1000\$, but they write 500\$ for him and say 17% of 500\$, or if it is 500\$, they write 300\$ for him and say 17% of 300\$..."

About the foreign workers that do not get social assurance, Osman Zindani said:

"There are foreign workers that do not have social assurance and cannot have it especially those that came by smuggling and not through the Ministry of Labor, or came for tourism reasons. None of these will get social assurance..."

The thing that is noticed is that job contraction most of the times is the social assurance especially for those workers that come to Kurdistan Region through the Ministry of Labor and go through the filtrations of the Ministry. We can say that if the foreign worker do not have contract, they do not have the social assurance as well.

Consequently, not giving the right of work contract to the worker will lead to another problem which is not having social assurance.

The reasons behind the foreign workers not getting the rights of social assurance are the same for the case of the local workers. Based on the hypothesis, in a frame of a report that was held in 2016 by the organization of Peace and Freedom which was about the circumstances of the rights of workers and the freedom of Syndicate of Laborers work in Iraq, it is mentioned that the reasons behind not providing for the workers are number of reasons. According to the report, the lack of knowledge of the workers about social assurance, the company's owner intention of not providing so that he does not pay the worker more and running away from the punishment when not providing the Social rights are the reasons behind the none providence of social rights. For example, if we take the case of running away from punishment as one of the reasons, we have to mention that that lack of laws and weakness of ordering the laws and instructions by the lawful departments are the reason why the social assurance for foreign workers is neglected and the problem keeps continuing. Masala Organization in their special report about the rights of workers in Iraq and Kurdistan Region in 2012 are implying "the right of social assurance must be gotten for the foreign workers in the same way as it is for the local workers." After six years of the publishing this report, we can see that the conclusion of this reports concerns about the same point.

Sexual Harassment

According to most of the participants and those cases that are gotten for this surveying, it is obvious that sexual harassment is one of the most common harassments that faced the foreign workers (especially women).

Alla Kamal, who is an activist in the field of foreign workers and for years she has been working on the case of female workers, is very aware of the cases of harassments that is done against the workers in Kurdistan Region. As she mentioned, she is busy making a report about those harassments that were done against the foreign workers. She implied: "The cases that are in my hands 80% of them talks about the sexual harassments that were done by the job owner against the workers."

Alla mentioned those harassments that are done in the special places like the hotels. She talks about one of the cases that she went after it and investigated it herself as she says:

"In the Special places, sexual harassments are done to the women workers in one of the best hotels that a Syrian woman works in. She came to me and said that the Hotel owner raped her. I went after the case myself and it was even way worse than she said."

Nazdar, who is an employee in one of the companies that brings foreign workers in Erbil and has been working with them since 2016, she talked to the consultant alone in the company. Due to her work, she has a daily direct and face to face interaction with the foreign women workers in the company. Nazdar mentioned the phenomena of sexual harassment toward the foreign workers and especially those that work in cleaning houses or in houses, and said:

"from a time to another, there are such coincidences, but they are provocations not harassments. There are times that the man in the house touches the worker. These things are likely to happen. The girl comes back to the company, but you cannot make the man guilty due to lack of evidence; therefore, they take the girl back from the man and let him go..."

The S organization is one of those organizations that worked on the cases of foreign worker cases in Kurdistan Region. The Principal of the organization mentioned two cases of sexual harassment and raping in which he said:

"We had two cases of two women whom were from a country in Africa. They both faced hitting and raping. Both were brought by the specialized company to work in houses. They both ran away from the houses due to sexual harassments. Also, they were not given their monthly salary that was promised. Later when we want to face the owners of the houses, they both ran away. These were two different cases that we took them, and with corporation with Principality of Fighting Violence against Women and worked on them. After that, they were sent back home."

Answering to the question about that how they knew about these cases and were able to work on them, the principal of the organization answered:

"One of the cases contacted us through internet, and the other one while one day we were in the office of Fighting against the violence against women, a woman came in who was very upset. After asking her questions, we figured out that such incident happened to her earlier. Then, we worked on it as a case..."

