

Iran

INTERNATIONAL TRADE UNION CONFEDERATION * (ITUC) Submission to the UN Universal Periodic Review

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The Right to Organize and Bargain Collectively

1. The right to organize remains severely restricted in the Islamic Republic of Iran despite Article 26 of the Constitution, which protects the right to freedom of association. Iran has not ratified the International Labour Organisation's Convention on Freedom of Association and Protection of the Right to Organise, 1948 (No. 87) nor the Convention on the Right to Organise and Collective Bargaining, 1949 (No. 98), but has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 24 June 1975 without reservation¹. In accordance with article 8 of the ICESCR the country has the obligation to respect the right to form and join the trade unions freely. However, under current Iranian law, prior authorization is required for organizing independently and negotiating collective bargaining agreements. An organization known as the Workers' House is the sole authorized national labour organization. Registered with the Ministry of Interior and backed by authorities and employers, this organization functions primarily as a conduit of government control over workers.

2. The 1990 Labour Code stipulates that an Islamic Labour Council (Shoray-e Eslami) or a guild society can be established at any workplace, or alternatively, a workers' representative can be appointed. However, the law strongly favors Islamic Labour Councils; no other form of representation is allowed in a workplace where such a council has been established. Islamic Labour Councils are overseen by the Workers' House; this relationship enables the Workers' House to monopolize workplace representation and block independent actions. Consequently, Islamic Labour Councils are largely ineffective at addressing workers' concerns with respect to issues such as employment rights, privatization, structural adjustments, low salaries and wage arrears,

3. Under the Labour Code, workers can collect signatures for dismissing an Islamic Labour Council at their workplace and establishing their own independent organizations. In practice, however, such attempts are severely repressed. Workers who try to organize independently are frequently subjected to different forms of harassment, including violence, arbitrary arrests, detention and potentially lengthy prison sentences. Other obstacles to independent organizing include the presence of security and intelligence forces in workplaces, as well as abuse of probation periods and growing trend toward temporary contracts which take workers outside the scope of labour law protection and make them vulnerable to anti-union measures.

Recommendation: We recommend that the government of the Islamic Republic of Iran:

¹ In the constitution of the Islamic Republic of Iran the enjoyment of human rights may be restricted should they not confirm to principles of Islam (Art. 20, 24 and 28). The government of the Islamic Republic of Iran has however not entered a reservation to that regard, linking its ratification of the covenant to respect for Islamic principles. The Committee on Economic, Social and Cultural Rights has also in its concluding observations to the initial report of the Islamic Republic of Iran to the Committee clearly stated that the government cannot use religion as a pretext for abusing universal human rights. (E/C. 12/1993/7, 9 June 1993)

- *Respect its obligations under the ICESCR, especially the right to organise in law and in practice*
- *ratify the International Labour Organization's Conventions No. 87 and No. 98 on freedom of association and collective bargaining;*

Official Violence and Arbitrary Arrests and Imprisonment

4. To this date, hundreds of workers have been arrested for supporting the right to organize and participating in legitimate trade union activities or labour gatherings. They are often charged with "participation in illegal gatherings", "propaganda against the state", "jeopardizing national security", and "providing information to the country's enemies", and are forced to stand trials that fall short of both Iranian and international fair trial standards. At least two leading trade union leaders remain in jail and many anti-union prison sentences have been passed by the Revolutionary Courts. A teacher unionist has been put on death row and four workers, including two women, have been sentenced to flogging.

Systematic repression of organising attempts

5. Attempts to organise independent trade unions have been met with systematic repression contrary to the right for everyone to form and join unions of his or hers choice as provided in ICESCR article 8, paragraph 1 a).

6. Two notable examples of recently established independent trade unions are the Syndicate of Workers of Tehran and Suburbs Bus Company and the Syndicate of the Workers of Haft Tapeh Sugar Complex, which were established in 2005 and 2008 respectively. Security and intelligence forces have routinely and violently attacked peaceful gatherings and meetings organized by these unions and subjected the organizers to persecution and prosecution. Teachers have also been targeted for repression and the persecution has especially affected the Iranian Teachers' Trade Associations.

