

# IRAN: RISING POVERTY, DECLINING LABOUR RIGHTS

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel,







Map of the Islamic Republic of Iran  
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*Left: Workers protest against deteriorating living conditions outside Iranian parliament, Tehran, 2007*

*Right: Women tea growers, Rasht/Gilan province, 2008*

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# Executive summary

The social and economic situation in Iran is progressively deteriorating, with an immediate impact on people's living conditions. Unemployment is on the rise, inflation is at unprecedented levels and most people have to combine several jobs because the minimum wage is insufficient to counterbalance inflation. Iran's population is experiencing an increasing income gap between rich and poor.

Against this worrying backdrop, workers have no power to organise freely. The entities tasked with representing workers have been designed by and are operating as tools of the State, used to exert social control over the workforce. Workers are thus left with no legal channels to present their claims and no collective bargaining rights. Strikes and independent workers' organisations are subjected to harsh repression.

Assessing economic and social rights, and labour rights in particular, is difficult in Iran. Official statistics concerning, for example, inflation, poverty or unemployment are unreliable and in certain cases are also considered confidential by the Iranian authorities. This culture of secrecy jeopardises the ability to assess and analyse public economic and social policies, thereby impeding the right to participate in political life and contribute to public debate in Iran.

Moreover, discrimination is pervasive in all fields related to labour in Iran, both in law and practice. Policies marginalise women in flagrant contradiction of the universal principle of equality between women and men. Recent measures to overhaul demographic control policies in order to induce a higher fertility rate further deepen discrimination against women. Discrimination at work on the grounds of religion or ethnicity is also widespread, whilst activists and their relatives are victims of discrimination at work as a consequence of their political opinions.

There were reportedly 1.5 to 2 million Afghan migrants in Iran in 2011 – including one million registered as refugees, who are living in bad conditions.<sup>1</sup>

Such serious violations of labour rights are further compounded by extremely repressive policies on freedom of opinion, expression, association and assembly, as well as a total absence of effective judicial remedies. The 2013 presidential election in Iran will bring no change because there is no possibility for candidates with alternative policies to compete in the election. If the economic downturn continues, social demands and requests for respect for labour rights may keep rising. This may eventually challenge the current regime.

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1. Years beginning 21 March, in all the cases referring to domestic Iranian sources

# 1. INTRODUCTION

This report has been compiled in light of the CESCR's May 2013 examination of the Islamic Republic of Iran's respect for and compliance with its international obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Islamic Republic of Iran submitted a report to the Covenant's oversight body, the UN Committee on economic, social and cultural rights (CESCR) in November 2009. That report focused mainly on existing legislation, and failed to provide substantial information concerning the actual situation of economic and social rights in Iran.<sup>2</sup>

FIDH is not allowed to carry out fact-finding missions in Iran, and this report has therefore been compiled on the basis of documentary research. Official and semi-official sources were used. These include data and reports published by the government, statements from senior officials, reports in domestic newspapers, media and news agencies, and by NGOs, as well as academic literature.

The CESCR last examined whether Iran was in conformity with its obligations under the Covenant in 1993. At that time, the Committee pointed to a number of serious human rights violations and addressed a series of recommendations to the government of Iran. Unfortunately, those recommendations have not been implemented nor addressed, as shown in the present report.



***“Iranian workers demand payment of arrear wages***

***• Labour minister! This is a warning!”***

*Source: <http://www.asoyroj.com/>*

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2. E/C.12/IRN/2, 3 November 2009



## 2. BASIC FACTS & FIGURES

According to official figures<sup>3</sup>, in 2011, 71.4% of the Iranian population lived in urban areas, while 28.5% lived in rural areas. 63.3 million people were over 10 years old<sup>4</sup>. Life expectancy was 72.1 for men and 74.6 for women, and the literacy rate was 93.2%. 5.4 million people had been in higher education: 18.2% of men and 18.4% of women.

Those working in the agricultural sector accounted for 18.6% of the population (17.2% men (m); 26.2% women (w)); 33.4% (35.2% m; 23.3% w) worked in the industrial sector; and 48% (47.6% m; 50.4% w) in the service sector.

**Table: Comparison of data from 2006 to 2011.**

Year	2011	2006
<b>Total (million)</b>	75.15 <sup>5</sup>	70.5
<b>Urban population (million)</b>	53.64	48.25
<b>Rural population (million)</b>	21.44	22.13

Source: Population Census, 2006 & 2011<sup>6</sup>

Iran is a rich country with vast petroleum and other resources. It has sizeable industrial, trading, service, and agricultural sectors. According to the World Bank, Iran had a Gross Domestic Product of US\$331 billion in 2009, and Gross National Income per capita of US\$4,520. This put it in the ‘upper middle income’ category of states.<sup>7</sup>

Iran’s oil revenues in the years 2006 to 2010 amounted to a total of US\$327.7 billion<sup>8</sup>. The figure for 2011 was estimated at around US\$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 oil revenues down by around 40-50 per cent. Although these sanctions have certainly contributed to the deterioration of Iran’s economic situation, they are not responsible for the widespread violation of labour rights in the country, which are attributable to the Iranian government’s policies and practice – as described in this report.

3. *Selected results of 2011 population and housing census*, Statistical Centre of Iran, available at: [http://www.amar.org.ir/Portals/0/Files/abstract/1390/sarshomari90\\_nahaii.pdf](http://www.amar.org.ir/Portals/0/Files/abstract/1390/sarshomari90_nahaii.pdf)

4. Notably, these official statistics provide figures for the ‘economically active’ population of people older than 10 years, clearly indicating that child labour is condoned. The issue of child labour has not been examined in this report. It seems that the topic merits an independent study in a wider context.

5. Including 1.45 million Afghans in 2011, up from 1.21 million in 2006.

6. Op. cit. *Selected results of 2011 population and housing census*. Reports in February 2013 indicated that the Statistical Centre of Iran had released new estimates of over 77 million people (See Fars News Agency, 22 February 2013: <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.

7. World Bank, ‘Islamic Republic of Iran: World Development Indicators’, available at: <http://data.worldbank.org/country/iran-islamic-republic>.

8. *Iran’s oil revenues in last 5 years*, CBIRI, 6 July 2012, Alef News Website, available at : <http://alef.ir/vdch-inzk23n-zd.tft2.html?162164>

9. *Iran’s unprecedented oil revenues*, 24 May 2012, BBC Persian Service, at: [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)

Corruption is rampant and massive embezzlements in the public sector have made big headlines, particularly in recent years.<sup>10</sup> Such cases frequently involve government officials as well as the nouveau riche. Many people who have grown wealthy recently have served in the government at various levels and have ‘revolutionary’ credentials. This new ‘class’ has amassed its wealth over 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. According to assertions of officials, more than 50% of the population was living below the poverty line in 2011.<sup>11</sup>

The falling oil revenues and the rising rate of exchange have led to rampant inflation, poverty, and unemployment. The Central Bank of the Islamic Republic of Iran had previously estimated the inflation rate for the end of the solar year in March 2013 to reach 32%, but it reported in April 2013 that the actual inflation rate had been 30.5%. 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 ranges from the official 12.2% to much higher figures.<sup>12</sup>

According to the 2011 census, there were approximately 1.5 to 2 million Afghans in Iran. Most Afghan workers work in difficult jobs, in particular in the construction sector. Illegal migrants in particular face much greater hardship. Employers do not insure them and pay them lower wages, and they face extensive racism including from government officials, who blame them for Iran’s high rate of unemployment and loss of jobs.<sup>13</sup> Their labour rights are poorly documented, and definitely require more in-depth research.



*“Child mechanics, Tehran, 2007” by: Javad M. Parsa*

10. A few well known cases include the embezzlement of funds amounting to 30,000 billion Iranian rials (approximately US\$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 (Khabaronline News, 20 August 2011, <http://khabaronline.ir/news-168813.aspx>); the embezzlement of 100 million Euros in several banks for ‘purchase of telecommunications equipment from Israel’ (Fars News Agency, 2 May 2012, <http://www.farsnews.com/newstext.php?nn=13910213000349>); the embezzlement of massive funds in the largest State-owned insurance company (<http://aftabnews.ir/vdci3qazwt1apy2.cbct.html>), and the embezzlement of 280,000 billion rials by a person “who has easier access to the president than the ministers” (Aftab News, 13 October 2011, <http://www.aftabnews.ir/vdci3qazwt1apy2.cbct.html>).

11. See the section: Poverty line

12. On inflation, unemployment and poverty, see: THE RIGHT TO A LIVING WAGE: A PIPE DREAM

13. Boycotters will come soon to kiss our hands, Vice-President Rahimi, speaking at the opening of a road construction fair, 17 December 2012, at: <http://www.ghanoononline.ir/Export/print/news/15154>; and *Afghans have occupied two million job opportunities in our country*, Daryoush Qanbari, MP, 6 October 2011, Fars News Agency, at: <http://www.farsnews.com/printable.php?nn=13900713000339>



# 3. INTERNATIONAL LEGAL FRAMEWORK

## 3.1. Iran and human rights treaties

Iran is a 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 treaties<sup>14</sup> relevant to human rights at work including the ILO's Discrimination (Employment and Occupation) Convention 1958 (No. 111), and the Convention against the Worst Forms of Child Labour 1999 (Convention No. 182).

## 3.2. Right to work under the ICESCR

The ICESCR recognises the right to work, which includes the right of workers to be able to earn their living through work of their choosing (Article 6) and to working conditions that are safe and healthy and 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 or 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 encompasses the right to associate with one another and bargain collectively for better working conditions, as well as the right to form or join a trade union of one's choice and the right to strike (Article 8).

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 UN Committee on economic, social and cultural rights has issued authoritative interpretations of the Covenant concerning the right to work<sup>15</sup> and non-discrimination in economic, social and cultural rights.<sup>16</sup>

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14. Other Human Rights treaties ratified by Iran include the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol, both ratified on 28 July 1976; the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (ratified on 14 August 1956); the 1973 Convention on the Suppression and Punishment of the Crime of Apartheid (ratified on 17 April 1985). Iran has notably not ratified 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, the International Convention for the Protection of All Persons from Enforced Disappearance, 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.

