

# ENHANCING SOCIAL ASSISTANCE IN KRI & IRAQ

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BETTER ASSISTANCE IN CRISES PROGRAMME



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# Introduction

Social assistance is a fundamental pillar of social justice, economic stability, and human dignity. However, in the KRI and the rest of Iraq, many vulnerable groups—including rural youth, persons with disabilities, elderly individuals, low-income families, internally displaced persons (IDPs), and women-headed households—face significant obstacles in accessing support. Discretionary aid models create uncertainty, often subject to political and administrative changes rather than being anchored in clear and enforceable laws. Iraq's existing social protection law predates ISIS' emergence in 2014. Since then, the ongoing war on terror has inflicted immense suffering, leading to widespread displacement. The compounding effects of climate change have exacerbated these challenges. COVID-19 further strained resources, impacting the broader population. Recent crises in Ukraine, Gaza, Yemen, Lebanon, and Syria have diverted focus from Iraq, compounded by impending cuts to foreign aid, reducing international assistance. As Iraq transitions, updating its social protection law is crucial for the government to establish a safety net and address critical gaps.

Improving social assistance in Iraq and the Kurdistan Region, within the social protection framework, is crucial. Based on assessments and research, it's vital to pinpoint legal gaps and fundamentally overhaul procedures for formal and informal social assistance. The goal is to ensure marginalised groups and social assistance recipients lead more dignified lives across Kurdistan and Iraq.

The Pasewan Organisation and the UK's Institute of Development Studies (IDS), in partnership with the UK's Foreign, Commonwealth & Development Office, have conducted two specialised studies over the past two years as part of the Better Assistance in Crises Research Programme. These studies focused on the experiences of social assistance recipients and the accountability of aid distribution in Kurdistan. Their findings highlight the urgent need to reform the social protection system and streamline related laws. The current project phase aims to identify legal gaps in the social protection and assistance system and propose key recommendations for radical reforms to relevant authorities.

1. Seferis, L.; Karem, H.; Harvey, P. and Rohwerder, B. (2024) 'A Bridge to Those in Need' Frontline Provider Perspectives on the Accountability of Social Assistance in the Kurdistan Region of Iraq, BASIC Research Working Paper 34, Brighton: Institute of Development Studies, DOI: 10.19088/BASIC.2024.025
2. Shaw, J.; Rohwerder, B. and Karem, H. (2024) Towards Inclusive Social Assistance for Marginalised People in the KRI, BASIC Research Working Paper 29, Brighton: Institute of Development Studies, DOI: 10.19088/BASIC.2024.015

# The Imperative for Legal Frameworks in Social Assistance

Establishing comprehensive legal frameworks for social assistance serves multiple critical functions that go beyond providing assistance. These frameworks provide governments with clear mandates to deliver social protection while fulfilling international obligations and upholding human rights with specific, measurable standards. A robust legal framework creates institutional clarity by defining roles and responsibilities across government entities, ensuring consistent and appropriate assistance provision. Without systematic administrative rules—including requirements like harmonised application processes and regular eligibility verification—stitutions risk delivering benefits inconsistently and inappropriately.

Legal codification of social assistance transforms social protection from discretionary welfare into recognised social assistance, emphasising dignity, inclusion, and accessibility. This approach establishes the basis for equal treatment, mitigating discrimination, and can build public trust in state institutions through enhanced transparency and accountability. Obligations on the inclusion of vulnerable groups from the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD) include:

“Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

1

Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

4

Non-discrimination;

2

Equality of opportunity;

5

Full and effective participation and inclusion in society;

3

Accessibility; and equality between men and women.”  
(SPHRF)

6

For vulnerable populations, legal frameworks provide essential clarity about the assistance available, eligibility criteria, application procedures, and accountability mechanisms. They establish transparent selection processes, strengthen institutional capacity, and ensure the adequacy and predictability of social assistance (TRANSFORM). Transparency, accountability, and reliability are essential governance principles for rights-based social protection systems. Effective transparency requires making programme information available and accessible through culturally appropriate channels, enabling rights holders to observe implementation, recognise violations, and voice objections. This transparency helps prevent corruption, fraud, and inefficiency while covering programme design elements like recipient selection processes, eligibility criteria, and complaint mechanisms. Systems must balance public information access with privacy rights and prioritise inclusive approaches that ensure vulnerable groups—including women, elderly persons, and people with disabilities—can meaningfully access information and participate in decision-making despite potential barriers (SPHRF).

