

Social Protection Law No. 11 of 2014

In the Name of the People

The Presidency of the Republic

Based on what was approved by the council of Representatives, by virtue of provisions of item (First) of Article (61) and Item (Third) of Article (73) of the Constitution

The president of the republic issued the following law on 19/3/2014:

Law No. 11 of 2014

Social Protection Law

Chapter One

Force, Definitions, and Objectives

Article 1 - First: The provisions of this law shall apply to the following categories of Iraqi families and individuals who live below the poverty line, and nationals of other States residing in the Republic of Iraq permanently, continuously and legally with regard to social protection assistance in those countries, as follows:

- a) With disabilities and special needs.
- b) Widow, divorced, wife of a missing husband, abandoned wife, unmarried adult girl, and the unmarried young girl.
- c) The Disabled.
- d) The Orphan.
- e) The family of the detainee in prison if his sentence is for a period of more than one year and the ruling of the judgment has reached the absolute degree.

- f) People in the state housing houses.
- g) Juveniles who are sentenced to more than one year in prison and the ruling of the judgment has reached the absolute degree.
- h) A Student who is married until the High school level.
- i) Households with no income or income below the poverty line.

Second: The Council of Ministers may, on the proposal of the Minister, include other categories other than those mentioned in this Law.

Article 2- The following expressions shall have the meanings assigned to them:

First: The Commission: The Social Protection Commission.

Second: Social Protection: Subsidies and services provided by the Commission for the purpose of poverty reduction.

Third: the family: husband or wife or both and the children or the children alone or the member and the family members in case of polygamy is counted as one family ; At the death of the husband ,each widow constitutes an independent family by itself.

Fourth: Minors: dependent children and daughters who are under the age of 18.

Fifth: Orphan: Every child whose parents die or his/her father died and his/her mother got married for the second time.

Sixth: Divorced: Every woman under the age of 63 who is divorced and never remarried.

Seventh: Widow: Every woman under the age of 63 whose husband died and she did not marry after his death.

Eighth: abandoned wife: the woman who is abandoned by her husband.

Ninth: Disabled: Every person who is unable to work permanently to earn his/her living due to his/her illness or old age and whoever reached the age 60 for men and 55 for women is considered disabled .

Tenth: Single: unmarried woman who is 35 years of age.

Eleventh: The unmarried adult girl: She is 18 years of age and has neither parents and nor legal spouses.

Twelfth: The poverty line: the amount of income per capita or family and is determined by the Ministry of Planning.

Thirteen: Persons with disabilities and special needs are those to be determined according to the provisions of the Disability Welfare and Special Needs Law No. 38 of 2013, regardless of the age of the beneficiary.

Article 3: This law aims at:

First: Achieving a decent life for the members of society.

Second: Contributing to the promotion of the values of social solidarity.

Third: Ensuring that the umbrella of social protection reaches all categories covered by its provisions.

Fourth: Providing psychological and material stability for individuals and their families or their successors, and ensuring an income for individuals and their families in cases of disability, old age, death and loss of ability to work in a way that ensures a decent life.

Chapter Two

Social Protection Commission

Article 4 - First: a body called (the Social Protection Commission) is to be established and it shall enjoy moral personality and financial and administrative independence and represented by the Chairman of the Commission or his authorized person .It shall be affiliated to the Ministry of Labor and Social Affairs.

Second: The commission headquarters shall be in Baghdad and shall start its sections and divisions for social protection in the governorates that are not organized in a region.

Third: The Commission shall be headed by a staff member with a special rank appointed in accordance with the law.

Fourth: Director General of the Department of Social Protection shall be the First Deputy Chairman of the Commission and the Director General of the Department of Social Protection for Women as the Second Deputy.

Fifth: missions of the Commission shall be determined by a system issued by the Council of Ministers.

Article 5- First: The Commission shall consist of the following Departments:

- a) Department of Social Protection
- b) Department of Social Protection for Women
- c) Legal, administrative and financial Department
- d) Social Protection Fund
- e) Information Technology Center
- f) Audit and Internal Control Section

g) Chairman of the Commission Office

h) Department of Citizens Affairs.

Second: The Departments stipulated in paragraphs (A / B / C / D / E) of item (First) of this Article shall be managed by an employee, entitled as a General Manager who has at least a university degree, experience ,specialization and actual service in his/her field of work for a period not less than 15 years.

Third: The departments provided for in paragraphs (F/G/H) of item (First) of this Article shall be managed by a staff member who is a director who has experience and specialization, and actual service in his/her field of work for a period not less than 10 years.

