

A Comparative Study of Ethnic Discrimination in Employment Law in Iraq and Iran

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ABSTRACT

Objective: The objective of this article is to examine and compare the extent and nature of ethnic discrimination in employment rights as governed by the legal frameworks of Iraq and Iran.

Methodology: This study employs a descriptive-analytical approach, drawing on a detailed examination of constitutional provisions, labor laws, and related legal documents from Iraq and Iran. The analysis is supplemented by a review of secondary sources, including reports from human rights organizations and international conventions to which both countries are signatories.

Findings: The analysis reveals that both Iraq and Iran have legal frameworks that explicitly prohibit ethnic discrimination in employment. However, in practice, the implementation of these laws varies significantly due to cultural, social, and political factors. In Iraq, although the law mandates equal treatment of all citizens, certain provisions and practices suggest a degree of ethnic favoritism in public sector employment, particularly concerning the representation of minority groups. In Iran, despite comprehensive legal prohibitions against discrimination, certain policies and practices—such as the requirement for an Iranian identity card and regional employment quotas—perpetuate ethnic and religious discrimination, particularly against non-Muslim and non-Iranian minorities.

Conclusion: Both Iraq and Iran have made legal commitments to prevent ethnic discrimination in employment, yet the practical enforcement of these laws is inconsistent and influenced by broader socio-political contexts. While Iraq's legal framework generally supports ethnic equality, its implementation is challenged by economic conditions and political dynamics. In Iran, despite strong legal provisions, ethnic discrimination persists due to systemic practices that favor certain ethnic and religious groups. The study concludes that while both countries strive for balance in their labor laws, significant efforts are still needed to fully eradicate ethnic discrimination in practice.

Keywords: Ethnic discrimination, employment, Iraqi law, Iranian law.

1 Introduction

The principle of equality and non-discrimination in administrative rights asserts that individuals should experience no differences in accessing social, economic, political, and cultural rights under equal conditions. Employment rights, a critical aspect of administrative law, initiate the administrative processes that address legal and judicial considerations. Employers are legally required to engage with job seekers without regard to race or ethnicity. In contemporary society, individuals possess diverse abilities and should be able to choose their professions based on these abilities, without reference to their race or ethnicity. Although Iraq's 2005 Constitution condemns ethnic discrimination, in practice, government directives—from the Prime Minister's office to ministries and even in lower-level jobs—are often distributed based on ethnicity. The provision of services to citizens is similarly affected by ethnicity, supplanting meritocracy with ethnic considerations (Salehi Darbezi, 2016).

Iraq's dual government system, which includes various ethnicities such as Kurds, Turkmen, Assyrians, and Chaldeans, necessitates specific appointments for positions like the state president, legislative speaker, judicial chair, and army chief. While there is no overt conflict in these appointments, discrimination is prevalent in practice. This widespread discrimination affects all aspects of life, including employment, for Iraqi citizens across different factions. This situation has contributed to the existence of two governments in Iraq—one in Baghdad and another in the Kurdistan region—with different ethnic and religious minorities, including Turkmen, Assyrians, and Chaldeans, facing severe discrimination. The Geneva Justice Center reports documented cases of direct or indirect human rights violations by armed militias, including the arrest and imprisonment of individuals based solely on ethnicity, with most detainees being Sunni Arabs held in secret prisons, unknown to their families (Al-Akhdari, 2014).

In Iran, the issue of inequality and ethnic discrimination has been a matter of concern and public debate for decades. Iran signed Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination on August 28, 1968, obligating the state to ensure equality before the law. Article 6 further commits countries to seek effective remedies for any form of ethnic discrimination that violates fundamental human rights and freedoms. The United Nations called on the Iranian government to address ethnic discrimination in 2010. The United Nations

Committee on the Elimination of Racial Discrimination, composed of 18 independent human rights experts, noted in 2007 that Iran officially claims to be free of ethnic discrimination. However, the committee expressed concerns over the limited access to political, economic, social, cultural, and other rights for Arab, Azeri, Baloch, Kurdish, and other non-Persian communities in Iran. This situation arises from the Iranian legislature's traditional approach, which focuses on cultural particularism and maintains a stance of silence regarding cultural differences among minority groups, leading to a legal vacuum (Emrani et al., 2022).

