



# Right to work, Labour Rights & Trade Unions in Iran

**ALTERNATIVE REPORT**  
on the  
**IMPLEMENTATION OF**  
**THE INTERNATIONAL COVENANT**  
**ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**  
IN THE  
**ISLAMIC REPUBLIC OF Iran**

**Submission to the CESCR**

50th Session of the Committee on Economic, Social and Cultural Rights  
Geneva, 29 April – 17 May 2013

International Federation for Human Rights (FIDH)

League for the Defence of Human Rights in Iran (LDDHI)

MARCH 2013

## **ABBREVIATIONS**

CBIRI	Central Bank of the Islamic Republic of Iran
CERD	Committee on the Elimination of Racial Discrimination
CESCR	UN Committee on Economic, Social and Cultural Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILC	Islamic Labour Councils
ILO	International Labour Organisation
IRI	Islamic Republic of Iran
ISW	Islamic Society of Workers
SCI	Statistical Centre of Iran
SCL	Supreme Council of Labour
SCCR	Supreme Council of the Cultural Revolution

## Table of Contents

1. INTRODUCTION .....	5
2. OVERVIEW OF BASIC FACTS & FIGURES .....	6
3. INTERNATIONAL LEGAL FRAMEWORK .....	8
3.1. Iran & human rights treaties .....	8
3.2. Right to work in ICESCR.....	8
3.2.1. Overview .....	8
3.3. Treaty bodies & labour rights in Iran .....	10
3.3.1. CESCR .....	10
3.3.2. CERD.....	11
3.3.3. ILO Committee on Freedom of Association .....	11
3.3.4. CEACR (ILO) .....	12
3.3.5. HRC.....	12
4. DOMESTIC LEGAL FRAMEWORK.....	14
4.1. Constitutional overview .....	14
4.2. Legal Discrimination .....	15
4.2.1. Discrimination in the Constitution .....	15
4.2.2. Discrimination in the Selection Law.....	16
4.2.3. Discriminatory regulations applied by various organisations.....	16
4.3. Labour Code – selected provisions .....	19
4.3.1. More than half the labour force deprived of legal protection .....	19
4.3.2. Minimum wage in law.....	19
4.3.3. Trade union Rights .....	20
4.3.4. Right to strike.....	24
5. WOMEN & THE RIGHT TO WORK .....	25
5.1. Laws and schemes governing women’s employment.....	25
5.1.1. The Law for Part-Time Services of Ladies .....	25
5.1.2. Resolutions of the Supreme Council of the Cultural Revolution .....	25
5.1.3. Government schemes to reduce women’s employment .....	27
5.2. Ratio of women to labour force.....	28
5.2.1. Unemployment among women is more than double.....	28
5.2.2. Discrimination based on gender .....	29
6. MIGRANT WORKERS.....	31
7. DISCRIMINATION IN PRACTICE.....	32
7.1. Discrimination on ground of religion or ethnic background .....	32
7.1.1. Discrimination against Shiite Muslims .....	32

7.1.2. Discrimination against Sunni Muslims & ethnic minorities .....	33
7.1.3. Discrimination against non-recognised religious minorities: Baha'i faith .....	34
7.2. Discrimination at work on ground of dissent.....	35
7.2.1. Labour unionists expelled .....	35
7.2.2. Human rights lawyers barred from practice .....	35
7.2.3. Journalists banned from work .....	36
7.3. Discrimination at work against activists & their relatives.....	36
7.3.1. Human rights activists expelled from work .....	36
7.3.2. Relatives of political activists persecuted .....	36
8. UNEMPLOYMENT .....	38
9. VIOLATIONS OF THE RIGHT TO THE ENJOYMENT OF JUST AND FAVOURABLE CONDITIONS OF WORK ..	40
9.1. Minimum wage .....	40
9.2. Poverty line .....	40
9.3. Inflation rate.....	42
9.3.1. How realistic are minimum wages? .....	44
10. STATE-AFFILIATED WORKERS' ORGANISATIONS .....	46
10.1. Islamic societies of workers .....	46
10.2. Khaneh Kargar .....	46
11. NEW UNIONIST MOVEMENT.....	47
11.1. Basic demands of the unionist movement.....	47
11.2. Selected unions .....	48
11.2.1. Syndicate of Tehran Bus Workers .....	48
11.2.2. Syndicate of Workers of Haft Tappeh Cane Sugar Company .....	50
11.2.3. Free Union of Iranian Workers.....	50
11.2.4. Coordinating Committee To Help Workers' Organisations .....	51
11.2.5. Committee to Pursue Establishment of Labour Unions.....	51
11.2.6. Teachers Associations of Iran.....	52
CONCLUSION .....	54
RECOMMENDATIONS.....	55
International Law .....	55
Domestic Law and Labour Rights .....	55

# 1. INTRODUCTION

The 2<sup>nd</sup> State report by the Islamic Republic of Iran (IRI) for the consideration of the CESCR has principally concentrated on various existing legislation that may relate to economic, social and cultural rights and pointed out that the Covenant's provisions have been provided in the Constitution and other legislation. Nevertheless, the report has focused on reporting the official policies and heavily relied on aggregated national data. It has failed to demonstrate concretely the implementation of the Covenant's provisions in practice.

CESCR's recommended to the Iranian government in 1993:

"The second periodic report of Iran should contain information not only on legislative measures adopted, but also on the application of these measures, on the difficulties encountered in the process of their implementation, and on the issues dealt with in the present concluding observations,"<sup>1</sup>

Nevertheless, the State's second report has utterly failed to refer to actions taken, if any, regarding the CESCR's recommendations in its 1993 Concluding Observations.

The report has made mention of plans under way to amend certain laws, including the Labour Code and the Social Security Law, but excluding the Constitution. All the references to elimination of 'discrimination' in labour relations, against women or against children as well as in regard to religion, concern the wording of the rules and legislation. There is not a single reference in the entire report to any practical action against discrimination in any of those areas. There is absolutely no reference to discrimination based on religious conviction or political opinion. Neither is there even a denial of the related assertions in the CESCR's 1993 Concluding Observations.

The data provided in the State report is primarily based upon overall national figures, which are generally not disaggregated to provide the necessary knowledge of the actual situation of the wage disparity between men and women, the low wages paid to workers and the fast growing poverty, the low wages paid to Afghan workers and the extreme discrimination against them and their families...

To put it briefly, the State report has failed to pay "*special attention to worse-off regions or areas and to any specific groups or subgroups which appear to be particularly vulnerable or disadvantaged.*"<sup>2</sup>

The Iranian government has failed to take appropriate and effective steps to progressively implement economic, social and cultural rights. Not only has it failed in its immediate obligation to eliminate discrimination in all pertaining areas, it has also perpetuated discrimination. However, given the vast expanse of the ICESCR rights and the government's failure in all areas, FIDH-LDDHI joint alternative report aims to concentrate on "the right to work" and the related issues: existing overall legislation overall as well as the specific legislation and policies on employment of women, discrimination in law and practice, the enjoyment of just and favourable conditions of work, trade union rights, right to strike, independent unionists and the burgeoning new unionist movement, among others.

This alternative report draws extensively on a variety of official and semi-official sources: data and reports published by the government, statements of senior officials, domestic newspapers, websites, media and news agencies, academic literature, and other reliable sources.

---

<sup>1</sup> E/C.12/1993/7

<sup>2</sup> CESCR General Comment 1, E/1989/22 (1989)

## 2. OVERVIEW OF BASIC FACTS & FIGURES

The 2011 population and labour force census showed the following population facts and figures:<sup>3</sup>

### Population Census, 2006 & 2011

Year	2011	2006
Total (million)	75.15 <sup>4</sup>	70.5
Urban population (million)	53.64	48.25
Rural population (million)	21.44	22.13

Other selected rounded up figures were as follows:

- 53.65 million (71.4%) lived in urban areas and 21.5 million (28.5%) in the rural areas;
- Around 37.9 million (50.4%) were men and 37.25 million (49.6%) women;
- 63.3 million were older than 10 years old.<sup>5</sup>
- 19.9% of men and 20.1% of women were in the 15-24 group; 31.4% and 31.7% respectively in the 15-29 age group;
- Life expectancy was 72.1 for men and 74.6 for women
- Literacy level was 93.2%
- 5.4 million people had higher education; 18.2% of men and 18.4 of women
- 18.6% of the population (17.2% men and 26.2% women) were working in the agricultural sector;
- 33.4% (35.2% m; 23.3% w) worked in the industrial sector;
- 48% (47.6% m; 50.4% w) in the service sector.

Iran is rich with vast petroleum and other resources, and has sizeable industrial, trading, service, and agricultural sectors. According to the World Bank, Iran had a Gross Domestic Product of \$331 billion in 2009, and Gross National Income per capita of \$4,520 and was in the 'upper middle income' level category.<sup>6</sup>

Iran's oil revenues in the years 2006-2010<sup>7</sup> amounted to a total of \$327.7 billion.<sup>8</sup> The figure for 2011 was estimated around \$120 billion.<sup>9</sup> Oil production was on average 2.6 million barrels a day in 2011. In 2012, the international sanctions imposed on the Iranian government for its nuclear programme, have forced down the oil revenues by around 40-50 per cent.

Nevertheless, corruption has been rampant and massive embezzlements in the public sector

<sup>3</sup> SCI ([www.amar.org.ir](http://www.amar.org.ir)). Reports in February 2013 indicated that the SCI had released new estimates of over 77 million people (<http://www.farsnews.com/newstext.php?nn=13911203000204>). If verified, this means that the rate of population increase - 1 million a year from 2006 to 2011 - has suddenly doubled in 2012.

<sup>4</sup> Including 1.45 million Afghans in 2011 up from 1.21 million in 2006

<sup>5</sup> It is worthy of note that the official statistics provide the figures of 'economically active' population for people older than 10 years, which clearly indicates that child labour is condoned.

<sup>6</sup> <http://data.worldbank.org/country/iran-islamic-republic>; all links were accessed in early March 2013.

<sup>7</sup> Years beginning 21 March, in all the cases referring to domestic Iranian sources

<sup>8</sup> CBIRI, reported here: <http://alef.ir/vdch-inzk23n-zd.tft2.html?162164>

<sup>9</sup> [http://www.bbc.co.uk/persian/business/2012/05/120524\\_ka\\_centralbank\\_oil\\_iran.shtml](http://www.bbc.co.uk/persian/business/2012/05/120524_ka_centralbank_oil_iran.shtml)

have made big headlines in recent years in particular.<sup>10</sup> Such cases frequently involve government officials as well as the *nouveau riche*. Many members of this relatively big group have indeed served in the government at various levels and have 'revolutionary' credentials. This new 'class' has amassed its wealth in the past couple of decades through and as a result of extensive connections with the highest levels of the State hierarchy and its involvement with one or more power factions.

In contrast, the vast majority of the population is grappling with poverty. Mr Adel Azar, director of the Statistical Centre of Iran confirmed in 2011: "More than 10 million people are living below the absolute poverty line and more than 30 million under the relative poverty line."<sup>11</sup> That is, more than 50% of the over 75 million population. Another expert, university professor Hossein Raghfar, estimated that "absolute poverty in Iran is in the range of 25%-32%."<sup>12</sup>

The falling oil revenues and the rising rate of exchange have led to rampant inflation, poverty, and unemployment. The CBIRI governor estimated the inflation rate at the end of the solar year in March 2013 at 31.5%. However, independent experts believe that Iran is heading for its highest inflation rate in 70 years and most of them give estimates ranging from 50%-110%. Likewise, the rate of unemployment is ranging from the official 12.2% to much higher figures.<sup>13</sup>

---

<sup>10</sup> A few well known cases included: Embezzlement of funds amounting to 30,000 billion Iranian rials (approximately \$3 billion at the time) in the banking system in 2011, implicating several high ranking officials, including the vice-president and some of the president's confidants (<http://khabaronline.ir/news-168813.aspx>); 100 million Euros in several banks for 'purchase of telecommunications equipment from Israel' (<http://www.alarabiya.net/articles/2012/05/02/211750.html>); massive funds in the largest State-owned insurance company; 280,000 billion rials by a person "who has easier access to the president than the ministers" (<http://www.aftabnews.ir/vdci3qazwt1apy2.cbct.html>).

<sup>11</sup> 28 June 2011; <http://www.aftabnews.ir/vdcfexdycw6dx0a.igiw.html>. The CBIRI stopped reporting the poverty line figures in 2007.

<sup>12</sup> 21 October 2012; <http://ilna.ir/news/news.cfm?id=13930>

[http://www.bbc.co.uk/persian/iran/2012/10/121023\\_u05\\_newspapers\\_iran.shtml](http://www.bbc.co.uk/persian/iran/2012/10/121023_u05_newspapers_iran.shtml)

<sup>13</sup> See further below for more detailed information on inflation, unemployment and poverty

## **3. INTERNATIONAL LEGAL FRAMEWORK**

### **3.1. Iran & human rights treaties**

Iran is State party to four United Nations human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified on 29 August 1968; the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both ratified on 24 June 1975; and the Convention on the Rights of the Child, ratified on 13 July 1994.

Iran has also ratified other human rights related treaties<sup>14</sup> relevant to human rights at work including the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Convention against the Worst Forms of Child Labour, 1999 (Convention No. 182) (May 2002) of the ILO.

However, Iran has not ratified several relevant treaties, including: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and three important ILO conventions, namely: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Minimum Age Convention, 1973 (No. 138), and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

### **3.2. Right to work in ICESCR**

#### **3.2.1. Overview**

The ICESCR, in Articles 6, 7, 8 and 10, “recognises the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts... The right of everyone to form trade unions and join the trade union of his choice... to establish national federations or confederations ... to form or join international trade-union organisations... The right of trade unions to function freely... The right to strike...”

The right to work entitles workers to have the possibility to earn their living by the work of their choice (Article 6) and to working conditions that are safe and healthy and are not demeaning to human dignity (Article 7). Workers must be guaranteed a fair wage that allows for a decent life for them and their families. There should be no discrimination of any kind in employment and promotion. Equal work should be compensated with equal pay, and employers should provide their workers with periodic and paid holidays (Article 7). The right to work also includes the right to associate with one another and bargain collectively for better working conditions, the right to form or join the trade union of their choice and the right to strike (Article 8). Forced labour is illegal under international law and is a grave

---

<sup>14</sup> Other Human Rights treaties ratified by Iran include the 1951 Convention relating to the Status of Refugees, ratified on 28 July 1976; the 1967 Protocol to the Convention relating to the Status of Refugees (28 July 1976); the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (14 August 1956); the 1973 Convention on the Suppression and Punishment of the Crime of Apartheid (17 April 1985)

violation of human rights (Article 10).

## Right to Work

Excerpts from the CESCR's General Comment No. 18 adopted in November 2005:<sup>15</sup>

Every individual has the right to be able to work, allowing him/her to live in dignity. The right to work contributes at the same time to the survival of the individual and to that of his/her family...

The ICESCR explicitly develops the individual dimension of the right to work through the recognition in article 7 of the right of everyone to the enjoyment of just and favourable conditions of work, in particular the right to safe working conditions. The collective dimension of the right to work is addressed in article 8, which enunciates the right of everyone to form trade unions and join the trade union of his/her choice as well as the right of trade unions to function freely...

Article 6 ... implies the right not to be unfairly deprived of employment.

Work... must be *decent work*. This is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. It also provides an income allowing workers to support themselves and their families... These fundamental rights also include respect for the physical and mental integrity of the worker in the exercise of his/her employment.

Articles 6, 7 and 8 of the Covenant are interdependent...

Article 3 of the Covenant prescribes that States parties undertake to "ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights". The Committee underlines the need for a comprehensive system of protection to combat gender discrimination and to ensure equal opportunities and treatment between men and women in relation to their right to work by ensuring equal pay for work of equal value.

## Non-Discrimination

CESCR maintained in its General Comment No. 20:<sup>16</sup>

Non-discrimination and equality are fundamental components of international human rights law and essential to the exercise and enjoyment of economic, social and cultural rights...

Article 2, paragraph 2, of the Covenant obliges each State party "to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

The preamble, Articles 1, paragraph 3, and 55, of the Charter of the United Nations and article 2, paragraph 1, of the Universal Declaration of Human Rights prohibit discrimination in the enjoyment of economic, social and cultural rights. International treaties on racial discrimination, discrimination against women and the rights of refugees, stateless persons, children, migrant workers and members of their families, and persons with disabilities include the exercise of economic, social and cultural rights,<sup>17</sup> while other treaties require the elimination of discrimination in specific fields, such as

---

<sup>15</sup> E/C.12/GC/18

<sup>16</sup> E/C.12/GC/20

<sup>17</sup> See the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention relating to the Status of Refugees; the Convention relating to the Status of Stateless Persons; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Convention on the Rights of Persons with Disabilities.

employment and education.<sup>18</sup> In addition to the common provision on equality and non-discrimination in both the Covenant and the International Covenant on Civil and Political Rights, article 26 of the International Covenant on Civil and Political Rights contains an independent guarantee of equal and effective protection before and of the law.<sup>19</sup>

Eliminating formal discrimination requires ensuring that a State's constitution, laws and policy documents do not discriminate on prohibited grounds<sup>20</sup>...

Eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice...

**Direct discrimination** occurs when an individual is treated less favourably than another person in a similar situation for a reason related to a prohibited ground; e.g. where employment in educational or cultural institutions or membership of a trade union is based on the political opinions of applicants or employees.

**Indirect discrimination** refers to laws, policies or practices which appear neutral at face value, but have a disproportionate impact on the exercise of Covenant rights as distinguished by prohibited grounds of discrimination.

### 3.3. Treaty bodies & labour rights in Iran

#### 3.3.1. CESCR

The CESCR examined the IRI government's first report submitted in 1990, and noted in its Concluding Observations adopted on May 1993:

[...] various articles of the Constitution of Iran subject the enjoyment of universally recognized human rights, including economic, social and cultural rights, to such restrictions [concerning Islam]... Such restrictive clauses negatively affect the application of the Covenant, in particular its articles 2 (2) (non-discrimination), article 3 (equality of rights of men and women), article 6 (right to work), article 12 (right to health), article 13 (right to education) and article 15 (right to take part in cultural life). It is apparent that the authorities in Iran are using the religion as a pretext in order to abuse these rights.

[...] There has been practically no progress in ensuring greater respect and protection for rights of the non-Muslim religious communities in the Islamic Republic of Iran in general, and of the economic, social and cultural rights of persons belonging to those minority groups in particular.

The Committee invites the Government of Iran to undertake necessary steps, both legislative and practical, in order to ensure that the rights enunciated in the Covenant are able to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, especially in the case of ethnic or religious minorities. The Committee notes that the obligation to ensure equal opportunity for women warrants particular attention, especially in relation to the right to work, family related rights and the right to education.

The Committee further recommends that the second periodic report of Iran should contain information not only on legislative measures adopted, but also on the application of these measures, on the difficulties encountered in the process of their implementation, and on the issues dealt with in the present concluding observations.<sup>21</sup>

---

<sup>18</sup> ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (1958); and the UNESCO Convention against Discrimination in Education.

<sup>19</sup> See general comment No. 18 (1989) of the Human Rights Committee on non-discrimination.

<sup>20</sup> As listed in Article 2, paragraph 2 of ICESCR

<sup>21</sup> E/C.12/1993/7

### 3.3.2. CERD

Examining the 16<sup>th</sup> and 17<sup>th</sup> periodic reports of the Islamic Republic of Iran on International Convention on the Elimination of Racial Discrimination in August 2003, the CERD noted that the status of the Convention in the State party's domestic law was unclear and wished to know whether the Convention had been endorsed by the Guardian Council. The Committee further noted that the Convention had never been invoked in domestic courts (CERD/C/163/CO/6, para. 10).

When the 18<sup>th</sup> and 19<sup>th</sup> periodic report of Iran were examined in August 2010, the CERD reiterated "that the status of the Convention, when juxtaposed with certain divergent provisions of the Constitution and of domestic legislation, still remains unclear. It further notes that the Convention has never been invoked by domestic courts" (CERD/C/IRN/CO/18-19).

In its 2010 conclusions, the CERD also expressed "concern over reports that the application of the *"gozinesh"*<sup>22</sup> criterion, a selection procedure that requires prospective state officials and employees to demonstrate allegiance [to] the Islamic Republic of Iran and the State religion may limit employment opportunities and political participation for, *inter alios*, persons of Arab, Azeri, Balochi, Jewish, Armenian and Kurdish communities" (Art. 5) (CERD/C/IRN/CO/18-19, para 16).

### 3.3.3. ILO Committee on Freedom of Association

The ILO Committee on Freedom of Association examined cases of complaints brought against the IRI government as recently as March 2011 and made the following observations:

[...] the Committee urges the Government to amend the Labour Code and the Council of Ministers' Rules and Procedures on the Organisation, Functions, Scope and Liabilities of Trade Unions, so as to ensure that employers and workers are able to freely choose the organisation they wish to represent them and so that these organisations may fully exercise their right to elect their representatives freely and without interference by the public authorities... In response to the recommendation of the Committee... the Government supplies a copy of a draft Bill amending the Labour Code.<sup>23</sup>

[...] the Committee recalls that it has considered the issue of organisational monopoly, as enshrined in article 131 of the Labour Code, on several occasions and concluded that the organisational monopoly required by the law appeared to be at the root of the freedom of association problems in the country.<sup>24</sup>

The Committee recalls that the principle of trade union pluralism, which the Iranian Government has been called to ensure in law and in practice on many occasions, is grounded in the right of workers to come together and form organisations of their own choosing, independently and with structures which permit their members to elect their own officers, draw up and adopt their by-laws, organise their administration and activities and formulate their programmes without interference from the public authorities and in the defence of workers' interests. Given the continuing legally binding force of article 131 of the Labour Code, it would appear that such a right has once again been usurped by another structure – namely the Coordinating Centre of Workers' Representatives (CCR) and the High Assembly of Workers' Representatives (HAWR).<sup>25</sup>

[The committee] further observes that the draft amendments provided within the framework of Case No. 2567 examined in the introduction of the Committee's report would still appear to maintain a restrictive choice between being either represented by a workers' guild or by a workers' delegate; thus it would seem that the workplaces now being represented by workers' representatives would not be

---

<sup>22</sup> selection

<sup>23</sup> 359<sup>th</sup> Report of the Committee on Freedom of Association (ILO), Case No. 2567, p 21, March 2011

<sup>24</sup> Ibid., p 190

<sup>25</sup> Ibid., p 190

able to form trade unions of their own choosing, either now or following the adoption of the proposed amendment. It therefore considers that it is a matter of urgency that the Government deploy all efforts for the rapid amendment of the labour legislation in a manner so as to bring it into full conformity with the principles of freedom of association, by ensuring that workers may freely come together – regardless of the existence of elected workers’ representatives or Islamic Labour Councils – without government interference, to form organisations of their own choosing.<sup>26</sup>

### 3.3.4. CEACR (ILO)

In its Observation “adopted 2012, published 102<sup>nd</sup> International Labour Conference session (2013),” on “Discrimination (Employment and Occupation) Convention, 1958 (No. 111),” the Committee of Experts on the Application of Conventions and Recommendations (CEACR), made several recommendations to the Iranian government, including:<sup>27</sup>

#### On discrimination based on sex, discriminatory laws and regulations:

*“To take concrete and immediate steps to ensure the repeal, effective amendment or modification of all laws, regulations, instructions or practices that hinder women’s equality of opportunity and treatment in employment and occupation, including with respect to section 1117 of the Civil Code, the social security regulations, the role of female judges, and the obligatory dress code. Noting the Government’s reference to the Bill for early retirement of householder women, the Committee asks the Government to review the Bill to ensure that it does not exert a negative impact on women’s career paths or access to higher level positions, or result in women receiving a lower pension than men, and to provide specific information in this regard.”*

#### On discrimination based on religion and ethnicity:

*“To take decisive action to combat discrimination and stereotypical attitudes against religious minorities, in particular the Baha’i, through actively promoting respect and tolerance for religious minorities, to repeal all discriminatory legal provisions, including regarding the practice of gozinesh, and withdraw all circulars and other government communications discriminating against religious minorities. The Committee also calls on the Government to ensure that religious minorities, including unrecognised religious minorities, in particular the Baha’i, as well as ethnic minorities, are protected against discrimination, and have equal access and opportunities, in education, employment and occupation, in law and practice...”*

#### On discrimination based on political opinion:

*“To take measures to ensure that teachers, students and their representatives enjoy protection against discrimination based on political opinion and requests the Government to provide information on the specific measures taken in this respect.”*

#### On legislative and policy framework for equality and non-discrimination:

*“To ensure that effective and comprehensive legal protection for all workers, whether nationals or non-nationals, against direct and indirect discrimination, on at least all the grounds enumerated in the Convention, namely race, colour, sex, religion, political opinion, national extraction and social origin, with respect to all aspects of employment and occupation...”*

#### On equality of opportunity and treatment between men and women:

*“To take concrete steps to ensure that women’s education and training opportunities translate into jobs, including those with a career path and higher pay...”*

### 3.3.5. HRC

The Human Rights Committee that examined the third periodic report of the Islamic Republic of Iran on the International Covenant on Civil and Political Rights procedure in

<sup>26</sup> Ibid., p 191

<sup>27</sup> [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3085370](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3085370)

October 2011, adopted its Concluding Observations in November 2011, and recommended that:

The State party should ensure that the right to freedom of assembly and association is guaranteed to all individuals without discrimination and release immediately and unconditionally anyone held solely for the peaceful exercise of this right, including students, teachers, human rights defenders (including women's rights activists), lawyers and trade unionists.

## 4. DOMESTIC LEGAL FRAMEWORK

Despite all those recommendations by the CESCR, CERD and the ILO Committee on Freedom of Association throughout the last two decades, the IRI government has not taken the slightest notice, and not adopted a single one of those recommendations. The Constitution and other laws in question are still the same. Measures are under way to amend the Labour Code, but not for the better.

### 4.1. Constitutional overview

Twenty years after its first report was examined by the CESCR, the IRI government's second report due for examination in March 2013, has also quoted Articles 28 and some parts of Article 43 of the Constitution (Paragraph 35) and made references to some other articles in regard to social security, education and housing (Paragraph 4.) Other related Constitutional provisions are conspicuously missing in the relevant section, but they have been quoted in the section on "family foundation" (Paragraph 134).

The articles of the Constitution relevant to the ICESCR are as follows, where we have added our emphasis.

Article 20 of the Constitution appears to specifically guarantee all the rights for all the citizens:

All nationals of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in compliance with Islamic criteria. (Emphasis added)

Article 21 on the rights of women:

The Government must ensure the rights of women in all aspects, in conformity with Islamic criteria ...

Article 28 of the Constitution of the Islamic Republic of Iran specifically deals with the "right to work".

Everyone has the right to choose any occupation they wish, if it is not contrary to Islam and the public interests, and does not infringe upon the rights of others. The Government has the duty, with due consideration of the need of the society for different kinds of work, to provide every citizen with the opportunity to work, and to create equal conditions for obtaining it. (Emphasis added)

Article 43 is also concerned with some of the related aspects and envisions a dream situation:

...The IRI economy is based [among others] on:

Provision of basic needs for all - housing, food, clothing, health, medical care, education and facilities required to establish family;

Ensuring conditions and opportunities of employment for everyone, with a view to attaining full employment; placing the means of work at the disposal of everyone who is able to work but lacks the means, in the form of cooperatives, through granting interest free loans or recourse to any other legitimate means... .

Respect for the right to choose freely an occupation; refraining from compelling anyone to engage in a particular job; and preventing the exploitation of another's labour....

At least three other articles of the Constitution impact the "right to work," even though this may not appear so clearly at first glance.

Article 12: The official religion of Iran is Islam and the Twelver Ja'fari School<sup>28</sup> and this principle will remain eternally immutable. Other Islamic schools, including the Hanafi, Shafi'i, Maleki, Hanbali, and Zaydi,<sup>29</sup> are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. ...

Article 13: Zoroastrian, Jewish, and Christian Iranians are the *only* recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education. (Emphasis added).

Article 14: (...) the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. This principle *applies to all who refrain from* engaging in conspiracy or activity against Islam and the Islamic Republic of Iran. (Emphasis added).

## 4.2. Legal Discrimination

### (Article 2 of ICESCR)

#### 4.2.1. Discrimination in the Constitution

As noted above, Article 12 of the Constitution lays the ground for discrimination against all non-Muslims. Its emphasis that “the various schools of Sunni Islam are accorded full respect,” in combination with Article 28 – despite its discrimination in favour of Islam – means that followers of non-Twelver Shiite or Sunni Islam should not face any discrimination in regard to the right to work.

Article 13 has recognised three religious minorities, which means their followers should not face any problems. The specific conclusion is that Article 13 has categorically denied the right of existence of non-recognised religious minorities, including the Baha'i as well as the Sufis, and the Yarsan (*Ahl-e Haq*).<sup>30</sup>

Article 14 does not usually receive much attention, but it is probably the worst of all. While Article 13 denies followers of non-recognised religions the right to practise their religious rites without referring to their other rights, Article 14 categorically denies the '*human rights*' of anybody who engages “in conspiracy or activity against Islam and the Islamic Republic of Iran,” i.e. to all critiques and opponents of the State.

In the absence of other legal provisions in ordinary laws, the above constitutional provisions have laid down the foundation for gross discrimination in practice against followers of other religions, non-believers and critics of the government, as in some other constitutional articles that refer to rights and freedoms but restrict them to tenets of Islam.

In the scope of this report, we shall concentrate on discrimination regarding the right to work.<sup>31</sup>

#### ***Constitutional discrimination in accessing government posts***

As far as governmental posts are concerned, the Constitution has strongly discriminated against non-Shiites, non-Muslims and women. Only male Shiite Muslims can occupy the

---

<sup>28</sup> A Shiite school based on the teaching of the 6<sup>th</sup> imam, Ja'afar Sadeq

<sup>29</sup> The first four are Sunni schools and the fifth is regarded as mainly a Shiite school.

<sup>30</sup> There are other groups as well, including the El-Yasin Community, followers of Psymatology.

<sup>31</sup> The discriminatory nature of the Constitution and some other laws have also been discussed at length in other publications; see: The Hidden Side of Iran, discrimination against ethnic and religious minorities, joint FIDH-LDDHI report; <http://www.fidh.org/spip.php?action=telecharger&arg=4896>

posts of the leader, the president, head of the Judiciary, prosecutor-general and president of the Supreme Court.<sup>32</sup> Non-Muslims and women cannot become judges or occupy some other positions.<sup>33</sup> Furthermore, Article 64 provides for a total of only five MPs to represent the three recognised religious minorities in the parliament, Islamic Consultative Assembly (Majlis), i.e. members of those religious minorities are legally barred from standing for election to represent other Iranians.

#### **4.2.2. Discrimination in the Selection Law**

The Law for the Selection of Teachers (1995) was later extended to cover all civilian employees of ministries and other governmental organisations in 1996. It contains provisions that discriminate specifically against all non-Muslims, as well as Muslims who do not believe in or have allegiance to the theory of *velayat-e faqih*,<sup>34</sup> Muslims who do not practise the decrees, those who do not take part in Friday or mass prayers, and women who do not wear the full-body length veil. These include:

Article 2 of the Selection Law provides some of the general criteria for moral, ideological and political selection [of employees] as follows:

- Belief in Islam or one of the religions stipulated by the Constitution.
- Practical adherence to Islam's decrees.
- Belief in and adherence to *velayat-e faqih*, the Islamic Republic of Iran and the Constitution
- Recognised religious minorities are governed by their own regulations, but they must not openly breach the Islamic decrees.
- Invalids of the war will be given priority, and in case of shortage of capacity, other priorities will be taken into consideration e.g. record of work for revolutionary organisations, record of participation in Friday and mass prayers, wearing of chador (full body-length veil) for women.

The discrimination outlined above has been further reinforced in Chapter Two of the Rules of Procedure for the same Law, under the heading "General criteria and criteria for selection of the best", enacted in 1998. Article 3 of those Rules defines 'Practical adherence to Islam's rulings' of Article 2 of the Law in the following manner: 1) Practising the imperatives, e.g. prayers, fasting etc.; 2) Avoiding forbidden deeds (not committing cardinal sins).

#### **4.2.3. Discriminatory regulations applied by various organisations**

##### ***a) State institutions***

Based on the Constitution and the Selection Law, State institutions have their own discriminatory employment regulations against non-Muslims, but many of them seem to

---

<sup>32</sup> Articles 107, 115, 157 and 162

<sup>33</sup> CCPR/C/IRN/3 - Report of the Islamic Republic of Iran to the Human Rights Committee, Paragraph 609; Article 163 of the Constitution and the 1982 Law for Selection of Judges (See: <http://rc.majlis.ir/fa/law/show/90547>)

<sup>34</sup> The doctrine of *velayat-e faqih* (guardianship of the jurisprudent) holds that a Shiite canonist shall exercise the highest authority over the functions of the state in the absence of the Twelfth Imam until the latter's re-emergence.

have increased or reduced the stringency. Some examples of the 'general requirements' for employment by state institutions are provided here.