15. General Comment No. 18, November 2005, E/C.12/GC/18.

16. General Comment No. 20, July 2009, E/C.12/GC/20.

## **Non-Discrimination (CESCR General Comment No. 20)**

Para 2: 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.”

Para 8(a): Eliminating formal discrimination requires ensuring that a State’s constitution, laws and policy documents do not discriminate on prohibited grounds<sup>17</sup> ...

Para 8(b): Eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice...

Para 10(a): 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....

Para 10(b): 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. Previous UN recommendations concerning labour rights in Iran**

#### **3.3.1. CESCR**

The CESCR examined the first State report by the Islamic Republic of Iran under the Covenant in 1993. In its Concluding Observations it noted that:

[...] various articles of the Constitution of Iran subject the enjoyment of universally recognized human rights<sup>18</sup>, including economic, social and cultural rights, to such restrictions as “provided it is not against Islam”... 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.<sup>19</sup>

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17. As listed in Article 2, paragraph 2 of ICESCR

18. Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Iran, E/C.12/1993/7 (1993), para.4.

19. Ibid, para.5.

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.<sup>20</sup>

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>

### **3.3.2. CERD**

In August 2003, the UN Committee on the Elimination of Racial Discrimination (CERD) noted that the status of the International Convention on the Elimination of All Forms of Racial Discrimination in Iran's domestic law was unclear and asked whether the Convention had been endorsed by the Guardian Council.<sup>22</sup> The Committee further noted that the Convention had never been invoked in domestic courts.<sup>23</sup>

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”.<sup>24</sup>

In its 2010 conclusions, the CERD also expressed

[c]oncern over reports that the application of the “gozinesh” 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)<sup>25</sup>

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20. Ibid, para.8.

21. Ibid, para.9.

22. Guardian Council of the Constitution is in charge of verifying the compatibility of parliamentary legislation with the provisions of the Sharia law and the Constitution

23. CERD/C/163/CO/6, para. 10

24. Concluding observations of the Committee on the Elimination of Racial Discrimination, Islamic Republic of Iran, CERD/C/IRN/CO/18-19, para. 7.

25. Ibid, para 16.



### 3.3.3. ILO Committee on Freedom of Association

The ILO Committee on Freedom of Association examined complaints brought against the Iranian 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 [...]<sup>26</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>27</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>28</sup>

[The committee] further observes that the draft amendments [to the Labour Code] 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 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>29</sup>

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26. 359th Report of the Committee on Freedom of Association (ILO), March 2011, GB.310/8, concerning Case No. 2567, p. 21.

27. Ibid, concerning Case No. 2807, p 190

28. Ibid.

29. Ibid., p 191

### **3.3.4. CEACR (ILO)**

In its Observation adopted in 2012 the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR), made several recommendations to the Iranian government.<sup>30</sup> These included the following.

#### **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.

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30.Observation (CEACR), adopted 2012, published 102nd ILC session (2013), on C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Iran, available at: [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).

### **3.3.5. The UN Human Rights Committee**

The United Nations Human Rights Committee adopted its Concluding Observations in November 2011 concerning Iran's respect for its obligations under the International Covenant on Civil and Political Rights.<sup>31</sup> It 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.<sup>32</sup>

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31. Concluding observations of the Human Rights Committee, Islamic Republic of Iran, 17 October – 4 November 2011; CCPR.C.IRN.CO.3.

32. Ibid, para 26.



# 4. DOMESTIC LEGAL FRAMEWORK

## 4.1. The Constitution

Article 20 of the Constitution of the Islamic Republic of Iran has restricted the rights of 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, states:

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

Article 28 specifically deals with the “right to work”. Its states:

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)

These three articles clearly limit the rights to which they refer to within the confines of the State’s religion.

Article 43 is programmatic. It states:

[...] The IRI’s economy is based [among other things] on:  
Provision of basic needs for all - housing, food, clothing, health, medical care, education and facilities required to establish a 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 [...] (Emphasis added)

At least three other articles in the Constitution are also relevant to the right to work, though do not appear to be so explicitly.

Article 12 lays the ground for discrimination against all non-Muslims. It states:

The official religion of Iran is Islam and the Twelver Ja’fari School<sup>33</sup> and this principle

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33. A Shiite school based on the teachings of the 6th imam, Ja’afar Sadeq

will remain eternally immutable. Other Islamic schools, including the Hanafi, Shafi'i, Maleki, Hanbali, and Zaydi,<sup>34</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 recognises only three religious minorities, thereby denying the existence and the rights of non-recognised religious minorities, including the Baha'i, the Sufis, and the Yarsan (Ahl-e Haq).<sup>35</sup>

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 denies 'human rights' to anybody who engages "in conspiracy or activity against Islam and the Islamic Republic of Iran." This broad wording potentially encompasses all critique and opponents of the regime. The article states:

[...] 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).

The above constitutional provisions lay down the foundations for gross discrimination in practice against followers of other religions, non-believers and critics of the government. This trend is followed in other constitutional articles that refer to rights and freedoms but restrict them to the tenets of Islam.

This report however, shall concentrate on discrimination regarding the right to work.<sup>36</sup>

As far as governmental posts are concerned, the Constitution strongly discriminates against non-Shiites, non-Muslims and women. Only male Shiite Muslims can occupy the posts of leader, president, head of the Judiciary, prosecutor-general and president of the Supreme Court.<sup>37</sup> Non-Muslims and women cannot become judges or occupy some other positions.<sup>38</sup> Furthermore, Article 64 provides only for a total of five MPs to represent the three recognised religious minorities in the Iranian parliament, the Islamic Consultative Assembly (Majlis). Thus members of religious minorities are legally barred from standing for election to represent all Iranians.

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34. The first four are Sunni schools and the fifth is regarded as mainly a Shiite school.

35. Other groups include the El-Yasin Community, and followers of Psymmentology.

36. 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*, October 2010, joint FIDH-LDDHI report, available at: <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>.

37. Articles 107, 115, 157 and 162.

38. *Report of the Islamic Republic of Iran to the Human Rights Committee*, 27 October 2009, CCPR/C/IRN/3, paragraph 609; Article 163 of the Constitution and the 1982 Law for Selection of Judges, 4 May 1983, available at: Iranian Parliament's website: <http://rc.majlis.ir/fa/law/show/90547>.

## 4.2. The Labour Code and reduced legal protection for workers

Article 51 of the Labour Code (adopted in 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 provides for the conclusion of ‘written or oral contracts’ of employment, which has occasioned 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. Here, the employer is in a position to expel the employee without paying their wages or statutory benefits. Some reports indicate that these contracts constitute over 55% of the total at present.<sup>39</sup> In the case of women workers, this figure rises to 70%,<sup>40</sup> and may be even higher.

Article 191 of the Labour Code authorises the Council of Ministers to exempt companies with fewer than 10 employees from the implementation of certain provisions of the Labour Code. In early 2003, the Council of Ministers approved Rules of Procedure under Article 191 exempting such companies from the large parts of the provisions of 37 articles of the Code.<sup>41</sup> Those articles concerned, among others, educational leave from work, reinstatement of workers after detention and their contract, severance pay and other financial compensation upon annulment of contract, job classification, length of working day and overtime pay, entitled leave with pay, provision of food, dormitory and transport in relevant cases.

Moreover, under another law, companies employing five or fewer than five employees are not legally obliged to insure their employees.<sup>42</sup>

Exemption of the employers from the provisions of those articles has only harmed the rights and benefits of the employees.

To assess the proportion of the labour force that has been harmed as a consequence of this exemption, in the absence of official figures, the following relevant data have been considered:

- The Statistical Centre of Iran (SCI) estimated Iran’s total labour force to be around 23 million people in 2008 and 24.4 million in 2012.<sup>43</sup>
- “More than 80% of the companies are small-scale firms.”<sup>44</sup>
- The Statistical Centre of Iran estimated the total number of people working in industrial companies with more than 10 employees to be around 1.26 million in 2008.<sup>45</sup>
- The number of people employed in other types of companies with more than 10 employees is not estimated to be much higher, if at all.

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39. *Increase of blank-signed contracts in small production units*, 10 May 2012, Aftab News, available at: <http://khabarfarsi.com/ext/2554388>

40. *Goal-oriented subsidies have promoted ‘blank-signed contracts’*, Unionist Parvin Mohammadi, 20 May 2012, BBC Persian Service, available at:

[http://www.bbc.co.uk/persian/rolling\\_news/2012/05/120520\\_145\\_rln\\_subsidies\\_women\\_labour.shtml](http://www.bbc.co.uk/persian/rolling_news/2012/05/120520_145_rln_subsidies_women_labour.shtml)

41. *Approval of Exceptions and exemptions from Labour Code for companies with fewer than 10 employees*;

Resolution of Council of Ministers, Parliament Research Centre, 27 January 2003, available at:

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

42. The Law for exempting companies with fewer than 5 employees from paying insurance contributions, Parliament’s Research Centre, 7 March 1983, <http://rc.majlis.ir/fa/law/show/90675>

43. *Publication on results of census in industrial companies with fewer than 10 employees*, Statistical Centre of Iran, 24 February 2013, available at:

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

44. *80 per cent of contracts in Mazandaran are signed blank*, head of Mazandaran ILCs Coordination Association, Iranian Labour News Agency, 20 August 2012, available at: <http://ns2.ilna.ir/news/news.cfm?id=194>

45. Op. cit. Publication on results of census in industrial companies with fewer than 10 employees 2008



Therefore, it can be concluded that a large proportion of the labour force, possibly more than half, has been deprived of a substantial part of the provisions of the Labour Code.<sup>46</sup>

### 4.3. Discrimination in the Selection Law

The 1995 Law for the Selection of Teachers was in 1996 extended to cover all civilian employees of ministries and other governmental organisations. 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>47</sup> It further discriminates against 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.

For example, Article 2 of the Selection Law provides some of the general criteria for the 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.



*“Workers of Remote Telecommunications Industry Company:*

- *One month without salary is hard*
- *Two months without salary is a catastrophe*
- *26 months without salary equals???”*

*Source: nasabonline.blogspot.com*

46. For other laws and regulations see sections titled: DISCRIMINATION AGAINST WOMEN; Minimum wage; and ABSENCE OF TRADE UNION RIGHTS.