The diversity of Iranian ethnic groups has resulted in the formation of distinct cultures, necessitating the incorporation of this cultural diversity into recruitment legislation and private sector employment practices. However, the Iranian criminal courts have adopted a position of absolute non-acceptance of cultural defenses. As a result, the principle of inherent equality before the law has been violated concerning minorities. The rights of minorities—such as holding judicial positions, accessing justice as plaintiffs or defendants, and providing credibility in proving criminal events—are often subsumed under the category of religion. In the legislative realm, adherence to specific values has led to the implementation of discriminatory legal prohibitions against minorities. Judicial practices also reflect bias, as judges, primarily belonging to the majority group with specific ideological beliefs, often exhibit negative responses to behaviors rooted in minority cultures, resulting in unfair and harsher treatment of defendants associated with minorities (Emrani et al., 2022).

In the context of two neighboring countries with distinct ethnic compositions, shared ethnicities sometimes exist, yet inequalities persist within employment systems, including institutionalized discrimination and strategic planning in Iran and the challenges of dual governance in Iraq. Recent wars, widespread ethnic discrimination in Iraq's Kurdistan region, and inadequate legal frameworks exacerbate these issues. Given the limitations of laws in both Iran and Iraq, progressive research with constructive recommendations is crucial for improving existing legislation and adopting new legal measures.

This research employs a descriptive-analytical approach and a comparative study framework, given the prevalence of ethnic discrimination in employment rights in both Iraq and Iran. The central subject is the principle of non-discrimination in national employment, regardless of religion, ethnicity, culture, and language, within the

administrative laws of Iran and Iraq. The study focuses on international and regional human rights documents and examines Iran's and Iraq's approaches to discrimination. It addresses laws that contribute to employment discrimination in the public and private sectors and ultimately explores the essence of non-discrimination in the promotion and appointment to administrative positions within Iranian and Iraqi administrative law, with particular attention to national service management.

2 Concepts

2.1 Discrimination

Discrimination is a social condition in which the principle of equality among individuals is violated. It refers to the unequal and oppressive treatment of one group by another. Discrimination manifests at three levels: individual, organizational, and systemic. At the individual level, powerful individuals may intentionally mistreat members of other groups through actions such as harassment, property destruction, or infliction of physical or psychological harm. Organizational discrimination arises from the policies of dominant social, political, or economic organizations, which are implemented or controlled by certain individuals (Emrani et al., 2022). Rashed (2019) emphasize the principle of equal opportunities for all members of society, as enshrined in the 2005 Constitution, and highlight the need for fundamental reforms to ensure equal access to public services (Rashed, 2019).

Ethnic discrimination can manifest in various forms, including denial of access to services, economic sanctions, and the deprivation of equal rights. Addressing ethnic discrimination is essential for identifying and eliminating barriers to fair treatment across different social groups. The primary objective is to maintain balance and equality within society, thereby preventing discrimination and inequality in interactions with individuals of diverse backgrounds. Addressing ethnic discrimination is vital for promoting equality, increasing solidarity, and laying the foundation for a just and enduring society (Habibi, 2010).

The importance of addressing this issue can be highlighted from two perspectives:

Fundamental Nature of Ethnic Discrimination: Ethnic discrimination is a pervasive issue with profound effects on society. Although it may appear to have diminished in some communities, it remains widespread in many parts of the world.

Importance of Addressing Ethnic Discrimination for Society: Societies must confront existing ethnic discriminations and strive to minimize them. Doing so not only enhances individual well-being but also fosters social, cultural, economic, and political development. Ethnic discrimination leads to violence and inequality, causing significant harm to society. Therefore, addressing ethnic discrimination is essential and should remain a priority due to its far-reaching societal impacts.