The armed forces have very strict ideological regulations. The Police Force has regulations that are less strict than the Army's, but it inquires into religious belief, ideological and political beliefs and the Constitution as well as the present and previous political activities. The requirements for joining the Police Force include:

- Belief in and practical adherence to the holy religion of Islam;
- Belief in and practical adherence to the IRI Constitution and the absolute *velayat-e faqih* and readiness to sacrifice for them;
- Lack of previous record of membership in or affiliation to political groups and parties opposed to the IRI<sup>35</sup>

Conditions for employment in the Ministry of Education are also strict:

- Belief in and practical adherence to the foundations of the Islamic Republic of Iran;
- Belief in and practical adherence to Islam and the IRI Constitution and the progressive principle of the *velayat-e faqih*;
- Faith in the holy religion of Islam or one of the constitutionally recognised religions.

Regulations of the Ministry of Justice for employment of office staff are not as strict as the Ministry of Education's. The employees are required to:

- Believe in and have practical adherence to the holy religion of Islam or one of the constitutionally recognised religions;
- Have practical adherence to the Constitution.<sup>36</sup>

Even the Municipality's requirements include:

- Faith in the holy religion of Islam or one of the constitutionally recognised religions.
- Belief in and practical adherence to the foundations of the Islamic Republic of Iran;
- Adherence to the IRI Constitution.<sup>37</sup>

However, the Fire Brigade and Safety Services Organisation of Tehran Municipality requires its employees

- To believe in the Islamic Republic of Iran system and be faithful to one of the constitutionally recognised religions.

The Social Security Organisation has relaxed the rules a little. Its employees must:

---

<sup>35</sup> Employment of Non-commissioned Officers by the Police Force, 2012;

<http://www.tebyan.net/newindex.aspx?pid=934&articleID=706295>

<sup>36</sup> <http://www.gonabad20.ir/component/content/article/202-1390-06-06-01-38-21.html>

<sup>37</sup> <http://www.e-estekhdam.com/%D8%A7%D8%B3%D8%AA%D8%AE%D8%AF%D8%A7%D9%85-%D8%B4%D9%87%D8%B1%D8%AF%D8%A7%D8%B1%DB%8C-%D8%B3%D8%A7%D9%84-91/>

- Believe in the Islamic Republic of Iran system and the holy religion of Islam or one of the constitutionally recognised religions.<sup>38</sup>

The least discriminatory employment regulations, among the governmental institutions, seem to be those of the State Tax Affairs Organisation, which is concerned with the Constitution:

- Adherence to the Constitution.<sup>39</sup>

Nevertheless, the same organisation tests Muslim applicants for, among other subjects, Islamic ideology, but religious minorities are exempted from that test. Evidently, only constitutionally recognised religions are admitted.

### ***b) Non-State institutions***

The seemingly non-state organisations also have strict ideologically discriminatory employment rules. Here are a few examples:

The Information and Communications Technology Office of the Islamic Azad University requires applicants to:

- Be Muslim or believe in one of the constitutionally recognised religions;

and

- Believe in and have practical adherence to the IRI Constitution and the principle of the *velayat-e faqih*.<sup>40</sup>

Petrochemical companies in the Asaluyeh port in the southern Bushehr province require the employees to have:

- Faith and belief in the holy Islamic Republic of Iran system and *velayat-e faqih*, faith in the holy religion of Islam or one of the constitutionally recognised religions.<sup>41</sup>

The Industrial Projects Management Company of Iran requires employees who

- Believe in Islam or one of the recognised religions, adhere to the Constitution and other applicable laws, compliance with Islamic tenets and dress code, lack of record of cooperation with or membership of illegal political groups.<sup>42</sup>

Iran Khodro Industrial Group (ICKO), the car manufacturing company will employ only people who:

<sup>38</sup> Social Security Organisation; <http://www.tamin.ir/NSite/FullStory/News/?Serv=5&Id=2484>

<sup>39</sup> State Tax Affairs Organisation; <http://azmoon.intavat.ir/pdf/Ads.pdf>

<sup>40</sup> Sama Organisation affiliated to the Islamic Azad University; <http://jazb1.sazman-sama.com/Register.aspx?AspxAutoDetectCookieSupport=1>

<sup>41</sup> <http://banki.ir/Ba/Jobs/Vacancy/Index/%D8%A2%DA%AF%D9%87%DB%8C-%D8%A7%D8%B3%D8%AA%D8%AE%D8%AF%D8%A7%D9%85-%D8%B4%D8%B1%DA%A9%D8%AA%D9%87%D8%A7%D9%8A-%D9%BE%D8%AA%D8%B1%D9%88%D8%B4%D9%8A%D9%85%D9%8A-%D9%85%D8%B3%D8%AA%D9%82%D8%B1-%D8%AF%D8%B1-%D8%B9%D8%B3%D9%84%D9%88%D9%8A%D9%87/1209>

<sup>42</sup> <http://www.estekhdamnews.com/post/3138>

- Believe in one of the officially recognised religions.<sup>43</sup>

### 4.3. Labour Code – selected provisions

#### 4.3.1. More than half the labour force deprived of legal protection

Article 51 of the Labour Code (November 1990) stipulates that the working week is 44 hours. Workers have at least one day off per week. Article 7 of the Labour Code (November 1990) provides for the conclusion of ‘written or oral contracts.’ The consequence is the emergence of what is now widely referred to as ‘blank signed contracts.’ This means that the employees sign only short-term contracts and certify, even before taking the job, that they have no claims against the employer. Consequently, the employer is in a position to expel the employee without paying their wages and statutory benefits. Some reports indicate that these contracts constitute more than 55% of the total at present.<sup>44</sup> In the case of women workers, the figure rises to 70%,<sup>45</sup> and possibly higher.

Article 191 of the Labour Code has authorised the Council of Ministers to except companies with fewer than 10 employees from the implementation of certain provisions of the Labour Code. Indeed, back in early 2003, the Council of Ministers approved the Rules of Procedure for Article 191 excepting such companies from the provisions of about 35 Articles of the Law.<sup>46</sup> Those articles mostly restricted the rights and benefits of the employees.

Figures published by the SCI estimated the total number of people working in industrial companies with more than 10 employees at around 12.6 million people in 2008.<sup>47</sup> On the other hand, there are relatively few other types of companies that would employ more than 10 employees. Whereas the SCI also estimated the total labour force at around 23 million in 2008 and 24.4 million in 2012,<sup>48</sup> and “more than 80% of the companies are small-scale firms,”<sup>49</sup> it would be reasonable to conclude that more than half of the labour force is not covered by substantial provisions of the Labour Code.

#### 4.3.2. Minimum wage in law

Under the Labour Code, minimum wage is determined every year by the Supreme Council of Labour (SCL) for various parts of the country and the various industries (Article 41) in order to keep up with price increases and cost of living. Therefore, the law stipulates that the minimum wage be determined with a view to the rate of inflation as declared by the CBIRI. It should also suffice to provide for the living of an average family.

Members of the SCL are as follows: Minister of labour as chair; two informed persons proposed by the minister and ratified by the Council of Ministers; three representatives of the employers; three representatives of the workers elected by the Supreme Assembly of the Islamic Labour Councils.

Workers are evidently in absolute minority on the SCL. On the other hand, even if Islamic

<sup>43</sup> <http://recruitment.ikco.com/abscond.aspx>

<sup>44</sup> <http://www.aftab-news.com/vdciywazvt1aww2.cbct.html>

<sup>45</sup> <http://www.kaleme.com/1391/02/31/klm-101403/>

<sup>46</sup> <http://rc.majlis.ir/fa/law/show/122666>

<sup>47</sup> <http://www.amar.org.ir/Default.aspx?tabid=286&articleType=ArticleView&articleId=418>

<sup>48</sup> <http://www.khabaronline.ir/detail/254914>

<sup>49</sup> <http://www.aftab-news.com/vdciywazvt1aww2.cbct.html>

labour councils were to be considered to represent the workers (see below), they can formed in companies with more than 35 employees, but the vast majority of companies - 80% by some estimate - employ fewer than 35 people. Therefore, the majority of workers are not represented in the SCL whatsoever.

### **4.3.3. Trade union Rights (Article 8 of ICESCR)**

#### ***Organisational monopoly***

The Iranian government asserted in its 2<sup>nd</sup> periodic report to the CESCR

89.1: *All workers and employers can form, without any obstacles, their own associations...*

89.2: *[they] do not need to seek a permit for the establishment of their associations...*

89.3: *The Government does not interfere in the work of workers' and employers' associations...*

93.2: *Article 131 of the labour law states that the purpose of the establishment of trade associations is to defend the legitimate and legal rights and interests and also to improve the living conditions of workers and employers.*

It is quite notable that the government report has been quite careful to refer to associations' and to avoid, when possible, using the terms 'union' or 'syndicate.'

Those assertions are based on the Labour Code's provisions concerning 'organisational monopoly' that strictly deprive the workers of the right to independently form and join their organisation of choice. They may only join three types of organisations in various economic units: a) Islamic labour council; b) trade association, and c) worker's representative.<sup>50</sup>

There are no laws that allow workers to form other organisations. There is heavy government control over and interference even in the three authorised types of organisations.

#### ***a) Islamic Labour Councils***

The Law for the Establishment of Islamic Labour Councils (ILCs)<sup>51</sup> of January 1985 sets out the raison d'être of the ILCs to be "providing Islamic justice and cooperation in drawing up plans and establishing coordination for progress of the affairs." They will be established "in production, industrial, agricultural and services units consisting of the representatives of workers and office employees, elected by the general assembly and a representative of the management" (Article 1; emphasis added).

Even though the Labour Code stipulated the ILC as a "workers' organisation", the ILCs law has undermined it by inclusion of all the employees (office employees and managerial staff included) as well as the management's representative on the Council.

#### **Discrimination and government interference in ILCs**

According to the ILCs Law, candidates for election to the Islamic labour councils must "believe in and adhere in practice to Islam and the *velayat-e faqih* and be loyal to the Constitution; not be affiliated to illegal and opposition groups and parties..."

Furthermore, the candidates are vetted and approved for standing for election by a three-

---

<sup>50</sup> Article 131

<sup>51</sup> <http://rc.majlis.ir/fa/law/show/91022>

person board consisting of representatives of the Ministry of Labour, the Ministry concerned and the assembly of the employees (Article 2).<sup>52</sup>

The ILCs discriminate against a large number of workers. The provisions of the law clearly demonstrate that the ILCs are political organisations with a specific pro-state ideological tendency. All the workers who are critical of the Constitution, all the workers who do not believe in Islam or one of the three constitutionally recognised religions, and all the workers who tend to groups and parties critical of the government, are banned from election to the ILCs.

Furthermore, government interference is decisive in the ILCs.

a) The candidates for election to the ILC are vetted by a board, the majority of whose members are members of the government.

b) Article 15 of the law has assigned the Ministry of Labour to form the ILCs in units with more than 35 permanent employees, excluding the large state-owned companies.

c) In each region, a board is assigned to examine and decide if any ILC has deviated from its lawful tasks and to dissolve them if necessary (Article 22). The majority of members of this board are non-workers, i.e. three managers, one representative of the Ministry of Labour and three representatives of the ILCs. The Ministry of Labour has the task of establishing the said board (Article 23).

### **Do the ILCs defend the rights of workers?**

Besides the provisions of Article 1 (see above), Article 13 of the ILC Law provides the tasks of the ILCs to include “creation of a spirit of cooperation”, “cooperation with the Islamic societies of workers”,<sup>53</sup> “offering constructive suggestions to officials,” cooperating with the management”, “endeavouring to promote welfare facilities and protecting legal rights of the employees,” and “pursuing the rightful complaints of the employees.” Under Article 19, the ILCs should offer their “consultative views to the management” on issues such as “time of starting and ending work”, “time and method of payment of wages or benefits” etc.

The only relevant allusion to rights of the workers is probably the phrase ‘protecting the rights of the employees.’ However, the law has not anticipated any practical ways and means of protection of those rights whatsoever.

It can only be concluded that the ILCs are at best instruments to help the management run the economic units.

### ***b) Trade Associations***

The rules of procedure for the establishment of 'trade associations of workers and employers' were approved in 1993 and later amended. The latest amended version of the rules, which the government approved in late October 2010,<sup>54</sup> provide for establishment of ‘trade associations of workers in units with more than 10 employees’ and require candidates running for election to the Board of Directors and inspectors of the trade associations to

---

<sup>52</sup> Followers of the three constitutionally recognised religions must be loyal to the Constitution.

<sup>53</sup> See “Islamic societies” below

<sup>54</sup> <http://www.imo.org.ir/portal/Home/ShowPage.aspx?Object=News&CategoryID=3e9312da-729b-4062-acd3-66527cc0a3ba&WebPartID=cdbcfe0-ddd7-447a-af3c-c7d5fb38b3da&ID=554d2693-7779-4629-bdf5-89e712800f5a>

"adhere to the Constitution in practice" and "not have affiliation to illegal political parties and groups"(Article 9).

### **Discrimination and government interference in 'trade associations'**

It is clear from the provisions of Article 9 of the Rules that they discriminate against workers, who are critical of the Constitution and workers who tend to groups and parties critical of the government, by banning them from election to the board of directors of the trade associations. Moreover, a "board of founders consisting of at least three persons concerned" shall examine membership applications and draft a statute (Article 7). However, they cannot decide their own statute. They must include the provisions decided by the Supreme Council of Labour<sup>55</sup> and approved by the Minister of Labour (Article 11). Furthermore, these associations are not free to carry out their own elections. The government's Labour Departments should supervise the elections (Article 14).

Tasks of the trade associations include "endeavouring to fulfil the legitimate and legal rights of members", "cooperation with the Ministry of Labour to identify problems of the workers and implement the Labour Code", "preventing politicisation of the association", "participation in professional negotiations and concluding collective agreements", "cooperation with executive bodies and other authorities for proper implementation of the laws concerning workers' organisations", "other tasks assigned to trade associations by law" (Article 21).

These rules do not specify how the rights of members of the trade associations should be achieved. Also the rules clearly envision the principal task of the trade associations to be to facilitate cooperation with the authorities.

### ***c) Workers' Representatives***

Another set of rules, also approved in 1993, and amended in 2008, provides for the election of 'representatives of workers in workshops where ILCs or workers trade associations do not exist.'<sup>56</sup> Candidates are required to "adhere to the Constitution in practice" and "not have affiliation to illegal political parties and groups," (Article 3) and they will be vetted by a three-person board "consisting of the representative of the local Labour Department (chair of the board), one literate trusted worker who is not standing for election, and the employer's representative" (Article 5).

Thus, the rules discriminate against workers critical of the Constitution and workers who tend to groups and parties critical of the government, by banning them from election as representatives of workers. Further, workers are in a minority of two to one on the vetting board.

### ***Control mechanisms***

The government has taken care to establish higher control mechanisms over each category of workers' organisation. Notwithstanding the restrictions and constraints outlined above, the Labour Code provided for higher control mechanisms for each of those categories of organisations: Supreme Association of ILCs, Supreme Association of Trade Associations of

---

<sup>55</sup> As noted before, workers are evidently in absolute minority on the Supreme Council of Labour, even if everything else were to be presumed to be in order.

<sup>56</sup> <http://kar-zendegi.blogfa.com/post-20.aspx>

Workers, and High Assembly of Representatives of Workers as the case may be.<sup>57</sup>

These supreme bodies are formed and organised by the government and oversee the local organisations and take all the important decisions on the national level as well as “appoint the official representatives of the Islamic Republic of Iran to [various bodies including] the ILO” (Labour Code, Article 136). Besides, the Supreme Leader may appoint his representative to any of these organisations (Labour Code, Article 138), which is another clear indication of the government’s direct interference.

---

<sup>57</sup> Labour Code, Article 136

#### 4.3.4. Right to strike (Article 8 of ICESCR)

The only assertion of the Iranian government in its 2<sup>nd</sup> periodic report to the CESCR on the issue of the right to strike is as follows:

*93.2: ...Article 142 of the labour law stipulates the right to collective bargaining and contract, referring indirectly to the right of strike. Under this article, if divergence of opinions regarding the provisions of the labour law or the previous contracts or any other issues or the demand of either party for the conclusion of a new contract leads to the work stoppage with the workers being present at the workshop or intentional reduction of production by workers, the investigation team is obliged to investigate rapidly the matter at hand upon the request of either party to the dispute or workers' or employers' associations and declare its opinions. Certainly, a collective work stoppage cannot be interpreted as anything other than a strike. Also, an intentional work stoppage which is also done for professional purposes may be interpreted as a limited strike.*

The Labour Code does not directly refer to 'the right to strike,' as also admitted in the government report. There have been claims, including in the government report, to interpret a provision of the Labour Code (Article 142) that refers to "stoppage of work... or intentional reduction of production" as an indirect reference to the 'right to strike.' While great optimism is needed to accept the possibility of work stoppage as the 'right to strike,' albeit a limited one, it has never been recognised in practice as such. It is remarkable that the government report includes scores of tables and other data on employment, economic participation, labour force indicators etc, but it has failed to substantiate its assertion about the 'right to strike' by mentioning even a single strike, its consequences and its outcome anywhere in the country during the past 34 years since the Islamic revolution of 1979.