47. The doctrine of velayat-e faqih (guardianship of the canonist ) 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.

This discrimination is further reinforced in Chapter Two of the 1998 Rules of Procedure for the same Law. Under the heading “General criteria and criteria for selection of the best”, Article 3 of the Rules defines ‘Practical adherence to Islam’s rulings’ under Article 2 of the Law as: 1) practising the imperatives, e.g. prayers, fasting etc.; and 2) avoiding forbidden deeds (not committing cardinal sins).

#### 4.4. Discriminatory regulations

##### a) State institutions

On the basis of the Constitution and the Selection Law, State institutions have developed their own discriminatory employment regulations disfavours non-Muslims. These are more or less stringent. Some examples of the ‘general requirements’ for employment by State institutions are provided below.

The armed forces have very strict ideological regulations. The Police Force has regulations that are less strict than the Army’s, though they inquire into religious belief, ideological and political beliefs and adherence to the Constitution, as well as the current and previous political activities of candidates. 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 Iranian Constitution and the absolute velayat-e faqih, as well as a readiness to sacrifice for them;
- Lack of any previous record of membership in or affiliation to political groups and parties opposed to the IRI.<sup>48</sup>

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

- Belief in and practical adherence to the foundations of the Islamic Republic of Iran;
- Belief in and practical adherence to Islam and the Iranian Constitution and the progressive principle of the velayat-e faqih;
- Faith in the holy religion of Islam or one of the constitutionally recognised religions.<sup>49</sup>

Regulations of the Ministry of Justice for employment of office staff are not as strict as the Ministry of Education’s. Employees are nevertheless required to:

- Believe in the holy religion of Islam or one of the constitutionally recognised religions; and
- Adhere to the Constitution.<sup>50</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; and
- Adherence to the Iranian Constitution.<sup>51</sup>

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48. *Employment of Non-commissioned Officers by the Police Force*, 2012, 24 April 2012, Tebyan News Website, available at: <http://www.tebyan.net/newindex.aspx?pid=934&articleID=706295>

49. *Registration procedure for employment examination of the Ministry of Education*, 29 April 2010, Khabaronline news, available at: <http://www.khabaronline.ir/news-58506.aspx>

50. *Employment notice of the Judiciary*, available at: <http://www.gonabad20.ir/component/content/article/202-1390-06-06-01-38-21.html>

51. *Employment in Municipality 2013*, available at: <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/>

The Fire Brigade and Safety Services Organisation for the Tehran Municipality requires its employees to believe in the Islamic Republic of Iran's system and be faithful to one of the constitutionally recognised religions.

The Social Security Organisation has slightly more relaxed rules. Its employees must believe in the Islamic Republic of Iran's system and the holy religion of Islam or one of the constitutionally recognised religions.<sup>52</sup>

The least discriminatory employment regulations among the governmental institutions, seem to be those of the State Tax Affairs Organisation, which only require adherence to the Constitution.<sup>53</sup> Nevertheless, the same organisation tests Muslim applicants for, amongst other things, Islamic ideology, though religious minorities are exempted from that test. Only believers of the constitutionally recognised religions are admitted.

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

Large private institutions or companies with strong formal or informal links with the government also have strict ideologically discriminatory employment rules. Some examples are further outlined below.

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 velayat-e faqih.<sup>54</sup>

Petrochemical companies in the Asaluyeh port in the southern Bushehr province require employees to have faith and belief in the holy Islamic Republic of Iran's system and velayat-e faqih, faith in the holy religion of Islam or one of the constitutionally recognised religions.<sup>55</sup>

The Industrial Projects Management Company of Iran requires employees to believe in Islam or one of the constitutionally recognised religions, adhere to the Constitution and other applicable laws, comply with Islamic tenets and dress code, and lack a record of cooperation with or membership of illegal political groups.<sup>56</sup>

Iran Khodro Industrial Group (ICKO), a car manufacturing company, employs only people who believe in one of the officially recognised religions.<sup>57</sup>

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

53. State Tax Affairs Organisation; available at: <http://azmoon.intavat.ir/pdf/Ads.pdf>

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

55. *Employment Notice*, 8 December 2012, available at: <http://sainar.net/oil/%D8%A2%DA%AF%D9%87%DB%8C-%D8%A7%D8%B3%D8%AA%D8%AE%D8%AF%D8%A7%D9%85-%D8%AF%D8%B1-%D9%85%D9%82%D8%A7%D8%B7%D8%B9-%D9%85%D8%AE%D8%AA%D9%84%D9%81-%D8%AA%D8%AD%D8%B5%D9%8A%D9%84%D9%8A-%D8%AF%D8%B1-%D8%B4/>

56. *Employment Notice*, <http://www.estekhdamnews.com/post/3138>

57. *Employment Notice*, <http://recruitment.ikco.com/abscond.aspx>

# 5. DISCRIMINATION AGAINST WOMEN

## 5.1. Laws governing women's employment

Aside from Article 1117 of the Civil Code, which empowers husbands to bar their wives from taking employment, there are laws specifically regulating women's employment. All of these laws and regulations are basically geared towards emphasising and promoting the role of women as mothers and wives, downplaying their social role. They overemphasise the physical and specific differences between men and women in procreation, and offer incentives to encourage and reduce women's participation in the economy and social life in an effort to keep them at home.

### a) 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 Implementing that law was approved in April 1985. This original Law has been amended slightly a couple of times, the latest in 2010,<sup>58</sup> though its basic content has not changed.

As indicated in the title, the Law allows women to apply to work half the regular time worked by men, with one amendment providing for working three-quarters of the regular time. The latest amendment in 2010 made it easier for women who have disabled children to benefit from its provisions.

### b) Resolutions of the Supreme Council of the Cultural Revolution

The Supreme Council of the Cultural Revolution (SCCR)<sup>59</sup> has adopted several resolutions that impact on women's employment conditions. These are titled: (i) "Women's Employment Policy in the Islamic Republic of Iran" (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" (April-May 2012).

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58. The Law for Part-Time Services of Ladies, Parliament's Research Centre, at: <http://rc.majlis.ir/fa/law/show/90820>; and its subsequent amendments at:

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

59. The SCCR is the successor of the Cultural Revolution HQ, which was established in June 1980 on the order of the Islamic Republic of Iran's founder Ayatollah Khomeini with the task of Islamising the universities and their curricula. Ayatollah Khomeini expanded and renamed it to SCCR in 1984. Although it was and remains an unconstitutional body, its resolutions carry the force of law in practice. Its members include heads of the three branches.

### i) Women's Employment Policy

“Women’s Employment Policy”<sup>60</sup> “re-emphasises women’s role in the family as their main job and the need for their useful and effective occupation in this holy institution” and “the sanctity of motherhood, raising the future generation, and management of the home.” The policy classifies 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 banned from Category (d) jobs.

#### 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 speciality 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>61</sup>

The Policy also emphasises the allocation of facilities to suit “mothers’ work” including paid leave, reduction of working hours, and early retirement.

### ii) Charter of Women’s Rights and Responsibilities

The Charter of Women’s Rights and Responsibilities<sup>62</sup> consists of a series of vague statements and advice that lays the foundation for other legislation and regulations.

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

Over the past couple of years, senior Iranian officials have concluded that Iran should not continue to follow the same population control policy as in previous decades. The Iranian Supreme Leader Ayatollah Khamanei, who has addressed this issue several 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>63</sup>

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60. Parliament’s Research Centre, 11 August 1992, available at: <http://rc.majlis.ir/fa/law/show/100171>

61. *Women’s Employment Policy*, Article 5.

62. Parliament’s Research Centre, <http://rc.majlis.ir/fa/law/show/101171>; The Majlis passed a law to endorse the “Charter of Women’s Rights” in February 2007 (available at: <http://rc.majlis.ir/fa/law/show/97862>).

63. *Imam [Khomeini] was the first to talk about a population of 150 million*, Fars News Agency, 25 July 2012, available at: <http://www.farsnews.com/newstext.php?nn=13910504000912>.



This change in direction means that women are increasingly expected to leave the labour market to give birth to more children. Consequently, the policy entitled “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>64</sup> was drawn up in 2012 to substantiate the change of population control policy.

Besides calling for the abolition of birth control policies and securing higher fertility rates, these Strategies state 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>65</sup>

Women’s jobs are required to be diversified in proportion to their responsibilities in the family (wife and mother). These 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”. These are intended to entice women to opt out of outside work and become housewives. Such benefits are not available to men wishing to raise their children.

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

A number of government schemes have been put in place to reduce the number of women in in the labour force. These are outlined below.

### **i) Remote work**

The first scheme is titled ‘facilitating remote work’. 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 offers the following 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>66</sup> (Emphasis added).

### **ii) Reducing working hours**

The second scheme aims to reduce the working hours of women who have disabled or young children, from 44 hours to 36 hours per week. Various officials have addressed this scheme in the context of population growth policy. Addressing the issue of women’s retirement and the reduction of women’s working hours, Maryam Mojtahedzadeh, director of the Women’s and Family Affairs section of the Presidential Office, said:

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64. Parliament’s Research Centre, 21 May 2012, <http://rc.majlis.ir/fa/law/show/820224>.

65. Op. cit. “Strategies”, Article 2, paragraph 3

66. *Government’s critique of Women’s Remote Work*, website of Ministry of Cooperatives, Labour and Social Affairs, undated, <http://www.mcls.gov.ir/fa/kar/doorkari/zanan>

“The Supreme Council of the Cultural Revolution has adopted resolutions to encourage child births.”<sup>67</sup>

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

“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>68</sup>

### iii) Part-time work

The third scheme aims to implement the Law for Part-Time Services of Ladies (1983).<sup>69</sup> The government has lately been seeking to revive and promote the Law. This law provides for halving the working time of women as well as their wages and benefits. Hajar Tahriri-Nik, assistant to deputy president for management and human power development, has encouraged women to apply:

“Women employees whose full time work damages their private life have been asked to apply for part-time employment without worries.”<sup>70</sup>

Nevertheless, it was evident from the remarks of the assistant for legal and parliamentary affairs of Deputy President for Parliamentary Affairs in March 2012 that women will not have a free choice. As he formulated it, the government scheme aimed

“[...] to employ two women on half-time basis in place of each working woman, and to halve their salary and retirement pension accordingly.”<sup>71</sup>

## 5.3. Conditions of working women

Women constitute 49.6% of the total population of Iran, according to the 2011 census figures published by the SCI; that is, around 37.5 million people. Women older than 10 years numbered around 32 million. While 38.3% of the total male and female population 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. This is to be compared to 62.1% of men. These rates fell further in 2011: 12.6% for women compared to 60.7% for men.<sup>72</sup> Women’s share of employment in the industrial sector is much lower: 8.5% of total.<sup>73</sup>

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67. *Bill for reducing women’s working hours still on government’s agenda*, 30 September 2012, <http://ilna.ir/news/news.cfm?id=8052>

68. *There is no discrimination in reduction of women’s working hours*, 8 September 2012, Parliament’s News Website, available at: <http://www.icana.ir/NewsPage.aspx?NewsID=205672>

69. See above, the section titled: *Laws governing women’s employment*.

70. *Women civil servants should welcome part-time work*, 17 April 2012, <http://www.farsnews.com/newstext.php?nn=13910126001518>.