About the same subject (Ahmed), who is a principal of one of those companies that brings foreign workers to Kurdistan region and is working in that field for (4) years, talked about the availability of violence against foreign workers. He said:

"Yes, there are cases of sexual harassment against foreign workers, but the workers do not accept this. Anytime, such incidents happen, they leave the house and come back to us, and they never go back to that house... They talk of everything to us, and when they face any incident, they tell us right away..."

Alla Kamal as an activist in foreign female worker is pointing out to one of the worst case of those cases of sexual harassment that is done against foreign women workers in Kurdistan Region, and she said, "about those workers that work in the houses, I have a case who is pregnant now, and the owner of the house that this woman works for, we have hidden the subject from him because the house owner said that if she takes my name out of this house and people find out about that the child in her belly is mine, I will kill herself and her child. I have hidden this woman on my responsibility and I will keep her hidden until I sent her back home after she gives birth to her child".

From the talk of the participants and those cases that are mentioned, it is obvious that the rights of foreign workers especially the women workers in the houses are disobeyed so much to the point of leaving negative outcomes on their lives. Sexual harassment it is not only an action that can be context in a matter of limited time or limited place, but also the psychological, social, economic, and health harms that are outcomes of sexual harassments. It may have consequences on the victim in future. The chances for doing such actions and let go of the doers, not having enough evidence to prove the case, feeling the victim and running away from what they have done are the most obvious

reasons that can be hypnotized for the continuity of such phenomena which is violence and harassment against foreign workers.

Documents and Travelling Suspension

The suspension of official documents like passport, startup documents, and residency are one of those violations that are done against the foreign workers. Although, some of the participants gave some excuses for this subject, but the majority are pointing that this is a real case.

Some of those foreign workers that were interviewed talked about this subject. A number of Indian workers that live in a house together in Erbil province talked about their and some of their fellow workers' experiences for our scout; they explained how due to these suspensions they lose their ability of travelling and even sometimes these suspensions are getting lost.

Dustin, who is one of those workers and he is 35 years old, has left his wife and two children in India and has come here to work in Kurdistan. He said:
"Our documents are reserved in the company that we work for even if I want to leave my work and want to go back to my country because I can get my documents after some days then I can travel which this makes many problems for us especially economically because I have to stay here for a few days and all the expenditures will be on myself. There were some of our fellows who left their works, and left their official documents; then, through the Indian consulate here, they could go back to their country."

The principal of human rights in Sulaimani talked about these violations and said:

"Suspension of official papers for instance passport and those documents and IDs they have. For example, for myself, when I want to go to another country, I want to have the total freedom of action with my official documents and I want them to be in my pocket. I have visited some of the Bangladeshi workers in the Sulaimani jails. To be honest, they have so many problems and barriers which all are considered as violations."

Mohammed, who is the owner of one of the overseas manpower companies in the region, pointed out the reason why they keep the workers documents and said:

"Most of the times, the company keep the passport and the documents of the worker so that the company goes by itself with the worker to the airport to make sure the worker is not traded by there. Also, if any of those workers get lost, according to the Kurdistan Region rules, the company has to pay a fee of 10 million and the company will be suspended from working in the field."

The director of one of the international organizations talked about the case of two Indian workers that they worked on. He said, "we were informed that a company has suspended documents of two Indian workers, and they did not let them leave a building in which they kept them for a while." To answer the question why this company did this? He said, "Their excuse was they violated the company rules and instruction, but they cannot be treated or be punished like that under any circumstance. I think the father of one of them died, but they did not even let that one to go back and have his documents..."

Safety of Work Environment

In the frame of negotiations and promises of the international field of work and worker rights, the environment of work and the safety of life of the workers are always one of the subjects that are mentioned and talked about. This subject is mentioned as a primary right in the internal rules. In Kurdistan Region, just like the circumstances of local workers, there are serious questions about the existence of suitable work place and providing the safety tools for the foreign workers. The best mentioning for this subject is the one about the data of foreign workers being injured or died in work place which is very obvious that they have many got injured or died yearly due to the unsuitable circumstances of working and not giving enough advices and knowledge about the work safety to the workers so that they be careful about their lives. this subject was reminded by majority of Fox Group participants and those that were interviewed. Azad Muhammed as a worker field activist said:

"The safety of work is not protected. Last year, 16 foreign workers died in the data of 2017. This year until now, another four has died."