On the other hand, there are also other legal provisions that can be interpreted as a ban on the 'right to strike.' For instance, while the Law for Establishment of ILCs provides for the ILC to oversee the affairs of the plant, it stresses: "Their actions must not lead to "stoppage of the work of the unit" (Article 13).<sup>58</sup>

Hence, even the right to 'work stoppage' has remained on paper and workers who have gone stopped work or gone on strike or even demanded payment of their wage arrears have experienced extensive suppression at the hands of the State. A notable example has been reported below at: "Strikes in the Tehran Bus Company & the State's brutal response" below.

---

<sup>58</sup><http://rc.majlis.ir/fa/law/show/91022>

## 5. WOMEN & THE RIGHT TO WORK

(Articles 2, 3, 7 & 10 of the ICESCR)

### 5.1. Laws and schemes governing women's employment

Besides the Civil Code (Article 1117) that empowers husbands to bar their wives from taking employment, there are laws specifically concerning women's employment. All those laws and regulations are basically geared to emphasising and promoting the role of women as mothers and wives and downplaying their social role; overemphasising the physical differences and the specific differences with men in creation; offering incentives to encourage and reduce women's participation in the economy and social life in a concerted effort to send them back to or keep them at home.

#### 5.1.1. The Law for Part-Time Services of Ladies

The Islamic Consultative Assembly (Majlis) passed the Law for Part-Time Services of Ladies in December 1983 to cover women working in government institutions. The law for its implementation was approved in April 1985. It has been amended slightly a couple of times, the latest in 2010.<sup>59</sup> Its basic content has not changed, however.

As it is indicated in its title, the Law allows women to apply to work half the regular time. One amendment provided for working three-quarters of the regular time. Yet the latest amendment in 2010 made it easier for women who have disabled children to benefit from its provisions.

#### 5.1.2. Resolutions of the Supreme Council of the Cultural Revolution

The Supreme Council of the Cultural Revolution (SCCR)<sup>60</sup> has adopted several resolutions that impact women's employment conditions. They are: (i) "Women's Employment Policies in the IRI" (August 1992), (ii) "Charter of Women's Rights and Responsibilities in the IRI" (September 2004), and (iii) "National strategies and actions to prevent the fall in fertility rate and its promotion in proportion to Islamic teachings and the national strategic requirements" (May 2012).

#### *Women's Employment Policies*

Women's Employment Policies<sup>61</sup> "re-emphasise women's role in the family," "the sanctity of motherhood, raising the future generation, and management of the home." The policies classify jobs in four categories of a, b, c and d, and instruct that "women should be principally considered for jobs in categories (a) and (b); and find their desired job in category (c) without discrimination." Women are clearly banned from Category (d) jobs.

---

<sup>59</sup> <http://rc.majlis.ir/fa/law/show/90820>; <http://rc.majlis.ir/fa/law/show/92837>;  
<http://rc.majlis.ir/fa/law/show/91056>; <http://rc.majlis.ir/fa/law/show/782104>

<sup>60</sup> The SCCR was established in June 1980 on the order of the IRI founder Ayatollah Khomeini with the task of Islamising the universities and their curricula. Although it was and remains an unconstitutional body, its resolutions carry the force of law in practice. Heads of the three branches of the state are among its members.

<sup>61</sup> <http://rc.majlis.ir/fa/law/show/100171>

### **Categories of jobs permitted and denied to women**

“Category (a): Jobs, engaging in which is desirable under the Sharia, e.g. midwifery and certain branches of medicine, and teaching;

“Category (b): Jobs, which suit women’s mental and physical features, e.g. laboratory sciences, electronic engineering, pharmacology, social work and translation;

“Category (c): Jobs which do not give any advantage to men or women, the criteria for which are specialty and experience not gender (e.g. unskilled work in other technical or service branches).

“Category (d): Jobs, which are unsuitable for women owing to prohibition by the Sharia or the rough conditions of work or owing to ideological (cultural and social) values, e.g. judgement and fire fighting.”<sup>62</sup>

Those Policies also emphasise the allocation of facilities to suit “mother’s job” including paid leave, reduction of working hours, early retirement.

### ***Charter of Women’s Rights and Responsibilities***

The *Charter of Women’s Rights and Responsibilities*<sup>63</sup> consists of a series of non-concrete statements and advice that lay the foundation for other legislation and regulations.

### ***National strategies and actions to prevent the fall in fertility rate***

Over the past couple of years, the senior Iranian officials have come to the conclusion that it was wrong to keep following the same population control policy as in previous decades. The IRI leader Ayatollah Khamanei , who has addressed the issue a few times, declared in July 2012:

“The officials... must bring our country out of this state of one child, two children. [Ayatollah] Imam Khomeini first mentioned the figure of 150 million-200 million. That is correct. We must achieve those figures.”<sup>64</sup>

That change in direction means that increasingly more women should leave the labour market to give birth to more children. Consequently, “*National Strategies and Actions to Prevent the Fall in Fertility Rate and its Promotion in Proportion to Islamic Teachings and the National Strategic Requirements*”<sup>65</sup> were drawn up in 2012 to substantiate the IRI leadership’s change of population control policy.

Besides the call for policies to abolish birth control policies and achieve a suitable fertility rate, the “Strategies” stated the need to “work out a living style model that would promote social, educational and employment activities of women suitable with Islamic criteria and coherent with the interests of the family for the purpose of the complete fulfilment of the role of mother and wife.”

<sup>62</sup> Women’s Employment Policies, Article 5

<sup>63</sup> <http://rc.majlis.ir/fa/law/show/101171>; Majlis passed a law to endorse the “Charter of Women’s Rights” in February 2007 (<http://rc.majlis.ir/fa/law/show/97862>)

<sup>64</sup> <http://www.farsnews.com/newstext.php?nn=13910504000912>

<sup>65</sup> <http://rc.majlis.ir/fa/law/show/820224>

Women's jobs should be diversified in proportion to their responsibilities in the family (wife and mother). The "Strategies" have also provided for material incentives and seemingly attractive benefits such as long "maternity leave... for a total of 10 years for all employees of the state and private sectors" and "doubling of child support benefits" that should entice women to opt out of outside work and become housewives.

The government report to the Committee is full of statements and promises about women. Here is a selection that has been propped up by reported legislative provisions of the Labour Code and other laws: development of women's participation, special attention to women's affairs in the plans, improving their living conditions, improving the quality of their living conditions, enhancement of their skills, raising public awareness on women's qualifications, equal wages for equal work for men and women, non-discrimination in employment and occupation, ensuring equal opportunities for men and women and empowerment of women, Introduction of schemes by the Women's Participation Centre of the Presidential Office to increase job opportunities for women and improve women's job and employment status, High Employment Council's 2008 directive to reduce women's unemployment rate...

The facts and figures provided below in this section clearly show that those statements have mainly remained on paper and the government has not taken noticeable measures to reduce the gap between men and women. To the contrary; the government has frequently sought to implement schemes that would reduce women's participation in the economy and social life and keep them at home. This policy has been pursued more actively in the past couple of years as a result of the change in the population growth policy.<sup>66</sup>

### **5.1.3. Government schemes to reduce women's employment**

#### ***Remote work***

The first scheme is titled 'facilitating remote work' and it allows female government employees to work at home one day a week. The government has drawn up rules of procedure for the scheme and given priority to "disabled persons, pregnant women or women with children younger than 6 years old." An article on the website of the Ministry of Cooperatives, Labour and Social Welfare offered the following blatant explanation of the logic behind the scheme:

"The president believes that work of men and women should not be defined identically. Members of the government emphasise that women should not be viewed as essential labour force in economic planning."<sup>67</sup>

#### ***Reducing working hours***

The second scheme aimed to reduce the working hours of women, who have disabled or young children, from 44 hours to 36 hours per week. Various officials put the scheme in the context of population growth. Addressing the issue of retirement of women and reducing the working hours of women, Maryam Mojtahedzadeh, director of women's and family affairs of the Presidential Office, said:

"The Supreme Council of Cultural Revolution has adopted resolutions to encourage child births."<sup>68</sup>

---

<sup>66</sup> See: Laws governing women's employment

<sup>67</sup> <http://www.mcls.gov.ir/fa/kar/doorkari/zanan>

<sup>68</sup> <http://ilna.ir/news/news.cfm?id=8052>

Member of Parliament Morad Hashemzahi also explained the scheme in the context of a draft bill to be submitted to the parliament to increase the population:

“The population is ageing... The population growth rate has slowed down to 1.2%... We must plan to reduce the pressures on female employees; therefore, working hours of these people must be reduced in all organisations.”<sup>69</sup>

### ***Part-time work***

The third scheme is based on the Law for Part-Time Services of Ladies.<sup>70</sup> The government has been lately seeking to revive and encourage it. The law provides for halving the working time of women as well as their wages and benefits. Hajar Tahriri-Nik, deputy president for management and human power development, encouraged women to apply:

“Women employees whose full time work damages their private life have been asked to apply for part-time employment.”<sup>71</sup>

In March 2012, Deputy President for Parliamentary Affairs explained that the government was preparing “to employ two women on half-time basis in place of each working woman, and to halve their salary and retirement pension accordingly.”<sup>72</sup>

## **5.2. Ratio of women to labour force**

Women constitute 49.6% of the total 75.15 million population of Iran according to the 2011 census figures published by the SCI; that is, around 37.5 million. Women older than 10 years numbered around 32 million. While 38.3% of the total male and female population of older than 10 years – around 24.3 million – was ‘economically active’ in 2010, only 14.1% of women in that age group were economically active in comparison with 62.1% for men. The rates fell further down in 2011: 12.6% for women in comparison with 60.7% for men.<sup>73</sup> Women’s share of employment in the industrial sector is much lower: 8.5% of total.<sup>74</sup>

### **5.2.1. Unemployment among women is more than double**

On the other hand, the rate of unemployment among women has been disproportionately high. The government report to the Committee provided the following information about unemployment among women:

The unemployment rate of the female population is about 2.2 times that of the male population<sup>75</sup>

Accordingly, the figures of unemployment among men and women were as follows, respectively: 9.3% and 15.38% in 2005; 10% and 16.2% in 2006; 9.3 % and 15.8% in 2007.<sup>76</sup>

The upward trend has continued since then. The overall figures including all age groups indicate that the gap between unemployed men and women increased substantially from 2009 (10.8% for men versus 16.8% for women), 2010 (11.9% vs. 20.5%), 2011 (10.5% vs. 20.9%) to 2012 (10.4% vs. 22.1%). The rate was particularly high among the young women in

---

<sup>69</sup> <http://www.icana.ir/NewsPage.aspx?NewsID=205672>

<sup>70</sup> See: Laws governing women’s employment

<sup>71</sup> <http://www.farsnews.com/newstext.php?nn=13910126001518>

<sup>72</sup> Daily Bazar Kar; <http://www.bazarekar.ir/UploadedFiles/MagazineFiles/d643b488125c4ae.pdf>;

<sup>73</sup> Islamic Republic News Agency, 17 April 2012; quoted in [http://www.jobportal.ir/s1/?ID=15\\_3\\_1626](http://www.jobportal.ir/s1/?ID=15_3_1626)

<sup>74</sup> [http://www.jobportal.ir/s3/Default.aspx?ID=9\\_3\\_647\\_3\\_1619](http://www.jobportal.ir/s3/Default.aspx?ID=9_3_647_3_1619)

<sup>75</sup> Paragraph 9: 9.1-9.10

<sup>76</sup> Paragraph 51.5 of government report; in the Table on Share of employment in each sector

the 15-24 age groups: 32.4% (2009), 41.3% (2010), 42.7% (2011), and 43.8% (2012).<sup>77</sup>

The rate of unemployment is particularly high among women with higher education: 48.1% of the total, in comparison with 14.7 for men.<sup>78</sup>

### 5.2.2. Discrimination based on gender

Gender discrimination is a reality that even the semi-official Iranian Labour News Agency – affiliated to one of the pro-government factions known as *Khaneh Kargar* – has admitted.<sup>79</sup>

Addressing the national meeting of the pro-government “Women Workers National Union,” the Union’s incumbent chair, former MP and *Khaneh Kargar* affiliate Ms Soheila Jelodarzadeh, did not explicitly touch on ‘gender discrimination, but listed a series of issues plaguing many working women that could not be interpreted otherwise, when she called on the officials to:

- Stop the excessive expulsion of women workers;
- Abolish short-term and blank-signed contracts;
- Bridge the wage gap with men;
- Provide job security;
- Abolish discrimination in promotions;
- Employ women family heads;
- Halt the exploitation of single women;
- Support women in workers’ organisations and councils;
- Revive early retirement schemes for women.<sup>80</sup>

There is a rising trend not only to segregate men and women in government departments but to ban or remove female secretaries. This was expressly stated by the governor-general of Bushehr Province in southern Iran, Mr. Mohammad Hossein Jahanbakhsh. He also said that segregation scheme should be completed in all government institutions in the province by early May 2012.<sup>81</sup>

Official figures of wage disparity between men and women are not made public, however. Unofficial figures estimate that there is a wide gap between wages paid to men and women. Comparative studies show that women receive half as much wage for equal work with men.<sup>82</sup> Women workers are also the first group to be laid off when companies face economic problems. Frequently, female employees are expelled if they get married, because they are likely to get pregnant and take maternity leave.

As noted before, a higher percentage of women workers, estimated to exceed 70%, are forced to sign ‘blank-signed contracts’ in comparison with about 55% for men,<sup>83</sup> and are

---

<sup>77</sup> <http://www.mehrnews.com/detail/News/1734300> and <http://www.salamatnews.com/ViewNews.aspx?ID=59829&cat=12>

<sup>78</sup> <http://khabaronline.ir/detail/281437/others/other>

<sup>79</sup> Ibid.

<sup>80</sup> <http://www.salamatnews.com/viewNews.aspx?ID=46911&cat=9>

<sup>81</sup> No government department must have female secretaries;

<http://www.dw.de/dw/article/0,,15866152,00.html>

<sup>82</sup> Semi-official news agency, ISNA; quoted here: <http://www.dw.de/dw/article/0,,15859950,00.html>

<sup>83</sup> <http://www.kaleme.com/1391/02/31/klm-101403/>

consequently deprived of their lawful rights.<sup>84</sup> Women are mainly employed in small companies with fewer than five employees or 10 employees. In the first case, the company is not legally obliged to insure them. In the second case, they are deprived of a substantial portion of their rights as a result of exclusion of those companies from some provisions of the Labour Code's provisions.

---

<sup>84</sup> See Domestic Legal Framework

## 6. MIGRANT WORKERS

The majority of migrant workers in Iran are Afghans. The 2011 census results indicate the migrant population figures as follows: 1.45 million Afghans, 51.5 thousand Iraqis, and 17.7 thousand Pakistanis. In the same year, the Interior Ministry's director-general of foreign nationals and migrants said there were around three million Afghan refugees in Iran; one million as legal and two million as illegal refugees.<sup>85</sup>

Official figures of Afghan migrant workers are not available. The IRI government report to the CESCR has not provided the relevant figures of refugees and Afghan workers in Iran.

On the other hand, a spokesperson of Afghanistan's Ministry of Labour said in July 2011:

"More than 200,000 [Afghans] are working at different jobs [in Iran]; 94,000 of them have not been registered."<sup>86</sup>

That is an understatement, which seems to be based on figures provided by official Iranian sources. Some unofficial sources maintain that "nearly two million jobs, mostly in industrial companies and plants, were occupied by foreign nationals in 2010."<sup>87</sup> A member of parliament was more explicit: "Two million Afghans have occupied jobs of Iranians."<sup>88</sup>

In addition, the national and regional authorities take racist measures against foreign refugees and in particular the Afghan migrants who constitute the overwhelming majority of foreign citizens in Iran. Afghans have been banned from residing in 15 out of 31 provinces of Iran. In some other provinces, they are banned from a number of cities or regions.<sup>89</sup> In April 2012, the local authorities in the Isfahan province banned the presence of Afghan nationals in a mountain park on Nature Day (2 April) on the ground of "insecurity for families."<sup>90</sup> Afghan migrants, even if they have residence permit, cannot obtain driving licence and their Afghan driving licence is not valid in Iran.<sup>91</sup>

There have been even attempts to blame implicitly the high rate of unemployment on Afghan refugees. Vice-President Rahimi said in November 2012:

"There are the same numbers of foreign guests in our country as the number of the unemployed. The unemployment rate would be lower if there were no foreign guests."<sup>92</sup>

Most Afghan workers usually work at difficult jobs, in particular in the construction sector. The illegal migrants in particular face much greater hardship. The employers do not insure them and pay them lower wages.