71. *Scheme for part-time employment of women civil servants*, 6 March 2012, Daily Bazar Kar; <http://www.bazarekar.ir/UploadedFiles/MagazineFiles/d643b488125c4ae.pdf>.

72. *Men’s rate of economic participation is 4.8 times women’s*, 17 April 2012, Statistical Centre of Iran, a report by the Islamic Republic News Agency, 17 April 2012; available at: [http://www.jobportal.ir/s1/?ID=15\\_3\\_1626](http://www.jobportal.ir/s1/?ID=15_3_1626).

73. *Women’s share of industrial employment is 8.5 per cent*, Iranian Labour News Agency, 25 February 2012, available at: [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).

## Unemployment among women is more than double

On the other hand, the rate of unemployment among women is disproportionately high. The State report to the CESCR provides 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>74</sup>

Accordingly, unemployment figures for men and women were as follows: 9.3% (m) and 15.38% (w) in 2005; 10% (m) and 16.2% (w) in 2006; 9.3 % (m) and 15.8% (w) in 2007.<sup>75</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 of unemployment was particularly high among young women in the 15-24 age groups: 32.4% (2009), 41.3% (2010), 42.7% (2011), and 43.8% (2012).<sup>76</sup> The high rate is also particularly high among women who have been through higher education: 48.1% of the total, in comparison with 14.7 for men in 2012.<sup>77</sup>

## Discrimination against women in practice

Discrimination against women is a reality that even the pro-government factions such as Khaneh Kargar<sup>78</sup> – have acknowledged.

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,<sup>79</sup> but listed a series of issues plaguing many working women that could not be but interpreted as such. Here, 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 for women;
- “Abolish discrimination in promotions;
- “Employ women family heads;
- “Halt the exploitation of single women;
- “Support women in workers’ organisations and councils; and
- “Revive early retirement schemes for women.”<sup>80</sup>

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74. Second periodic report submitted by States parties under articles 16 and 17 of the Covenant, Islamic Republic of Iran, 3 November 2009, E/C.12/IRN/2, paras. 9-9.10.

75. Ibid, para 51.5. Data taken from the table on share of employment in each sector, p.24.

76. *Women’s unemployment is double men*, Mehr News, 4 November 2012, available at: <http://www.mehrnews.com/detail/News/1734300> and <http://www.salamatnews.com/ViewNews.aspx?ID=59829&cat=12>

77. *More than 48 per cent of unemployed women have been through higher education*, Islamic Republic News Agency, 10 March 2012; available at: <http://khabaronline.ir/detail/281437/others/other>

78. See below, the section titled: ABSENCE OF TRADE UNION RIGHTS

80. *Annulment of temporary and blank-signed contracts*, 28 April 2012, available at: <http://www.salamatnews.com/viewNews.aspx?ID=46911&cat=9>

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 this segregation scheme should be completed in all government institutions in the province by early May 2012.<sup>81</sup>

Official figures on wage disparities between men and women are not made public. Unofficial figures estimate that this wage disparity is wide. Comparative studies show that women receive half of the 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. Female employees are frequently expelled if they get married because they are likely to get pregnant and take maternity leave, according to Akbar Shokat, board member of Trade Associations Nationwide.<sup>83</sup>

A higher percentage of women workers, estimated to exceed 70%, are forced to sign 'blank-signed contracts' in comparison with about 30% for men.<sup>84</sup> They are consequently deprived of their lawful rights.<sup>85</sup> Women are mainly employed in small companies with fewer than five or 10 employees. As noted before companies employing five or fewer than five employees are not legally obliged to insure their employees, and all workers employed by companies with fewer than 10 employees are deprived of a substantial portion of their rights because of the exemption of those companies from certain Labour Code provision.



***“Women workers”***

*Source: Fars News Agency*

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81. *No government department may have female secretaries*. Afkar News website, 8 April 2012, <http://www.afkarnews.ir/vdcgtn9y.ak9nt4pra.html>.

82. *Discrimination and violence in working women's daily life*, semi-official news agency, ISNA, 7 April 2012, available from Radio Deutsche Welle Radio: <http://www.dw.de/dw/article/0,,15859950,00.html>.

83. *Bitter taste for workers in final days of the year*, semi-official Mehr News Agency, 5 March 2013, available at: <http://www.mehrnews.com/detail/News/2011688>.

84. *Threat of new wave of unemployment in large companies*, Shargh Newspaper, 1 May 2012, available at <http://www.magiran.com/npview.asp?ID=2489687>

85. See above, the section titled: DOMESTIC LEGAL FRAMEWORK.

# 6. PERVASIVE DISCRIMINATION AT WORK

## 6.1. Discrimination on grounds of religion or ethnicity

### i) Discrimination against Shiite Muslims

#### Sufis

The Iranian authorities have consistently refused to recognise dissident 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 laid off or lost their professional licences. Majzooban Noor, the Order's official website, has reported many cases of loss of employment owing to affiliation of employees to the Sufi order. Some select cases include the following:

- Three female teachers, Lida Taban, Vida Taban and Faezeh Vahedi, were laid off 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 expelled in July 2008. Another law professor, Ehsanollah Haydari, was expelled in Khorramabad in April 2011.
- At the time of writing in mid May 2013, four Sufi lawyers were in pre-trial detention: Farshid Yadollahi, Mostafa Daneshju Omid Behrooz, and Amir Eslami. Having represented fellow-dervishes on various occasions, they have been held since September 2011 without trial. 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 pressure 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 the western Iranian provinces of Kurdistan and Azerbaijan, have faced similar persecution. A number of followers of the faith have been expelled from work for their beliefs:

- Ali Nazari Jalavand, a high school teacher and author of books on the Ahl-e Haq faith, lost his job after several hearings, on the strength of an official letter from the Selection Bureau of the 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>86</sup>

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86. *Teacher banned from teaching on grounds of religious belief*, Human Rights Activists News Agency (HRANA), 20 February 2012, <http://www.hra-news.org/1389-01-27-05-24-07/11413-1.html>.



## ii) Discrimination against Sunni Muslims & ethnic minorities

Iran's ethnic communities, including the Kurds, the Baluch, the Turkmen, and some Arabs, constitute the large majority of Sunni Muslims. They live in at least 16 of 31 provinces countrywide and are estimated to constitute between 10-20% of Iran's total population.<sup>87</sup>

In spite of their sizeable demographics and Islamic conviction, Sunni Muslims have also borne the brunt of discrimination, at least in appointments to government positions. Although Article 12 of the Constitution only discriminates against non-Muslims, an 'unwritten law' regarding Sunnis means that Iran has not seen a single Sunni minister, deputy minister or even governor-general since 1979.

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

In the 33 years since the [1979] revolution, Sunni Muslims have not been included in any government cabinet. They have not been assigned to any national position or responsibility and not been appointed to any diplomatic mission or embassy in other countries. They have not been recruited equally or 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 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>88</sup>

As well as being deprived of high ranking government positions, discrimination against Sunni Muslims and ethnic communities in employment as a result of their religious conviction and/or ethnic background has been reported in numerous instances on much lower levels. In almost all cases, 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>89</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. Moreover:

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87. In view of the secrecy and absence of reliable official data, calculations made 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 62.38 million in 2003-2004 – 8.5% of the total (Sunni population in Iran, Sunni News website, 26 July 2011, [http://sunni-news.net/fa/articles.aspx?selected\\_article\\_no=16663](http://sunni-news.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 gave a higher estimate of 20% during his sermon on Id-ul-adha on 7 November 2011. (Sunnionline, information website of Sunnis in Iran, available at: [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)).

88. Ibid.

89. Annual Report 2006, 24 April 2007, available at: [http://serbesti.blogspot.de/2007/04/1385\\_24.html](http://serbesti.blogspot.de/2007/04/1385_24.html)

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>90</sup>

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 the employment of Sunni believers. In April 2010, the KSK protested against 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 the "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>91</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>92</sup>

### **iii) Discrimination against non-recognised Baha'i religious minority**

Among unrecognised religious minorities,<sup>93</sup> the Baha'i faith is believed to have the highest number of followers. Their number is estimated around 300,000 in Iran. Followers of the Baha'i faith have faced the worst possible forms of discrimination in all social fields. They are frequently deprived of their pensions. They do not have the right to inheritance and do not qualify for financial compensation if they are physically harmed or killed. Marriage and divorce solemnised by or for the Baha'is are not recognised. They cannot marry or divorce at the State-authorised notaries public.<sup>94</sup>

After the 1979 Islamic revolution, members of the Iranian Baha'i minority were expelled from government departments and were thus pushed to engaging in private employment and business. However, these vocations have not been tolerated, especially in provincial towns and cities. Followers of the faith are regularly denied jobs and State institutions have refused to issue them with business licences or renew their licences. Even private Muslim employers are consistently pressured to expel their Baha'i employees.

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90. Ibid.

91. KSK Statement, 21 December 2008, available at: <http://bit.ly/11hTIK4>

92. KSK Statement, 25 October 2012, available at: <http://bit.ly/10VjP9P>

93. Other non-recognised religious minorities include the Sufis and the Yarsan (see above, the section titled: Discrimination against Shiite Muslims)

94. For other aspects of discrimination against the Baha'i minority, see: *The Hidden Side of Iran, discrimination against ethnic and religious minorities*, October 2010, joint FIDH-LDDHI report, available at: <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>.

