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الجريدة الرسمية لجمهورية العراق

رؤژنامهى فهرمى كؤمارى عىراق

تصدر عن وزارة العدل

وهزارهتى داد دهرى دهكات



Legislation

No.3

Advisor Work Regulation Law

No. (3) of 2022

قانون تنظيم عمل المستشارين

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In the Name of the People**Presidency of the Republic**

Based on what had approved by the Parliament, in accordance with the provisions of Item (First) of Article (61) of Constitution and due to the expiration of the legal period stipulated in Item (Third) of Article (73) of the Constitution, the following law was issued:

**ADVISOR WORK REGULATION
LAW****NO. (3) OF 2022****ARTICLE****1**

First: Each of the Parliament, the Presidency of the Republic and the Council of Ministers shall have a number of advisors with specialized offices for each advisor each, with a high special rank (a), their number shall not exceed (6), they shall directly linked to the head of the concerned entity.

Second: Each ministry or not-affiliated-with-a ministry entity shall have an advisor of special rank who directly linked to the head of the concerned entity. The Council of Ministries may, if necessary and upon proposal from relevant minister or the head of the not-affiliated-with-a ministry entity, increase the number to no more than (3) three advisors.

Third: Repealed¹

Fourth: The advisor shall be appointed by presidential decree, based on the approval of the Parliament, upon the recommendation of the Council of Ministers, This presidential decree stipulates the appointment of advisor proposed by the head of the entity to which the advisor is appointed.²

Fifth: Repealed³

ARTICLE

2

In addition to the general conditions for employment, the following shall be met for appointment to the position of advisor:

First: He/ she must hold at least a first university degree in his/ her field of specialization.

Second: He/ she must have actual service and experience in his/ her field of specialization for a period of no less than (15) fifteen years for those holding a doctoral degree, (18) eighteen years for those holding a master's degree and (20) twenty years for those holding a bachelor's degree, provided that this period includes actual job service in their field of specialization for no less than five years. Priority in appointment as an

advisor shall be given to those who have held the position of minister or the rank of minister.

Third: He/ she must be continuously employed and known for competence and integrity.

Fourth: He/ she must not have been convicted of a felony, a misdemeanor involving moral turpitude or corruption.

Fifth: He/ she must not be subject to the de-Baathification procedures stipulated in the Accountability and Justice Law or any other law that replaces it.

ARTICLE

3

The advisor shall undertake the following tasks:

First: Providing opinion and advice on matters referred to him/ her by the head of the entity in which he/ she works.

Second: Preparing, studying, presenting plans, research, proposals, work programs and projects related to the entity he/ she works for, and providing the necessary recommendations regarding them in a way that contributes to improving work methods and increasing its efficiency and effectiveness.

Third: Monitoring developments in the field of specialization and other related fields.

Fourth: Participating in committees, conferences, seminars and workshops related to the work of the entity where advisor works.

Fifth: Providing advice on developing new methods and means to improve work, address obstacles and bottlenecks in administrative, legal and technical work and other working methods, and identify needs within the strategic plan and future vision of the state.

Sixth: Contributing to the preparation and study of draft laws, regulations and instructions, and providing advice on them.

Seventh: Performing any other non-executive duties assigned by the head of the entity where advisor works, and he/ she shall not assume executive duties, unless necessary and by special assignment by the head of the entity concerned.

ARTICLE**4**

First: Acting advisors shall, after the enforcement of this law, perform their duties for a period not exceeding six months as of the date of their appointment. The concerned entity shall recommend their appointment then submit this recommendation to the Parliament within three months as of the date of appointment. The parliament shall decide on this recommendation within three months as of the date of its receipt.

Second: Acting advisors appointed prior to the enforcement of this law shall continue to perform their duties for a period not exceeding six months as of the date of its enforcement. The entity responsible for recommending their appointment in a manner that does not conflict with the provisions of Article (1) of this law shall submit the recommendation to the Parliament within three months from the date of its enforcement. The Parliament shall decide on this recommendation within three months as of the date of its receipt.

Third: Anyone who has held the position of acting advisor for at least five years prior to the enforcement of this law, and whose appointment has not been recommended by the relevant entity or approved by the Parliament, shall have the option of either retirement at the rank of Director General in accordance with the Unified Retirement Law, or returning to their previous position as Advisor, with their tenure in that position being counted as actual service for the purposes of allowances, promotions, appointments and retirement.

ARTICLE**5**

This law shall not be applied to advisors in the State Council, except as provided in Article (1/ Fourth and Fifth) of this law.

ARTICLE**6**

The (dissolved) Revolutionary Command Council Resolution No. (8) on January 14, 2002 shall hereby repealed, and any provision that contradicts the provisions of this law shall be nullified.

ARTICLE

7

This law shall enter into force on the date of its publication in the Official Gazette.

REFERENCES

1. Abolished according to the decision of the high federal court No.192/federal/2023
2. Ibid
3. Ibid

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