A 33 years old Nepalese woman was killed on 13 of November 2018 in Erbil who was brought by a company that works in bringing foreign worker. On 21 of November 2018, the Police in Erbil through K24 channel and other media gave the information about how the woman was killed and that she was killed when a thief went to house for money and gold robbery. After the thief ties her the women and put her in the bathroom, she starts screaming which leads to her death by the thief so that no one knows about what is going on. After the crime, the thief was captured and according to the Police principal announcement, the thief confessed about what he did.

The chief of operation in Work Ministry through a phone call with our scout, said that they are aware of that case of this woman that was brought by a foreign worker company to Kurdistan Region and her name and information are recorded in their ministry, and the company do not have any legal problems. At this moment they are busy sending her body back to her country by the instructions that are available for this matter. In press conference on the 27th of November, the lawyer of the of the victim's family pointed out that her family has arrived to Kurdistan Region they opened trusty document for the lawyer. He said that the body is at pediatric hospital and they are making it ready to go back to her country. To answer the question of why until now she has not been taken back to her country, He said, "to be honest, they did not have money and I don't know why until now the house owner did not take the responsibility for these payments." The principal of Erbil Province Police said that this is the second case of foreign worker death in 2018 in the province. The first case was another foreign worker who ended his life by himself.

Those people that are aware of life of foreign workers in Kurdistan Region are talking about that there are some places that can be considered as one of the most dangerous places for working for the foreign workers. In this frame, it is pointed out to the illegal oil purification and filtration in which a big number of foreign workers are working in them. This understanding might have sourced from that the number of injured or dead foreign workers are from those filtrations every year. The existence of these oil filtrations and the big number of foreign workers that work in them gives the strong possibility of the

reason that the power the owners of these oil filtration have made it very hard and impossible for the monitors to come and observe these places.

About the environment of workplace and the number of the foreign workers that died in 2018, the principal of Work Principally of Sulaimani said that what we have until now and for this year is that two foreign workers have died in two different incidents. These people were from India. Both of them were brought by a company and they both were provided with social assurance by their company. As an answer to the question that what are th reasons behind the death of these two, the principal of Work Principally of Sulaimani said, "Unfortunately, one of them died because due to his lack of knowledge when he used a shovel. The reason was mostly himself because his work was not related to shovel work. The other one died in an iron factory when a blow happened in the iron factory. As he pointed out, the Indian Consulate had entered the subject and started their investigation to know how the incidents happened and the reasons behind their deaths.

Delaying and Suspension of Payment and Overworking

The work payment is the most primary right of worker based on the written or spoken contract that is between the work owner and the worker. According to the definition in instruction number (3) of 2018 of Interior Ministry about human trafficking and trading, any violation concerning not giving work payment is considered as human trading. The thing that is noticed and most of the participants pointed out to is not giving work payment, delaying of payment, and making them overwork for more than eight hours without any bonus are another common violation that are done against the foreign workers in Kurdistan Region.

The CEO of human rights in Sulaimani office talked about these violations and said: "Suspension of work payment is another violation that we have sensed. For example, a worker has done so much work for a work owner and until the end of the work the work owner was very kind to him, but then a big amount of money is at his hands and he is not ready to give him. And the reason for this as we talked about is that law is not something that ruled like its real meaning here..."

The CEO of Construction Syndicate of Sulaimani province talked about those cases that the work owner does not pay the foreign workers. He told our scout, "At this point, there is a company named (K) has not paid the 20-30 foreign workers working for them in which they have not paid them 20 days of working. They promised to come and see me; they consist of a group with different nationalities and some are Filipinos." As an answer to the question how these workers reached them, he said, "They went to a lawyer. The lawyer came to me and told me that these workers told me that we can pay you 30-40 thousand Iraqi Dinars so that you take our case. So he called me and asked me if I can get the lawyer for them for free. Then I told him I have to call the General Syndicate to get their permission for that.