2.2 Employment

Employment, as a concept, refers to the state of "being taken into service." Broadly, employment encompasses an agreement between an employee and an employer. This agreement may include verbal or written guarantees for the provision of services, alongside the control and supervision of the work performed by the parties. Typically, the agreement includes the employer's obligation to provide compensation for the employee, alongside stipulations regarding wages. The essential conditions of this agreement clearly outline the type of work, working hours, wage rate, and other relevant terms. The employment process involves recruitment, selection, and ultimately, the attraction of qualified job applicants. While this process can be relatively straightforward, technological advancements, a competitive job market, and a workforce spanning up to five generations have made the initial step—attracting qualified applicants—particularly challenging. Employment is a crucial aspect of Human Resource Management (HRM), supported by the HR manager and other personnel involved in the hiring process. Effective recruitment efforts differentiate a company and make it more appealing to high-quality employees, directly impacting the company's performance (Khabiz'a & Babaker, 2012; Salehi Darbezi, 2016).

3 Ethnic Discrimination in Employment Rights in Iran

Article 19 of the Constitution of the Islamic Republic of Iran declares that all Iranians, irrespective of their political, cultural, and religious beliefs, are equal before the law, and no discrimination shall be practiced against them. In judicial proceedings, efforts are made to prevent ethnic discrimination, ensuring that all individuals are treated equally under the law. However, despite these legal safeguards, instances of ethnic discrimination may still occur in Iran, which warrant investigation and discussion.

In the Iranian legal system, ethnic discrimination is explicitly prohibited, and the country's laws guarantee the rights of all citizens without discrimination based on ethnicity, race, gender, religion, language, or any other personal characteristic. The Constitution of the Islamic Republic of Iran, ratified in 1979, enshrines these rights and mandates that all individuals are equal before the law, with ethnic discrimination strictly prohibited. In general, Iranian laws are designed to protect citizens' rights and ensure equality. Individuals who believe their rights have been violated or that they have experienced discrimination can seek justice through judicial authorities and organizations (Emrani et al., 2022; Gharaghani Ranjbar, 2021).

While specific instances of ethnic discrimination may arise in practice, these cases do not represent the general legal framework in Iran. For example, various laws, such as the Iranian Labor Law enacted in 2013, explicitly address the rights of ethnic minorities. Article 209 of this law stipulates: "Employers must employ workers based on their qualifications and skills without any discrimination or preference based on skin color, gender, race, ethnicity, religion, nationality, political beliefs, etc."

Iranian law prohibits discrimination in employment based on sex, race, religion, age, language, nationality, political beliefs, and other similar factors. This prohibition is clearly articulated in multiple sections of the law, as exemplified by Article 209 of the Iranian Labor Law. If an individual feels that they have been subjected to employment discrimination, they can file a complaint with the appropriate legal support organization. In cases where discrimination has been systematic and widespread, complaints can be directed to the Ministry of Labor and Social Affairs. Iranian law strictly prohibits discrimination in public sector employment and does not tolerate any form of discrimination based on gender, race, religion, ethnicity, or other such factors. If discrimination occurs in government employment, the affected individual has the right to file a complaint through judicial and administrative channels, and if verified, the case will be addressed according to the relevant legal procedures (Emrani et al., 2022; Gharaghani Ranjbar, 2021).

3.1 Executive Mechanisms for Enforcing the Prohibition of Ethnic Discrimination in Employment

The Constitution of the Islamic Republic of Iran mandates the establishment of a sound administrative system and the elimination of non-professional organizations as one of the government's duties. Ordinary laws, such as the Civil Service Law, the Civil Service Management Law, and the

laws of the five-year development plans, as well as the Twenty-Year Vision Document, address human resource-related challenges and shortcomings, including:

Enhancing the specialized and research capacity of government agencies to improve their efficiency.

Achieving employment justice in accessing government service positions.

Selecting the most qualified candidates for public service.

Establishing a system for planning the recruitment of human resources needed by the public sector (Gharaghani Ranjbar, 2021).

