

## Addendum for Lawyers

This addendum is part of the Manual (entitled \_\_\_\_\_). This addendum is written for lawyers and provides a roadmap for legal complaints and redress in cases of gender discrimination and harassment in the workplace. Specifically, the addendum provides an overview of the four official paths to seek redress. Section 1 describes the legal process in which a worker can file a complaint against her employer in the Labor Courts, the Labor Courts' jurisdiction and procedural requirements, and specific Iraqi Labor Law provisions prohibiting gender discrimination and harassment in the workplace upon which claims can be based. Section 2 discusses the legal requirements and administrative processes for reporting violations directly to an employer and to the Ministry of Labor and Social Affairs (MoLSA). This section covers the Ministry's own inspection and enforcement powers, its role in resolving individual and collective labor disputes, and its relation to the Labor Courts. Section 3 outlines the complaints mechanism offered by the Iraqi High Commission for Human Rights (IHCHR) and its role in investigations, dispute resolution, and promoting a culture of respect for human rights. Section 4, the final section, provides an overview of relevant international and regional treaties to which Iraq is a State Party, and discusses their applicability to gender equality and rights in the Iraqi workplace.

Note: A toolkit to the Manual and Addendum is available from **Partners**Global to help workers make a complaint internally to the employer in an attempt to resolve the matter before seeking formal channels through the courts, MoLSA, the ICHR, or international and regional forums.

## 1. WHAT DOMESTIC COURTS HAVE JURISDICTION TO HEAR LABOR COMPLAINTS IN IRAQ?

The Iraqi Labor Law of 2015 allows individuals and collectives to challenge private employers who violate their rights to equality and equal opportunity by filing a case with the Labor Court located in its governorate. The Labor Court is a court of urgent review of civil and penal actions, matters and disputes concerning the rights in the Labor Law and the Pension and Social Security Law for Workers, and the court must issue a judgment within 30 days of the filed complaint. The decisions of the Labor Courts are binding on all parties. A party may appeal the judgment of a Labor Court to a special labor cases commission within the Court of Cassation.

### SECTION 1. LABOR COURTS

#### 1.1 Overview

Iraqi Labor Courts play an important role in enforcing gender equality in the workplace. A worker experiencing any form of forced labor, gender discrimination, or harassment in the workplace now has a direct right of action and can file a complaint against a private employer with the Labor Court in its governorate. In addition to enforcing labor code provisions, Labor Courts may interpret laws in a manner to extend complete protection to women and their right to equal opportunities as enshrined in constitutional and other legal provisions that empower women.

#### 1.2 Jurisdiction and Organization of the Labor Courts

Articles 165 to 169 of the Labor Law of 2015 set forth the jurisdiction and organization of the Labor Courts.

Labor Courts have jurisdiction over the following:

- Both civil and penal matters and disputes specified in the Labor Law, the Pension and Social Security Law for Workers and temporary decisions involving actions within its jurisdiction;
- Individual or collective labor disputes that were not resolved by mediation or where a party disagrees with an arbitration decision made by the Ministry of Labor and Social Affairs through the administrative process (within 14 days of the arbitration award); and
- Provisional decisions in cases falling within its jurisdiction.

There are one or more Labor Courts in each governorate. The number of Labor Courts in each governorate is dependent on the caseload of each location and the size of the population. Labor Courts are courts of urgent review and serve to expedite the protection of workers' rights. Workers and their trade unions are not required to pay court fees to file a complaint.

Each Labor Court has a tripartite panel comprised of one judge and two lay persons as follows:

- A judge nominated by the President of the Supreme Judicial Council and based on a recommendation from the Presiding Judge of the Court of Appeals
- A representative of the General Federation of Workers
- A representative of the Employers Federation

### **1.3 Procedure**

There are two levels of review for labor matters: the labor court(s), which are a court of first instance for all civil and criminal cases falling within its jurisdiction, and the special labor cases committee within the Court of Cassation in Baghdad for appeals of labor court decisions.

Article 168 defines the right of appeal and timeline for application as follows:

- 1) A judgment rendered by the Labor Court may be challenged by means of recourse against the judgment rendered in absentia, appealed before the Court of Cassation and made subject to a re-trial.
- 2) A judgment rendered by the Labor Court may be challenged before the Court of Cassation within 30 days as of the day following its notification.
- 3) The Court of Cassation may confirm or rescind the challenged judgment and may settle the subject matter of the action in accordance with the provisions of this Law.
- 4) Any person against whom a judgment was rendered may challenge the judgment rendered by the Labor Court against him in absentia, within 10 days as of the day following its notification.

The Labor Law does not set forth procedural steps to file a case in Labor Court, and as of 2021, there is no specific procedural code for Iraqi Labor Courts. In absence of a specific procedural law or rules issued by the Labor Courts, litigants should follow the Iraqi Civil Procedure Code, Law No. 83 or 1969, when litigating a civil case in Labor Court. In cases seeking criminal penalties, criminal authorities become involved and criminal procedural law is followed. In Chapter 16, Article 160 (9), the Iraqi Labor Law specifies that the arbitration courts of the Ministry of Labor and Social Affairs apply the Iraqi Civil Procedure law with regard to its formation, operation and decision-making process.

Per the Iraq Civil Procedure Law No. 83, Article (45) and (46), the process begins with the complainant (the worker or job applicant) filing a pleading with the Labor Court. The pleading must include the name of the court, date, contact information of both parties, a statement of the subject matter of the law suit, a

statement of facts and evidence, the plaintiff's claims and demands, and the legal grounds for those demands. The complainant files the pleading, attached evidence, and additional copies for the defendants with the court registry. The Labor Court will notify the defendant of the suit with a copy of the pleading and attachments, along with a summons to the first hearing on the case.

Since gender discrimination, sexual harassment, and forced labor have penal sanctions including imprisonment, the complainant may file a criminal complaint or the court may request investigation by the criminal authorities and police.

The defendant (employer) responds by filing a plea and attaches supporting evidence with the same court following the date of notification and before the date of the first hearing session. Objections to jurisdiction, errors or failure to state a claim in the pleadings, must be asserted in the litigant's first response before substantive law issues, or the litigant will lose the ability to request a dismissal on those grounds. Additional provisions of the Civil Procedural law detail the evidentiary rules, appearance at hearings, and the details required in a court decision.