The principal of Work Principally of Erbil Province pointed out one of those cases, and said: "A worker of a house cleaned the house for five months, but the house owner did not pay him. Therefore, we started our investigation. We visited the house (we don't get in); a woman came out and told us that her husband is not home. He took away the passport and the documents of the worker. We told him of you don't give him the money, we will raise a sue to the judge. This is investigations and you have to pay 10 million Iraqi Dinars with the payment of the worker. So the house owner accepted it anyways. We took the five months payment and gave it to him and got a ticket for him to go back home. The worker wanted to go back to his country, so we sent him back."

Yarchy is 27 years old Bengali worker that has been in Kurdistan Region for three years. He is working in front of an Indian restaurant in front of Nishtiman Bazar in Erbil and he talked about his story and experience in Kurdistan Region to our scout. As he said he first came to Kurdistan and through a company and his work was cleaning. However, after the economical crisis in the region, lots of foreign workers lost their jobs because the companies did not have work or closed. As he said, "I worked in many companies, but it has been a month that I am jobless. I am looking for a job. Three months ago, I was working in a special hospital as a cleaner. Although the company owner promised me a monthly payment of 600\$, but for two months I was just getting 300\$. I was telling him that you must pay me 600\$ and he was saying alright I will give it to you next month, but he was lying so I quit the job."

About the overworking subject, the majority of the participants of this survey pointed out that due to the special circumstances of the foreign workers, their job owners have violated them in a way that they worked for more than eight hours and they are not given any bonuses. According to matter number (55) in Iraqi working law number (71) dated (1987) which is still worked by in the Kurdistan Region Government (even the foreign workers) must be paid bonus when working more than eight hours.

Foreign Workers' Life Circumstances Supervision and Observation Process

The organization of International Laboring in 1926 published the negotiation number (21) which is about investigating the workplace of foreign workers. In 1962, Iraq approved it and that is why until now we have the committees that investigate and observe the work places.

One of the subjects that is motivating violation against foreign workers is the lack of investigation process. Most participants are pointing to that there is noticeable lack in this process. Although the Ministry of Social Affairs have special committees for observing and investigating the workplace, but we found out that these committees are weak due to different reasons and they are not able to observe those places that the foreign workers work in.

About the existence of the committees and the process of investigating and observing the workplace, the chiefs in Ministry of Labor and Social Affairs and representatives of both Sulaimani and Erbil province Syndicates are talking about that they do their works based on what they are capable of. The principal of Sulaimani Syndicate said:

"As the syndicate, we are taking places in most of the committees and we always observe the life and work circumstances of workers... We had special committees on high levels for observing the circumstances of foreign workers. The committee had the power to observe thousands of places no matter how big or small they are...we have taken tens of cases to the work justice which is the outcome of our tiring work. We have given the right to both workers and work owners..."

Another reason behind the weakness of these committees is that they are very few. An organ in the Syndicate of Labors of Erbil Province who is also a member in the observation and investigation committee is talking about this point and says:

"The committees are so less that they cannot go to everywhere. The towns and villages are far, and the committees cannot reach them..."

About the power of these committees, some of the participants talk about the weakness in power of these committees and they criticize that the observation and investigation committees are weak, and they cannot go to those companies that are big and their power is superior. 'Shalaw Karim' an activist in workers field says:

"most of the times, those committees cannot go to everywhere because some of the companies are having more power and they are not ready to go under these investigations..."