Fourth: The tasks and divisions of the Departments referred to in item (First) of this article shall be determined by the by-law that is prepared by the Commission Chairman.

Chapter Three

Cash Benefits or (Subsidies) and Social Services

Article 6 - First: Every individual or family living below the poverty line has the right to receive cash benefits and social services in accordance with the provisions of this law.

Second: The persons covered by this law are identified through demographically targeting them by adopting annual poverty and social research data through using a special form prepared by the Commission in coordination with the Ministry of Planning.

Third: to receive cash benefits, it is required that the applicant does not receive a stipend from the state and does not have a special resource of income that is sufficient for him/ her, except for those who receive a daily wage.

Fourth: in order to perform its duties in determining the persons covered by this Law, the Commission shall appoint an adequate number of social researchers who are competent in all sections of the Commission and the Ministry of Finance is to provide the necessary job posts for this purpose.

Article 7: The categories mentioned in item First of Article 1 shall be granted the amount of the cash benefit that is specified in the table attached to this law if they do not have an income. If they have a fixed income, the difference between their income and the income level in the table shall be granted to them if they meet the conditions, and that will be done in accordance with the number of family members.

Article 8: First: The Commission shall provide cash benefits granted in accordance with the number of family members under the levels of benefits provided in the schedule attached to this law, or it provides the social services covered by the provisions of this law.

Second: A conditional cash benefit shall be provided to the individuals or families covered by the provisions of this law to ensure their access to social services in education, health, housing and other fields ,in coordination with the relevant authorities.

Third: The Chairman of the Commission's instructions shall determine the minimum and maximum limits of the subsidy mentioned in item (Second) of this Article and the terms of payment thereof to the entitled persons.

Article 9: The Commission shall coordinate with the relevant ministries and authorities to provide the social services mentioned below to the individual or family covered by the provisions of this law:

First: Assistance in entering the labor market through:

A. Training, vocational education, and building the persons' capacity

B. Assistance in obtaining employment, a loan, or grant to establish small income-generating projects.

Second: In the field of education, health and housing.

Third: Provide awareness programs in establishing a family and social behavior.

Fourth: In the field of children, young people and juveniles welfare and creating a healthy environment for them.

Fifth: Training those who are able to work, who are covered by the provisions of this law, in the ministries and agencies that are not affiliated with the Ministry for the purpose of gaining experience and skill and consolidating the culture of work.

Sixth: Studying the family members' status and identifying those who are able to work, even if they partially can, and working to increase the family resources and employ their abilities in building the society and integrating them into the labor market.

Article 10- First: The Social Protection Department director in the governorate shall decide on the request for granting the subsidy by reasoned decision within (30) thirty days from the date of registration in his/her office and he/she shall inform the applicant in writing about his/her approval or rejection via registered mail or email, if any.

Second: An applicant has the right to object to the Social Protection Department director's decision within (30) thirty days from the date of being notified with the Supreme Committee for Social Protection in the province.

Article 11 - A Committee titled “The Supreme Committee for Social Protection” is formed by the Chairman of the Commission's decision in each province headquarters that is not affiliated to a Region; the committee consists of:

First: a full-time judge nominated by the Supreme Judicial Council as president

Second: Director of the Directorate of Labor and Social Affairs in the province as Vice-President

Third: The director of the Province's statistics-as a member

Fourth: A representative of the Supreme Commissioner for Human Rights Office as a member

Fifth: An employee entitled "Social Researcher" "from the Department of Social Protection in the province as a member

Article 12: The Higher Committee shall:

First: Monitor the work in the social protection departments and supervise and submit proposals to facilitate the process of inclusion in social protection.

Second: Take a decision to object to the decisions taken by Department of Social Protection Director in the province by a reasoned decision within fifteen (15) days from the date of receipt of the decision ,and inform the objector in writing of the decision when reviewing it and notify him/her of his/her right to object. In case of his /her nonattendance, he/she is to be notified at his/her address.

Third: the distribution of the allocated number for each province, district, and sub-district is to be done according to the proportion of population and poverty in the said province.

Article 13 - First: sub-committees in the administrative units that are affiliated to the province are formed by Chairman of the Commission's decision and in coordination with the province. Sub- committees consist of:

- a) An employee of the Social Protection Department in the province as Chairman
- b) A Social Researcher from the Department of Social Protection as Member
- c) A representative of the Unit Administrative Unit / Officer as member

Second: The Committee shall:

- A. Receive the applications for inclusion in the social protection (written or electronic).
- B. Ensure that the required documents are in accordance with the instructions.
- C. Send eligible applications to the Social Protection Department in the province under signed statements.
- D. Complete the documents and incomplete information and verify the absence of the legal breadwinner of the family, accompanied by the certification of the local council within the residential area.