A social protection approach informed by a rights-based legal framework transforms social assistance from ad hoc charity into systematic, rights-based protection that can serve both individual dignity and broader social cohesion. In the KRI, [1] the Kurdistan Regional Government's 2016 Social Protection Strategic Framework established a three-pillar approach focused on rationalising social safety nets through improved poverty targeting (addressing that only 11% of the poorest received cash assistance), expanding integrated pension and social insurance systems including unemployment insurance to reduce government wage burdens, and strengthening labour markets through education reforms and enhanced women's participation in the workforce (KRG 2016). While the framework emphasised shock responsiveness and technological improvements for better targeting and institutional capacity, it faced significant administrative challenges including inadequate databases and financing mechanisms. Critics noted that the framework failed to address fundamental issues such as root causes of vulnerability, basic food security, gender disparities, and early childhood investments, while proposing conditional poverty targeting that risked excluding the most marginalised populations who are often disproportionately affected by strict targeting criteria (Action Contre la Faim 2023). A locally-led review of social assistance legal frameworks and gaps in the KRI is therefore crucial, and could translate findings from community consultations and social protection research into a more robust, rights-based framework.

1. Transform (2023). "Social Protection Floors Legal Framework: Summary Document." TRANSFORM | Building Social Protection Floors in Africa. <https://transformsp.org/wp-content/uploads/2024/04/VER03.-24-LEG-SUMMARY-DOCUMENT-FINAL.pdf>

2. Social Protection and Human Rights Framework. <https://socialprotection-humanrights.org/framework/>

# Project Objectives:

Identify legal gaps in the social protection system of the Kurdistan Region and Iraq through a comprehensive assessment of relevant laws.

1

Recommend actionable steps to Iraqi and Kurdistan Region authorities, including the Iraqi Council of Representatives, Ministry of Labour and Social Affairs, Kurdistan Parliament, and KRG Ministry of Labour and Social Affairs.

2

Provide recommendations to international organisations, such as the European Union and specialised United Nations agencies, to enhance their efforts in developing the social protection system in Iraq and the Kurdistan Region based on these findings.

3

# APPLICABLE LAWS IN IRAQ AND THE KURDISTAN REGION PERTINENT TO SOCIAL PROTECTION AND SOCIAL ASSISTANCE:

## IRAQI LAWS

01.

### LAW NO. 8 OF 2006

#### Ministry of Labour and Social (Amended)

This law is the framework for the establishment and functioning of the Ministry of Labour and Social Affairs in Iraq. The main objective is to establish a legal foundation for the Ministry to carry out its duties in an efficient and organised manner. This law is the roadmap for the work of the Ministry; On the one hand, it organises the administrative structure of the ministry and on the other hand, it determines its human and social duties and objectives.

02.

### NO. 38 OF 2013

#### Law on the Care of Persons with Disabilities and Special Needs

This law is the main legal framework in Iraq for the protection, care, rehabilitation and integration of people with disabilities into society. In order to ensure a decent life, through the establishment of a central committee and coordination of ministries, it tries to create a favourable environment in which people with disabilities participate as active and productive citizens in the areas of life.

03.

### NO. 10 OF 2012

#### Law on Supporting Small, Income-Generating Projects

This law is a legal and financial framework established by the Iraqi government to fight unemployment and encourage self-employment. The main objective is to provide interest-free loans to citizens who are trying to start their own small projects, but do not have the necessary capital. The law seeks to promote a culture of self-reliance and turn the unemployed into employers and producers.

04.

### NO. 37 OF 2015

#### Labour Law

This law is a key legal framework that regulates the labour relationship between workers and employers in the private, mixed and public sectors, as well as contract workers in the public sector in Iraq. The law replaced the previous Law No. 71 of 1987 and aims to bring labour standards in Iraq into line with international labour conventions and ensure social justice and a decent life for workers.