---

<sup>85</sup> <http://www.aftabnews.ir/prtjhievouqetmz.fsfu.html>

<sup>86</sup> <http://www.dw.de/%DA%A9%D8%A7%D8%B1%DA%AF%D8%B1%D8%A7%D9%86-%D8%A7%D9%81%D8%BA%D8%A7%D9%86-%D8%AF%D8%B1-%D8%A7%DB%8C%D8%B1%D8%A7%D9%86-%D8%A7%D8%B2-%D8%A8%DB%8C%DA%A9%D8%A7%D8%B1%DB%8C-%D8%AA%D8%A7-%D8%A8%DB%8C%DA%AF%D8%A7%D8%B1%DB%8C/a-15032678>

<sup>87</sup> <http://www.aftabnews.ir/prtjhievouqetmz.fsfu.html>

<sup>88</sup> <http://www.farsnews.com/printable.php?nn=13900713000339>

<sup>89</sup> 1 June 2012; <http://www.mehrnews.com/detail/News/1617300>; Iraqi migrants are banned from the two provinces of Northern and Southern Khorassan and a number of cities in some other provinces.

<sup>90</sup> <http://ebrat.ir/?part=news&inc=news&id=42095>

<sup>91</sup> <http://khabaronline.ir/detail/226724/society/urban>

<sup>92</sup> <http://ettelaat.net/11-december/print.asp?id=61005>

## 7. DISCRIMINATION IN PRACTICE

(Article 2 of ICESCR)

Discrimination based on gender has been covered in section 5.2.2 above.

### 7.1. Discrimination on ground of religion or ethnic background

#### 7.1.1. Discrimination against Shiite Muslims

##### *Sufis*

The Iranian authorities have consistently refused to recognise dissident non-mainstream Shiite groups and persecuted their followers including in employment related issues.

Over the past few years, an unknown number of members or affiliates of the Shiite Sufi Nematollahi Gonabadi Order have been expelled from work or lost their work and professional licences. Majzooban Noor, website of the Order has reported many cases of loss of employment owing to affiliation of victims to the Sufi order. A few selected cases in point are:

- Three female teachers, Lida Taban, Vida Taban and Faezeh Vahedi, were expelled from work in Karaj and Hashtgerd after seven years of teaching in July 2008.
- Three university professors, Dr. Nassir Ahmadi, Emad Mardani and Dr. Bijan Bidabad, were also expelled in July 2008. Another law professor, Ehsanollah Haydari, was expelled in Khorramabad in April 2011.
- At the time of writing in early March 2013, five Sufi lawyers are in pre-trial detention: Farshid Yadollahi, Mostafa Daneshju and Omid Behroozi, Afshin Karampour, and Amir Eslami. Having represented the cases of their fellow-dervishes on various occasions, they have been held since September 2011 without trial. At least the first three were banned from practising in July 2008.
- Esmail Langaroudi and Saeed Reza Kamal, two managers of Zamyad Car Company, were expelled in October 2011 following pressures by the Ministry of Intelligence and their refusal to recant their beliefs.

##### *Ahl-e Haq*

Followers of the Alawite Yarsan (*Ahl-e Haq*) faith, who believe in Shiite Islam and mostly live in western Iranian provinces of Kurdistan and Azerbaijan, have faced similar persecution. A number of the followers of the faith have been expelled from work for their beliefs:

- Ali Nazari Jalavand, a high school teacher and author of books on *Ahl-e Haq* faith, lost his job after several hearings on the strength of an official letter from the Selection Bureau of Education Department of Kermanshah in western Iran in February 2012. He was reportedly told two days later that he could return to work if he “recanted his beliefs and converted to Islam.”<sup>93</sup>

<sup>93</sup>

<http://www.hra-news.org/1389-01-27-05-24-07/11413-1.html>

### 7.1.2. Discrimination against Sunni Muslims & ethnic minorities

Iranian ethnic communities, including the Kurds, the Baluch, the Turkmen, and some of the Arabs, constitute the large majority of the Sunni Muslims. They live in at least 16 provinces of 31 provinces countrywide and are estimated to constitute between 10-20% of the total population of 77 million.<sup>94</sup>

In spite of their sizeable population and their Islamic conviction, Sunni Muslims have also borne the brunt of discrimination, at least in appointments to government positions, despite the provisions of Article 12 of the Constitution that only discriminates against non-Muslims. The result is that under an 'unwritten law' there has not been a single Sunni minister, deputy minister or even governor-general since 1979 in Iran.

Mowlana Abdolhamid, the highest-ranking religious leader of the Sunni Muslims in the south-eastern Sistan-Baluchistan province, elaborated and underlined the issue as recently as November 2011:

"During the 33 years since the [1979] revolution, the Sunni Muslims have not been included in any government cabinet. They have not been assigned to any national position and responsibility and not been appointed to any diplomatic mission and embassy in other countries. They have not [even] been recruited equally and fairly for regional and provincial management [positions]. As an example, only 15 out of 400 academic staff of the Zahedan University are Sunni Muslims. Even though the Sunni Muslims are the majority of the population in the province, there is not a single Sunni Muslim on the province's Security Council. There are very few Sunni Muslims among managers of the province's Administrative Council."<sup>95</sup>

Besides being deprived of high governmental positions, discrimination against the Sunni Muslims and ethnic communities in employment, as a result of their religious conviction and/or their ethnic background, has been reported on numerous cases on much lower levels. In almost all the cases, the intelligence and security officials have played a significant role. The Human Rights Organisation of Kurdistan reported in its annual report for 2006:

"Plans are under way to expel Kurdish Sunni professors from the Medical Sciences University of Kurdistan or force them to early retirement."<sup>96</sup>

This in practice meant the expulsion of Dr Mohammad Naqshbandi and forced retirement of Mr Jafar Moballeghi (surgeon), Dr Molaei, Dr Manouchehr Rashidian, Ms Farasat Ardalan, Mr Mozaffar Firouzmanesh, Ms. Parvin Manaseki, and Mr Houshang Zandi. Besides:

"More than 1,500 teachers were purged and expelled from work by selection and security organisations ... for purely ideological and religious reasons. In [Kurdistan's provincial capital] Sanandaj, 41 employees of the Medical Sciences University and hospitals of the university, including 14 women... were expelled. Twenty-seven other men and women were expelled on various charges including connections with a Kurdish religious institution in Sanandaj."<sup>97</sup>

---

<sup>94</sup>In view of the secrecy and absence of reliable official figures, calculations made in 2003-2004 on the basis of information provided by the SCI, Islamic Propaganda Organisation and local governments arrived at 'official' estimates of just over 5.3 million from a total of 62.3 million – 8.5% of the total ([http://sunninews.net/fa/articles.aspx?selected\\_article\\_no=16663](http://sunninews.net/fa/articles.aspx?selected_article_no=16663)). Unofficial estimates of their numbers in the same years were 8.8 million from a total of 62.4 million or 14.1% of the total (Ibid.). Mowlana Abdolhamid even gave a higher estimate of 20% in November 2011

([http://farsi.sunnionline.us/index.php?option=com\\_content&view=article&id=3560:1390-08-16-18-33-53&catid=58:news-ahl-al-sunnah&Itemid=198](http://farsi.sunnionline.us/index.php?option=com_content&view=article&id=3560:1390-08-16-18-33-53&catid=58:news-ahl-al-sunnah&Itemid=198)).

<sup>95</sup> Ibid.

<sup>96</sup> [http://serbesti.blogspot.de/2007/04/1385\\_24.html](http://serbesti.blogspot.de/2007/04/1385_24.html)

<sup>97</sup> Ibid.

The 'Koran School of Kurdistan' (KSK), which is a reference point for Sunni Muslims in the west-Iranian Kurdish-inhabited provinces, has documented discrimination in employment of Sunni believers. In April 2010, the KSK protested the expulsion of one of its leaders Mr Hossein Hashem-Panahi from his position as office director of a court branch in Kamyaran after 12 years in employment. It also reported "forced expulsion of Sunni mosque prayer leaders in towns and villages", and "exertion of financial and economic pressures by expelling [religious and political activists] from administrative positions".<sup>98</sup>

In further statements in 2012, the KSK reported that "25 Kurdish Sunni teachers were banned from teaching..." in various cities of the province for having connections to the KSK.<sup>99</sup>

### **7.1.3. Discrimination against non-recognised religious minorities:**

#### **Baha'i faith**

Among the non-recognised religious minorities,<sup>100</sup> the Baha'i faith is believed to have the highest number of followers. Estimates of their numbers range from 200,000-300,000. Followers of the Baha'i faith have faced the worst possible discriminations in all possible social fields. They are not covered under the social security and pension system. They do not have the right to inheritance and do not qualify for financial compensation in case of physical harm or being killed. Marriage and divorce solemnised by or for the Baha'is are not recognised. They cannot get married or divorced at the state-authorized notaries public.<sup>101</sup>

After the 1979 Islamic revolution, members of the Iranian Baha'i minority were expelled from government departments and had to engage in private employment and businesses. That has not been tolerated either, especially in provincial towns and cities. Followers of the faith have been regularly denied jobs and state institutions have refused to issue business licences to them or to renew their licences. Even private Muslim employers are consistently pressured to expel members of the Baha'i community.

Pressures have been increasing recently. Manager of a Baha'i-owned business in Isfahan was reportedly summoned and demanded to provide lists of his employees and their religious affiliations... [and] "a Baha'i-owned business in Tehran that distributes hygiene products was summarily closed down by the authorities. 70 employees lost their jobs. All shops owned by

---

<sup>98</sup> Statement of KSK, 8 April 2010;

<http://www.moftizadeh.com/fa/contents/%D8%A8%DB%8C%D8%A7%D9%86%DB%8C%D9%87-%D9%85%DA%A9%D8%AA%D8%A8-%D9%82%D8%B1%D8%A2%D9%86-%DA%A9%D8%B1%D8%AF%D8%B3%D8%AA%D8%A7%D9%86-%D8%AF%D8%B1%D8%A8%D8%A7%D8%B1%D9%87%E2%80%8C%DB%8C-%D8%A7%D8%AE%D8%B1%D8%A7%D8%AC-%DA%A9%D8%A7%DA%A9-%D9%87%D8%A7%D8%B4%D9%85-%D8%AD%D8%B3%DB%8C%D9%86%E2%80%8C%D9%BE%D9%86%D8%A7%D9%87%DB%8C>

<sup>99</sup> 25 October 2012; <http://www.moftizadeh.com/fa/contents/25-%D9%86%D9%81%D8%B1-%D8%A7%D8%B2-%D8%AF%D8%A8%DB%8C%D8%B1%D8%A7%D9%86-%D9%88-%D9%85%D8%B9%D9%84%D9%85%D8%A7%D9%86-%DA%A9%D9%8F%D8%B1%D8%AF-%D8%A7%D9%87%D9%84%E2%80%8C%D8%B3%D9%86%D9%91%D8%AA-%D9%85%D9%85%D9%86%D9%88%D8%B9%E2%80%8C%D8%A7%D9%84%D8%AA%D8%AF%D8%B1%DB%8C%D8%B3-%D8%B4%D8%AF%D9%86%D8%AF>

<sup>100</sup> Other non-recognised religious minorities include the Sufis and the Yarsan (see: Discrimination against Shiite Muslims)

<sup>101</sup> For other aspects of discrimination against the Baha'i minority, see: The Hidden Side of Iran, discrimination against ethnic and religious minorities, joint FIDH-LDDHI report; <http://www.fidh.org/spip.php?action=telecharger&arg=4896>

the Baha'is in Semnan but one have been closed down and sealed by the authorities."<sup>102</sup>

A January 2013 reported indicated:

"Two factories, Pouya Navar and Farzan Lens, have also been shut down and all their Muslim and Baha'i employees have lost their jobs." Every time a [Baha'i] person has been imprisoned, "their business has also been closed down soon, although their families lived off their business. For example, Sousan Tabyanian, Rofia Baydaghi, Befar Khanjani, Siamak Iqani and Afshin Iqani have suffered this fate."<sup>103</sup>

## 7.2. Discrimination at work on ground of dissent

There is a systematic pattern of discrimination in regard to the right to work against independent unionists, human rights activists, dissidents and critiques of the government and even their family members. Workers, lawyers, and journalists have in particular suffered from this discrimination. Besides sentencing them to imprisonment, the authorities have frequently expelled them from work at state-owned organisations or secured their expulsion from private companies. A number of lawyers and journalists have been sentenced to long-term ban on practising their profession.

It has been attempted to report such cases in this report, but it should be noted that the information below is by no means exhaustive.

### 7.2.1. Labour unionists expelled

Labour activists, who have endeavoured to establish independent unions of workers, have faced harassment and persecution, including on the judicial level.<sup>104</sup> They have also been fired for attempting to organise unions. Davoud Razavi, member of the Board of Directors of the Syndicate of Workers of the United Bus Company of Tehran and Suburbs, has given a detailed account of the repressive measures directed at the Syndicate, including expulsions. Since 2005, when the Syndicate was re-established and as a result of union activities:

"More than 300 activist drivers were expelled from work;

"The decision to expel the principal members of the Syndicate was taken at the highest level of security officials; copies of the relevant documents are available.

"Confidential communications were sent to all provincial labour departments to ban the return to work of members of the Syndicate's Board of Directors and its senior members."<sup>105</sup>

The same fate befell other unionists, who aspired to establish independent unions in their work place. Several activists of the Syndicate of Workers of Haft Tappeh Cane Sugar Company were expelled from work for union activities.<sup>106</sup>

### 7.2.2. Human rights lawyers barred from practice

There are at least 10 lawyers in prison as consequence of their human rights work or practising their profession. Besides the five lawyers of the Sufi dervishes, who are persecuted for their involvement in defence of their fellow believers (see above), Mohammad Seifzadeh and Javid Houtan-Kiyan are serving prison terms of eight and six

---

<sup>102</sup> 11 February 2013; <http://news.bahai.org/human-rights/iran/iran-update/>

<sup>103</sup> Radio Zamaneh, *Baha'ihaye Semnan va feshar-e hokumat-e Iran*; 23 January 2013; <http://radiozamaneh.com/society/humanrights/2013/01/23/23891>

<sup>104</sup> For non-exhaustive related information, see 'New unionist movement' below

<sup>105</sup> 11 January 2013; <http://www.akhbar-rooz.com/article.jsp?essayId=50292> or

[http://www.jonbeshekargary.org/essays/item/3296-syndica\\_razavi](http://www.jonbeshekargary.org/essays/item/3296-syndica_razavi)

<sup>106</sup> See 'New unionist movement' below

years, respectively. However, at least three other human rights lawyers have received not only imprisonment sentences but banned from practising law – i.e. been deprived of work – for their human rights activities and professional work.

- Nasrin Sotoudeh, the recipient of the 2012 Sakharov Prize for Freedom of Thought, who is serving a 6-year prison term, has been additionally sentenced to 10 years of ban on practising her profession.
- Abdolfattah Soltani is serving 13 years of imprisonment and has been additionally sentenced to 10 years of ban on practising his profession;
- Mohammad Ali Dadkhah is serving 9 years of imprisonment and has been additionally sentenced to 10 years of ban on practice as well as ban on teaching in the university.

### **7.2.3. Journalists banned from work**

A number of journalists, in particular after much disputed 2009 presidential elections, have been both imprisoned and sentenced to long periods of ban on practising their profession. A few well-known cases are:

- Ahmad Zeidabadi; 6 years imprisonment; life-long ban on professional practice;
- Kayvan Samimi Behbahani; 6 years imprisonment; 15 years ban on professional practice;
- Issa Saharkhiz; a total of 4.5 years imprisonment; 5 years ban on professional practice;
- Jila Baniyaghoub (f); one year imprisonment; 30 years ban on professional practice;
- Mostafa Badkubei Hazavei; journalist and poet; 18 months imprisonment; 5 years ban on reciting poetry;
- Mehdi Tajik; two years imprisonment; 15 years ban on professional practice.

## **7.3. Discrimination at work against activists & their relatives**

### **7.3.1. Human rights activists expelled from work**

- Nargess Mohammadi, vice-president of the DHRC, who has received a 6-year prison sentence, was expelled after eight years from her job in an engineering inspection company in 2009. In a letter to President Ahmadinejad, she said:

“The managing director told me ‘I have been instructed to expel you. I asked for the reason, but they said it was their decision.’ He asked me to talk to the agents to change their mind and explicitly asked me to stop my activities... He said, he was obliged to expel me.”<sup>107</sup>

- Mansoureh Behkish is a human rights activist and supporter of the Mothers of Park Laleh (Mourning Mothers) and a blogger, who lost six members of her family in the executions and prison massacres of the 1980s. She has faced a lot of pressure for insisting on her right to visit the site of their mass graves. Not only was she sentenced to 4 years of imprisonment,<sup>108</sup> but she was also expelled from work in 2009.
- As an additional pressure, the authorities even prevented Ms Behkish’s son from studying to become a pilot.