Third: The provinces and their administrative units shall provide the appropriate location and the necessary supplies for the sub-committee mentioned in item (First) of this article to perform their tasks.

Article 14: First: If the applicant is a minor, has a mental illness, unable to work fully, or suffers a disease that prevents him/her from submitting the application or suspending it or objecting to the issued decisions, the head of the Supreme Committee for Social Protection, in the absence of any of the applicant's relatives of the fourth level of kinship, shall require the appointment of a trustee by a decision of the competent court.

Second: The following up of the social benefits provided for in section (first) of this article shall not be accepted except by an authenticated power of attorney issued by a notary public.

Article 15

First: after one year from the date of entitlement, the person included by the provisions of this law shall submit an annual statement and financial status of his/her family according to a form prepared by the Commission to the sub-committee in the province or the Social Protection Department in the province. If

the annual statement is not submitted within the said period, the allocated amount is to be terminated as a precaution, and the person shall be informed of that by the competent employee; if the said person fails to attend the Commission for a period of more than one year from the date of suspension without a legitimate excuse, the subsidy is definitively terminated, starting from the date of its suspension by a director of the department's decision.

Second: The person, who is included by the social benefit, or a member of his/her family, should inform the committee or the Social Protection Department in the province about any of the following matters take place, within 30 days from the date of the change:

A. changing his/her permanent residence

B. Death of any family members.

C. in the family and financial situation that would affect the entitlement to the subsidy, in whole or in part

Third: The subsidy shall be amended from day one of the month following the date on which the change occurred.

Article 16 – Disbursement of the subsidy shall be terminated by a Department of Social Protection Director's decision in the province in one of the following cases:

First: The beneficiary leaves Iraq for more than six (6) months without a legitimate excuse.

Second: The minor orphan becomes an adult and his/her non -continuation of his/her studies.

Third: No child who is covered by the subsidy continues his/her study except for university studies.

Fourth: In case of death, the subsidy shall be given to the widow of the person covered by the subsidy.

Fifth: When the causes of inclusiveness cease, such as full recovery of the patient, the orphan's puberty or marriage.

Sixth: A family has an income or a financial resource that exceeds the amount of the granted subsidy.

Seventh: The refusal to enroll in one of the institutes or institutions concerned with training and rehabilitation.

Eighth: Three times refusal to take the job provided by the protection programs without a legitimate excuse.

Article 17: The subsidy shall be terminated by the Department of Social Protection Director's decision in the province in one of the following situations:

First: any of on the conditions of entitlement provided for in this Law is not met.

Second: the submitted documents or information proved to be falsified for the purpose of inclusion by the provisions of this law or the information in the annual statement form were incorrect intentionally done in order to continue his/her inclusion in the social protection system.

Chapter Four

Social Protection Fund

Article 18- First -- a fund titled “Social Protection Fund” is to be established and affiliated with the Commission and headed by an employee with the title of General Manager who has ,at least ,a university degree ,experience, specialization, and actual service in the field of his/her work for a period of not less than 15 years.

Second: a Board of Directors manages the Fund, and it consists of:

- a) Chairman of the Commission as chairman
- b) Director General of the Planning Department in the Persons with Disabilities Welfare and Special Needs Commission as Vice-President.
- c) Director General of the Department of Social Protection as a Member
- d) Director of Social Protection Department for Women as a member
- e) Director General of the Social Protection Fund as a member and rapporteur
- f) A Representative with the rank of Director General of the following ministries and entities:
 - 1. Ministry of Finance
 - 2. Ministry of Education
 - 3. Ministry of Health
 - 4. Ministry of Planning
 - 5. Ministry of Justice
 - 6. Ministry of Interior

Third: upon the Board of Directors' suggestion, Chairman of the Commission may approve the representation of the other parties in the Board of Directors.

Fourth: The Board of Directors ' tasks and powers, procedures of its works, and the manner of its adoption shall be determined by a by-law that is prepared by the Chairman of the Board upon the Board of Directors' suggestion.

Article 19 - First - The Fund's income consists of the following:

- a. Financial allocations from the federal state budget.
- b. Subsidies, grants, and donations in accordance with the law

- c. Half an inheritance of a person with no heir
- d. 1% of governmental corporate profits.
- e. 0.0025 deducted from state employees ' monthly payments and those charged with public service.
- f. Revenues of investment of the Fund's funds.
- g. 1% of tourism revenue.