05.

### NO. 11 OF 2014

#### Social Protection Law

This is a law passed in 2014. Its main purpose is to provide social protection to families and individuals below the poverty line with limited or no income. This protection is through the provision of monthly financial assistance (subsidy/salary) and social services. To fulfil this task, a "Social Protection Board" has been established.

06.

### NO. 18 OF 2023

#### Law on Retirement and Social Security for Workers

It is an Iraqi law whose main objective is to provide a social protection umbrella for all workers in the private sector (organised and unorganised). The new law replaces Law No. 39 of 1971 and is considered a major step towards renewing the social security system in Iraq.

# KURDISTAN REGION LAWS

01.

**NO. 14 OF 2007**

**Ministry of Labour and Social Affairs Law, Kurdistan Region**

This law is the legal framework for the establishment of the Ministry of Labor and Social Affairs in the Kurdistan Region. It defines the purpose, structure, and powers of this ministry so that it can play its role in regulating the labour market and providing social welfare in the region.

02.

**NO. 22 OF 2011**

**Law on the Rights and Privileges of Persons with Disabilities and Special Needs**

The main objective is to protect and ensure the fundamental rights of people with disabilities. The law seeks to force society and government institutions to treat this group equally, not as people deserving of compassion, but as citizens with rights.

03.

**NO. 8 OF 2021**

**First Amendment to the Law on the Rights and Privileges of Persons with Disabilities, Kurdistan**

This Act is an alteration and correction to the Principal Act (No. 22 of 2011). The main objective is to address the shortcomings and problems that appeared during the implementation of the old law, which refers to Law No. 22 of 2011 on the Rights and Privileges of Persons with Disabilities.

04.

**NO. 4 OF 2012**

**Amended Law on the Implementation of the Pension and Social Insurance for Workers Law No. 39 of 1971, Kurdistan Region**

This law is a law of the Kurdistan Parliament that amends and updates the old Iraqi law (No. 39 of 1971). The main objective was to adapt the old law, which had been passed for more than 40 years, to the new economic and administrative situation in the Kurdistan Region and make it an applicable and effective law.

05.

**NO. 2 OF 2011**

**Law on the Fund for Supporting Small Youth Projects, Kurdistan Region-Iraq**

This Act establishes a special financial institution called the "Youth Small Projects Support Fund." The main objective is to provide financial support to the youth of the Kurdistan Region through the provision of soft (interest-free) loans, to help them establish their own small businesses and create job opportunities for others.

# LEGAL GAPS AND PROBLEMS

1

## LEGISLATIVE OVERLAP

This is one of the legislative challenges in the Kurdistan Region and Iraq, where multiple laws cover the topic of social protection. This has created problems for executive authorities and relevant parties. Therefore, it is necessary to consolidate all matters related to social protection into a single, robust law.

2

## LACK OF AN EXPLICIT PROVISION FOR EQUALITY

There is no specific text in the laws of Iraq and the Kurdistan Region that guarantees absolute equality and justice in accessing social assistance, especially for those in need.

3

## LACK OF REGULATION FOR INFORMAL SOCIAL ASSISTANCE

Informal social assistance is not regulated in any of the laws related to social assistance in either Iraq or the Kurdistan Region.

4

## PROTECTION OF DIGNITY

None of the specialised laws in this field, neither in the Kurdistan Region nor in federal Iraq, include provisions to protect the confidentiality [1] [2] and informed consent of individuals eligible for social protection assistance. Specifically, there are no provisions prohibiting the taking and dissemination of their photos and videos.

5

## PROTECTION OF TRANSPARENCY AND PREVENTION OF DISCRIMINATION

The principles of transparency and the prevention of discrimination, particularly based on gender, religion, ethnicity, or political affiliation, are not robustly established in any of the laws of Iraq or the Kurdistan Region.