Several aspects of the Civil Procedure Law might support increased privacy and ease for a worker experiencing gender discrimination and harassment. The Civil Procedure Law allows for litigants to appear at the hearing representing themselves or through an attorney, and it also allows family members to attend in the place of the litigant. (Part 3, Chapter 1, Article 51 of the Civil Procedure Code). Hearings are public, however a litigant may request the judicial panel to make it a closed session due to privacy needs.

Since the Labor Courts are courts of urgent review, the timeline of the case and hearings will be expedited. According to the Labor Law Article 157(4), the Labor Court shall settle disputes within 30 days from the date of filing the complaint. The court's decision is binding upon the parties. Either party can file an appeal in the Court of Appeals in its governorate within 30 days of notification of the judgment. If no appeal is filed within 30 days of notification of the decision, the ruling becomes a final judgment.

A case should be filed in a timely manner or the private right of action is lost. Chapter 6 of the Iraqi Labor Law pertains to individual employment contracts. An action claiming rights arising from the labor relationships is inadmissible three (3) years after the date said rights were due; and an action claiming compensation for damages caused by a criminal act is inadmissible five (5) years after the date of existence of this damage.

#### **1.4 What are the most common types of gender discrimination and harassment cases that might be filed in Labor Court?**

The Iraqi Labor Law specifically prohibits gender discrimination and sexual harassment in the workplace and provides a direct right of action in a Labor Court. As of 2021, there were no records of cases involving gender discrimination or sexual harassment in the Iraqi Labor Courts; this may be due to the difficulty in researching and accessing court records.<sup>1</sup> In addition, no information is available concerning enforcement

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<sup>1</sup> No data as verified in RefWorld Legal Information, UNODC SHERLOC Case Law Database, and ILO NATLEX database.

of the applicable law, especially whether procedures are prompt or whether penalties are commensurate with those for other laws involving civil rights violations, including discrimination.

The employer has a duty to provide a workplace free of harassment (Article 42-1(d)) and one of respect for the worker (Art. 42-1(e)). The employer is responsible for ensuring equal treatment of all employees of the same profession and the same working conditions, whether in terms of wages, benefits, bonuses, allowances, vocational training or career advancement opportunities (Article 42-1(c), and (equal wages at Article 45-5.) Additionally, an employer must provide a system for dealing with employee complaints and treating the complaint immediately in a positive manner and without exposing the workers who submitted these complaints to any sanctions. Labor Law Article 41-2(j). A worker has protection from being terminated on the grounds they made a complaint of discrimination (Art. 48- 1(c) and 1(e)). These provisions are legal grounds for redress in the Labor Court.

### **What is Gender-Based Discrimination in the Workplace?**

Gender discrimination occurs when a worker is treated less favorably than a person of a different gender would be treated in the same or similar situation. The violation of the principle of equal opportunity and equal treatment for whatever reason is prohibited, in particular discrimination between workers, and regardless if it is direct or indirect discrimination.

### **Examples of Workplace Gender Discrimination are:**

- Being paid less than a person of a different gender who is similarly or less qualified than you, or who has similar or fewer job duties than you
- Being denied a promotion, pay raise, or training opportunity that is given to an employee of another gender who are equally or less qualified as you
- Being rejected for a job, forced out on leave, or given fewer assignments because you are pregnant
- Being written up or disciplined for something other employees of a different gender do all the time but never get punished.

For gender discrimination in the workplace to be illegal, unequal treatment must negatively affect the worker in regard to vocational training, job placement, recruitment, or terms or conditions of the worker's employment. Such terms and conditions include all responsibilities, rules, and benefits of a job, including specific duties, work hours, dress code, vacation and sick days, starting salary, and performance evaluation standards. In fact, it is the duty of the employer to ensure equal treatment of all employees of the same profession and the same working conditions, whether in terms of wages, benefits, bonuses, allowances, vocational training or career advancement opportunities, Labor Law, Article 41-2(n) and Article 45-5. The specific guarantees afforded female workers in Chapter 10 are not deemed gender discrimination.

**Evidentiary Proof.** Proving a case of gender discrimination may be complicated by the inability to obtain records from the employer or the unwillingness of other employees to testify. The rules of evidence are included in the Iraq Civil Procedure Law No. 83, Part 9, Articles 98-140. A judicial panel has the ability to call for its investigation and the complainant could request that the employer hand over such documents kept in its files.

Sources of evidence to prove discrimination might be found in the following documents or through sworn statements or testimony:

1. job advertisements;
2. written employment contract, or worker's sworn statement regarding terms and conditions of a verbal contract'

3. personnel records, held by the employer, worker or the Department at the MOLSA;
4. employer policies;
5. wage and overtime registry, wage receipts;
6. statements and admissions made by the employer;
7. emails, texts and other communications between the employer and employee;
8. employee testimony and employee contemporaneous notes, calendars, among others; and
9. sworn testimony by co-workers, former employees, or other job applicants.

The Ministry of Labor and Social Affairs may have copies of written individual employment contracts as necessitated by Labor Law Article 37(1). The Ministry of labor and social affairs inspectors have the authority to inspect and fine an employer for non-compliance with mandated records.

### **Penalties and Remedies**

The employer is subject to civil and criminal penalties if found violating the right to equal treatment defined in Article 52. Currently, penal sanctions of at least 3 months up to one year of imprisonment or fines of not less than 500,000 up to 1,000,000 dinars.

From the date of a final judgment, the employer has 60 days to remediate the discrimination and if not addressed, may be subject to triple fines. The fines ordered by the Labor Courts against employers shall revert to workers pensions and social security fund.(Article 167). An employer can also dismiss an employee for their discriminatory or harassing conduct on grounds that it is incompatible with work ethics, provided the employer served a prior warning or in the case where an employee is found guilty by a final court judgment of a misdemeanor or crime in the workplace against a colleague.

In a private right of action, a worker might seek specific remedies, such as reinstatement or advancement in the job, and financial compensation for past wages, any lost wages or benefits, interest, and attorney fees. The worker might also require equitable remedies such as new employer policies, changes to travel or work hours, or employer training on discrimination.

### **What is Sexual Harassment in the Workplace?**

Sexual harassment in employment and profession is prohibited by the Labor Law, whether it arises when searching for work, in vocational training, recruitment, employment, or work conditions and terms of work. Any other behavior that creates an intimidating, hostile, or degrading work environment is prohibited as well. Sexual harassment in the workplace has both civil and penal consequences for the employer.