### **7.3.2. Relatives of political activists persecuted**

- Ms Maryam Sharbatdar Moqaddas, wife of a political activist, was expelled from her work in a department of the Ministry of Education in September 2012 after 19 years.<sup>109</sup> Her husband, Fayzollah

---

<sup>107</sup> Kaleme news website; *Nameh Nargess Mohammadi be Mahmoud Ahmadinejad*; 8 December 2009; <http://www.kaleme.com/1388/09/17/klm-5137/>

<sup>108</sup> 3.5 years of suspended and six months of custodial imprisonment.

<sup>109</sup> 26 September 2012; <http://www.dw.de/%D8%A7%D8%AE%D8%B1%D8%A7%D8%AC-%D8%A8%D9%87->

Arab-Sorkhi, a former deputy minister and political activist, is serving a five-year prison term since 2009.

- Zahra Mousavi, daughter of Mir Hossein Mousavi, a former 2009 presidential candidate, who has been under arbitrary house arrest with his wife Zahra Rahnavard since February 2011, was forced out of her job as a university professor in 2012.<sup>110</sup>

---

<sup>110</sup> %D8%AF%D9%84%DB%8C%D9%84-%D9%88%D8%A7%D8%A8%D8%B3%D8%AA%DA%AF%DB%8C-%D8%AE%D8%A7%D9%86%D9%88%D8%A7%D8%AF%DA%AF%DB%8C-%D8%A8%D9%87-%D9%81%D8%B9%D8%A7%D9%84%D8%A7%D9%86-%D8%B3%DB%8C%D8%A7%D8%B3%DB%8C/a-16265849  
14 February 2013; <http://www.kaleme.com/1391/11/26/klm-133480/>

## 8. UNEMPLOYMENT

### (Article 3 of ICESCR)

As noted previously, Article 43 of the IRI Constitution stipulates provision of basic needs for all; employment for everyone, with a view to attaining full employment; and preventing the exploitation of another's labour.

Besides, the government report asserted in Paragraph 42:

In its economic section, the text of *Iran's Twenty-Year Vision* has stressed the importance of "creation of productive jobs and reduction of unemployment rate" as the first object of the economic development of the country. (Emphasis added)

This report will examine the issue of unemployment and the credibility of those assertions.

Unfortunately, there prevails a kind of chaos regarding official statistics on unemployment that is also noticeable in the case of inflation rate and poverty line. Different official sources publish varying estimates, and the overwhelming majority of independent experts as well as some MPs and other officials reject them and provide their own estimates.

The government report maintains in Paragraph 9.1 that unemployment figures were 13.09% and 12.75% in 2005 and 2006 respectively, but contradicts its own figures a few pages further down, where the figures for the same two years change to 11.5% and 11.3 respectively in the table of 'Unemployment rate during 2005-2008.' The report offers the following rates of unemployment: 11.5% in 2005; 11.3% in 2006; 10.5% in 2007 and 10.4% in 2008 (Paragraph 50.1).

The government report also provided the following information:

- Unemployed population: 2,992,000 out of a total 20,476,000 labour force in 2006.<sup>111</sup>
- The unemployment rate of the youth population in age groups 15–19 and 20–24 is considerably higher and by far graver than the unemployment rate of the adult population: 20.6% in 2005 (percentage of unemployed women in that age group was 29.9% in comparison with 17.8% for men).

While the SCI figures assert a percentage point for 2005 slightly different from the government report, its actual figures of the unemployed population and total labour force are quite different to those provided in the government report.<sup>112</sup>

Rate of unemployment (%) according to official sources for +15 population

Year	2005	2006	2007	2008	2009	2010	2011	2012 <sup>113</sup>
Unemployment (%)	11.9	11.3	10.5	10.4	11.9	13.5	12.3	12.9/12.4
Unemployment figures	2764866	2642648	2486238	2392179	2839973	3218329	2877608	3146092/3023574
Total labour force	23293445	23484068	23578715	22892489	23840767	23875023	23387633	24430185/24385468

<sup>111</sup>The source of the figures in the government report has not been specified.

<sup>112</sup> 30 October 2012: Khabaronline; <http://www.khabaronline.ir/detail/254914>

<sup>113</sup> Spring/summer

Source: The Statistical Centre of Iran (SCI) <sup>114</sup>

Independent economic experts and many officials have long argued that official unemployment figures are not reliable, because:

- a) People who work even one hour per week are counted among the employed;
- b) According to the Ministry of Labour, people who work one week per month are not unemployed;
- c) The implementation of 'goal-oriented subsidisation' scheme and the rising costs of production - by more than 34% in mid 2012 compared with 2011-<sup>115</sup> forced many production plants to shut down and expel their workers;
- d) The low figure of workers newly insured by the Social Security Organisation show that the government created only 300,000 jobs in 2011; on the other, hand hundreds of thousands have been expelled. Based on figures published by the SCI, the daily Shargh reported in March 2012 that 800,000 people had lost their jobs in the span of one year from autumn 2010 to 2011.<sup>116</sup>

In April 2011, long before the deepening economic crisis in the second half of 2012, then MP for Qazvin, Qodrat Alikhani, disputed the official unemployment rate of 10% and disclosed: "According to the information that MPs have received from the authorities, the real unemployment rate is 15.5% and four million people are unemployed nationwide."<sup>117</sup> In June 2011, another MP and university professor, Daryoush Qanbari, raised the estimates to 30% and eight million people. He said: "The official figures are 14% and more than three million. However, they do not include women, students, and soldiers."<sup>118</sup>

---

<sup>114</sup> Op. cit.; <http://www.khabaronline.ir/detail/254914>

<sup>115</sup> 05.07.2012, [http://www.dw.de/production\\_cost](http://www.dw.de/production_cost)

<sup>116</sup> 25 February 2012; <http://sharghnewspaper.ir/News/90/12/06/24847.html>

<sup>117</sup> 16 April 2011; <http://www.entekhab.ir/fa/news/23666>

<sup>118</sup> 22 June 2011; Khabaronline; <http://www.khabaronline.ir/detail/158876>

## 9. VIOLATIONS OF THE RIGHT TO THE ENJOYMENT OF JUST AND FAVOURABLE CONDITIONS OF WORK

(Article 7 of ICESCR)

### 9.1. Minimum wage

As noted under the Domestic Legal Framework above, the Supreme Council of Labour (SCL) determines the minimum wage every year.

The government report to the CESCR allocated Paragraphs 76.1-76.8 to the issue of minimum wage. It offered the figures of minimum wage as determined by the SCL for the years 2006 and 2009. However, it reported the inflation rate only for 2006 as 13.6% elsewhere (Paragraph 12). The report failed to state the inflation rate for 2009 in paragraphs 76.6-76.8 where the minimum wage for 2009 has been mentioned.

On the other hand, the SCL has determined the minimum wage in the past few years as follows.

**Table: Minimum wage, 2004-2012**

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012
Monthly wage ('000)	1,06	1,260	1,500	1,830	2,190	2,630	3,030	3,300	3,900

Source: CBIRI and Eqtesad-e Iran monthly<sup>119</sup>

To evaluate those figures, the poverty line and the inflation rate should be considered.

### 9.2. Poverty line

The government report to CESCR has asserted that the “Government is obliged to identify all the families living under the poverty line and to place them under the social security system through the related organisations” (Paragraph 113.2.1). It has then disclosed the poverty lines for 2005 and 2006 in Paragraph 125.5:

[...] in 2005, the relative poverty lines for a five-member family in urban and rural areas have been respectively 2,998,000 rials and 1,685,000 rials ... Also, a quarter of the average expenses of a family (average quarter of the expenses of a family) is defined as the second poverty line. Thus, the severity of poverty for families below the second poverty line is graver than the poverty for families below the first poverty line. Besides, the poverty line (against current prices) in urban and rural areas in 2006 rose respectively to 3,329,000 rials and 1,852,000 rials.

Thus, the government report has failed to provide the poverty line figures even for the years 2007 and 2008, even though it was submitted to the Committee in November 2009. Furthermore, even if those figures were to be taken at face value, the economic conditions have changed drastically since then.

While official figures indicate that nearly 5 million urban people and 2.5 million rural people were living below the poverty line in 2006,<sup>120</sup> Mr Adel Azar, director of the Statistical Centre of Iran confirmed in June 2011: “More than 10 million people are living below the absolute

<sup>119</sup> 29 March 2012; <http://www.khabaronline.ir/detail/205533/economy/macroeconomics>

<sup>120</sup> Deputy minister of cooperatives said the breakdown was 10.5% of urban population and 11% of the rural population; <http://archive.hamshahronline.ir/hamnews/1385/850505/news/ejtem.htm>

poverty line and more than 30 million under the relative poverty line.”<sup>121</sup> University professor and economic expert Hossein Raghfar said in October 2012:

“Expert calculations show that absolute poverty in Iran is in the range of 25%-32%. Poverty and inequality have risen. Annually two per cent has been added to the poor population in the past three years.”<sup>122</sup>

Another university professor, Farshad Momeni, also speaking in October 2012, added that the price shocks under the policy of the ‘goal-oriented subsidies’ had pushed “four million-five million people below the poverty line in the last one year alone.”<sup>123</sup> That figure was also endorsed by the National Medical Council President Shahabeddin Sadr, who went further: “More than four million people fall below the poverty line annually as a result of health care costs.”<sup>124</sup> However, ex-minister of health Ms Dastjerdi, who was dismissed from her post as recently as late December 2012, said in October 2012: “Every year, 5-7.5% of the population fall below the poverty line as a result of expenses of refractory diseases.”<sup>125</sup> If refractory diseases alone push 3.7-5.6 million people<sup>126</sup> below the poverty line every year, estimates of total number of people living below the poverty line would go far higher.

Among these, pensioners are particularly worse off as “80% of pensioners receive the minimum of 3,530,000 rials [per month] and they are all living below the poverty line.”<sup>127</sup> The pensioners are estimated to be in excess of three million people, including 2.6 million civilian and 600,000 military pensioners.<sup>128</sup>

How much is the poverty line? Official information is not directly available. As the CBIRI stopped reporting the related figures in 2007, the following information has been compiled from official and semi-official Iranian sources. It is to be noted that there are widely varying estimates of the poverty line even among the officials who endorse the official estimates. However, economic journalists have calculated the approximate figures for the years 2008-2012, based on the official figures of inflation rate and poverty line for the previous years.

Other officials and experts have also offered their own estimates.

President of the Competition Council, Jamshid Pajooyan, who seemed to echo the official estimates, put the poverty line for urban families earning monthly below 9,460,000 rials and rural families earning below 5,800,000 rials in 2011.<sup>129</sup>

On the other hand, as the year 2012 unfolded, other experts and officials provided much different and higher figures.

- In April 2012, a member of the Wages Committee of the Supreme Council of Labour ,

---

<sup>121</sup> 28 June 2011; <http://www.aftabnews.ir/vdcfexdycw6dx0a.igiw.html>

<sup>122</sup> Hossein Raghfar; 21 October 2012; <http://ilna.ir/news/news.cfm?id=13930>

[http://www.bbc.co.uk/persian/iran/2012/10/121023\\_u05\\_newspapers\\_iran.shtml](http://www.bbc.co.uk/persian/iran/2012/10/121023_u05_newspapers_iran.shtml)

<sup>123</sup> 30 October 2012; <http://www.rahesabz.net/story/61093/>

<sup>124</sup> Salamat News, 15 January 2013; <http://www.salamatnews.com/viewNews.aspx?ID=65144&cat=12>

<sup>125</sup> 14 December 2012; <http://ilna.ir/news/news.cfm?id=27876>

<sup>126</sup> According to the latest census in 2011, there were 75.149 million people in Iran.

<sup>127</sup> Ali Akbar Khabbaz'ha, director of Pensioners Association of Social Security Organisation; 6 February 2012: <http://khabaronline.ir/detail/197524/>

<sup>128</sup> 27 March 2012, <http://www.khabaronline.ir/detail/205314/economy/market>; 31 December 2012,

<http://www.bazneshaste.com/module/News/Shownews/page-1614.aspx?NewsId=5412>;

<http://www.salamatnews.com/viewNews.aspx?ID=19233&cat=1>

<sup>129</sup> <http://www.khabaronline.ir/detail/224299/economy/macroeconomics>

Faramarz Tofighi, told the semi-official Iranian Labour News Agency (ILNA) that the family poverty line had gone up from 12.5 million rials in 2011 to 14 million rials in 2012.<sup>130</sup>

- In May, Hossein Raghfar, an independent university professor estimated the minimum absolute poverty line for a 5-member family with three students for the year 2012 to be 15 million rials a month.<sup>131</sup> The CBIRI responded to his estimates, but totally ignored his emphasis on the absolute poverty line in the year 2012 and asserted instead that the relative poverty line for urban families in 2011 had been around 5,900,000 rials a month.<sup>132</sup>

- In December 2012, Olia Alibeigi, a member of the Supreme Council of Labour, which is in charge of determining the minimum wage every year, put the “real poverty line for a four-member family over 15 million rials” and called on the SCI to provide official figures to be used for determining the minimum wage.<sup>133</sup>

**Table: Poverty line nationwide and in capital Tehran based on official figures<sup>134</sup>**

Year <sup>135</sup>	Poverty line nationwide (‘000 rials)	Poverty line – Capital Tehran (‘000 rials)	Inflation (%) - CBIRI
2004	2,380	4,000	15.2
2005	2,760	4,800	12.1
2006	3,250	5,600	13.6
2007	4,000	6,500	18.4
2008	4,730	7,690	25.4
2009	5,930	9,640	10.8
2010	6,570	10,680	12.4
2011	7,380	12,000	21.5
2012	8,930	14,500	24 <sup>136</sup>

### 9.3. Inflation rate

As noted above, one of the criteria for determining the minimum wage every year is the inflation rate. The Iranian authorities, however, treat the inflation rate as confidential information. Head of the SCI, Mr Adel Azar, told reporters in October 2012: “The inflation rate is confidential. We report it to national decision makers and they will publish it if they deem necessary.”<sup>137</sup> Therefore, there is no other alternative but to consult other sources. Many experts have questioned the CBIRI’s method of calculating the inflation rate, the reliability of its figures and their compatibility with the reality of life in the country. Nevertheless, three sets of official figures have been reported further below in the table of

<sup>130</sup> 18 April 2012; <http://hamshahrionline.ir/details/166911>

<sup>131</sup> Etemad daily; 5 May 2012; <http://www.magiran.com/npview.asp?ID=2494150>

<sup>132</sup> Etemad daily, 21 May; <http://www.magiran.com/npview.asp?ID=2506287>

<sup>133</sup> Bahar news website, 22 December 2012; <http://www.baharnews.ir/vdch.wnqt23nk-ftd2.html>

<sup>134</sup> 12 May 2012; <http://www.afkarnews.ir/vdcja8eviuqeyaz.fsfu.html>

<sup>135</sup> Years beginning 21 March

<sup>136</sup> March-September

<sup>137</sup> ILNA, 22 October 2012; <http://ilna.ir/news/news.cfm?id=14657>

*Official figures of inflation rate and monthly minimum wage.*

According to the latest figures published by the CBIRI in February 2013, the inflation rate climbed to 28.7% for the year ended December 2012.<sup>138</sup> It is notable that the CBIRI had previously reported increases in the inflation rate going up from 21.8% in March gradually to 26.1% in November.