# Key Principles for Legal Reform in Social Protection:

The following are the key principles under which legal reform should be carried out to achieve a more just and dignified social assistance system:

## **I. Absolute Equality in Access to Social Assistance:**

All individuals requiring social assistance should have equitable access to aid, irrespective of their race, age, political affiliations, or religious and sectarian beliefs. Research highlights that marginalised groups, such as youth in remote areas, persons with special needs, the elderly, low-income families, internally displaced persons (IDPs), and female-headed households, encounter substantial obstacles in accessing assistance. These barriers result from both constructed and inherent identities, contributing to their exclusion from social support. Additionally, measures should be implemented to penalise individuals and groups involved in discriminatory practices.

The laws of both the Kurdistan Region and Iraq do not clearly address this issue. For example, law number 14 of 2007 issued by the KRG Ministry of Labour and Social Affairs, as well as Law No. 8 of 2006 issued by the federal Iraqi Ministry of Labour and Social Affairs, make no reference to discrimination.

Some laws use only broad terms such as “any person.” This phrase appears in the second paragraph of Article 1 of the federal Iraqi Law on the Care of Persons with Disabilities and Special Needs (Law No. 38 of 2013). Similar wording—“any person” and “every person”—is found in the first paragraph of Article 9 and the second paragraph of Article 11 of the Kurdistan Region’s Law No. 22 of 2011 on the Rights and Privileges of Persons with Disabilities and Special Needs. The same phrasing was repeated in the sixth paragraph of Article 2 of the 2021 Amendment Law No. 8. None of these laws, however, define penalties for individuals or entities—official or unofficial—who deny benefits to persons with special needs based on discrimination. In contrast, several laws clearly outline penalties for those who falsely claim to be disabled. For instance, Article 21 of Iraq’s Law No. 38 of 2013 and the fourth paragraph of Article 10 of the Kurdistan Region’s Law No. 8 of 2021 focus specifically on such violations.

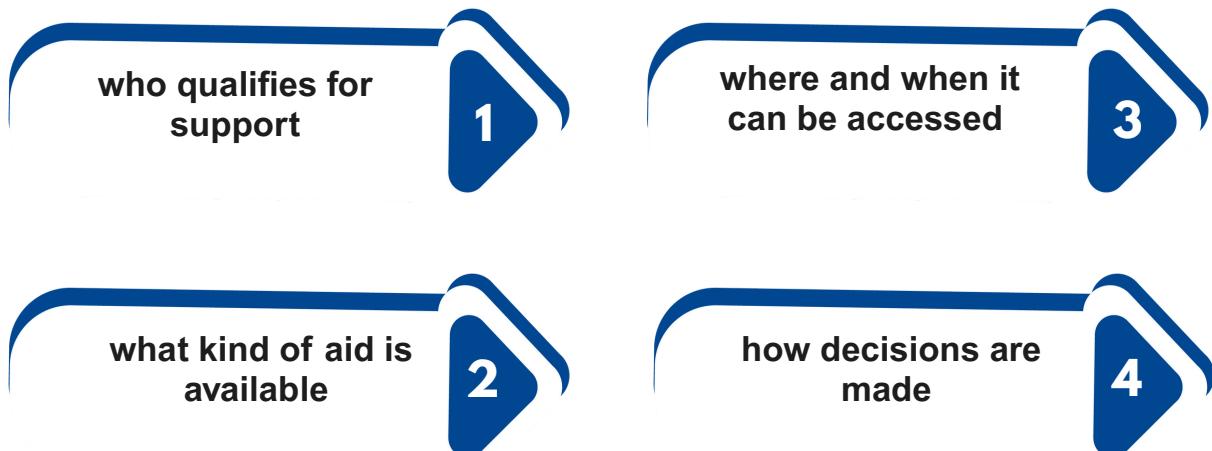
## **II. Protecting Dignity:**

Social assistance aims to help eligible individuals achieve a basic standard of living[1] , Slater and Sabates-Wheeler (2021). The process of receiving this support must not involve humiliation or cause psychological harm. Instead, it should uphold the individual's dignity and treat them with respect.

Privacy and confidentiality must be protected. This includes a clear prohibition on taking or sharing photos and videos of recipients. However, current laws in both the Kurdistan Region and federal Iraq lack specific provisions to safeguard the confidentiality of those receiving social protection assistance. In particular, there are no legal measures that explicitly ban the capturing or dissemination of their images.