In the report of Interior Ministry number (1) of 2018 special about human trading and in the part that talks about the barriers in front of the high level committee that is against human trading in Kurdistan Region, they mention the committees of Ministry of Labor and call them weak and incapable. Especially in the phase that they are not able to do their observations well enough to know how the foreign workers are dealt with. As it is written in the report:

"The weakness of Ministry of Labor due to incapability, money shortage and capability of observation."(page 2) Also, about the weakness and incapability of the investigation and observation committees, Omer Saeed who is an activist in worker field talks about the low level of knowledge of the observation committees and said:

"Although there are investigation committees and they visit the workplaces of foreign worker, but the question here is the whether they really represent the workers, or represent the Principally of Social assurance, does it have the knowledge of treating the worker and the work owner.... As the activists, when we criticize the syndicates and government, it is because of that they are not active and they don't work properly. The Syndicate must have opened tens of course because they need good members."

He talks more on the role of Worker Syndicate and tell how of a good role they can have in leveling up the knowledge of workers and work owners. He even points out to the mechanisms that the syndicate can use to take the role that is expected from him:

"...Syndicate needs to have many programs on television media to raise the level of knowledge of workers and work owners to know how to treat each other and do not violate each other's rights."

Although the critics are about the workers syndicates that they are useless and weak, but the principals of them say that most of the times the law and instructions are the barriers in front of them which do not let them to their work properly and freely. The principal of Sulaimani Syndicate when he participated in the group conversation, he said:

"All of you come with me tomorrow to go to the biggest factory in the Sualimanyah region on our budget. It has 300 workers in which 150 of them are Indians and 150 other are Arabs. 1% is Kurds, and that because they are working in the principally of the factory. Go there on behalf of me and take the rights of these workers and see if you can, why? Because some of the times, the rules and the instructions stop me from going there freely...."

An activist in worker field criticized the syndicate for that they have the support of the international negotiations, but they cannot take their role well. He gave the example of rule number 87 of the year 1947 which is about the work freedom of syndicates, and said:

"This promising was a very important one; Iraq did not approve it until (2015). The syndicate must work on this especially matter number 3 of the message in which it says that authorities cannot intervene in syndicate work..."

Although there is investigation and observation for foreign workers in the projects and companies, but there isn't any of that for those workers that work in houses and still no step is taken to take care of such phenomenon.

'Nasrin Akram' is one of those people that have been years she has a worker in her house. She talked to our scout at her workplace which is a governmental institute in which she talked about how these house workers are neglected, and she said:

"I brought a worker to my house from one of those companies that bring foreign workers to the region. Although it has been nearly two years, not even one person came to my house to observe the life of the worker and see how I treat her."

Nasrin thinks that life of workers is related to the house owner and the house owner should be benevolence toward the worker in the way they treat them. In a way that if the

house owner treatment is not fair and good, the life of the foreign worker will face many problems. Also, she talked about the roles of the companies they bring these workers and she pointed out how these companies are careless toward this matter, and she said:

"Most of the times the worker will face a number of problems if the house owner is not a good person especially the expiry of visa and their stay. Therefore, I sent mine back to her country before her visa finished. And that was not my job but the company's, but as it is seen these companies do not do that. My case is one in the thousands of cases that nobody knows what is happening to those foreign workers in the houses..."

About this case of lack of observation for foreign worker lives in the houses, the principal of Work of Erbil talked about that mechanism that they use for that purpose, and said:

"It is mostly by phone calls. We have a committee, but you know we cannot go to every house at this situation. But every three months once, every company must ask about their workers in the houses...there is companies that have a thousand worker on work. If that company is not aware on their workers, they will face lawful punishments in which they might be blacklisted. Most of the workers know here. When they come here to take their stay, I talk to them personally. I see them myself and interview them. The first talk I tell them is that if you have any problems, you should come here..."

He talked about limiting the phone calls of foreign workers and that it should be by the instructions. This principal says:

"The problem here is that due to the instructions, the worker should not have any mobile phone, and he can only call two to four times a month. There were hundreds of workers that ran away and came here. The investigations were held with both the house owners and the companies. 90% of out investigations are with the companies because they are responsible for the workers life circumstances according to the instructions. There might me ten thousand of foreign workers in the region, but I cannot control them all."