Article 10(3) defines sexual harassment in the workplace as any physical or verbal behavior of a sexual nature or other conduct based on sex, affecting the dignity of women and men, which is undesirable, unreasonable or offensive to those who are the victim of this conduct. The rejection by any person of this conduct leads explicitly or implicitly to a decision affecting their job.

### **Examples of conduct that constitutes sexual harassment are:**

- Being subjected to unwelcome sexual advances, requests for kisses, dates or other sexual favors, or other verbal or physical harassment of a sexual nature;
- Making inappropriate comments about someone's body or appearance;
- Making vulgar, offensive, or explicit jokes about sex or sexual acts;
- Gossiping about someone's personal relationships or sex life;

- Sending or sharing emails, texts, or messages of a sexual nature; and
- Unwanted or inappropriate touching of any body part, clothing, face, or hair, including hugging, kissing, or assault.

For something to be considered sexual harassment, it only matters what the person who is being harassed thinks. It does not matter if the person who is doing the harassment thinks it is harmless, not sexual, or welcomed. It is still harassment if the behavior is something an individual does not want or finds offensive.

Based on the above definition, the elements of sexual harassment at work are:

1. The perpetrator and victim can be any gender and any age.
2. Harassment can be made by words, deeds, and signs. Sexual harassment does not have to be “sexual” – it can look like teasing, intimidating, or offensive comments based on stereotypes and even bullying someone based on their sex, gender identity, or sexual orientation.
3. The existence of a legal relationship of dependency between the perpetrator and the victim. Workplace sexual harassment can come from a coworker, supervisor, a customer or client and the employer having notice or implied notice and failing to remedy it.
4. Submitting to sexual demands or tolerating harassment becomes a condition for the victim in continuing work, obtaining promotions, privileges, incentives, or vocational training, obtaining regular, sick or study leave, or maintaining an income, the housing attached to work, enrollment of worker and family in schools, child care, or projects.

### **Evidentiary Proof**

Proving a case of sexual harassment will be challenging due to the sensitivity of the subject, the social stigma attached to such a claim, a lack of case precedence, hostile or unfriendly court administrators or processes, lack of familiarity by the tripartite judicial panel with such matters, trauma to the victim, and social biases. In foreign jurisdictions, the first cases that made it successfully through the court system involved overt physical acts of a sexual nature, including rape or coerced contact, that shocked the conscience of the judges. Further complicating case success is that the evidence often amounts to the victim's testimony against the perpetrator's testimony and no or very limited other evidence.

With these challenges in mind, the attorney for the plaintiff should go about their work with sensitivity and diligence vis-a-vis the client on details that might establish time, date, or place of statements or acts, identifying possible witnesses who observed the relationship or context, persons the plaintiff might have told about the harassment or their fear and intimidation, and consequences suffered for rejecting the harasser or reporting the matter. Workers experiencing sexual harassment at the workplace might be unclear on exact details or make mistakes in recalling the facts due to the trauma caused by the situation. Ultimately, the lawyer will need to heed to the worker's wish to present details and evidence that they might not be sure of or unable to present in the suit.

The employer has the affirmative duty to provide a workplace free from harassment, and therefore is subject to penalties if failing to do so. As their defense, an employer might deny having direct knowledge of harassment. The employer may have an affirmative defense if they can prove they had a complaint mechanism in place and it was not used, and that they were not unreasonable in their work setting in putting in prevention measures.

### **Penalties and Remedies**

In a private right of action, a worker might seek specific remedies, reinstatement if the person lost their job, financial compensation for past wages, any lost wages or lost promotions, interest, and damages for emotional distress. The worker might also require equitable remedies such as new employer policies, changes to travel or work hours, or policies or training to stop harassment, and attorney fees and costs.

If a criminal complaint is registered with the labor court, the defendant may be subject to penalties which may include imprisonment of not less than three months and up to one year and fines. The fines are paid into the workers and pension fund, and do not reach the complainant.

## SECTION 2. WHICH NON-JUDICIAL AND ADMINISTRATIVE CHANNELS CAN HEAR COMPLAINTS?

The Ministry of Labor and Social Affairs is charged with enforcement of the Labor Law. It possesses enforcement powers through labor inspections, fines and penalties for non-compliance by employers, required employer administrative filings, and dispute resolution mechanisms including the End of Service Committee, mediation services, and voluntary arbitration court to settle individual and collective labor disputes.

### 2.1. Official complaints to the employer

Article 41(2)(j) obligates employers to provide an internal system to deal with workers' complaints and grievances, to be responsive in a timely manner, not sanction those who submitted the complaint, and to take measures to punish those responsible if necessary. Employers are also responsible for notifying the competent authorities if the complaint involves a crime and cooperating with the authorities concerned to provide the necessary evidence.

With these duties and guarantees, a worker experiencing gender discrimination or sexual harassment may notify her employer. It is important to do so as early in the context as possible so that the employer is on notice and has a chance to remedy the situation. In addition, the notification will put on record that the worker made a complaint and is due protection from retribution, including termination. For evidentiary purposes, it is important that the complaint be made in writing or the client records the date and conversation in a calendar or journal.

Due to the power imbalance between employer and employee, particular in small workforces, workers are often reluctant to report. This is where legal advice or legal representation can be of great value. A Do It Yourself Toolkit is available from Partners Iraq with form letters and guidance in notifying and presenting demands to an employer.

### 2.2 Complaints and claims related to dismissal can be challenged through the End of Service Committee or Labor Court

If an employee believes they have been terminated unjustly or there is cause for redress, the employee may challenge the decision of the employer before the End of Service Committee of the Ministry of Labor

and Social Affairs, or alternatively directly to a Labor Court within 30 days of notification of the termination. Article 46 (1-3) Employers or employees are entitled to appeal the Committee's ruling to a Labor Court within 30 days from the date of the decision.

### **What rights do workers have with regard to unlawful termination?**

If the End of Service Committee or the Labor Court finds that a worker's termination of service did not meet one of the conditions stated in the law or was for reasons specifically prohibited by the law, then the Committee or Labor Court can render the employer's decision null and void. An order may be issued to the defender to:

1. Reinstate the worker to their previous work position or a better position..
2. Pay the worker's wages in full for the full term of the work contract.
3. If it is not possible to reinstate the worker to their work position, the work contract shall terminate from the date of issuance of the dismissal committee or the court's decision, and compensation is paid to the worker equal to two times their pay as an end of service reward.
4. If the employer employs less than 50 workers and the committee or court decides that the termination decision is correct, he shall pay them the end of service indemnity and the previous compensation.
5. Every decision to dismiss a worker from membership in a union, to consult a union, to enjoy union leave, to file a complaint against the employer, or to discriminate the employer who has practiced him/her against him in work or employment, or for temporary absence due to illness or temporary accident according to official evidence.
6. If the worker does not request their return to work, or the committee or court decides that their return is not feasible, impractical, or inappropriate, then employers must pay them fair compensation.