The Vision Document of the Islamic Republic of Iran for 2025, approved on August 13, 2004, emphasizes the preservation of human dignity and rights, along with the necessity of equal opportunities and fair income distribution. The law, approved on October 15, 2010, declares justice, equality, and merit-based selection as government duties. Article 1 of this law obligates the government to achieve social and economic justice indices based on the growth and development of individuals grounded in rights and justice. Article 57 stipulates that recruitment in the executive branch, whether on a permanent or contractual basis, must comply with public examinations as determined and approved by the Deputy for Management Development and Human Resources of the President. Article 21 obligates the government to elevate the competency of the national workforce to meet global standards (Gharaghani Ranjbar, 2021).

3.2 National Selection Law

The review of employment equality under the National Selection Law has encountered numerous challenges, as detailed below. One of the primary objectives and motivations for research on equality, particularly in public employment, is to examine how applicants for public sector jobs are assessed by "selection committees." These committees employ two main methods:

Investigating the applicant's background, characteristics, and preferences through local inquiries.

Interviewing the applicant and posing questions about their beliefs and convictions, especially in the areas of politics, religion, and culture.

The practice of inquiring into individuals' religious and political beliefs to identify and potentially persecute opponents is known as the Inquisition. Beliefs may be religious, social, political, or ideological. Therefore, according to Article 23 of the Constitution, which prohibits

any inquiry into an individual's beliefs, such practices are strictly forbidden (Emrani et al., 2022; Gharaghani Ranjbar, 2021).

Moreover, the violation of individual freedom and the right to freedom of belief by government officials is considered a crime under Articles 570 and 571 of the Islamic Penal Code. Despite this, in practice, ordinary laws, regulations, circulars, and instructions often subject individuals to written and oral scrutiny for employment in government agencies. Ultimately, only those with the necessary expertise and specific beliefs may enjoy the fundamental right to hold the intended position (Emrani et al., 2022).

This type of investigation and the issuance of opinions on applicants conflict with rights such as freedom of expression and the prohibition of prying. Although the Iranian Constitution does not explicitly recognize general freedom of expression, it can be implicitly inferred from Article 23. The selection bodies, initially formed after the Islamic Revolution, were shaped by the revolutionary context and aimed at preventing the infiltration of unwanted elements. However, this approach became extreme and biased. Recognizing these errors, the Supreme Leader of the Islamic Republic of Iran issued an order on January 5, 1983, to address extremism, superficial inquiries, and unwarranted intrusions into personal privacy. The new selection bodies, comprised of competent, committed, and rational individuals familiar with current issues, were instructed to adopt a more forgiving stance toward past mistakes and avoid oppressive measures (Emrani et al., 2022).

On June 22, 1994, the Law on the Selection of Teachers and Education Staff was approved, followed by the Draft Law on the Selection of Teachers and Education Staff for employees of ministries, government institutions, and companies on May 26, 1996. Article 10 of this law entrusts the task of reviewing and determining the moral, ideological, and political qualifications of applicants before final employment to the selection committees under the supervision of the Central Selection Committee. Article 13 outlines the conditions for committee members, drawing from the 1982 decree, except for the requirements in paragraph A, such as two righteous, committed agents. Paragraph B requires only that members be 23 years old and married, without specifying scientific or specialized qualifications in legal and judicial fields, despite the adversarial nature and complexity of the selection process (Emrani et al., 2022).

The first stage of review is conducted by the relevant selection committee (with at least two new members), followed by a second stage by the Central Committee. Objectors have two months to appeal to the Administrative Court of Justice. Paragraph 2 of the article allows the Supreme Selection Committee to intervene in any ruling, including any violations, corrections, or cancellations. Paragraph 1 of Article 16 extends the selection process to non-official and non-permanent workers, including daily wage earners, contract workers, contractors, and similar roles (Emrani et al., 2022).

The Selection Executive Regulations, approved on June 31, 1998, reiterate these conditions and regulations. Paragraph 1 of Article 2 states that any recruitment and employment of official and non-official forces must comply with the selection process, and any payment made without observing the selection regulations is illegal. Paragraph 2 expands the scope of individuals subject to selection, including those sent on fixed missions abroad, transferred to another agency in sensitive jobs, receiving scholarships, or accepted into higher education centers affiliated with government agencies. Article 3 clarifies the concept of practical commitment to Islamic provisions, which includes performing obligatory duties such as prayer, fasting, and avoiding prohibited actions. Despite the existing capacities, these laws have not been sufficiently referenced in the rulings of the General Assembly of the Administrative Court of Justice (Gharaghani Ranjbar, 2021).