### III. Transparency and Accountability:

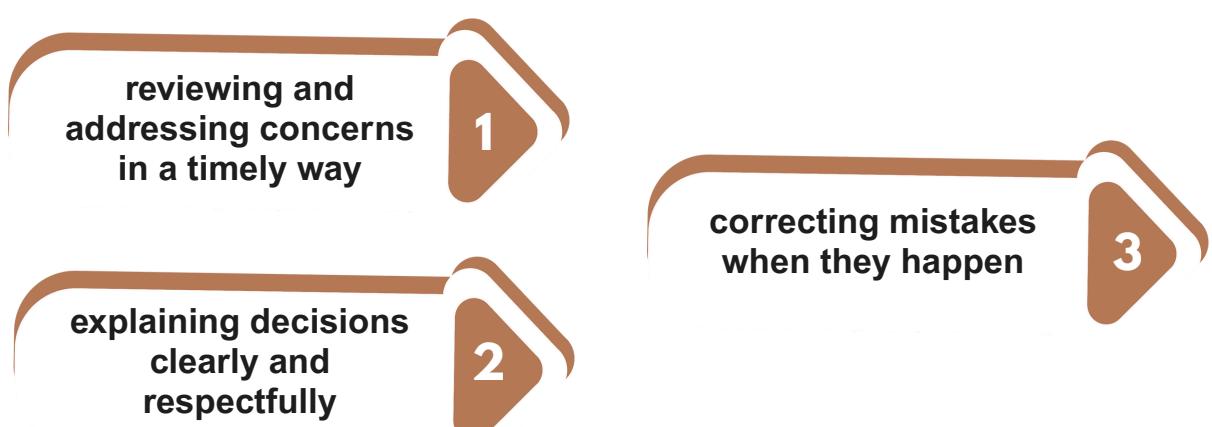
A clear and transparent process must be in place to guarantee equal access to assistance, free from favouritism and corruption. Existing laws do not provide sufficient guidance on this requirement. People have the right to know what support they're entitled to, when, and how. Information must be easy to understand and accessible to everyone—especially those most in need. This includes clear details about:



The public must also be able to speak up. Every aid programme should provide safe, simple channels for feedback, complaints, and grievances. These must be:



Aid providers carry the responsibility to respond. This means more than just receiving complaints. It requires:



At present, the laws fall short. They lack specific standards or mechanisms to enforce this level of accountability. Without clear rules, gaps widen—and trust erodes. Real transparency demands more than good intentions. It needs rules, oversight, and consequences.

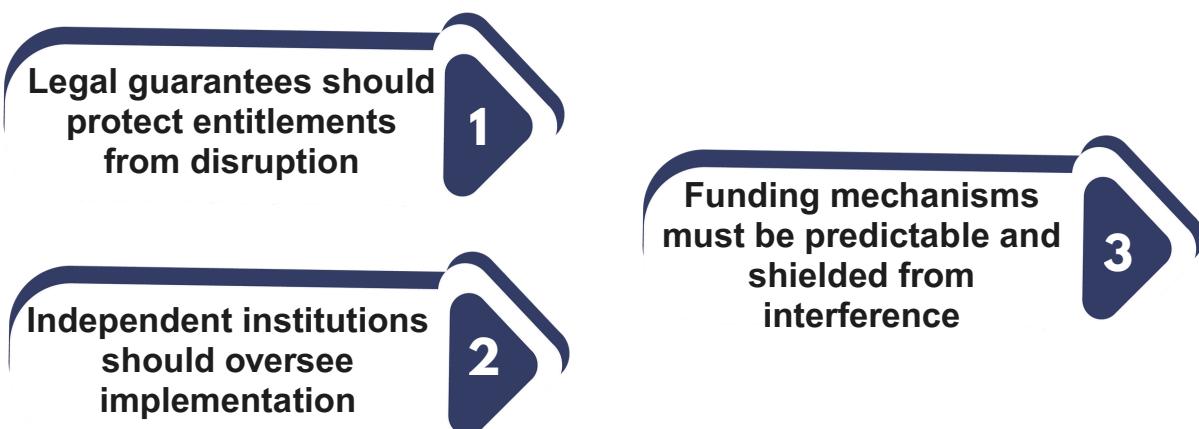
## **IV. Sustainability of Assistance:**

Eligibility for social assistance is often based on long-term conditions rather than short-term needs. As such, support should be continuous and not influenced by political changes.