## **2.3 LABOR INSPECTION (MINISTRY OF LABOR AND SOCIAL AFFAIRS)**

The importance of the inspection lies in its being the body that supervises the application of the labor law and monitors the implementation of its provisions. The work of the labor inspector represents the most tangible example of the state's commitment to social organization (the right to work). Among them are Convention No. 81 of 1947, which Iraq ratified through the passage of Law No. 4 of 1950.

### **Tasks and Formation of Inspection Committees**

It is noted that the Iraqi legislature is committed to ensuring that projects and workplaces covered by the provisions of the Labor Law are subject to labor inspection under the supervision and direction of the Ministry. Inspection Committee are to undertake the following tasks and composition:

#### **❖ Inspection Department Duties/Tasks:**

The Inspection Department at the Ministry of Labor and Social Affairs are authorized under articles 128-129 of the Labor Law to perform several tasks, including:

1. Investigate with the employer or the workers separately or in the presence of witnesses any matters related to the implementation of this law
2. Providing information and technical guidance to workers and employers on the means and methods to ensure the implementation of legal provisions and international agreements



3. Review any books, records, or other documents whose preservation is a duty according to the provisions of laws and instructions related to work to ensure their compatibility with the provisions of the law
4. Prepare a report for after each visit that includes a summary of violations and recommendations for taking legal action against employers who violate the law
5. Providing a specific mechanism to receive workers' complaints regarding violations of their legally established rights by establishing a guiding mechanism for these complaints, the information that must be included, and the method for communicating them to the Inspection Department. Which is done either by going to the worker to submit the complaint directly or submitting the complaint through the website of the Ministry.

❖ Composition of the Inspection Committee

The Iraqi legislature stipulated that labor inspectors should not have their basic work (whatever it is) inconsistent with their mission as labor inspectors and that their relations be neutral, as we find that the committees are formed in the following manner according to the following conditions:

1. Membership of committees: Labor Inspection Committees shall be formed under the chairmanship of an employee from the Ministry under the title of a labor inspector and a representative of employers and a representative of workers. The Committee is also required to include a representative of the National Center for Occupational Health and Safety in projects that require this, i.e. according to the complaint submitted or Information provided to the Ministry about threats to workers' lives or health.
2. CV/Minimum Requirements of labor inspector:
  - Holds at least an initial university degree of the same specialty.
  - Successful in a training course for this purpose.
  - Thus, the Iraqi legislator raised in Labor Law No. 37 of 2015 the academic degree required from a middle school degree as the lowest degree to a bachelor's degree with the development of general culture in Iraq and the opening of fields of university education, especially private education, and most of them were able to study in Iraq.
3. Taking the oath and the identities of the committees: The labor inspector, the workers' representative and the representative of the most representative employers shall take the oath before practicing his work before the minister and whoever authorizes him to take the legal oath.

**Powers and Authorities of the Inspection Committees:**

It is noted that the Iraqi legislator, in return for granting Inspection Committees broad powers and powers supported by the text of the law, places prohibitions by virtue of the oath taken before the minister, which is represented in the following:

- Realizing any direct or indirect interest in the projects under their control.
- Disclosing secrets that they learn while performing their duties even after they leave work and are exposed to legal issues upon recovery.

According to this regulation, the legislator granted them to the authorities and powers according to the degree and severity of violations.

❖ The usual authorities for the Inspection Committee

Inspection committees are authorized to perform the following regular duties:

- Entering the workplace subject to inspection freely and without prior notice at any time of the day and night if prior notification affects the performance of their duties.
- Conducting any examination or inquiry that you prepare is necessary to ensure that there is no violation of the Labor Law and the laws attached to it, especially the following:
  - Investigating with the employer or the project workers separately or in the presence of witnesses
  - Access to any books, records or documents that can be kept as a duty stipulated by the law and its instructions. Samples can be taken from these documents.
  - Ensure that the legally established directives and recommendations are implemented.
  - Taking samples from the workplace related to occupational health and safety for the purpose of analysis, provided that the employer or his representatives in the administration are informed of this. The importance of occupational health and safety entails the following measures:
    - Workers' representatives on the project are obligated to cooperate with the employer in the field of occupational health and safety, with a commitment not to divulge commercial secrets when cooperating with Inspection Committees.
    - Confidentiality is crucial, especially in cases concerning gender discrimination and sensitive matters such as sexual and gender based violence because of the stigma associated SGBV. It is essential for lawyers to operate with complete confidentiality regarding workers' complaints and they may not disclose the employer or his representative the reasons for the visit. The presence of a specific method for receiving complaints, such as a regular complaints box or e-mail, workers can understand and access procedures for making complaints. .
- Preparing a detailed report for each inspection visit that includes a summary of the violations and directions for taking legal action against the violating employer, with the obligation to request the employer in writing to remove the violation within a specified period. The minister shall issue a warning to the violating employer before referring him to the competent court. According to the report of the Inspection Committee, the employer shall be referred to the competent Labor Court or the Minister may decide on a referral to the criminal court, as the circumstances require. The Committee's report is evidence against him in the court when issuing its decision, unless a dispute is proven.
- Whoever prevents an Inspection Committee from performing their work shall be punished by imprisonment for a period of no less than a month or a fine of one hundred thousand dinars and not more than half a million dinars.

❖ Authority of Inspection Committees in Cases of Occupational and Safety Risks

Inspection Committees are authorized to bring violations of the Labor Law to the attention of the employer through the issuance of a warning and a demand that the violation be addressed. In the event that it is not addressed by the employer, a referral may be made to the competent courts. Where the violation represents a danger to the life or safety of workers, immediate measures may be taken to address the risk and the penalty may be addressed at a later stage. The procedures taken in these cases involving the presence of imminent danger to the safety and health of the project workers are:

1. Complete or partial suspension of work or evacuation of the workplace.
2. Closure of the workplace or halting the use of a machine if based on the report of the Inspection Committees, where the employer refuses to implement the instructions for occupational health and safety or where they prevent the competent Inspection Committees from entering the workplaces. Closure or suspension may be required until the violation is addressed. The workers

who stopped work due to the two previous cases are entitled to their full wages for the period of (closure) or (suspension).