Syndicate of Workers of Tehran and Suburbs Bus Company

7. Since its recreation in 2005, the Syndicate of Workers of Tehran and Suburbs, a member of the International Transport Workers' Federation (ITF), has been constantly targeted with members being arrested and beaten up. In January 2006, security forces arrested nearly a thousand members of the Syndicate, attacked some of their homes, beat their families, and even detained the wives and children of the leading members, to prevent a planned strike.

8. In an anti-union crack down, forty-six Syndicate activists lost their jobs after protests and a massive strike in 2006. The dismissed strikers have reportedly been prevented from working on private buses, and harassed by the authorities so that they would leave Tehran. Most of them have not been reinstated, despite court decisions calling for their reinstatement.

9. The president of the Syndicate, Mansour Osanloo, has been in prison since July 2007 to serve five years for "threatening national security "and "propaganda against the state". Osanloo has repeatedly been denied medical care when he has needed it most, whilst in detention. The need for medical care has arisen as the result of beatings and torture sustained during the course of

violent attacks connected to legitimate trade union activities and interrogations and lack of care during previous periods of prolonged detention.

10. In December 2008, Ebrahim Madadi, Osanloo's deputy, was also imprisoned. He was abruptly taken into custody by two plain-clothes policemen, and within one day of his arrest, he was sentenced to a suspended three-and-a-half year jail sentence. Four other members of the Syndicate have received suspended prison sentences ranging from 6 to 14 months on the charges of "acting against national security", "participation in illegal gatherings", involvement in a strike in 2005, and distribution of pro-strike leaflets to bus drivers.

Syndicate of the Workers of Haft Tapeh Sugar Complex

11. In January 2008, the workers of Iran's only sugar refinery, the Haft Tapeh Sugar Cane Plantation and Industry Complex in the province of Khuzestan, collected 1900 signatures to dismiss the Islamic Labour Council and to form an independent trade union organization, Syndicate of the Workers of Haft Tapeh Sugar. Interventions by police, security forces and Revolutionary Guards followed. On May 5, the workers went on strike to protest unpaid wages. The employer has repeatedly failed to pay Haft Tapeh workers on time, with payments delayed for up to five months. Wide-scale arrests were made, and five organizers were summoned to court for leading the strike.

12. On December 20, 2008, five members of the Syndicate executive board (Jalil Ahmadi, Feridoun Nikofard, Ali Nejati, Ghorban Alipour and Mohammed Heydari Mehr) were summoned to the Revolutionary Court and charged with "propaganda against the government".

13. Another member of the executive board Nejat Dehli was subsequently charged with identical charges.

14. The final trial hearing against the six union leaders of Haft Tapeh in the southern city of Dezful branch 2 was concluded on August 18, 2009. The court reviewed three charges "spreading propaganda against the regime", "having relations with the enemy and "forming an illegal trade union in the workplace".

15. Mohammad Heydari Mehr, Feridoun Nikoufard, Nejat Dehli and Jalil Ahmadi were cleared of all charges, whereas Ali Nejati, and Reza Rakhshan are waiting for their verdict following the questioning by the presiding judge.

Iranian Teachers' Trade Association

16. In March 2007, security and intelligence forces harassed and arrested hundreds of protesting teachers who were demanding pay and benefits equal to those that other government employees received. More than 700 teachers who were identified during the protests suffered pay cuts, while dozens were suspended from work, dismissed and forced to retire. The Ministry of Interior adopted a decree declaring all teachers associations illegal. Since then, representatives of the Iranian Teachers' Trade Associations have been routinely intimidated and detained by security forces, prosecuted in unfair trials, and sentenced to as long as five years in prison.

Other Abuses and Arrests

17. All independent initiatives aimed at raising workers' concerns through unions have met heavy repression as just described. The Islamic Republic of Iran has also repeatedly suppressed the right to freedom of assembly and the right to strike. The right to strike is guaranteed in article 8, paragraph 1 d) of the ICSECR.