Uncertainty undermines the sustainability of assistance. Frequent policy shifts, unstable funding, and administrative disruptions make it hard to plan or deliver long-term support. However, access to social assistance must remain consistent—regardless of political changes.

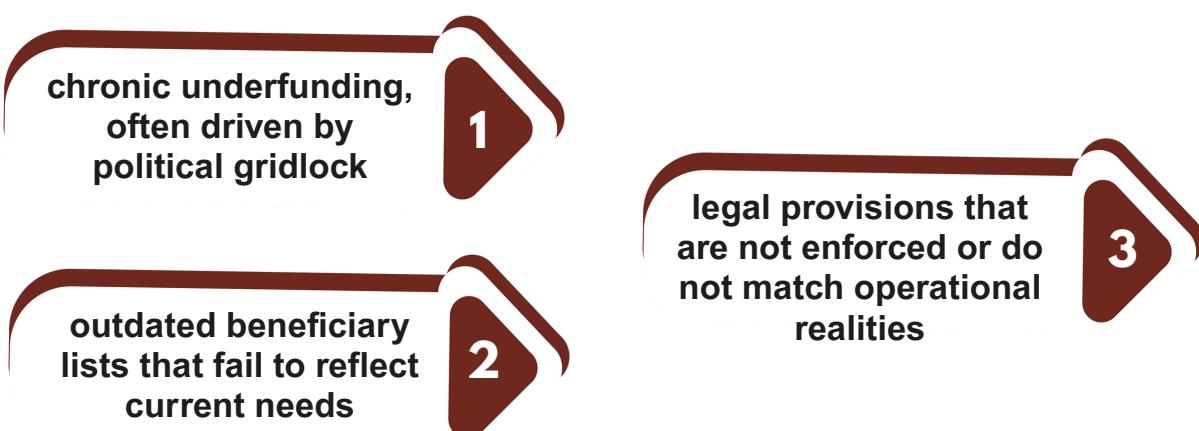
Social protection is not a political reward. It is a right tied to need, not loyalty. Its delivery must be insulated from changes in leadership, party agendas, or government priorities.

To ensure this:



Stability in social assistance builds public trust and protects the most vulnerable—especially during times of transition. However, none of the relevant laws—whether in the Kurdistan Region or federal Iraq—clearly guarantee this continuity.

A range of factors undermine the long-term sustainability of social assistance in Iraq. These include:

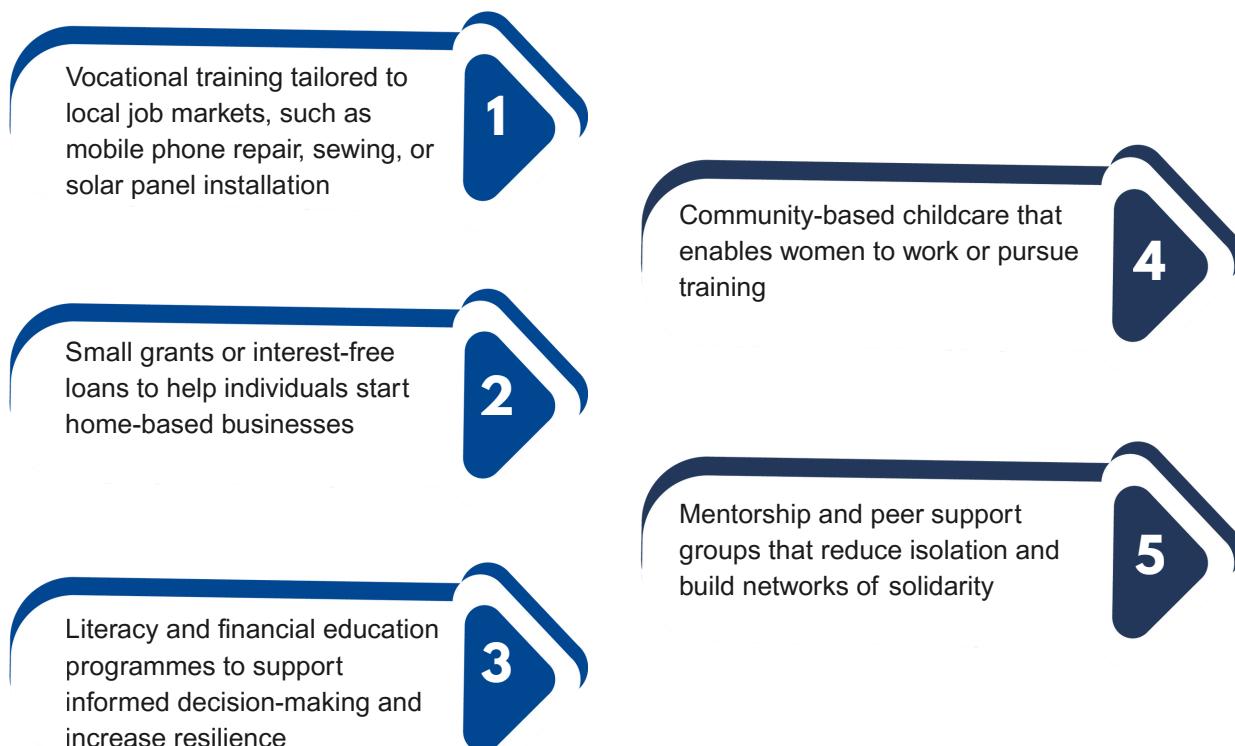


For instance, Article 24 of Iraq's Social Protection Law No. 11 of 2014 requires the Council of Ministers to review the list of beneficiaries annually to consider new applicants. While this is a standard provision, in practice, it is often delayed or overlooked due to administrative bottlenecks or political disputes. This results in stagnant coverage and prevents those newly in need from accessing support.

The issue is not the law itself—but the lack of institutional capacity and political will to implement it consistently. Sustainable assistance requires more than legislation. It demands funding, credible data, and a stable system that prioritises need over politics.

## **V. Empowerment and Capacity Building:**

Assistance should go beyond one-time handouts. Support must be designed to build the skills, confidence, and independence of those who receive it. Empowerment means giving people the tools to improve their own lives—not just survive. This includes:



These forms of support improve psychological well-being. They help restore a sense of purpose and control. People are not just recipients—they become participants. When individuals can generate part of their own income, even in modest ways, they gain dignity and reduce long-term dependency. This makes social assistance more sustainable—for them and for the system as a whole.

## **Most relevant laws acknowledge the importance of empowerment. For example:**

1

All six paragraphs of Article 9 of the federal Iraqi Social Protection Law No. 11 of 2014 focus on empowerment.

2

Article 15 of the federal Iraqi Law No. 38 of 2013 on the care of persons with disabilities includes several empowerment measures, specifically in paragraphs (h, z) of point one and (a, b, c, d, e) of point four.

3

Article 5, point three, of Law No. 10 of 2012 on supporting income-generating projects also targets empowerment. These legal provisions highlight a shift toward enabling long-term self-reliance.

4

Law No. 22 of 2011 on the Rights and Privileges of Persons with Disabilities and Special Needs in the Kurdistan Region includes a dedicated section on empowerment. Article 9, consisting of four paragraphs, outlines this focus.

5

Similarly, paragraph 7 of Article 3 of Law No. 14 of 2007 addresses the empowerment of children with special needs.

## **VI. Social Assistance as a Collective Responsibility:**

Social assistance is a collective responsibility, requiring active participation from all. Civil society organisations, government agencies, parliamentary committees, UN agencies, and other stakeholders must fulfil their respective roles effectively. This necessitates robust coordination among these entities to enhance service delivery and support.

However, this principle lacks adequate legal framework in the Kurdistan Region and Iraq. Specifically, only paragraph (15) of Article (2) in Law No. (14) of 2007 from the KRG Ministry of Labour and Social Affairs addresses coordination with civil society organisations to achieve ministry objectives. In contrast, federal Iraqi Law No. (8) of 2006 under the Ministry of Labour and Social Affairs does not include such provisions.