3. The employer shall be referred to the specialized Labor Courts or to the criminal courts, based on the previous violations and the report of the Inspection Committees, and according to a letter from the Minister of Labor and Social Affairs in this regard.

## **2.4 What are the stages for resolving collective and individual labor disputes?**

### First Stage: Submission of a Complaint to the Information Division / Department of Labor and Vocational Training / Ministry of Labor and Social Affairs

A written notice is submitted by one of the parties to the complaint through the Information Division in the Department of Labor and Vocational Training. Under Article 158(2) of the Labor Law No.37/2015, the written notification must include the following data: (1) names and addresses of the parties to the dispute; (2) subject of the dispute and the facts and circumstances leading to it; and (3) any procedure taken for settling this dispute, if available. The Department is then responsible for submitting a copy of said notification to the remaining parties of the dispute.

Under the guidance of the ILO, the Iraqi government introduced a new complaints mechanism due to the COVID-19 pandemic. When the lockdown that was imposed, a number of employers terminated workers' contracts unjustly. In response, a hotline with four channels was established at MoLSA through WhatsApp to receive complaints, and these were forwarded to the relevant section. A full channel is assigned to the Inspection Department. These measures include Baghdad and the other regions.<sup>2</sup>

Under this procedure, parties can expect to receive a decision within 14 days from the date of receipt by the Department of a written notice, whether the dispute is an individual dispute between a worker and their employer, or a collective dispute where workers are represented by a union and with one employer or their associations.

### Second Stage: Collecting Data and Information related to the Subject of the Conflict.

The Information Division transfers the written notification of the complaint to the Inspection Department, which in turn collects data and information related to the subject of the dispute between the two parties through inspection visits. After collecting data and information, if the complaint is not proven, a notice of canceling the complaint will be sent to the complainant. If the complaint is proven by the Inspection Department, the Department of Labor and Vocational Training will then complete the complaint procedures in the third stage.

### Third Stage: Mediation between the Two Parties.

*First:* Under Article 159(1), the Department of Labor and Vocational Training shall appoint a mediator, who has experience in labor cases, to act as an intermediary between the two disputing parties to reach an agreement to settle the dispute. The mediator shall make necessary contacts with the parties to hold a meeting between them to examine the merits of the dispute. If that dispute is about future interests related to changing the conditions of employment or adopting new conditions of employment, the meeting

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<sup>2</sup>[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4111577,102974](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_COUNTRY_ID:4111577,102974)

led by the mediator shall not be more than five days as of the date of notification of the Department of the dispute.

Under Article 159(2), the mediator must have experience with the subject of dispute and should not have an interest in it nor already participated in any way in the examination of the dispute or in any attempt to settle it. Furthermore, according to Article 159(3), the mediator must hear the statements of the conflicting parties and provide them with assistance in order to find a settlement. If a settlement of the dispute is reached, the terms of this settlement shall be included in the minutes of the meeting and shall be final and binding on all parties..

*Second:* If the mediator is not able to bring together the parties and reach a consensus on the resolution, the mediator must present written recommendations to resolve the dispute to the disputing parties in writing. If the two disputing parties accept the recommendations made by the mediator, then the mediator must confirm that in a written agreement signed by the two parties in accordance with Article 159(5-6) of the Iraqi Labor Law No. 37 of 2015.

*Third:* If one of the parties accepts the mediator's recommendations and the other rejects it, the one who rejected it must explain the reasons for this rejection, and the mediator in this case may grant the rejecting party a period not exceeding (3) three days to amend his position. If the rejecting party responds and adjusts its position towards accepting these recommendations, this decision must be confirmed in a written agreement signed by the two parties and the mediator. The agreement will be final and binding on the parties to the conflict in accordance with Article 159(7) of the Iraqi Labor Law No. 37 of 2015.

*Fourth:* If the two parties agree to accept only some of the mediator's recommendations, then what has been agreed upon will be confirmed by a written agreement signed by the two parties and the mediator, while the provisions of this law regarding voluntary arbitration shall apply to what was not agreed on in accordance with Article 159(8) of the Iraqi Labor Law No. 37 of 2015.

*Fifth:* If the mediation does not lead to a solution totally or partially acceptable to both parties, the mediator must submit a report in this regard to the Department, including a summary of the dispute, the proposed recommendations, and the position of the parties, within a period of (14) fourteen days from the date of the first session in accordance with Article 159(9) of the Iraqi Labor Law No. 37 of 2015.

#### Fourth Stage: Voluntary Arbitration

When mediation procedures fail between the two disputing parties, the mediator may suggest that the two parties submit a written request to the Department to resolve the dispute through voluntary arbitration in accordance with Article 159(10) of the Iraqi Labor Law No. 37 of 2015. Voluntary arbitration is arbitration that takes place based on the agreement of the parties to the dispute and with their consent. They may agree to submit their dispute to arbitration in which case they choose the arbitrators and the procedures and rules that apply to the arbitration. The law may regulate such arbitration and lay down the necessary and appropriate controls to ensure its effectiveness, but the process is voluntary. It is important to understand that a victim of sexual harassment or other form of gender discrimination may be very reluctant to submit a dispute to arbitration, however they are free to do so if they wish.

#### Fifth stage: Resorting to the Labor Court.

If the two parties choose to resort to the Labor court to resolve the dispute, the complaint is escalated directly to the Minister who must agree to file the complaint to the Labor Court. The trial stages of the Labor Court mentioned earlier in paragraph 1.1.1 shall apply.

## **SECTION 3. HIGH COMMISSION FOR HUMAN RIGHTS IN IRAQ**

### **3.1 Overview**

The Iraqi High Commission for Human Rights (IHCHR or Commission) is a national independent human rights institution constituted by the Iraqi Constitution of 2005 and Article 102, Law No. 53 of 2008. The Commission is mandated to:

1. Ensure the protection and promotion of respect for human rights in Iraq by receiving, investigating, and following up on complaints of human rights violations;
2. Protect the rights and freedoms stipulated in the constitution, laws, treaties, and international agreements ratified by Iraq by initiating lawsuits related to violations of human rights; and
3. Establishing, developing, and developing the values and culture of human rights.