About the mechanism that the companies use to observe the lives of the foreign workers in the houses, the participants of the survey whom were the representative of the companies said that we mostly know about them through phone calls that if something happens, they call us themselves and call the number that they were given at the first place. The thing that is noticed is that the companies and the responsible sides do not do their observation for preventing something unwanted to happen. Nazdar who works as an employee in one of the companies that bring foreign workers in Erbil province talked about a case that happened to one of their workers, and she said:

“There was family that we sent a house worker to them, she was coming back. We were asking her why are you back? She was saying they don’t give me food. At first, we didn’t believe her, we didn’t send her back to the house, but we sent some other workers to their house. Four other workers that we sent we are coming back with the same reason. We were telling them what they are doing to you, and they were saying that the house owner locks the refrigerator so that we don’t eat food. Therefore, we cut our connection with that family forever.”

On 7th July 2018, a Nepalese male who is a worker in Erbil called the lawful service center in Peace and Freedom organization at 1:00 p.m. This man has been working in a foreign company for two years named (B.C). His problem was that he was not given the salary of two months, so he seeks for help. For this purpose, the lawyer of the organization visited the company and emphasized that the work times for workers must be in the frame of laws and rules, and his payment must be paid at its due date. If not, therefore they are violating the laws and the company will face justice for that matter.

Except those sides that were mentioned above, the internal and international organizations of the civilian rights have their mechanisms and way of observing and investigating the cases of violations that is done against the foreign workers in the projects and the houses. The most important mechanism that the organizations use is the use of brochures in public places and special places that they contain important for the workers to have access to the sources where they will be helped. These organizations have been trying to reach their voices to the foreign workers from the media and

television channels not only to make the workers to seek for help when they need it, but also make them acknowledge their rights before any situation or incident that might happen. At the same time, through the activities like seminar and presses, the organizations try to make a connection with the workers so that they be aware of their life.

Relating to the process of observation for foreign workers lives, there is a right that until now in Kurdistan Region and Iraq that is violated which is directly related to that the foreign workers in a way or another are disconnected from those sides that their work is observation and investigation. This was a point that most of the participants in the activities and syndicates pointed out to. The prohibition of the foreign workers to make their own foreign worker syndicate made the correlated sides for this matter to be disconnected from them. Also, this reflects directly to the violation of their rights. At the same time, the local and international promises made this right a must thing and that no matter where than human is living which is the right of making groups and be able to participate in civilian activities. This right is very obvious international human rights.

Study Recommendation and Suggestion

1. At the time that the foreign workers in Kurdistan Region are facing different violations and there is empty space in law in giving the most rights to them. There must be serious work in the parliament of Iraq to approve the international law number 45/158 of the United Nations that is published in 1990 which is about the foreign workers and their family members.
2. It is important for the government and related sides concerning the foreign workers that they must show the right that are important for the foreign workers, and they should ask the new Kurdistan Parliament to make this rule.
3. At the time that instruction number (2) of Ministry of Labor and Social Affairs dated (2015) was published, there is serious questions why they have not gotten the proper rights for the foreign workers. The ministry must improve this instruction and make a new one that emphasizes protecting the rights of foreign workers.

4. The Labors Syndicate of Kurdistan need to work seriously on the life circumstances of the foreign workers in Kurdistan Region and they need to be taken care of like the local workers. Especially, emphasizing on the work and membrane rights of the foreign workers to have participation in the syndicates, or they make a new committee or a special part for foreign workers in the syndicate departments.
5. It is important for the Government and syndicate to work on make people acknowledge the right of the foreign workers and take away any negative vibes that makes difference between the local and foreign workers.
6. Focus the investigations and observations on the foreign worker life circumstances so that they protect and get their rights. Consequently, finding a better mechanism for observing and going after the life circumstances of the foreign workers that work in the houses is very important.
7. Rearranging the ways how these foreign workers come to our country whether it is by visa or by smuggle in a way that it becomes the reason of protecting foreign workers rights.
8. Make a network of those organizations that work in the field of foreign worker.
9. Doing scientific surveys by the scouts and academic centers on one hand; on the other hand, the organizations of civilians need to concentrate more on the rights of the foreign workers.

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