18. On the occasion of the 1st of May, a number of Iranian workers' organisations had established the 2009 May Day Organising Committee. This Committee had organised a peaceful May Day rally in Laleh Park, Tehran, which was set to start at 5 pm. According to the information, more than 2,000 workers had shown up for the event.

The Iranian security forces had, in the days prior to the event, undertaken serious attempts at preventing it from taking place, by issuing court summonses, making threatening phone calls, and placing workers and labour activists under surveillance. Hours before the start of the celebrations in Laleh Park, hundreds of uniformed police officers as well as plainclothes intelligence officials appeared on the spot. They positioned themselves inside the park and closed all its entrances. Almost immediately after the start of the event, at 5.30 pm, the demonstrators were violently attacked by the police. A large number of participants were cornered, beaten to the ground with batons, tear-gassed, punched, kicked and verbally abused. The police also broke cameras and cell phones of anyone trying to document what was happening.

19. In April, 2008, the workers at Kian Tyre factory near Chahandargeh also went on strike because of the long-standing wage arrears. The police troops smashed factory gates and climbed walls to get at strikers. Some 100 workers were brutalised with electric batons and hauled off in police buses to incarceration. Most workers were eventually released, but only after police interrogated them to identify the leaders of the strike. Six fire-fighters, who refused to use water cannons on the strikers, were also arrested.

20. Other large scale workers protests include those organized by the Free Union of Workers in Tehran, Asalouyeh and Kurdistan provinces, the workers at Rasht Electric, the textile workers in Kurdistan, and workers at Ishafaan bazaar. In all these cases, security forces violently broke up peaceful gatherings with the sole purpose of addressing workers' grievances.

Recommendation: We recommend that the government of the Islamic Republic of Iran:

- *adopt measures to ensure that police and the justice system does not prevent the right to freedom of organization and the right to freedom of assembly, including the right to strike.*
- *withdraw all charges currently held against trade union activists and workers*
- *free all detained trade unionists and workers activists and review all sentences under conditions that meet international standards of a fair trial*
- *end all coercion of any attempt by workers in Iran to address injustices committed against them, such as unfair working conditions, low wages or back wages*

Ethnic and Religious Minorities

21. The government disproportionately targets ethnic and religious minority groups, including Baha'I Kurds, Arabs, Azeris, and Baluch, for arbitrary arrest, prolonged detention, and physical abuse. Iranian ethnic minorities experience socio- economic discrimination and exclusion,

particularly in access to the labour market, the provision of economic aid, granting of business licenses, housing and land rights, and in access to education and vocational training among others through limits on university admissions.

22. A recent example is that of a Kurdish teacher, human rights activist and a member of a trade union, named Farzad Kamangar, who was sentenced to death for "endangering national security" based on no evidence whatsoever. His sentence was issued after a five-minute long secret trial by the Tehran Revolutionary Court in February 2008. Due to international pressure, the execution order was not carried out. However, Kamangar is allegedly being regularly tortured, suffers from severe pain and low blood pressure, and is denied medical attention.

Recommendation: We recommend that the government of the Islamic Republic of Iran:

- *take immediate measures to eliminate all forms of discrimination against ethnic and religious minorities, and in particular in access to employment, vocational training and the enjoyment of all social, economic and cultural rights*

Women

23. Gender-based discrimination runs deep in Iran and affect women's participation in the labour market. Women make up only 12% of the workforce in industry but are virtually unrepresented in corresponding ministries. Every year about 1 million educated Iranian students leave school to become job seekers but the economy can only absorb one third of them. Although women comprise over 60% of all university students, they only constitute 15% of the formal economy.

24. Official ideologies still consider women's participation in the labour force to be secondary to their role as mothers and wives. As such, lower wages, casual temporary contracts, and lack of employment protections in traditionally "feminine" jobs are "justified" by the idea that women are not primary workers and bread winners. This gendered construction of labour has proven ripe for extreme exploitation where the female workforce has mostly ended up in the informal economy with no employment protection whatsoever.

Recommendation: We recommend that the government of the Islamic Republic of Iran:

- *Take immediate measures to end discrimination against women in society as a whole*
- *Adopt positive measures to encourage the involvement of women in the labour market.*