4 Ethnic Discrimination in Employment Rights in Iraq

Iraqi laws regulating the rights of all citizens without discrimination are governed by Article 14 of the Basic Law, which stipulates: "Iraqis are equal before the law without discrimination based on gender, race, nationality, origin, color, religion, sect, belief, or social or economic status." This principle ensures that all citizens enjoy equal civil rights, including in the realm of professional education, regardless of race, color, gender, religion, or national origin. Furthermore, the Iraqi Constitution, Labor Law No. 71 of 1987, Civil Service Law No. 24 of 1960, and other relevant legislation guarantee the right to work for every capable citizen, providing equal opportunities and conditions for all without discrimination. These provisions are reinforced in the sections of the Basic Law concerning public rights and freedoms, the judiciary, and employment conditions, as outlined in Article 24 and Article 29 of the Civil Service Law of 1960. Additionally, Law No. 5 of 2015, which supports

minorities in the Kurdistan Region of Iraq, addresses these issues (Rashed, 2019).

Articles 29 and 30 of Law No. 24 of 1960, which pertain to employment, specify the following regarding employment and re-employment:

The committee is responsible for assessing the competence of nominees or re-employees through interviews, written tests, or both, to verify their qualifications and integrity. Exceptions are made for those with prior service experience or higher education unless the number of applicants exceeds the number of available positions (Rashed, 2019).

A certificate of competence must be issued for each individual before employment or re-employment, especially for positions in education, medicine, and engineering. This certificate should include academic credentials and the job title for the appointment. Transfers to positions outside these fields require approval by the Minister of Health.

Employment must adhere to the following conditions:

General requirements for participating in civil service entrance exams and qualifications for various positions.

Regulations for organizing exams that ensure equal opportunities for all candidates across Iraq.

Ensuring the integrity of the examination process.

Collaboration between the Civil Service Council, ministries, and local administrations to implement these provisions (Hassoon, 2022).

Local administrations may appoint employees after they have passed the examinations conducted by the committee formed under the General Service Council. However, these employees cannot be transferred to other civil service branches outside the administration without passing the General Service Council's examination (Hassoon, 2022).

Article 30 outlines the duties of the General Service Council concerning promotions and grievances of all employees, with the following provisions:

Ministries must prepare a confidential report for each employee, except retirees, regarding their employment under Paragraph 2 of Article 8. Copies of this report are to be kept by the Ministry of Health and sent to the General Service Council (Hassoon, 2022).

Instructions must be issued to ministries concerning employee promotions when vacancies arise. The Minister of Health reviews candidates' claims and makes recommendations for promotion to the Council.

The Council has the authority to object to an employee's grievance concerning unfair non-promotion or confirmation in employment, with its decision being final. The Council is

also empowered to issue instructions regarding these matters.

Ethnic discrimination in Iraqi employment rights is continually scrutinized by judicial authorities and human rights organizations. In 2018, the Iraqi Human Rights Commission published a report highlighting discrimination and illegal practices in Iraq's labor rights. The report identified discrimination in hiring, wage disparities, delays in wage payments, and non-compliance with occupational safety and health standards. International organizations are also actively engaged in addressing human rights issues in Iraq, striving to eliminate ethnic discrimination and other human rights violations in the country (Hassoon, 2022).

The Iraqi Basic Law of 2005, the "Supreme Law in Iraq," offers robust protections against discrimination, ensuring equal treatment for all Iraqis regardless of gender, race, ethnicity, origin, color, religion, sect, belief, or social and economic status. This law lays a strong foundation for Iraq's legal framework, with Article 14 specifically endorsing equal rights for all. Iraq has ratified several important human rights conventions, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), committing to upholding international standards that protect the civil, social, economic, political, and cultural rights of Iraqi minorities. Additionally, Coalition Provisional Authority Order No. 7, issued in April 2003, includes an important anti-discrimination clause in Section 4, which mandates that all public servants, including police, public prosecutors, and judges, apply the law impartially and without discrimination. This clause is crucial in preventing discrimination and is complemented by Article 372 of the Code of Civil Procedure, which criminalizes hate crimes and acts of violence, assault, defamation, and other violations (Rashed, 2019).