Such pressures have recently been increasing. A January 2013 report stated:

“Two factories, Pouya Navar and Farzan Lens, have also been shut down and all their Muslim and Baha’i employees have lost their jobs. Moreover, 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>95</sup>

According to February 2013 reports, a manager of a Baha’i-owned business in Isfahan was reportedly summoned and ordered to provide lists of his employees and their religious affiliations. Moreover, a Baha’i-owned business in Tehran that distributes hygiene products was summarily closed down by the authorities [in 2012]. 70 employees lost their jobs. All shops owned by the Baha’is in Semnan but one have been closed down and sealed by the authorities.<sup>96</sup>



- “We are hungry
- We have not been paid for 22 months”

Source: Baharnews.com

95. *Baha’is in Semnan & pressures of the Iranian government*, 23 January 2013, Radio Zamaneh, available at : <http://radiozamaneh.com/society/humanrights/2013/01/23/23891>.

96. *Human rights in Iran and Egypt*, 11 February 2013; Baha’i International Community, available at: <http://news.bahai.org/human-rights/iran/iran-update/>.

## **6.2. Discrimination on ground of political opinion**

There is a systematic pattern of discrimination in regard to the right to work against independent unionists, human rights activists, dissidents and critics of the government and their family members. Workers, lawyers, and journalists in particular have suffered from such 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 bans on practising their profession.

Whilst the following sections seek to shed some light on this matter it should be noted that the information below is by no means exhaustive.

### **i) Human rights lawyers barred from practice**

Around 10 Iranian lawyers are currently in prison as consequence of their human rights work or practising their profession. In addition to the four lawyers representing Sufi dervishes, who have been persecuted for their defence of their fellow believers,<sup>97</sup> Mohammad Seifzadeh and Javid Houtan-Kiyan are serving prison terms of eight and six years, respectively. However, at least three other human rights lawyers have received not only prison sentences but bans from practising law. As such, they have been deprived of work for their human rights activities and professional work. These individuals include:

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

### **ii) Journalists banned from right to work**

A number of journalists, particularly after the much disputed 2009 presidential election, have been both imprisoned and sentenced to long bans on practising their profession. A few well-known cases include:

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

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97. See above, the section titled: Sufis

### iii) Discrimination at work against activists and their relatives

The Iranian government persecutes human rights activists, critics and opponents on the grounds of their opinion and peaceful exercise of their rights. Not only they face unfair trials, imprisonment and ban on practicing their profession but members of their families also face punishment. The following are some of the documented examples.

- Nargess Mohammadi, vice-president of the DHRC,<sup>98</sup> 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>99</sup>

- Mansoureh Behkish is a human rights activist, 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. She was sentenced to 4 years of imprisonment,<sup>100</sup> and was expelled from work in 2009.

As an additional pressure, the authorities even prevented Ms Behkish’s son from studying to become a pilot.

- 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>101</sup> Her husband, Fayzollah Arab-Sorkhi, a former deputy minister and political activist, has been 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>102</sup>

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98. Defenders of Human Rights Centre was established by Nobel Peace Laureate Shirin Ebadi and several human rights lawyers. Four members of DHRC, including three founders, are currently in prison.

99. *Narges Mohammadi’s letter to Mahmoud Ahmadinejad*; 30 November 2009; Human Rights Defenders Centre’s website, available at: <http://www.humanrights-ir.org/php/view.php?objnr=326>

100. Three and a half years of suspended and six months of custodial imprisonment.

101. *Dismissed for family ties to political activists*, Radio Deutsche Welle, 26 September 2012; <http://bit.ly/11hTO4p>

102. *He raised his hand and said I will smash your teeth in*, Kaleme news website, 14 February 2013; <http://www.kaleme.com/1391/11/26/klm-133480/>



# 7. ABSENCE OF TRADE UNION RIGHTS

## 7.1. Strict State control over workers' organisations

The Labour Code provides that there may be only join three types of organisational representation of workers in various economic units: i) an Islamic labour council; i) a trade association, and iii) a worker's representative.<sup>103</sup> There is heavy government control over and interference in these three authorised types of organisation, and workers are not allowed to form or join other organisations of their choice.

### i) Islamic Labour Councils

The Law on the Establishment of Islamic Labour Councils (ILCs)<sup>104</sup> of January 1985 in its Article 1 sets out the *raison d'être* of ILCs as being “providing Islamic justice and cooperation in drawing up plans and establishing coordination for progress of the affairs” in the unit. The same article states that such entities are to 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” (Emphasis added).

Although the Labour Code stipulates the ILC to be a “workers' organisation”, the Law on the Establishment of Islamic Labour Councils undermines this assertion by including all employees within the Council's representative composition (including office employees and managerial staff) as well as a management representative.

### Discrimination and government interference in ILCs

According to the Law on ILCs, under Article 2, candidates for election to Islamic labour councils must

“believe in and adhere in practice to Islam and the *velayat-e faqih* and be loyal to the Constitution; [and] not be affiliated to illegal and opposition groups and parties.”<sup>105</sup>

Furthermore, under the same article, candidates are vetted and approved for standing for election by a three-person board consisting of Ministry of Labour representatives, the Ministry responsible for the company and the assembly of the employees.

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

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103. Article 131.

104. Parliament's Research Centre, 20 January 1385, <http://rc.majlis.ir/fa/law/show/91022>.

105. Followers of the three constitutionally recognised minority religions must be loyal to the Constitution.

Furthermore, government interference is in ILCs decisive. This is because:

- a . Candidates for election to the ILC are vetted by a board, the majority of whom are members of the government.
- b . Article 15 of the Law on ILCs has assigned the Ministry of Labour to organise ILCs in units with over 35 permanent employees, excluding large State-owned companies.
- c . In each region, a board is assigned to examine and decide whether an ILC has deviated from its lawful tasks and to dissolve it if necessary (Article 22). Most of these board members are non-workers, i.e. three managers, one Ministry of Labour representative and three ILC representatives. The Ministry of Labour is tasked with establishing such boards (Article 23).

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

In addition to Article 1 (see above), Article 13 of the ILC Law tasks ILCs to engage in the “creation of a spirit of cooperation”, “cooperation with the Islamic societies of workers”<sup>106</sup>, “offering constructive suggestions to officials”, “cooperating with the management”, “endeavouring to promote welfare facilities and protecting the legal rights of employees”, and “pursuing the complaints of employees.” Under Article 19, ILCs should offer their “consultative views to the management” on issues such as “time of starting and ending work” and “time and method of payment of wages or benefits” etc.

These provisions clearly indicate that ILCs are basically instruments to help management run the economic units.

### **ii) 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, provides for the establishment of ‘trade associations of workers in units with more than 10 employees’. They require candidates running for election to the Board of Directors and inspectors of the trade associations to “adhere to the Constitution in practice” and “not have affiliation to illegal political parties and groups”(Article 9).<sup>107</sup>

A “board of founders consisting of at least three persons concerned” shall examine membership applications and draft a statute (Article 7). However, they have no autonomy in this regard since the statute must include provisions decided upon by the Supreme Council of Labour<sup>108</sup> and approved by the Minister of Labour (Article 11). The government’s Labour Departments supervise the elections (Article 14), which are consequently not free.

Trade association tasks 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

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106. See below, the section titled: Islamic Societies of Workers

107. *Rules of procedure of Trade Associations*, approved by the Council of Ministers, 25 December 1992, available at: <http://www.imo.org.ir/portal/Home/ShowPage.aspx?Object=News&CategoryID=3e9312da-729b-4062-acd3-66527cc0a3ba&WebPartID=ccbcfbfe0-ddd7-447a-af3c-c7d5fb38b3da&ID=554d2693-7779-4629-bdf5-89e712800f5a>

108. Workers are in absolute minority on the Supreme Council of Labour, even if everything else were to be presumed to be in order (See below, the section titled: Minimum wage).

professional negotiations and concluding collective agreements”, “cooperation with executive bodies and other authorities for proper implementation of the laws concerning workers’ organisations”, and “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 realised. Also the rules clearly envision the principal task of trade associations to be to facilitate cooperation with the authorities.

### iii) Workers’ Representatives

Another set of rules, first 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. Candidates are required to “adhere to the Constitution in practice” and “not have affiliation to illegal political parties and groups” (Article 3). They are 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).<sup>109</sup> As a result, workers are in a minority of one to two on the vetting board.

### Control mechanisms

Notwithstanding the restrictions and constraints outlined above, the Labour Code also provides for higher control mechanisms for each category of workers’ organisation. As such, it provides for a Supreme Assembly of ILCs, a Supreme Assembly of Trade Associations of Workers, and a High Assembly of Representatives of Workers for each respective category.<sup>110</sup>

These supreme bodies are formed and organised by the government. They oversee the local entities, taking all important decisions on the national level as well as having to “appoint the official representatives of the Islamic Republic of Iran to [various bodies including] the ILO”<sup>111</sup> Under Article 138 of the Labour Code, the Supreme Leader may appoint his representative to any of these organisations, constituting further direct governmental interference.



***“Having syndicates is our indisputable right”***

*Source: Fars News Agency*

<sup>109</sup> *Rules of procedure for election and responsibilities of Workers’ Representatives*, approved by the minister of labour and social affairs, 3 June 2008, <http://kar-zendegi.blogfa.com/post-20.aspx>.

<sup>110</sup> Labour Code, Article 136.

<sup>111</sup> Ibid.

## 7.2. State-affiliated workers' organisations

### i) Islamic societies of workers

Islamic societies of workers (ISW) function as ideological watchdogs of the State in economic units. According to the Labour Code, their task is to “promote and expand the Islamic culture and defend the achievements of the Islamic revolution.”<sup>112</sup> Their tasks include, “holding mass prayers, preaching sessions, organising ideology classes.”<sup>113</sup> ILCs are also obliged to cooperate with the ISWs.