The Commission has a regional office in Baghdad and branches in all Iraqi provinces. In 2014, the IHCHR and the Iraqi High Judicial Council created special courts to determine claims of human rights violations received by the Office of the Public Prosecutor.<sup>3</sup> Since, more than 4,000 cases have been referred to these courts relating to 2015 allegations. Many of these were rejected for lack of evidence or procedural flaws. No judgment has been issued since December 2016.

#### **The functions of the Commission:**

The Commission is empowered to undertake the following tasks:

1. Coordination with the relevant authorities in preparing joint work strategies and mechanisms to ensure the achievement of their mandates.
2. Preparing and presenting research and recommendations related to the promotion and development of human rights.
3. Studying and evaluating the legislation compliance with the constitution and submitting its recommendations to the Council of Representatives.
4. Submitting proposals and recommendations for Iraq's accession to international treaties and conventions related to human rights.
5. Cooperating and coordinating with civil society institutions working in the field of human rights in Iraq and with independent and non-governmental international human rights institutions to achieve the objectives of the commission.

### **3.2 What types of discrimination or SGBV cases can be brought to the IHCHR?**

The High Commission for Human Rights in Iraq is able to deal with complaints related to the violation of human rights in general and in cases of discrimination and harassment and provisions for gender equality in the work environment in accordance with the provisions of Article 5 Paragraphs I, II and III of the Law of the High Commission for Human Rights in Iraq No. 53 of 2008.

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<sup>3</sup> High Judicial Council statement No. (5/Q/A) of 11 January 2014, based on the provisions of Article (5) of the Law of the High Commission for Human Rights No. (53) of 2008.

Complaints handled by the High Commission for Human Rights follow a step-by-step process consisting of receiving the complaint and conducting a preliminary evaluation and investigation. Notably, there is a complaints department in all branches of the High Commission across Iraqi governorates. If the complaint is registered in the Labor Courts or the inspection division of the Ministry of Labor and Social Affairs before review by the Commission, the Commission may follow the stages of the case in the Labor Courts or the inspection department and provide information on the matter to the courts and ministries with letters, books, and official letters of the victim's remedy.

Iraqi citizens can submit complaints to the IHCHR via its official [website](#).

1. Go to "Complaints"
2. Click on "Submit Complaint"
3. Enter contact information and details of the complaint
4. Thereafter, the Commission refers the complaint to the Presidency of Public Prosecution for judicial consideration.

## Section 4: What International and Regional Human Rights Mechanisms are applicable to Iraqi Labor complaints?

International and regional forums provide multiple opportunities to advocate for women's rights and gender equality outside of the national legal context. International treaties are the source of language and enforceable legal protections that gender equality advocates can use to claim their human rights. International and regional forums both provide opportunities for individuals or groups to bring gender-based harassment or discrimination complaints to judicial or quasi-judicial bodies in order to seek a ruling that would force the state to respect and fulfill gender equality. International and regional forums also provide an important opportunity to use information documented by human rights groups and lawyers to show the shortcomings of the national protection of gender equality and abuses perpetrated by the state through oral testimony or reports.

### 4.1 Overview

#### 4.1.1. United Nations treaties and the protection of gender equality

The international community has defined globally accepted human rights norms through the adoption of United Nations (UN) human rights treaties. These multilateral treaties demonstrate international agreement about the necessity of protecting and promoting these fundamental human rights and freedoms.

**What is a treaty?** A treaty is an international agreement between two or more states or other entities, when the agreement is intended to have international legal effect. The rules for the formation of treaties are governed by the 1969 Vienna Convention on the Law of Treaties.

Human rights are universal, which means that every person in the world has human rights and that they cannot be legally deprived of those rights. Therefore, all people, including women, are entitled to the

human rights guaranteed under all UN treaties. The UN treaties listed below comprise the primary set of human rights documents in international law:

<b>International Human Rights Treaties</b>		
<b>Treaty</b>	<b>Entry into Force</b>	<b>Aims</b>
<b>International Covenant on Civil and Political Rights (ICCPR)</b>	1976	Wide range of civil and political rights, including equality of all people before the law; right to life, liberty and security of person; fair trial; freedom of association, expression and peaceful assembly; freedom from torture; freedom of thought, conscience, and religion.
<b>International Covenant on Economic, Social, and Cultural Rights (ICESCR)</b>	1976	Wide range of economic, social, and cultural rights, including rights to work, social security, adequate standard of living, health, water and food, and education.
<b>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</b>	1971	Elimination of discrimination based on race, colour, descent, or national or ethnic origin; to prevent and combat racism.
<b>Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)</b>	1991	Guarantees the right of all women to be free from discrimination.

<b>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</b>	1991	State obligation to prevent and criminalise torture, and to investigate suspected torture and prosecute those responsible; forbids use of evidence obtained by torture in state courts
<b>Convention on the Rights of the Child (CRC)</b>	1990	Protection of human rights for children under age 18; includes a wide range of human rights.
<b>Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</b>	2003	Human rights for all migrant workers and their families without discrimination, including: right to life; freedom from torture; freedom of thought, conscience, and religion; right to liberty and security of person; right to equality before the law
<b>Convention on the Rights of Persons with Disabilities (CRPD)</b>	2008	Promotion and protection of full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities; promotion of respect for inherent dignity of all persons with disabilities .
<b>Convention for the Protection of All Persons from Enforced Disappearance</b>	2010	Prohibition of enforced disappearances; state obligation to criminalise enforced disappearances with adequate punishment, and to investigate and prosecute suspected disappearances.

#### 4.1.2. The International Bill of Human Rights

The Universal Declaration of Human Rights (UDHR), not a treaty but a declaration of the UN General Assembly, is the most well-known human rights instrument in the world. This document was adopted by the UN General Assembly in 1948, after the conclusion of World War II. The Declaration was not adopted as a legally binding instrument, but its principles have been the foundation of all subsequent human rights law and it is now widely regarded as reflecting international customary law. After the adoption of the UDHR, two human rights conventions were adopted, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These treaties are binding on state parties. Together with the UDHR, they form what is known as the International Bill of Rights.



### 1.1.3. Application of international treaties in Iraq

Iraq has ratified or acceded to a number of international human rights treaties. When the Iraqi government ratifies or accedes to a treaty, it means that the Iraqi government is legally bound to uphold the commitments set out in the treaty. Signature, on the other hand, signals a State's intention to ratify the treaty in future, but does not legally oblige the State to give effect to the obligations set out in the treaty.

#### **What is the difference between ratifying a treaty and acceding to a treaty?**

Ratification and accession have the same legal effect: both indicate a state's intention to be legally bound by the terms of the treaty.