Iraq's Labor Law No. 37 of 2015 further enforces these principles. Section 1, Article 25 defines direct discrimination as "any distinction, exclusion, or preference based on race, color, gender, religion, sect, political beliefs, or nationality." Article 26 defines indirect discrimination as "any action that results in the deprivation or preference of individuals based on nationality, age, health status, economic status, social status, family ties, or trade union activities, which undermines equal opportunities or fairness." (Hassoon, 2022)

4.1 *Civil Rights and Equal Treatment in Employment in the Iraqi Constitution*

The Iraqi Constitution of 2005 serves as the supreme legal authority, providing strong protection against discrimination based on gender, ethnicity, color, religion, or national origin. It guarantees equal treatment for all Iraqis, irrespective of their background, and establishes a robust legal foundation for the protection of equal rights. Article 14 explicitly states that all Iraqis are equal before the law without discrimination based on sex, ethnicity, origin, color, sect, belief, opinion, or economic or social status. Direct discrimination, as prohibited under Article 25(1) of Labor Law No. 37 of 2015, includes any distinction, exclusion, or preference based on ethnicity, color, sex, religion, belief, political opinion, or national origin. Article 16 of the Constitution further asserts that equal opportunity is a guaranteed right for all Iraqis, and the government is obligated to ensure its provision (Rashed, 2019).

This legal framework aims to achieve sustainable development grounded in social justice and equality, guaranteeing decent work for all without discrimination. It seeks to build a national economy that upholds human rights and fundamental freedoms (Article 2). Article 4 of the Labor Law affirms that work is a right for every capable citizen, and the government must strive to provide equal opportunities without discrimination. Article 6, paragraph 4, stipulates that freedom of work is protected, and no one may limit or deny this right. The government is committed to promoting full and productive employment and to upholding the fundamental principles and rights associated with it, including the elimination of discrimination in employment and occupation (Rashed, 2019).

Article 8, paragraph 1, prohibits any violation of the principle of equal opportunities and treatment, particularly regarding discrimination between workers, whether direct or indirect, in all matters related to vocational training, employment, or terms and conditions. An exception is made under Article 8, paragraph 3, where distinctions based on job-specific qualifications are not considered discrimination.

Workers who experience forced labor, discrimination, or harassment in their job or profession have the right to file a complaint with the labor court (Article 11). The law imposes penalties of up to six months' imprisonment and a fine of one million Iraqi dinars for violations related to child labor, discrimination, forced labor, and sexual harassment, depending on the case. In the absence of specific provisions in this law, relevant Arab and international labor

conventions ratified by Iraq shall apply (Article 14, paragraph 2 of the Labor Law) (Hassoon, 2022; Rashed, 2019).

Article 48 prohibits the termination of employment contracts based on job discrimination, whether direct or indirect. Job seekers are entitled to free registration in training programs under Article 26. Workers are also guaranteed equal pay for equal work between women and men, as stipulated in Article 53 (Hassoon, 2022; Rashed, 2019).

All projects and workshops are subject to supervision and inspection by the Ministry of Labor and Social Affairs, in accordance with Article 126 of the Labor Law. The Department of Labor Inspection and Vocational Training, as specified in Article 127, paragraph 1, assumes various duties, including those outlined in paragraphs a, b, c, and d of this article (Hassoon, 2022).