### ii) Khaneh Kargar

Khaneh Kargar (the House of Labour) was initially established by independent unionists after the 1979 revolution, many of whom had been organisers and activists on strike committees of pre-revolution spontaneously organised workers councils. However, rising repression in 1980 and 1981 meant that those workers councils were disbanded and their activists either detained or dismissed from work. The workers councils were Islamised and replaced with Islamic labour councils. At the same time, pro-government political activists backed by the then ruling Islamic Republic Party<sup>114</sup> took over the Khaneh Kargar by force, turning it into a coordinating body for ISWs and in particular ILCs.

Khaneh Kargar leaders later became ministers and MPs and established the Islamic Labour Party.<sup>115</sup> Since its takeover, Khaneh Kargar has functioned as a strong check on independent unionists, suppressing 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 in physical attacks against its activists in 2005.

Saeed Torabian, public relations officer for the Bus Company Workers 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 by unidentified persons.<sup>116</sup>

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112. Ibid, Article 130.

113. *Rules of procedure for the establishment of Islamic societies of workers*, Article 2, available at: <http://rc.majlis.ir/fa/law/show/121307>.

114. Known in Persian as *Hezb-e Jomhuri Eslami*

115. Known in Persian as *Hezb-e Eslami Kar*

116. *A three-year summary of the struggles of Syndicate of Workers of the United Bus Company*, Asr-e Nou news website 30 January 2009, available at: <http://asre-nou.net/php/view.php?objnr=2054>.

### 7.3. Restrictions on the right to strike

In its second periodic report to the CESCR, the Iranian government addresses the right to strike 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.<sup>117</sup>

Clearly, the Labour Code does not directly refer to 'the right to strike'. There have been claims, including in the government report, that Article 142 of the Labour Code can be interpreted as an indirect reference to the 'right to strike.' However, the right to strike has never been recognised as such in practice. It is remarkable that the government report includes scores of tables and other data on employment, economic participation, labour force indicators etc, but fails to substantiate its assertion about the right to strike with reference to even a single strike action in the country.

Moreover, other legal provisions can be interpreted as banning the right to strike. For instance, while the Law for the Establishment of ILCs provides for ILCs to monitor the affairs of a plant, Article 13 stresses that "Their actions must not lead to stoppage of the work of the unit".<sup>118</sup>

Thus, even references to 'work stoppage' remain purely paper-based, and workers who have stopped work, gone on strike or demanded payment of their wage arrears have experienced extensive repression from the authorities.

### 7.4. Independent unions harshly repressed

A number of rather large independent unions with wide followings as well as smaller unions have emerged in recent years seeking to represent the interests of their membership.<sup>119</sup> The authorities have refused to recognise these entities.

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

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117. E/C.12/IRN/2, 3 November 2009

118. Parliament's Research Centre, available at: <http://rc.majlis.ir/fa/law/show/91022>

119. For specific cases, see below, the section titled: **New independent unions**



Activists and leaders of this new movement, however, have paid a high price for their activities. They have been dismissed from work, gone to prison and faced other forms of harassment and persecution, including against family members. These Labour activists have faced harassment and persecution, including at the judicial level.<sup>120</sup> Iran may be one of the few countries in the world, in which independent trade unionists seeking to organise their fellow workers are imprisoned on charges such as ‘acting against national security’ and ‘propaganda against the system.’<sup>121</sup>

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 dismissals. Since 2005, when the Syndicate was re-established, union activities resulted in the following:<sup>122</sup>

- “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.”

The same fate befell other unionists, who aspired to establish independent unions in their work place. For example, several activists of the Syndicate of Workers of Haft Tappeh Cane Sugar Company were expelled from work for union activities.<sup>123</sup>

### **Basic demands of independent unions**

Some of the demands of this new independent union movement were expressed in a statement titled “Charter of Minimum Demands of Workers” issued jointly by four groups on 10 February 2010. These groups were the Syndicate of Workers of the United Bus Company of Tehran and Suburbs, the Syndicate of Workers of Haft Tappeh Cane Sugar Company, the Free Union of Iranian Workers, and the Trade Association of Electrical and Metal Workers Kermanshah. Their demands included:

- 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;

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120. See **New independent unions**

121. A list prepared jointly by the FIDH and LDDHI includes a number of the persecuted unionists, though it cannot claim to be exhaustive owing to the scope of the repression targeted at union activists; see: “Iran: List of human rights defenders behind bars” available at: <http://www.fidh.org/Iran-List-of-human-rights-12235>.

122. Davoud Razavi, *A realistic glance at the treatment of the Syndicate of Workers of the United Bus Company of Tehran and Suburbs*, 11 January 2013, Akhbar-Rooz website; available at: <http://www.akhbar-rooz.com/article.jsp?essayId=50292>

123. See **New independent unions**

- 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>124</sup>

The number of groups that issued a statement with similar demands on 1 May 2011 rose to seven and then to ten.<sup>125</sup>

## **New independent unions**

In addition to the unions and syndicates introduced below, there are numerous unionist groups in different cities and regions nationwide. These include the Trade Association of Electrical and Metal Workers of Kermanshah, the Board for Reopening the Building Painting Workers Syndicate, the Mechanical Metal Workers Syndicate, and a number of others.

There is also a Defenders of Workers Rights Centre (DWRC), whose known members are mainly academics and intellectual activists. Ali Akhavan, a member of the DWRC, was imprisoned from January to August 2012. Fariborz Ra'is-Dana, another member who is also a member of the Iranian Writers Association, was detained in December 2010 after criticising the government's 'goal-oriented subsidies' scheme. He spent one month in detention and was later tried and served his prison sentence from 21 May 2012 to 15 April 2013.

The following brief organisational history of the new unions illustrates the State harassment and repression directed against unionists.

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

The Syndicate of Workers of the United Bus Company of Tehran and Suburbs<sup>126</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 unionists started reviving it in 1990 and it began its unofficial operations 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. This claim was founded on Article 131 of the Labour Code which allows worker representation to be provided either by 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 dominant presence and efforts of security forces to impede the election. Members of the Board were consistently harassed and offices of the Syndicate frequently attacked.

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124. *The rugged road of labour unions*, 1 May 2012; available at Radio Zamaneh: <http://radiozamaneh.com/society/humanrights/2012/05/01/13849>

125. *Call of seven workers' organisations for International Labour Day*, 28 April 2011, Gooya News, available at: <http://news.gooya.com/politics/archives/2011/04/121130.php>

126. The United Bus Company of Tehran and Suburbs (*Sherkat-e Vahed Otubusrani-ye Tehran va Hume*) is widely referred to simply as *Sherkat-e Vahed*, which means 'United Company.'

## Persecution of Bus Workers Syndicate activists

In mid 2005, a group of attackers tried to cut off the tongue of the then syndicate's president, Mansoor Osaloo (aka Osanloo). During the same incident, two syndicate members were stabbed. The Syndicate nevertheless proceeded to organise two strikes in December 2005 and January 2006 (see below). Hundreds of Syndicate members and even their family members were detained before the strikes. Since then, the Syndicate's activists have faced consistent persecution. Scores have been dismissed from their jobs and some of them have been forced to leave Iran. Many have faced unfair prosecution and served prison terms.<sup>127</sup>

Osaloo travelled to London and Brussels to address the International Transport Federation (ITF) and the International Trade Unions Congress in June 2007. The Syndicate had joined the ITF by then. However, this visit cost Osaloo and his colleagues dearly. Upon his return to Iran, Osaloo was detained in July 2007, stood an unfair trial on charges of "spreading propaganda against the State" and "activities against the State", and was sentenced to five years in prison. He served this term 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, though on each occasion the authorities stopped his treatment and returned him to prison. He was finally released at the beginning of June 2011 and left Iran in early 2013.

His family members were regularly attacked and harassed. His daughter-in-law suffered a miscarriage after an attack in 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 Syndicate activists have been victimised using detention and imprisonment for their union activities. Many have been released on bail and await trial, but several have served prison terms. Ebrahim Madadi, the Syndicate's vice-president, was tried on the charge of 'acting against national security' and sentenced to three and a half-years in prison, 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 date. He was arrested on 12 June 2010 and spent a long time in solitary confinement. He then stood an unfair trial on charges of "propaganda against the State" and "conspiracy against national security," and was sentenced to six years in prison, which he is currently serving. His health condition has deteriorated in custody; in particular he has suffered damage 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.

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127. *A three-year summary of the struggles of Syndicate of Workers of the United Bus Company*, Saeed Torabian, 30 January 2009, Asre-Nou website; available at: <http://asre-nou.net/php/view.php?objnr=2054>.

## Strikes at the Tehran Bus Company and the State's brutal response <sup>128</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. Here, 80% of drivers switched on their lights during the day. The result was the return to work of dismissed workers and the payment of workers' wage arrears. However, five members of the Syndicate were detained.

The first strike took place on 25 December 2005 in protest against the detention of nine Syndicate members on 22 December. However, ten organisers of the strike were arrested at 4 am on 25 December. In a matter of 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 second 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 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 remained in detention for two months. Syndicate president, Mansoor Osaloo remained in prison until 8 June 2006. He was arrested again on 10 July 2007, sentenced to five years in prison and remained in prison until June 2011.



*“Bus Drivers Syndicate, Banner: Happy International Labour Day, day of unity and solidarity of workers”*

Source: etehadiye.com

<sup>128</sup>. Ibid.

## **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's workers following the establishment of the Syndicate of Bus Workers in Tehran.

After several relatively successful strikes in 2007, in November of that year, 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 rejected the demand.

Members of the Syndicate Reopening Board including Ghorban Alipour and Mohammad Haydarimehr were detained and reportedly tortured. They were later released on bail.<sup>129</sup> Nevertheless, the Syndicate was established in June 2008 and elected its Board of Founders<sup>130</sup> It later joined the International Union of Food and Agricultural Workers (IUF).

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

Ali Nejati, former president of the Syndicate, was also prosecuted on the same charge again later. He served a year's imprisonment in Dezful Prison from November 2011, and after his release in September 2012, was summoned by the judicial authorities for singing a folklore song in chorus at a private party. His wife has also faced court proceedings for publicising her husband's case.

Reza Rakhshan, Najati's successor as president of the Syndicate, was tried and subsequently served six months in prison until his release in June 2011. He was also dismissed from the company.