However, the procedures are different. Typically a treaty will open for signature for a period of time, after which a State will ratify the treaty which brings it into effect. After the signature period has ended, the procedure is referred to as accession, there is no signature preceding the state's accession. It is a one-step process.

However, when the Iraqi government ratifies or accedes to a treaty, it does not automatically make the treaty provisions apply just as domestic law in Iraq. Iraq has what is known as a "dualist system." Under the dualist system, the National Assembly of Iraq (National Assembly) must pass a law to make a treaty apply as domestic law. If Iraq has not domesticated the treaty, then the articles of a treaty cannot be used as the foundation for legal claims before Iraqi courts. A lot of the rights and obligations are included in the country's constitution and passed in part through specific national laws, including the Iraqi Labor Code.

<b>Iraqi Ratification of International Human Rights Treaties</b>		
<b>Treaty</b>	<b>Iraqi Ratification(r)/ Accession(a)</b>	<b>Iraqi Domestication</b>
ICCPR	1971(r)	
ICESCR	1971(r)	

CERD	1970(r)	
CEDAW	1986(a)	
CAT	2011(a)	
CRC	1994(a)	
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families		
CRPD	2013(a)	
Convention for the Protection of All Persons from Enforced Disappearance	2010 (a)	

However, the human rights contained in international treaties ratified or acceded by Iraq may still be applicable for gender equality advocacy in Iraq under the concept of “customary international law.” When a legal norm reaches the status of customary international law, it is binding upon all countries around the world. Customary international law is binding upon states regardless of whether those states have passed national laws to reflect those globally accepted legal norms.

Because most international human rights treaties have been overwhelmingly supported by the global community, for example the Convention on the Rights of the Child, they may also be binding in Iraq under the concept of customary international law.

## 4.2 Treaty monitoring bodies

### Introduction to treaty monitoring bodies

Many international human rights treaties establish **treaty monitoring bodies**. Treaty monitoring bodies are composed of independent experts who monitor states' progress toward implementing the obligations created by treaties. States take on these responsibilities when they ratify or accede to a treaty. members of these treaty bodies serve in their independent capacity.

Treaty bodies have multiple purposes. First, State Parties to the treaty must submit periodic reports regarding their compliance with the relevant treaties to the treaty body for review. Second, the treaty bodies may also hear individual complaints about human rights allegations where the treaty or a protocol to the parent treaty has such a mechanism. Only those States that expressly agree to the complaints procedure may be reviewed. abuse related to the rights protected by their relevant treaty.

When treaty bodies produce reports about human rights situations in a country or hand down decisions on human rights abuse, they also perform the important role of defining what the treaty means and to what issues or abuses it is or is not applicable. Treaty bodies provide multiple opportunities for gender equality advocates to raise human rights issues, discussed below.

### **Working sessions**

Treaty body working sessions are a good opportunity for gender equality advocacy. Through arranging informal meetings or briefings with committee members, gender equality advocates may attempt to educate committees about gender equality issues and to raise awareness about women's human rights issues in their countries.

### **Periodic reports**

As noted above, treaty bodies receive **periodic reports** from States Parties on a periodic basis and in accordance with the terms of the treaty and any guidelines on reporting set out by the treaty body. Periodic reports present the actions the state has taken to implement the treaty and any progress achieved. These reports are obligatory for all state parties to a treaty. A State will submit its report to the treaty body and will have the opportunity to engage in an interactive dialogue with treaty body members in Geneva.

Civil society organizations (CSOs) are able to submit "**shadow reports**" to treaty bodies. The shadow reports are typically submitted in parallel to state-generated reports, or even in the absence of a state report. Shadow reports offer CSOs the opportunity to supplement state reports, or to provide alternative information from what is included in the official government report. Shadow reports are important in recording undocumented violations of human rights and in providing treaty bodies with full and accurate information. Thematic reporting is also an option for CSOs. For instance, providing a report to the treaty body specifically addressing gender

equality issues offers an opportunity to ensure that the treaty body considers such issues even where the government report may not have provided specific information in this context.

Treaty bodies consider these reports from both states and CSOs and then issue **concluding observations and recommendations to the reporting State Party**. When CSOs submit shadow reports, language about gender equality can make its way into the concluding observations, which bolsters the strength of women's human rights internationally.

Examples of where CSOs in Iraqw may wish to provide information and shadow reports to UN treaty bodies include the following:

Committee on Economic, Social and Cultural Rights ICESCR Committee): For example, shadow reports submitted to the ICESCR Committee could include a context review of the labor- and the social security-related situation in Iraq, progress toward drafting, passing, and implementing national laws in regard to labor and workers' rights, and violations against working women at the workplace. Note that Iraq's national human rights body - the Iraqi High Commission for Human Right (IHCHR) - also submits reports independent of government and separate from CSOs to treaty bodies, including the ICESCR Committee.

Committee on The Elimination of Discrimination Against Women (CEDAW Committee): Reports to the CEDAW Committee may include a review of the state of women's rights in Iraq with respect to discrimination, the main challenges and violations women face at work and regarding social security, as well as Iraq's progress toward drafting, passing, and implementing national laws that protects women's rights against discrimination.

#### Domestic Reporting to the Iraqi High Commission on Human Rights

CSOs may also submit reports at the national level to the IHCHR for inclusion in the IHCHR Annual Report of Human Rights Status in Iraq, including similar topics and reviews of the above-described points. Law 53/2008 of the IHCHR, in Article 4(5) provides that the IHCHR may collaborate and communicate with any CSO working in the field of human rights in a manner that achieves the goals of the commission. This Annual Report is submitted to the Iraqi Parliament according to the same law. Ensuring the coverage of gender equality issues in these annual reports may be aided

by submissions of CSOs to the IHCHR covering issues relating to the rights of women, including in the context of employment.

### **General Comments**

Treaty bodies also provide interpretations of treaty language by issuing **General Comments**. General Comments expand and clarify the meaning of the articles in the relevant treaty. General Comments provide useful insight for advocates and help states implement treaties properly so that they can respect, protect, and fulfil human rights obligations created by the treaties. When human rights advocates raise issues to treaty bodies, General Comments may later include important commentary in relation to those issues. Some of these may specifically address provisions that relate to gender equality and are thus a good source of authority for understanding gender equality in the context of human rights treaty obligations.

### **Complaint mechanisms generally**

Many treaty bodies are empowered to review individual or group complaints and to undertake inquiries into systemic violations of human rights. **Complaint mechanisms** allow for individuals to file quasi-judicial claims against State Parties alleging violations of treaty commitments.