While the CBIRI raised its forecast to 32% for the end of the solar year in March 2013,<sup>139</sup> unofficial sources abroad and within the academia and the various political factions and circles in the Islamic Republic of Iran, including university professors and MPs, have reported far higher rates of inflation. To give but a few examples:

- May 2012: University professor and economic expert, Hossein Raghfar, said the inflation rate was more than 55% in the year 2011 and around 65-70% in 2012. He also forecast that if the second phase of 'goal-oriented subsidies' were implemented, the inflation rate would shoot up to 3-digit figures.<sup>140</sup>
- September 2012: Director of Wages Committee of Association of Tehran ILCs, Ali Akbar Eyvazi, said the 18% wage increase had been offset by the 35% inflation rate.<sup>141</sup>
- December 2012: MP for Gachsaran Gholamreza Tajgardoon said inflation had reached the horrifying figure of 58%.<sup>142</sup>
- Les Echos, the influential French business daily, also estimated the inflation rate as 88% based on 'a confidential report of the Research Centre of Majlis.'<sup>143</sup>
- Steve H. Hanke a Professor of Applied Economics and Co-Director of the Institute for Applied Economics at The Johns Hopkins University estimated the inflation rate in Iran for 2012 to have been 110%.<sup>144</sup>
- Mehdi Naghavi, a renowned university economics professor in Iran, disagreed with Mr Hanke's calculation method and emphasised that inflation rate was in the range of 60-70%.<sup>145</sup>

There is no doubt that the inflation is rampant and the people's purchasing power is fast declining. Recent reports in the Iranian dailies have indicated that the purchasing power of the population has fallen by 72% over eight years since 2005 to 2013.<sup>146</sup> In a comparison of prices in March 2013 and 2005, when President Ahmadinejad took office, the daily *Mardomsalari* wrote:

---

<sup>138</sup> Iranian state news agency (irna.ir), 4 February 2013

<sup>139</sup> 8 February 2013; <http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=1811806>

<sup>140</sup> Etemad daily; 5 May 2012; <http://www.magiran.com/npview.asp?ID=2494150>

Indeed, President Ahmadinejad announced on 27 January 2013 that his government and the parliament had agreed to implement the 'second phase' in their joint meeting headed by the Supreme Leader Ayatollah Khamenei.

<sup>141</sup> 24 September 2012; Iranian Labour News Agency, <http://ilna.ir/news/news.cfm?id=5919>

<sup>142</sup> Mr Tajgardoon is deputy director of the parliament's Plan and Budget committee. He has formerly been in charge of coordinating the national budget, served in government as deputy director of Planning & Management Organisation, secretary of the Economic Council and secretary of Employment Council.

<sup>143</sup> 5 March 2013; [http://www.radiofarda.com/content/f3\\_new\\_inflation\\_wave\\_iran/24898508.html](http://www.radiofarda.com/content/f3_new_inflation_wave_iran/24898508.html)

<sup>144</sup> 9 January 2013; <http://www.cato.org/blog/irans-lying-inflation-statistics>

<sup>145</sup> 3 February 2013; <http://www.tabnak.ir/fa/news/300454/>

<sup>146</sup> Shargh daily of 4 March 2013 in <http://radiozamaneh.com/news/iran/2013/03/04/24996>

“The minimum wage has gone up from 1.22 million rials to 3.89 million rials, but the former bought 492 eggs, while the latter buys 152 eggs.”<sup>147</sup>

### 9.3.1. How realistic are minimum wages?

The official figures give the impression that the wages have tripled in the period of 2004-2011 (see table of *Minimum wage* above). However, a study of the figures published by official sources in Iran – based on the free market exchange rates of the US dollar to the Iranian rial<sup>148</sup> as announced by the CBIRI – show that the minimum real wages of workers in Iran fell by 36% on the world markets in the period of 2004-2011 from US\$121.1 per month to US\$88.9 per month.<sup>149</sup> The fall was much more drastic in 2012 and early 2013.

**Table: Official figures of inflation rate and monthly minimum wage**<sup>150</sup>

Year <sup>151</sup>	Inflation (%) CBIRI	Inflation (%); SCI	Inflation (%) Other officials <sup>152</sup>	Minimum wage (monthly) at current rates		Minimum wage (monthly) at fixed rates	
				'000 rials	US\$	'000 rials	US\$
2004	15.2			1,060	121.1	1,060	121.1
2005	12.1 (10.4) <sup>153</sup>		10.4	1,140	126.7	1,260	140
2006	13.6 (11.9)		11.9	1,210	131.1	1,500	162.5
2007	18.4	17.2	18.4	1,830	195.7	1,250	133.7
2008	25.4	25.5	25.3	2,190	226.5	1,190	123.1
2009	10.8	9.5	15.2	2,630	263.5	1,300	130.3
2010	12.4	13.9	11.8	3,030	291.3	1,360	130.8
2011	21.5 (20.2)		21.9	3,300	244.4	1,200	88.9
2012 <sup>154</sup>	28.7	25.9 <sup>155</sup>	28.1	3,900 <sup>156</sup>			

<sup>147</sup> <http://www.baharnews.ir/vdci.ua3ct1a55bc2t.html>

<sup>148</sup> US\$1=8,750 rials in 2004; 13,500 rials in 2011

<sup>149</sup> 29 March 2012; Khabaronline news website;

<http://www.khabaronline.ir/detail/205533/economy/macroeconomics>

<sup>150</sup> Sources: (i) For Central Bank of Islamic Republic of Iran (CBIRI) and Other officials, semi-official Mehr News Agency, 21 December 2012 (<http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=1771591>); (ii) For Statistical Centre of Iran (SCI), Tebyan website, 10 April 2012

(<http://www.tebyan.net/newindex.aspx?pid=205396>); (iii) For monthly minimum wages, CBIRI and Eqtesad-e Iran monthly, 29 March 2012; <http://www.khabaronline.ir/detail/205533/economy/macroeconomics>

<sup>151</sup> Year beginning 21 March

<sup>152</sup> Figures asserted by government sources at a meeting at the Presidential Office on second anniversary of implementation of the Goal-oriented Subsidisations Law;

<http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=1771591>

<sup>153</sup> Figures in brackets from: <http://www.khabaronline.ir/detail/205533/economy/macroeconomics>

<sup>154</sup> Iranian state news agency (irna.ir), 4 February 2013

<sup>155</sup> <http://www.alef.ir/vdcaeyn6049niu1.k5k4.html?164237>; Year ending July

<sup>156</sup> Estimated by Khabaronline news website

The above calculations were made at the end of March 2012, unless otherwise indicated. Then a member of the Supreme Council of Labour, Faramarz Tofighi, said in April 2012:

“60% of workers are paid the base minimum wage.<sup>157</sup> Considering that the absolute poverty line is estimated at around 7 million rials, workers receiving the base minimum wage in 2012 are living below the subsistence line. Workers have taken second and third jobs to move up to the absolute poverty line.”<sup>158</sup>

A labour issues expert, however, had estimated in early 2012 that “80% of workers are receiving the minimum approved wage and living below the poverty line,”<sup>159</sup> which he estimated around 12 million rials in large cities.

Since then, the situation has been disastrous throughout 2012 and 2013. The exchange rate of the Iranian rial to the US dollar – 13,500 rials for 2011 according the CBIRI - took a free fall: from approximately 14,000 rials<sup>160</sup> in early January 2012 to 19,000 rials in April, 33,500 rials<sup>161</sup> in late December 2012,<sup>162</sup> and 36,500 rials in early March 2013.<sup>163</sup> This is more than 2.5 times the exchange rate in 2011, which means the real wages at the end of 2012 had fallen far below half the 2011 figures.

With more prices hikes expected, for instance as a result of the government’s plan to raise the energy prices 4.5 times, much darker days lie ahead for the whole population and the low-paid workers in particular.

This has been compounded by the government’s apparent neglect of the dire situation of the low-paid groups of the people. On 11 March 2013, the Supreme Council of Labour (SCL) set the minimum wage for the solar year beginning 21 March 2013 at the amount of 4.871 million rials – an increase of 25% over the preceding year that began on 21 March 2012. In doing so, the SCL has even ignored the letter of the law that requires the minimum wage to be proportionate to the official rate of inflation, i.e. around 31.5%; even though in reality much higher wage increases are needed to offset the real inflation.

---

<sup>157</sup> 3,900,000 rials per month

<sup>158</sup> *60 per cent of workers are living around the death line*; reported in Hamshahrionline; 18 April 2012; <http://hamshahrionline.ir/details/166911>

<sup>159</sup> Mohammad Reza Emadi, 15 January 2012; <http://www.kaleme.com/1390/10/25/klm-86756/>

<sup>160</sup> <http://www.dw.de/>

<sup>161</sup> [http://www.bbc.co.uk/persian/iran/2012/12/121224\\_l10\\_currencies\\_iran\\_usd.shtml](http://www.bbc.co.uk/persian/iran/2012/12/121224_l10_currencies_iran_usd.shtml) and <http://www.aftabnews.ir/vdcssqs02bqp18.ala2.html>

<sup>162</sup> In February 2013, the exchange rate went well above 40,000 rials.

<sup>163</sup> Mardomsalari daily, 3 March 2013. The exchange rate even exceeded 40,000 rials in January 2013.

## 10. STATE-AFFILIATED WORKERS' ORGANISATIONS

### 10.1. Islamic societies of workers

Islamic societies of workers (ISW) function in effect as ideological watchdogs of the state in economic units. Their task is to “promote and expand the Islamic culture and defend the achievements of the Islamic revolution”<sup>164</sup> by “holding mass prayers, preaching sessions, organising ideology classes.”<sup>165</sup> The ILCs are also obliged to cooperate with the ISWs as noted before.

### 10.2. *Khaneh Kargar*

*Khaneh Kargar* (House of Labour) was initially established by independent unionists after the revolution in 1979, many of whom had been organisers and activists of strikes committees of the pre-revolution spontaneously organised workers councils. However, with the rising repression in 1980 and 1981, the spontaneously established workers councils were disbanded and their activists were either detained or expelled from work. The workers councils were Islamised and replaced with the Islamic labour councils. At the same time, the pro-government political activists backed by then ruling Islamic Republic Party<sup>166</sup> took over the *Khaneh Kargar* by force and turned it into a coordinating body for ISWs and in particular the ILCs.

The *Khaneh Kargar* leaders later became ministers and MPs and established the Islamic Labour Party.<sup>167</sup> Since its takeover, *Khaneh Kargar* has functioned as a strong check on independent unionists and suppressed efforts to establish independent unions. It was particularly instrumental in efforts to suppress the Syndicate of Workers of the United Bus Company of Tehran and Suburbs (see below) including physical attacks against its activists in 2005.

Saeed Torabian, public relations officer of the Bus Company Syndicate, provided this account of *Khaneh Kargar*'s reaction to the Syndicate's establishment:

“Our serious challenge was with *Khaneh Kargar*... They had all our activities under surveillance; they identified the activists... Agents of *Khaneh Kargar* attacked the Syndicate's offices on 9 May 2005, four days before the elections of the Board of Directors, beat up its members and looted the Syndicate's property. Syndicate members lodged complaints against the attackers. However, their complaints were not investigated. Instead, the judicial authorities accused the Syndicate members. A few days before the second General Meeting on 2 June 2005, the meeting's venue was attacked over night with hand-made bombs.”<sup>168</sup>

---

<sup>164</sup> Labour Code, Article 130

<sup>165</sup> Rules of procedure for establishment of ISW, Articles 1 and 2; <http://rc.majlis.ir/fa/law/show/121307>

<sup>166</sup> *Hezb-e Jomhuri Eslami*

<sup>167</sup> *Hezbe Eslami Kar*

<sup>168</sup> “A three-year record sheet of the struggles of Syndicate of Workers of the United Bus Company,” 29 January 2009, <http://asre-nou.net/php/view.php?objnr=2054>

# 11. NEW UNIONIST MOVEMENT

A review of the new unionist movement to organise independent unions and their treatment by the authorities on various levels can shed light on the government's approach to trade union rights in practice.

Against the backdrop of state control of and interference in organisations of workers, while the Iranian domestic law does not provide specifically for any independent unions, and clearly seeks to check the existing organisations, an increasing number of unionists have concluded that they should establish their own independent organisations independent from the state and free from governmental interference. Consequently, a number of rather large unions with wide following and a number of smaller ones have emerged in recent years that have sought to represent the interests of their membership.

Many independent unionists prefer to form independent 'unions' or 'syndicates' of workers,<sup>169</sup> because they consider the ILCs to be instruments of the state. They regard the ILCs and the 'trade associations' not as representative of the workers but as mixed organisations of all the employees and, in the case of the ILC, the management, too. Nevertheless, some independent unionists have also been active in 'trade associations' and as workers' representatives.

## 11.1. Basic demands of the unionist movement

Some of the demands of this new independent union movement were expressed in a statement issued jointly by four groups on 10 February 2010: the Syndicate of Tehran Bus Workers, Syndicate of Workers of Haft Tappeh Cane Sugar Company, Free Union of Iranian Workers, and Trade Association of Electrical and Metal Workers Kermanshah:

- "Unconditional recognition of independent unions and the right to strike;
- Disbanding of all governmental organisations at the work place;
- Job security for all the workers;
- Halt to expulsions of workers;
- Abrogation of all temporary and blank-signed contracts;
- Rise in minimum wages;
- Remuneration of arrears;
- Formulation of a new Labour Code through direct involvement of representatives of workers;
- Declaring 1 May a public holiday and ending the ban on celebrations on the day."<sup>170</sup>

The number of groups that issued a statement with similar demands on 1 May 2011 rose to seven<sup>171</sup> and then to ten. Many activists and leaders of the new movement, however, have paid a high price for their activities. They have been expelled from work, gone to prison and faced other forms of harassment and persecution, including against members of their

---

<sup>169</sup> There have been increasing attempts in recent years to form workers' syndicates and unions, which will be explained later.

<sup>170</sup> Charter of Minimum Demands of Workers;

<http://radiozamaneh.com/society/humanrights/2012/05/01/13849>

<sup>171</sup> <http://news.gooya.com/politics/archives/2011/04/121130.php>

families. Iran may be one of the very few countries in the world, if not the only one, where independent trade unionists seeking to organise their fellow workers are imprisoned on charges such as ‘acting against national security’ and ‘propaganda against the system.’

There are numerous groups of unionists nationwide or in different cities and regions, in addition to the ones that will be introduced below. These include Trade Association of Electrical and Metal Workers of Kermanshah, the Board for Reopening the Building Painting Workers Syndicate, the Board for Reopening of Mechanical Metal Workers Syndicate, and a number of others.

There is also a ‘Workers Rights Defenders Centre (WRDC),’ whose known members are mainly academics and intellectual activists. Ali Akhavan, a member of the WRDC, was imprisoned from January to August 2012. Fariborz Ra’is-Dana, another member who is also a member of the Iranian Writers Association, went to prison on 21 May 2012 to serve a one-year imprisonment sentence.

The following brief organisational history of the new unions offers only a limited scope of the state harassment and repression directed against the unionists.

## **11.2. Selected unions**

### **11.2.1. Syndicate of Tehran Bus Workers**

Syndicate of Workers of the United Bus Company of Tehran and Suburbs<sup>172</sup> was originally established in 1967 but after the 1979 revolution it came to a standstill. It was disbanded in 1983 and replaced with an Islamic labour council. A number of the unionists started reviving it in 1990 and it began its unofficial operation in 2004. Activists organised a petition to the government bearing more than 9,000 signatures out of a workforce of 17,000 workers demanding the disbanding of the ILC and its replacement with the Syndicate, because Article 131 of the Labour Code allowed either an ILC or a trade association.

The first General Meeting of the Syndicate was held in June 2005 when members elected a board of directors, despite the extensive presence and efforts of the security forces to impede it. Members of the Board were consistently harassed and offices of the Syndicate were frequently attacked.

#### ***Persecution of Bus Workers Syndicate activists***

A group of attackers tried to cut off the tongue of the syndicate’s president, Mansoor Osaloo (aka Osanloo), in mid 2005. During the same incident, two members were stabbed with knives. The Syndicate went ahead and organised two strikes in late December 2005 and January 2006 (see below). Hundreds of Syndicate members and even their family members were detained before the strikes. Since then, activists of the Syndicate have faced consistent persecution. Scores of them have been expelled and some of them have been forced to leave Iran. Many have faced unfair prosecution and served prison terms.<sup>173</sup>

Mr Osaloo travelled to London and Brussels to address the International Transport Federation and the International Trade Unions Congress in June 2007. The Syndicate had

---

<sup>172</sup> The United Bus Company of Tehran and Suburbs (*Sherkat-e Vahed Otubusrani-ye Tehran va HumeH*) is widely referred to as *simply Sherkat-e Vahed*, which means ‘United Company.’

<sup>173</sup> Saeed Torabian, op. cit; <http://asre-nou.net/php/view.php?objnr=2054>; also see: Labour unionists expelled

joined the ITF by then. However, the visit cost him and his colleagues dearly. Upon his return to Iran, he was detained in July 2007, stood an unfair trial on charges of “propaganda” and “activities against the State”, and was sentenced to five years in prison, which he served under extremely harsh conditions in the remote top-security Rajaishahr Prison.

While in detention, Mr. Osaloo reportedly suffered several heart attacks and was transferred to hospital on several occasions, but the authorities stopped his treatment every time and returned him to prison. Finally, he was released at the beginning of June 2011 on an extended leave. Nevertheless, his family member were regularly attacked and harassed. His daughter-in-law suffered a miscarriage after an attack on the street and his brother, Afshin Osaloo, was arrested in late December 2010, badly tortured and later sentenced to five years in prison, which he is currently serving.