4.2 *Actions for Non-Discrimination in the Iraqi Constitution*

The Provisional Coalition Authority Order No. 7 of 2003, which concerns Law No. 111 of 1969 on Criminal Law, includes a critical provision in Section 4 aimed at combating discrimination and protecting the rights of minorities. This provision mandates that all individuals performing public duties or occupying public offices—including those in law enforcement, prosecution, or judicial roles—must enforce the law without discrimination in their official duties. Discrimination on the basis of ethnic affiliation, color, language, religious affiliation, political opinion, nationality, ethnic origin, social status, or place of origin is strictly prohibited. This is reinforced by Article 372 of the Penal Code, which prohibits hate crimes and criminalizes actions that cause harm, insult, invalidate, or destroy the religious practices and holy sites of religious minorities in Iraq, thereby establishing a robust legal framework to protect the rights of Iraqi minorities (Hassoon, 2022).

In accordance with Article 4 of the Labor Law, the government is committed to providing equal opportunities in the workplace without discrimination. Article 8 of the Labor Law explicitly prohibits any violation of the principle of equal opportunity and treatment, whether direct or indirect, particularly concerning discrimination in vocational training, recruitment, or employment conditions. Indirect discrimination is defined as any distinction, exclusion, or preference based on sex, age, health status, social or economic condition, or affiliation with trade union activities that results in the nullification or impairment of equal

opportunity and treatment in employment and occupation (Rashed, 2019).

The government has implemented policies to promote full and productive employment while respecting fundamental rights and principles in both law and practice. This commitment is particularly evident in Article 4 of the Labor Law, which focuses on combating discrimination in employment. Article 6 further guarantees workers' rights to seek redress in the Labor Court if they experience forced labor, discrimination, or harassment in employment and occupation. Violations related to child labor, discrimination, forced labor, and sexual harassment are punishable by imprisonment for up to six months or a fine not exceeding one million Iraqi dinars, depending on the specifics of each case, as stipulated in Section 11 of the Labor Law. Employment contracts cannot be terminated on the grounds of discrimination, whether direct or indirect, as outlined in Article 48(e) (Rashed, 2019).

To combat discrimination against ethnic and religious minorities in employment and occupation, all workplaces subject to the Labor Law are supervised by the Ministry of Labor and Social Affairs, in accordance with Article 126 of the Labor Law. The Labor Inspection Department, as specified in Article 127(e)(1), is responsible for providing mechanisms to receive workers' complaints regarding any violation of their rights under this law and for raising awareness among workers about how to use these mechanisms (Hassoon, 2022; Rashed, 2019).

Chapter 19 of the Labor Law ensures free legal consultation and services for workers, employers, employees, and laborers. Section 26(4) allows workers to participate in educational programs at no cost. Workers are entitled to equal opportunities and treatment in employment and work without discrimination, as stated in Section 42(1)(j), and benefit from professional training programs as per Section 42(1)(z). Equal wages for men and women performing the same work are mandated by Clause 17. According to Law No. 38, trainers at vocational training centers affiliated with the Ministry of Labor and Social Affairs receive an educational allowance equivalent to 10,000 Iraqi dinars per day (Hassoon, 2022; Rashed, 2019).

Iraq is a member of Convention No. 111, a fundamental convention ratified by 175 countries, which, alongside the Equal Remuneration Convention, 1951 (No. 100), upholds the fundamental principle of eliminating discrimination in employment (Hassoon, 2022).

In 2015, Iraq enacted the Transparency Law to promote transparency in the employment process and reduce

corruption and discrimination in hiring practices. This law mandates transparent criteria for selecting new employees, equal access to employment information and conditions, and training programs for new hires. The Iraqi Ministry of Labor and Social Affairs is also responsible for ensuring transparency in employment, and government agencies must adhere to transparent standards and principles of equality.

The Committee of Experts has noted that the Iraqi government has not yet responded to requests for information on measures taken to address discrimination against ethnic and religious minorities in employment and occupation. Labor Law No. 37 of 2015, which came into effect in February 2016, prohibits direct and indirect discrimination in all matters related to vocational training, employment, and conditions of employment. It also promotes equal opportunities and treatment in employment and occupation and prohibits sexual harassment and abuse.