## **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.

The FUIW's founding members and activists have experienced persistent harassment and persecution ever since its establishment. Two of its founding members, Sheys Amani and Sadiq Karimi, were detained and 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, but detained again in mid-January 2011, to be released

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129. Haft Tappeh Workers Union (SYNDICATE) website; available at: <http://www.7twu.blogspot.de/>

130. Haft Tappeh Cane Sugar Workers; First step to form a syndicate; 19 June 2008; Radio Farda, available at: [http://www.radiofarda.com/content/F5\\_hafttape\\_syndicate/452436.html](http://www.radiofarda.com/content/F5_hafttape_syndicate/452436.html)



again thereafter. Sharif Sa'ed-Panah and Mozaffar Salehnia, two other activists of the Union, were also detained in early January 2011 and spent a couple of months in detention. They were sentenced to six months imprisonment each in April 2013. Farzad Ahmadi, another member, served a prison sentence of four months from July 2012.

The FUIW particularly spearheaded a campaign for wage increases in 2012 and 2013. Its activists organised two petitions the main demand of which was an increase in wages to provide for the expenses of a four-member family based on the real inflation rate. A total of 30,000 workers signed the two petitions, which were submitted to the parliament in December 2012. Since then, they have collected thousands of more signatures. In late January 2013, the FUIW applied to the Tehran Province Governor-General's Office for permission to hold a workers rally in front of the Ministry of Labour in mid February. This application was turned down.

#### **4. Coordinating Committee To Help Form 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 6th General Meeting, but the Ministry rejected the request. The CCHFW proceeded to hold its meeting in a private house on 15 June 2012. However, a large number of armed security agents attacked the gathering, firing shots, intimidating neighbours and arresting more than 60 participants who were released on bail several days, and in a couple of cases several weeks, later. These individuals are expected to face unfair trials in the future.

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

Pedram Nasrollahi, member of the CCHFW, was detained in July 2008 and sentenced to four months in prison in August 2010 on charges of "acting against national security" and "propaganda against the state." He spent one and a half months in detention in March to April 2012. On 1 July 2012, Nasrollahi faced an unfair trial for his membership of the CCHFW and his union activities in the western city of Sanandaj. He 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 CCHFW member, Afshin Nadimi, spent a prison sentence of four months from March 2011.

Scores of CCHFW members were arrested in cities in Kurdistan, in particular in January and March 2013. At the time of writing in May 2013, one member, Jalil Mohammadi, was still being held incommunicado. He has been detained and harassed several times before. All others have been released on bail, though they are expected to face unfair trials in the future.

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

CPELU is another independent group, whose members have been trying to unionise the workers. Some members of those groups the CPELU have also been punished severely for their activities. For example, several trade unionists, including two students, were detained in June 2011 and tried collectively on 18 August 2011 by the Islamic Revolution Court in Tabriz without access to legal counsel. 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 CPELU activists**

As a result of this prosecution, Shahrokh Zamani, CPELU member and member 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, who had been sentenced to six years imprisonment, fled the country.

Behnam Ebrahimzadeh, another CPELU member and a child rights activist, was arrested on 12 June 2010 and remained in detention until sentencing. He was sentenced to 20 years in prison for “assembly and collusion against the system” after an unfair trial. The sentence was reduced to five years in late October 2011 on appeal. He is currently serving this sentence.

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

The Teachers Association of Iran (TAI) gradually came into existence from 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 its founding, teachers associations have been established in many cities nationwide and the TAI has joined Education International, a global federation of teacher unions.

The TAI organised several assemblies of teachers in front of the Iranian parliament in February and March 2007 to demand fair wages and better working conditions. Hundreds of its members were detained. Although they were quickly released, many faced unfair trials and received various sentences including custodial. The Ministry of Interior subsequently 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. Nevertheless, many teachers across the country faced unfair trials throughout 2007, were dismissed from work, fined with wage cuts, and sentenced to imprisonment<sup>131</sup>.

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131. *Teachers Association of Iran, a summary of what teachers went through in autumn*, 25 September 2007, available at: <http://www.ettelaat.net/07-december/news.asp?id=25617>.

## Persecuted members of the TAI

The following are only a few cases of the 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 national security”. He was sentenced to six years in prison and a five-year ban on civil activities. He has been serving his sentence away from his city of residence in the remote Rajaishahr prison since his arrest in September 2009.
- Another leading TAI member in the north-eastern city of Mashhad, Hashem Khastar, served two years in prison on a charge of “acting against 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 previously been arrested on 1 May 2010 and spent over 8 months in solitary confinement in the Ministry of Intelligence’s Section 209 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 in prison 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>132</sup>
- Abdolreza Ghanbari, a TAI activist, 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 member of the TAI, spent a couple of years in prison during which he was severely tortured. He was later charged with cooperation with Kurdish opposition groups, which he vehemently denied, and executed in May 2010. Education International, which had demanded his release, strongly protested the execution.



***“Banner: Teachers Association of Iran”***

*Source: Parklaleh.blogspot.com*

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132. *Sentencing of Ali Akbar Baghani to one year in prison and 10 years in internal exile*, HRANA, 2 January 2013, available at: <http://www.hra-news.org/1389-01-09-08-12-36/14575-1.html>.

# 8. THE RIGHT TO A LIVING WAGE: A PIPE DREAM

Article 43 of the Islamic Republic of Iran's Constitution guarantees the provision of basic needs for all; employment for everyone, with a view to attaining full employment; and preventing the exploitation of another's labour.

Moreover, Iran's State report to the CESCR asserts at paragraph 42 that:

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)<sup>133</sup>

## 8.1. Unemployment

Unfortunately, Iranian official statistics on unemployment, as well as inflation rates and the poverty line, are plagued by chaos. Different official sources publish varying estimates, with the overwhelming majority of independent experts including some MPs and other officials, rejecting these estimates and asserting their own quantifications, which can diverge by up to 30 per cent.

This chaos is also indicated in Iran's periodic report to the CESCR. At paragraph 9.2 of this report Iran has maintained that unemployment figures were 13.09% and 12.75% in 2005 and 2006 respectively. However, this claim is contradicted in the selfsame report by the table of 'Unemployment rate during 2005-2008', which furnishes figures for the same two years indicating unemployment rates at 11.5% and 11.3% respectively. The table (at paragraph 50.1) offers the following rates of unemployment: 11.5% in 2005; 11.3% in 2006; 10.5% in 2007 and 10.4% in 2008.

Iran's State report also provides the following information:

- Unemployed population: 2,992,000 out of a total 20,476,000 labour force in 2006.<sup>134</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's figures assert a percentage point for 2005 slightly different from Iran's State report to the CESCR, its figures on the number of people unemployed and the total labour force are quite different from those provided in the State report.<sup>135</sup>

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133. E/C.12/IRN/2, 3 November 2009

134. The source of the figures in the government report has not been specified.

135. *Fall in unemployment rate and contraction of 10-year plus population*, 30 October 2012: Khabaronline news website; available at: <http://www.khabaronline.ir/detail/254914>.

**Table: Rate of unemployment (%) according to official sources for population +10 years old**

Year	2005	2006	2007	2008	2009	2010	2011	2012 <sup>136</sup>
Unemployment (%)	11.9	11.3	10.5	10.4	11.9	13.5	12.3	12.9/ 12.4
Unemployment (No. of people)	2,764,866	2,642,648	2,486,238	2,392,179	2,839,973	3,218,329	2,877,608	3,146,092/ 3,023,574
Total labour force (No. of people)	23,293,445	2,3484,068	23,578,715	22,892,489	23,840,767	23,875,023	2,3387,633	24,430,185/ 24,385,468

Source: *The Statistical Centre of Iran (SCI)*<sup>137</sup>

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

- People who work even one hour per week are counted among the employed;
- According to the Ministry of Cooperatives, Labour and Social Affairs, people who work one week per month are not unemployed;
- The implementation of the ‘goal-oriented subsidisation’ scheme and the rising costs of production<sup>138</sup> – forced many production plants to shut down and dismiss their workers;
- The low figure of workers newly insured by the Social Security Organisation show that the government created only 300,000 jobs in 2011. By contrast, hundreds of thousands have lost their jobs. 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>139</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%. He stated that “[a]ccording 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>140</sup> In June 2011, another MP and university lecturer, Daryoush Qanbari, raised the estimate 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>141</sup>

136. Disaggregated into Spring/summer.

137. Op. cit., *Fall in unemployment rate and contraction of 10-year plus population*, available at: <http://www.khabaronline.ir/detail/254914>.

138. By 34.2% in March 2012 according to Central Bank of Iran, in *From inflation to production*, Khorasan Newspaper, 4 September 2012, available at: <http://www.khorasannews.com/News.aspx?id=4434330&type=1&year=1391&month=6&day=14>

Given the high rate of inflation and numerous economic problems, the production costs are certain to climb much higher.

139. 800,000 lost their jobs, Shargh Newspaper, 25 February 2012, available from Otaghnews website:

<http://www.otaghnews.com/800%E2%80%8C%D9%87%D8%B2%D8%A7%D8%B1-%D8%B4%D8%A7%D8%BA%D9%84%D8%8C-%D8%A8%D9%8A%D9%83%D8%A7%D8%B1-%D8%B4%D8%AF%D9%86%D8%AF/%D8%A7%D9%82%D8%AA%D8%B5%D8%A7%D8%AF/21200/>.

140. *Real rate of unemployment is 15.6 per cent*, Entekhab news website, 16 April 2011, available at: <http://www.entekhab.ir/fa/news/23666>.

141. *30 per cent, 8 million, unemployed*, Khabaronline news website, 22 June 2011, available at: <http://www.khabaronline.ir/detail/158876>.



## 8.2. Minimum wage

Under the Labour Code, the minimum wage is determined annually by the Supreme Council of Labour (SCL). This determination is made for various parts of the country and various industries (Article 41) in order to keep up with price increases and the cost of living. Thus, the Labour Code stipulates that the minimum wage is to be determined in light of the rate of inflation as declared by the CBIRI. The Law provides that the minimum wage should suffice to provide for the living costs of an average family.