While the treaty body does not issue legally binding decisions, its recommendations have important persuasive authority and can lead to changes in domestic law and policy and recommendations made may well be followed by States. Complaint mechanisms are crucial tools for the advancement and enforcement of human rights.

### **Access to Treaty Body Complaint Mechanisms in Iraq**

In order for an individual to bring a complaint against a State under a treaty body complaint mechanism, two conditions must be met:

1. The state must be party to the treaty in question; and
2. The state party must have recognised the competence of the treaty body to consider complaints from individuals.

The process for state parties to recognise competence of treaty bodies to hear complaints involves the state ratifying protocols or additional treaties. Iraq has yet to recognise the competence of any treaty bodies to hear individual complaints.

## **4.3 UN Human Rights Council**

The Human Rights Council was established in 2006 to promote universal respect for the protection and fulfilments of all human rights and fundamental freedoms guaranteed under UN treaties. The

Council is composed of 47 elected States and meets throughout the year to address human rights issues in member states through the mechanisms discussed below.

<b>What is the difference between the Human Rights Council and Human Rights Committee?</b>	
<p><b><u>Human Rights Council:</u></b></p> <ul style="list-style-type: none"> <li>● Predecessor body was known as the Human Rights Commission, but later replaced with the Human Rights Council.</li> <li>● Consists of 47 members. Members are state parties elected every 3 years.</li> <li>● All UN member states must submit reports every four years under the Universal Periodic Review describing the human rights situation in their countries; other member states can comment and make recommendations.</li> </ul>	<p>Elected Member State on Council from 2017-2019.</p> <p>Subject to Universal Peer Review every 4 years.</p>

### 4.3.1 Universal Periodic Review

The Universal Periodic Review (UPR) mechanism was created by the UN Human Rights Council in 2006 and requires states to report on what actions and improvements have been taken to implement human rights obligations. UPR reports must be submitted by States to the UN Human Rights Council every four years.

Under the UPR process, a reporting state will submit its “national reports” to demonstrate the steps it has taken to promote and advance human rights.

Gender equality advocates may participate in the UPR reporting process. CSOs may submit “**shadow reports**” or “**alternative reports**” to help highlight information left out of a state’s report or to supplement state reporting.

Non-reporting Member States participate in the UPR process by submitting questions, comments, and recommendations for the outcome report. Also included in the outcome report are the replies from the state under review. The Member State under review has sole responsibility to implement recommendations in outcome reports.

### **UN Human Rights Council Complaints Procedure**

The UN Human Rights Council has its own complaints procedure. This quasi judicial procedure does not result in a legally binding decision on human rights violations but does allow for **submission of communications about individual human rights violations that establish consistent, openly perpetrated, systematic violations of human rights**. When a consistent pattern of human rights violations is established, the Council may commence investigations or invoke Special Procedures, discussed below.

Investigations under this mechanism are kept confidential, and complainants are not informed of any actions or investigations. The only acknowledgment complainants receive is a letter confirming receipt of the complaint. Anonymous complaints are not accepted by the Council.

The Human Rights Council's complaints procedures are founded in the Universal Declaration on Human Rights, discussed above. Complaints submitted to the Human Rights Council must show a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.<sup>[1]</sup>

For detailed instruction on how to submit a complaint to the Human Rights Council, see Annex 5.

### **Special Procedures of the UN Human Rights Council**

The UN Human Rights Council has established a wide range of UN **special procedures** regarding human rights thematic issues as well as country specific human rights matters. The Office of the High Commissioner for Human Rights provides support to these special procedures created by the UN Human Rights Council. These special procedures take the form of individually led mandates (Special Rapporteurs or Independent Experts) and independent working groups. Special procedures investigate, report, and advise on human rights situations from a thematic human rights perspective or a country-specific perspective.

Special procedures involve country visits and communications with states and others regarding alleged human rights violations. They also involve studies and expert consultations. Special procedures contribute to the development of human rights standards, advocacy, and raising

public awareness. All special procedures provide reports on a yearly basis to the Human Rights Council and some special procedures also provide reports to the General Assembly.

An important method of information gathering for special procedures occurs through the submission of complaints in the form of **urgent appeals** and **letters of allegation**. Special procedures follow up on complaints by sending urgent letters or appeals to the states involved in order to ask for more information or to bring the issue to the state's attention. These letters and appeals are reported at Human Rights Council sessions.

Special procedures provide an important opportunity for gender equality advocates to raise human rights issues. Advocates can send letters to special rapporteurs, working groups, and independent experts to inform them of abuses and imminent danger to women. Special procedures, then, can follow up on those human rights issues and bring them to the attention of the international community. Victims, victims' families, local and international NGOs and others are able to inform special procedures about human rights abuse.

All experts, whether working alone or in a working group, are appointed by the Human Rights Council and serve in their personal capacities. They are not UN staff members and are not compensated for their work. These experts are expected to act with impartiality and independence.

Special procedures consider a wide range of human rights issues as well as country-specific matters. There are currently 36 thematic mandates and 13 country mandates for special procedures. Some examples of special procedures addressing thematic mandates that may be relevant to gender equality include:

- **Special Rapporteur on violence against women, its causes and consequences**
  - **Working Group on discrimination against women and girls**

See a full list of thematic mandates:

<http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx>.

Guidelines for submissions to special procedures are available in Annex 5.

(Sources: *Communications*, Office of the United Nations High Commissioner for Human Rights, available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>; *Special Procedures of the Human Rights Council*, Office of the United Nations High Commissioner for Human Rights, available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx>; 1.2



## 4.5. Arab Labor Organization

The Arab Labor Organization was established in 1965 as a specialised agency of the League of Arab States. Its focus is on labour affairs and employment issues at the national level. It has a tripartite structure which provides an opportunity for workers, employers and governments to debate and shape labour standards as programs. Issues pertaining to women in employment are part of the work of the Arab Labor Organization. This regional forum provides opportunities for impacting gender equality within employment law and policy.

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[1] Source: The Complaint Procedure, Claiming Human Rights: Guide to International Procedures Available in Cases of Human Rights Violations in Africa, available at [http://www.claiminghumanrights.org/hrc\\_complaints.html?&L=escyeybij%2F%2F%2F%252](http://www.claiminghumanrights.org/hrc_complaints.html?&L=escyeybij%2F%2F%2F%252)