If an individual believes they have been subjected to employment discrimination, they can file a complaint with the Regional Labor Council, which is responsible for investigating and addressing such complaints. If a company or organization consistently prefers to hire individuals based on specific characteristics, such as gender or race, it may face charges of employment discrimination in court. The court may impose a fine on the offending company and, if necessary, order compensation for the individual who was discriminated against (Hassoon, 2022; Rashed, 2019).

5 Discussion and Conclusion

An analysis of Iraqi labor law reveals instances of ethnic discrimination within certain provisions. For example, the law mandates a proportional representation of ethnic minorities in government organizations, provided these minorities constitute at least 15% of the population. However, with the Kurdish population in Iraq constituting approximately 20%, this provision has significant implications. Nevertheless, Iraqi labor law generally seeks to balance the representation of various ethnicities and restricts ethnic discrimination.

In contrast, Iranian labor law also exhibits forms of ethnic discrimination. For example, certain professions require an Iranian identity card for employment, which discriminates against non-Iranian and non-Muslim minorities. Additionally, in some regions of Iran, ethnic minorities, such as Sunnis and Kurds, face restrictions in employment and housing. However, the Iranian labor law, in general, strives

to maintain a balance among ethnic groups and limits ethnic discrimination.

In conclusion, both Iraq and Iran exhibit elements of ethnic discrimination within their labor laws, yet efforts have been made in both countries to achieve balance and reduce such discrimination. Ethnic discrimination in employment and career progression is illegal according to the labor laws of both Iraq and Iran. However, the effective implementation of these laws is influenced by cultural and social factors.

In Iraq, labor law prohibits ethnic discrimination in employment and career progression, and any form of discrimination based on race, gender, religion, or ethnicity is illegal. Moreover, education, work experience, and job qualifications must be considered based on legal criteria during the hiring process.

In Iran, labor law also prohibits ethnic discrimination in employment and career progression. Nevertheless, as a multi-ethnic society, Iran still struggles with the persistence of such issues in practice. Employers may prefer candidates based on ethnicity or other unlawful factors, but any decision made on these grounds is considered a violation of labor law. It is important to note that religious discrimination is also present in the Islamic Republic of Iran, with non-Muslims facing discrimination.

Therefore, while ethnic discrimination in employment rights is illegal in both Iraq and Iran, the practical implementation of these laws often encounters cultural and social challenges.

There are both similarities and differences in the laws regarding ethnic discrimination in employment rights between Iraq and Iran. In both countries, ethnic discrimination in employment is illegal, and all individuals are guaranteed equal rights according to the constitution. In Iran, employment in public and state organizations requires passing an employment test, with hiring decisions based on test results and the specific needs of various organizations. Iraq follows a similar process, but certain occupations are reserved for specific ethnic groups.

In Iraq, there is currently no law limiting the number of individuals from particular regions or ethnicities in state and public organizations. In contrast, Iran has a "quota allocation" system that determines the number of employees based on their regions and ethnicities. Employment laws in both countries differ in their approach to ethnic discrimination. In Iraq, Article 125 of the Labor Law stipulates that all Iraqi citizens have equal rights and benefits in state employment, and ethnic discrimination is illegal. If discrimination is observed, the offender will be punished. In

Iran, despite comprehensive laws, discrimination persists in organizations, and certain industries and jobs prioritize candidates from specific ethnic groups. In Iraq, minority groups such as Kurds and Turkmen are recognized as distinct ethnic groups and are considered in employment laws, whereas Iran's employment regulations do not explicitly discriminate between ethnic groups, offering equal opportunities to all citizens.

Due to Iraq's economic challenges and high unemployment rates, fair job distribution among different ethnic groups may receive less attention. In Iran, high unemployment rates in certain regions may limit some ethnic groups' access to employment and job opportunities. In Iraq, various ethnic groups have direct representation in government and political systems, which can facilitate their access to employment opportunities. Although both countries are committed to ensuring equal rights and benefits for their citizens, Iran's more discriminatory policies result in ethnic discrimination in certain industries and jobs, while in Iraq, ethnic discrimination is illegal, and no distinction is made between Iraqi citizens in employment.

Authors' Contributions

All authors have contributed significantly to the research process and the development of the manuscript.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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