Second: The Fund shall pay the social benefits to those who are covered by the provisions of this law.

Third: upon the minister's suggestion, the Council of Ministers may allocate a certain percentage of the revenues of fees and fines as income in favor of the Fund.

Chapter Five

Information Technology Center

Article 20- The Information Technology Center shall be established in the Commission where of individuals and families' data and social protection aids they receive shall be updated. The data of this center shall be updated by linking it to the databases of the Central Statistic Organization, Public Distribution System (PDS) data, Civil Status Directorates, and other relating Departments and shall be responsible for automating the work of the Commission.

Article 21- In the development of its policy and procedures, Social Protection Commission shall adopt periodic data or indicators provided by the Information Technology Center.

Article 22 - Governmental and non-governmental entities shall provide the technology center of the Commission with information and data relating to the disbursement thereof in cash or in kind to any individual or family.

Chapter Six

General and Final provisions

Article 23- An individual or family shall be entitled to cash and social benefits from the date of approval by the Department of Social Protection Director to the submitted application that meets the requirements.

Article 24 - Council of Ministers may annually review the categories of beneficiaries of social protection, number of family members, and the amounts allocated to each individual, with a view to include other categories other than the categories mentioned in the law, and increase the number of beneficiaries and the amount of the subsidy and the level of income provided in the table enclosed to this law in a way that it commensurate with the change in the economic and living situation.

Article 25 - First: An applicant may appeal to the Supreme Committee within 30 days from the date of informing him/her of the decision against which he/she appeals, or to be considered as informed. He/she may appeal against it before the Administrative Court within 60 days from the date of rejection of the complaint he/she submits. The Administrative Court of Justice decision shall be subject to appeal before the Supreme Administrative Court within thirty (30) days of the date on which he/she is notified or considered as informed.

Second: The transactions provided by the persons covered by the provisions of this law shall be exempted from all fees, including judicial fees.

Article (26)- The amounts of the Social Protection Network subsidy that are disbursed contrary to the provisions of this Law shall be recovered according to the Government Debt Collection Law No. 56 of 1977.

Article 27- The subsidy may not be waived or suspended.

Article 28- First: A Palestinian resident in Iraq since 1948 shall be treated as an Iraqi in the application of this law.

Second: The provisions of this law shall apply to Iraqi women who are married to foreigners, to and their children. It is also applied to foreign women who are married to Iraqis and to her children in case of their residence in Iraq is among the categories mentioned in item (First) of Article (1) of this law.

Article 29 - The title of “ Social Protection Department” shall be replaced by “Social Welfare Department” and “Social Protection Department for Women” shall be instead of “ Social Welfare Department for Women” that are mentioned in the Ministry of Labor and Social Affairs Law No. (8) of 2006, as amended.

Article (30) -First: Part Two and Articles (4), (5), (99) and (101) of the Social Welfare Law No. (126) of 1980 shall be repealed.

Second: The decision of the Revolution Command Council (dissolved) No. (98) of 2000 is repealed.

Article 31- No provision shall be made in contradiction to the provisions of this law.

Article 32 - The mechanisms of the committees' work, the way they are held, and the procedures of their tasks shall be determined by instructions issued by the Chairman of the Commission.

Article 33- The President of the Commission may issue the necessary instructions to facilitate the implementation of the provisions of this Law.

Article 34 - This Law shall be implemented from the date of its publication in the Official Gazette.

For /Jalal Altalabani

President of the Republic

Dr. Khudheir Alkhuzai

The Reasons for the Law

In harmony with the international regulations of the social protection , in order to elevate Iraqi society to the ranks of developed societies whose governments provide them with the necessities and means of a decent life, in order to raise the level of the living level for individuals and families who live below the poverty line, to create a system of social solidarity ,to establish a social security system for non-workers in the future, to provide social services in the fields of education, health, housing, in coordination with the ministries and relevant authorities on their provision as much as they are concerned, to prepare those who are able to work among the beneficiaries through training and rehabilitation programs that enable them to integrate into the labor market ,and in conformity with the provisions of the Constitution, this law was enacted.

Annex

Social benefits table

Family (Number of members)	1	2	3	4 and More
Amount of monthly subsidy	(105000) one hundred five thousand Iraqi Dinars	(210,000) two hundred ten thousand Dinars	(315000) three hundred and fifteen thousand Iraqi Dinars	(420000) four hundred and twenty thousand Iraqi Dinars