# Conclusions and Recommendations for Reforming Social Protection and Assistance in Iraq and the Kurdistan Region:

## A. Legal Reform Components

- A** Eliminate legislative overlap and organise social protection within a comprehensive law. Draft a modern legal framework to ensure transparency, oversight, accountability, and inclusivity—transforming social assistance into a guaranteed right.
- B** Adopt a rights-based approach, prohibiting all forms of discrimination in social assistance.
- C** Create legal grounds for advocacy and establish an independent oversight body to monitor programme implementation and address violations.
- D** Protect the dignity of social assistance recipients by prohibiting the taking and dissemination of their photos and videos at distribution centres.
- E** Remove barriers for marginalised groups—such as internally displaced persons, women without official documents, and persons with disabilities—ensuring access to social assistance regardless of political or religious affiliations.
- F** Develop social media guidelines for fundraising that protect the dignity of recipients and ensure timely delivery of aid.
- G** Establish an independent verification mechanism to ensure accountability and transparency in local social assistance programmes.
- H** Advocate for legislative amendments to empower NGOs with explicit oversight authority over the Ministry of Labour and Social Affairs, ensuring rigorous monitoring of social protection law implementation to uphold accountability and effectiveness

## B. Coordination Reform

- A Address delivery process issues by eliminating poverty stigma, ensuring basic health needs are met, and improving living conditions. This makes the assistance process more humane and reduces emotional harm to recipients.
- B Simplify bureaucratic procedures so recipients can better understand what social assistance is available and how to access it. For example: shorter forms, help desks in local languages, and clearer eligibility explanations.
- C Strengthen informal support networks by funding community-based organisations working with people with special needs or other vulnerable groups.
- D Support frontline social workers with tools, training, and staff backup so they can manage their workloads and provide better assistance.
- E Facilitate the participation of local organisations in international aid coordination. These groups bring local knowledge, trust, and networks that international actors often lack.
- F Involve civil society networks in state-supervised social reform processes. Their involvement adds independent oversight and improves trust in how assistance is delivered.
- G Provide regular training for frontline workers focusing on interpersonal skills, gender sensitivity, and professional conduct.
- H Support volunteer groups by linking them to structured organisational frameworks. This ensures their energy and skills are used effectively to reach marginalised groups.
- I Enhance access to relevant resources and professional development. This includes training opportunities, mental health support, and platforms for learning best practices.

- J Clearly define social assistance, distinguish between material and non-material (spiritual) support, identify the beneficiaries, and specify the providers.
- K Develop a set of principles for a Standard Operating Procedure (SOP) to guide the work of organisations—this should serve as a general framework, with the Ministry of Social Affairs issuing detailed guidelines.
- L Create a central database managed by a government institution to prevent duplication. Beneficiary names or unique codes should be registered.
- M A dedicated center should be established to assess and determine disability rates. The Ministry of Social Affairs organises administrative matters. The rest goes to the medical committee.
- N Rather than eliminating the disability percentage system, it would be more effective to classify disability levels as low, medium, or high.

### C. Longer-term /Broader Initiatives

- A Overcome political blockages that delay or disrupt assistance—particularly federal budget restrictions affecting the Kurdistan Region.
- B Address psychological, emotional, and social needs alongside material support. This includes combating shame, isolation, and community-level stigma associated with receiving aid.
- C Promote gender balance within social assistance organisations. This allows beneficiaries to speak openly and safely about their needs, and reduces the risk of gender-based exploitation.
- D Improve coordination between NGOs and government bodies by addressing financial constraints and clarifying roles. For example: shared digital platforms for case tracking, regular coordination meetings, and joint planning tools.

E

Shift towards sustainable, community-driven aid models. These rely on local decision-making and knowledge, which tends to be more accurate and responsive than centralised plans. They also ensure continuity despite political changes.

F

Strengthen accountability by building partnerships among local communities, civil society, and government institutions—ensuring each plays a clear role in monitoring and improving social assistance systems.



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