Several other activists of the Syndicate have been victimised with detentions and imprisonments for their union activities. Many have been released on bail and await trial, but several have served prison terms. Ebrahim Madadi, Vice-President of the Syndicate, was tried on charge of ‘acting against national security’ and sentenced to a three and a half-year imprisonment, which he served from December 2008 to April 2012.

Reza Shahabi, the treasurer and board member of the Syndicate, has suffered the worst fate to this date. He was arrested on 12 June 2010 and spent a long time in solitary confinement. Then, he stood an unfair trial on charge of “propaganda against the State” and “conspiracy against the national security,” and was sentenced to six years imprisonment, which he is currently serving. His health conditions have deteriorated in custody; in particular he has suffered damages to his spinal cord and back as a result of torture and other ill treatment. He was hospitalised several times for surgery on his neck and back.

Many other members of the Board of Directors and activists of the Syndicate have also spent time in detention.

### **Strikes in the Tehran Bus Company & the State’s brutal response<sup>174</sup>**

The Syndicate of Workers of the United Bus Company of Tehran and Suburbs was re-established in June 2005. On 18 September 2005, it staged its first protest against the inadequate living conditions of the Company’s workers, when 80% of drivers switched on their lights during the day. The result was the return to work of the expelled workers and the payment of their arrears. However, five members of the Syndicate were detained.

The second strike took place on 25 December 2005 in protest to detention of nine Syndicate members on 22 December. Ten organisers of the strike, however, were detained at 4 am on 25 December. In a matter of a few hours, more than 5,000 drivers gathered outside one of the Company’s district offices in Tehran. The strike lasted 24 hours. The detainees were released after five days.

The third strike was declared for 28 January 2006. Nine members of the Syndicate’s Board of Directors were summoned and interrogated by agents of the Ministry of Intelligence on 26 January. Arrests began on that day. On 28 January, security forces, assisted by the Bus Company’s security officials, arrested all the active unionists as well as a number of others. More than 1,000 members of the Syndicate were detained from 26 January to 30 January 2006. Some of them remained in

---

<sup>174</sup> Based on information provided by Syndicate Board member Saeed Torabian in: “A three-year record sheet of the struggles of Syndicate of Workers of the United Bus Company,” 29 January 2009, <http://asre-nou.net/php/view.php?objnr=2054>

detention for two months. Syndicate president, Mansoor Osaloo<sup>175</sup> remained in prison until 8 June 2006. He was arrested again on 10 July 2007, sentenced to five years in prison and remained in detention until June 2011.<sup>176</sup>

### **11.2.2. Syndicate of Workers of Haft Tappeh Cane Sugar Company**

The Haft Tappeh Cane Sugar Company is based in the southern Khuzestan province, near the city of Shush. Independent unionists started organising the company workers following the establishment of the Syndicate of Bus Workers in Tehran.

After several relatively successful strikes in 2007, in November 2007, more than 2,500 workers signed a letter to the Khuzestan Labour Department demanding the disbanding of the ILC and reopening of the Syndicate that had originally been established in 1974. The province's Security Council examined the application and rejected the demand.

Members of the Syndicate Reopening Board including Ghorban Alipour and Mohammad Haydarimehr were detained and reportedly tortured. They were released on bail later.<sup>177</sup> Nevertheless, the Syndicate was established in November 2008 and elected its Board of Directors.<sup>178</sup> It joined the International Union of Food and Agricultural Workers (IUF) later.

The authorities, however, pursued a policy of harassment and persecution against the Syndicate leaders. Several members of the Board of Directors were tried on charge of "propaganda against the State" and sentenced to imprisonment in November 2009. Ali Nejati, Jalil Ahmadi, Fereydoun Nikufar, Ghorban Alipour and Mohammad Haydarimehr were expelled from work, sentenced to one year in prison and three years of ban on union activities. Haydarimehr served four months and the other four served six months each.

Ali Nejati, former president of the Syndicate, faced the same charge once again later. He was sentenced to one year in prison, which he served in Dezful Prison from November 2011. After his release in September 2012, the judicial authorities summoned him once more for singing a folklore song in chorus in a private party. His wife has also faced court proceedings for publicising the case of her husband.

Mr Reza Rakhshan, successor of Mr Najati as president of the Syndicate, was tried and subsequently served six months in prison until he was released in June 2011. He was also expelled from the company.

### **11.2.3. Free Union of Iranian Workers**

The Free Union of Iranian Workers (FUIW) was initially formed under the title of National Union of Expelled and Unemployed Workers in December 2006 but it changed its name in April 2008.

Its founding members and activists have consistently been harassed and persecuted time and again ever since the establishment of the union. Two of its founding members, Sheys Amani and Sadiq Karimi, were sentenced to 2.5 years in prison following the organisation of demonstrations on 1 May 2007. They were released a few months later after extensive international and domestic protests, then detained again in mid-January 2011 and set free

---

<sup>175</sup> See also New unionist movement

<sup>176</sup> For more information on persecution of the Syndicate members, see: Labour unionists expelled

<sup>177</sup> <http://www.7twu.blogspot.de/>

<sup>178</sup> [http://www.radiofarda.com/content/F5\\_hafttape\\_syndicate/452436.html](http://www.radiofarda.com/content/F5_hafttape_syndicate/452436.html)

again. Sharif Sa'ed-Panah and Mozaffar Salehnia, two other activists, were also detained in early January 2011 and spent a couple of months in detention. Farzad Ahmadi, another member, served a prison sentence of four months from July 2012.

The FUIW has in particular spearheaded a campaign for wage rises in 2012 and 2013. Its activists organised a petition the main demand of which was increase in wages to provide for expenses of a four-member family based on the real inflation rate. Around 30,000 workers signed the petition, which was submitted to the parliament in December 2012. Then in late January 2013, they applied to Tehran Province Governor-General's Office for permission to hold a workers rally in front of the Ministry of Labour in mid February, which was turned down.

#### **11.2.4. Coordinating Committee To Help Workers' Organisations**

The Coordinating Committee to Help Form Workers' Organisations (CCHFW) was formed in 2005 and submitted its statute and an application for registration to the Ministry of Labour and Social Affairs in 2009. The organisers have taken care to inform the authorities of their meetings. In a letter dated 5 March 2012, its organisers asked the Ministry of Labour for a meeting place to hold their 6<sup>th</sup> General Meeting, but the ministry rejected their request. They went along and held their meeting in a private house on 15 June 2012. However, a large number of armed security agents attacked their gathering, fired shots, intimidated the neighbours and arrested more than 60 participants of the meeting, who were released on bail after several days, and in a couple of cases several weeks, of detention. They are expected to face unfair trials in the future.

#### ***Imprisoned members of CCHFW***

Mr Pedram Nasrollahi, member of the CCHFW, was detained in July 2008 and sentenced to four months imprisonment in August 2010 on charges of "acting against national security" and "propaganda against the state." He spent one month and a half in detention in March-April 2012. On 1 July 1 2012, he faced an unfair trial for his membership in the CCHFW and his union activities in the western city of Sanandaj, and was sentenced to three years imprisonment on charges of "propaganda against the system", "cooperation with a group opposed to the system" and "membership of the CCHFW." His sentence was reduced to 19 months, which he has been serving since 14 November 2012 in Sanandaj.

Another member of the CCHFW, Afshin Nadimi, spent a prison sentence of four months from March 2011.

Scores of CCHFW members were arrested in cities in Kurdistan, particular in January and March 2013. At the time of writing in early March, some of them had been released on bail, but at least five were still being held.

#### **11.2.5. Committee to Pursue Establishment of Labour Unions (CPELU)**

Some of the members of those groups have also been punished severely for their activities. For example, several trade unionists, including two students, were detained in June 2011 and tried together as one group on 18 August 2011 by the Islamic Revolution Court in Tabriz without access to lawyers. The charges brought against them included "propaganda against the system" and "establishment or membership of a group opposed to the system." An

appeals court upheld their sentences on 21 November 2011.

### ***Imprisoned activists of CPELU***

As a result, Shahrokh Zamani, member of CPELU and of the Board for Reopening the Building Painting Workers Syndicate, was sentenced to 11 years imprisonment, which he started serving on 15 January 2012. In an apparent act of harassment, the authorities have transferred him twice to other prisons away from his home town. Mohammad Jarrahi, a member of the CPELU, was sentenced to 5 years in prison, which he started serving on 15 January 2012. One of the students served 6 months in prison and the second student who had been sentenced to six years imprisonment, fled the country.

Behnam Ebrahimzadeh, another member of the CPELU and a child rights activist, was arrested on 12 June 2010 and remained in detention until he was sentenced to 20 years of imprisonment for “assembly” and “collusion against the system” after an unfair trial. The sentence was reduced to five years in late October 2011 on appeal, which he is now serving. Many other unionists have been persecuted, including on the judicial level.<sup>179</sup>

### **11.2.6. Teachers Associations of Iran (TAI)**

The Teachers Association of Iran (TAI) gradually came to existence since 1999. Its statute declares that it is a non-political independent non-governmental trade association and members of its board of directors cannot be leading members of political parties. Since then teachers associations have been established in many cities nationwide and the TAI has joined Education International.

The TAI organised several assemblies of teachers in front of the Majlis (Iranian parliament) in February and March 2007 to demand fair wages and better working conditions. Hundreds of its members were detained. Although they were released soon, many faced unfair trials and received various sentences including imprisonment. Subsequently, The Ministry of Interior banned the TAI, but a court in Tehran rejected the government’s petition to disband it and ruled that the TAI should apply for a licence. However, many teachers faced unfair trials throughout 2007, expelled from work, fined with wage cuts, and sentenced to prison across the country.<sup>180</sup>

### ***Persecuted members of TAI***

The following are only a few cases of TAI’s persecuted members from among scores of others.

- Rassoul Bodaghi, a member of the TAI Board of Directors in Tehran, was convicted in an unfair trial on charges of “propaganda against the system” and “assembly and collusion to disrupt the national security” and was sentenced to six years in prison and five years of ban on civil activities. He has been serving his sentence away from his city of resident in the remote Rajaishahr prison since his arrest in September 2009.

---

<sup>179</sup> A list prepared jointly by the FIDH and LDDHI includes a number of the persecuted unionists, but it cannot claim to be exclusive owing to the scope of the repression; see: *Iran: List of human rights defenders behind bars*; <http://www.fidh.org/Iran-List-of-human-rights-12235>

<sup>180</sup> <http://www.ettelaat.net/07-december/news.asp?id=25617>

- Another leading member of TAI in the north-eastern city of Mashhad, Hashem Khastar, served two years in prison on charge of “acting against the national security” and was released in November 2011.
- Mehdi Farahi Shandiz, a unionist teacher was arrested in the first week of January 2012 and taken to Evin Prison to serve a three-year prison sentence on charges of “insulting the leader and disruption of public order”. He had been previously arrested on 1 May 2010 and spent more than 8 months in solitary confinement in Section 209 of Ministry of Intelligence in Evin Prison.
- Mahmood Bagheri, another member of the TAI Board of Directors, started serving a 9.5-year prison sentence on 25 June 2012.
- - Ali Akbar Baghani, secretary-general of the TAI, was sentenced in January 2013 to one year imprisonment and 10 years internal exile in the south-eastern city of Zabol. He had previously been sentenced to a five-year suspended prison term, which he may have to serve if his new sentence is upheld on appeal.<sup>181</sup>
- Abdolreza Ghanbari, an activist of the TAI, who was arrested at his workplace on 27 December 2009, was sentenced to death for alleged contacts with opposition groups abroad. He is still waiting for the outcome of his appeal.
- Farzad Kamangar, a Kurdish teacher and a member of the TAI, spent a couple of years in prison during which he was harshly tortured. Later, he was charged with cooperation with Kurdish opposition groups, which he rejected strongly, and executed in May 2010. Education International, which had demanded his release, protested the execution.

---

<sup>181</sup> <http://www.hra-news.org/1389-01-09-08-12-36/14575-1.html>

## CONCLUSION

It has been demonstrated in this alternative report that the Islamic Republic of Iran has failed in the past two decades, since its first report to CESCR was examined, to act upon the recommendations of the Committee in 1993. Besides, it has not heeded the recommendations made by other treaty bodies such as the Committee on the Elimination of Racial Discrimination in 2003, ILO Committee on Freedom of Association in March 2011, the Human Rights Committee in November 2011, or the ILO Committee of Experts on the Application of Conventions and Recommendations in June 2012, among others.

All the treaty bodies have regularly asked the State, among others: to amend the discriminatory and restrictive provisions of its Constitution as well as other discriminatory laws such as the Civil Code, the Labour Code, the Selection Law and others; to ensure protection against discrimination based on religion, opinion, gender, ethnic background and other issues in regard to economic, social and cultural as well as civil and political rights; to facilitate the free exercise of the rights of trade union pluralism and the right to strike; and to ensure equal opportunity for women in all areas.

Nothing has changed. As of this date, the relevant laws and regulations in Iran, including the Constitution, remain discriminatory and restrictive.

Furthermore, in practice, there are measures under way to impose more restrictions on women's work and employment with a view to reverse the population control policies of the previous decades. Migrant workers suffer from racism and are blamed for unemployment. Discrimination in regard to the right to work is practised on the basis of religious conviction against Sunni Muslims, non-recognised religious minorities such as the dissident Shiite groups and the Baha'i faith; on the basis of dissent, trade union activities, against human rights lawyers, journalists, political activists and their relatives. Strikes are brutally suppressed and independent trade union activists are sentenced to long-term imprisonment.

Inflation is rampant and unemployment is rising. Poverty and absolute poverty are growing to unprecedented levels and the State-determined minimum wage, which is what the majority of workers receive, is far too little to provide for minimum subsistence let alone a decent living as required by the ICESCR.

Independent unionists are increasingly attempting to establish their own trade unions free from government interference. Many such unionists, however, are paying a high price by being expelled from their jobs, facing harassment and persecution, and imprisonment.

# RECOMMENDATIONS

## International Law

Urge the Islamic Republic of Iran government to ratify:

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the ILO Convention on Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the ILO Convention on Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the ILO Minimum Age Convention, 1973 (No. 138), and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

## Domestic Law and Labour Rights

Urge the Islamic Republic of Iran government to:

- Amend, in consultation with representatives of workers and civil society, the internal legislation, including the Constitution, the Labour Code, the Civil Code, the Selection Law as well as all other relevant laws and regulations to:
  - Remove all restrictive clauses that negatively affect the economic, social and cultural rights, such as the rights to work and to choose an occupation, to health, to education or to take part in cultural life;
  - Ensure that discrimination, and in particular inequality of rights of men and women and discrimination against all recognised and non-recognised religious minorities, and ethnic communities is eliminated.
  - In particular:
    - Review and amend laws governing women's employment, which constitute a violation of women's right not to suffer discrimination as well as regulations banning women to take certain jobs, including access to public office;
    - Ensure that public authorities do not violate rights of followers of various recognised and non-recognised religions; and
    - Guarantee equal opportunity for all to access public office, without any discrimination whatsoever;
  - Take measures to reduce the unemployment rate, with special measures regarding women;
  - Make policies and direct resources for economic, social and cultural development of the areas inhabited by the Iranian ethnic communities such as the Azeris, Kurds, Baluch, Arabs, Turkmen and religious minorities including the Sunni Muslims;
  - Guarantee that the rights of workers to form and join trade unions are respected, in particular through the review of the role, functions and status of all government-guided structures that could impact these rights, or governmental organisations at the work place;
  - Guarantee freedom of association, by putting an end to workers' organisational monopoly, guaranteeing workers' rights to independently form and join organisations of their choice, as well as the workers' rights to join workers' organisations, without any discrimination whatsoever;
  - Eliminate legal restrictions to the right to strike;

- Ensure legal protection of workers, in particular by taking policy and other necessary measures to eradicate the practice of *blank-signed contracts* or temporary contracts; guarantee the payment of due wages and arrears; respect social security and pension rights and other statutory benefits; and provide financial and human resources to ensure that such protection is implemented in practice;
- Take all the measures necessary to put an end to the pattern of discrimination affecting the right to work of workers, lawyers, journalists, independent unionists, human rights activists, dissidents and critiques of the government (and their families), including legislative reform as appropriate, the revision of judicial sentences and the granting of remedy and compensation to those detained, imprisoned, harassed or discriminated in regard to their labour rights due;

And

- Ensure that the real inflation rate and poverty line are publicly reported; determine the minimum wage proportionately and at a level that keeps up with prices and ensures a decent living for the Iranians, and in particular for the low-paid workers.
- To establish an independent expert body to determine the real effects of all international sanctions against Iran, and the extent of their negative impact on the population, especially the poorest sections of the people, and take the necessary measures to alleviate the effects of the sanctions.