The SCL is chaired by the Minister of Labour and composed of two informed persons proposed by the Minister and ratified by the Council of Ministers, three employer representatives, and three worker representatives selected by the Supreme Assembly of the Islamic Labour Councils. Workers are therefore an absolute minority on the SCL. Indeed, even were Islamic labour councils to be considered representative of workers (see above: Islamic Labour Councils), they can only be formed in companies with more than 35 employees, where the vast majority of companies – some estimate over 80% - employ fewer than 35 people. Therefore, the majority of workers are not represented in the SCL at all.

The SCL has set the minimum wage in the past few years as follows.

**Table: Minimum wage, 2004-2013**

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013 <sup>142</sup>
Monthly wage (*000)	1,060	1,260	1,500	1,830	2,190	2,630	3,030	3,300	3,900	4,871

*Source: CBIRI and Eqtesad-e Iran monthly* <sup>143</sup>

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

### Poverty line

Iran's State report to the CESCR asserts at paragraph 113.2.1 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". It then discloses 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.

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142. *Minimum wage determined*, Khabaronline news website, 11 March 2013, available at: <http://khabaronline.ir/detail/281772/>.

143. *When wages go down the slope*, Khabaronline news website, 29 March 2012, available at: <http://www.khabaronline.ir/detail/205533/economy/macroeconomics>

Iran's State report fails to provide 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, economic conditions have changed drastically since then.

Adel Azar, director of the Statistical Centre of Iran confirmed in June 2011 that "[m]ore than 10 million people are living below the absolute poverty line and more than 30 million under the relative poverty line."<sup>143</sup> This brings the total of those living in poverty to more than 50% of the over 75 million population. University professor and economic expert Hossein Raghfar said in October 2012 that "[e]xpert 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 under Ahmadinejad."<sup>145</sup>

Another university professor, Farshad Momeni, also speaking in October 2012, added that the price shocks under the policy of 'goal-oriented subsidies' had pushed "four million to five million people below the poverty line in the last year alone."<sup>146</sup> That figure was also endorsed by then 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>147</sup> However, two weeks before being dismissed from her post at the end of December 2012, ex-minister of health Ms Dastjerdi, said: "Every year, 5-7.5% of the population fall below the poverty line as a result of the expenses of refractory diseases."<sup>148</sup> If refractory diseases alone push 3.7 million-5.6 million people <sup>149</sup> below the poverty line every year, estimates of the total number of people living below the poverty line would be 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>150</sup> Pensioners are estimated to exceed three million people, including 2.6 million civilian and 600,000 military pensioners.<sup>151</sup>

But what is the poverty line? Official information is not directly available. As the CBIRI stopped reporting the relevant figures in 2007, the following information has been compiled from official and semi-official Iranian sources. It should be noted that estimates of the poverty line vary widely even among those officials who endorse official estimates. However, economic journalists have calculated the approximate figures for the years 2008-2012, based on the official figures of inflation rates and poverty lines for previous years.

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144. *Review of Tehran's Morning Newspapers*, BBC Persian Service; 29 May 2010; quoting Poul Newspaper, available here: [http://www.bbc.co.uk/persian/iran/2010/05/100529\\_u02-press.shtml](http://www.bbc.co.uk/persian/iran/2010/05/100529_u02-press.shtml)

145. *Absolute poverty is between 25% and 32% in Iran*, Iranian Labour News Agency, 21 October 2012, <http://ilna.ir/news/news.cfm?id=13930>;

146. *5 million people moved below the poverty line last year*, Jaras website, 30 October 2012; available at: <http://www.rahesabz.net/story/61093/>

147. *More than 4 million fall annually below the poverty line*, Salamat News, 15 January 2013; <http://www.salamatnews.com/viewNews.aspx?ID=65144&cat=12>.

148. *Medical care costs annually push 7.5% of the people below the poverty line*, 14 December 2012; <http://ilna.ir/news/news.cfm?id=27876>

149. According to the latest census in 2011, there were 75.15 million people in Iran.

150. *80% of Social Security Organisation's pensioners are living below the poverty line*, Ali Akbar Khabbaz'ha, Director of Pensioners Association of the Social Security Organisation, 6 February 2012, available at: <http://khabaronline.ir/detail/197524/>

151. *It is necessary to lend to 2.6 million pensioners*, Khabaronline news website, 27 March 2012, available at: [http://www.khabaronline.ir/detail/205314/economy/market;Armed forces pensioners to be issued Dignity Cards](http://www.khabaronline.ir/detail/205314/economy/market;Armed%20forces%20pensioners%20to%20be%20issued%20Dignity%20Cards), Petroleum Industry Pensioners Fund website, 31 December 2012, available at: <http://www.bazneshaste.com/module/News/Shownews?page=1614.aspx?NewsId=5412>

**Table: Poverty line nationwide and in Tehran capital based on official figures<sup>152</sup>**

Year <sup>153</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 (to March 2013)	8,930	14,500	30.5

Other officials and experts have also offered their own estimates. For example, the President of the Competition Council, Jamshid Pajooyan, who seemed to echo official estimates, put the poverty line for urban families at earnings below 9,460,000 rials monthly and rural families at earnings below 5,800,000 rials in 2011.<sup>154</sup>

On the other hand, as 2012 unfolded, other experts and officials provided much different and higher figures. Here are but a few examples:

- In April 2012, a member of the Wages Committee of the Supreme Council of Labour, Faramarz Tofighi, told the semi-official Iranian Labour News Agency (ILNA) that the family poverty line had gone up from 12.5 million rials [per month] in 2011 to 14 million rials in 2012.<sup>155</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>156</sup> The CBIRI responded to his estimates, ignoring his emphasis on the absolute poverty line in the year 2012, and asserting instead that the relative poverty line for urban families in 2010 had been around 5,900,000 rials a month.<sup>157</sup> (Emphasis added)
- In December 2012, Olia Alibeigi, a member of the Supreme Council of Labour, which is in charge of annually determining the minimum wage, put the “real poverty line for a four-member family around 15 million rials” and called on the SCI to provide official figures to be used for determining the minimum wage.<sup>158</sup>

152. *Where did poverty eradication get to after seven years?!*, Afkar News, 12 May 2012, available at: <http://www.afkarnews.ir/vdcja8eviuqeyaz.fsfu.html>.

153. Years beginning 21 March.

154. *New poverty lines for urban and rural families reported*, Khabaronlinenews website, 30 June 2012, available at: <http://www.khabaronline.ir/detail/224299/economy/macroeconomics>.

155. *60% of legally employed workers are living around the death line*, Hamshahri Newspaper, 18 April 2012, available at: <http://hamshahrionline.ir/details/166911>.

156. *Absolute poverty line up to 15 million rials*, Etemad Newspaper, 5 May 2012; available at: <http://www.magiran.com/npview.asp?ID=2494150>.

157. *Relative poverty line 5.9 million rials*, Etemad Newspaper, 21 May; available at: <http://www.magiran.com/npview.asp?ID=2506287>.

158. *Poverty line in Iran; 15 million rials*, Bahar Newspaper, 22 December 2012, available at: <http://www.baharnews.ir/vdch.wnqt23nk-ftd2.html>.

Even were expert opinion to be dismissed and the official figures to be believed, a comparison of those figures with the minimum wage and inflation data below would clearly demonstrate that the majority of the working people are increasingly moving below the poverty line.

## **Inflation rate**

As noted above, one of the criteria for determining the annual minimum wage is the inflation rate. The Iranian authorities, however, treat the inflation rate as confidential information. Head of the SCI, 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>159</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. Three sets of official figures are reported below in the table of 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 ending December 2012.<sup>160</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.

The Central Bank of Iran had previously forecast the inflation rate of 32% for the end of the solar year in March 2013,<sup>161</sup> but in April, CBIRI governor reported that the actual rate had been 30.5%.<sup>162</sup> The Statistical Centre of Iran, however, reported the urban inflation rate as 31.5% for the same year.<sup>163</sup> Unofficial, academic and foreign sources and various political factions and circles in 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>164</sup>
- September 2012: Director of the Wages Committee of the Association of Tehran ILCs, Ali Akbar Eyvazi, said the 18% wage increase had been offset by a 35% inflation rate.<sup>165</sup>

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159. *Inflation rate reports are confidential*, Iranian Labour News Agency, 22 October 2012, available at: <http://ilna.ir/news/news.cfm?id=14657>.

160. *Inflation rate is 28.7% [end of December 2013]*, Central Bank of Iran website, 3 February 2013, available at: <http://www.cbi.ir/showitem/10256.aspx>

161. Central Bank’s forecast, 32% inflation rate in year ending 20 March 2012, Mehr News Agency, 8 February 2013, available at: <http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=1811806>.

162. *Inflation rate was 30.5% at year’s end* [in March], Ebtakar Newspaper, 9 April 2013, available at: <http://www.ebtekarnews.com/Ebtekar/News.aspx?NID=113549>

163. *Urban inflation rate was 31.5% in the year 1391* [ended 20 March 2013], Fars News Agency, 2 April 2013, available at: <http://www.farsnews.com/newstext.php?nn=13920111000156>

164. Absolute poverty line up to 15 million rials, Etemad Newspaper, 5 May 2012, available at: <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 Khamane’i.

165. Law impedes another wage increase, Iranian Labour News Agency, 24 September 2012, available at: <http://ilna.ir/news/news.cfm?id=5919>

- December 2012: MP for Gachsaran Gholamreza Tajgardoona said inflation had reached the horrifying figure of 58%.<sup>166</sup>
- Les Echos, the influential French business daily, also estimated the inflation rate to be 88% based on “a confidential report of the Research Centre of Majlis.”<sup>167</sup>
- Steve H. Hanke, 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>168</sup>

There is no doubt that inflation is out of control in Iran 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 from 2005 to 2013.<sup>169</sup> Comparing prices in March 2013 and 2005, when President Mahmoud Ahmadinejad took office, the daily Mardomsalari wrote:

“The minimum wage has gone up from 1.22 million rials in 2005 to 3.89 million rials in 2012, but the former bought 492 eggs, while the latter buys 152 eggs.”<sup>170</sup>

### Minimum wage versus living wage

Official figures give the impression that wages have tripled in the period of 2004-2011 (see Minimum wage table 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>171</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>172</sup> The fall was much more drastic in 2012 and early 2013.

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166. We have reached 58% inflation rate, 9 December 2012; Khabaronline news website, Gholamreza Tajgardoona is deputy director of the parliament’s Plan and Budget Committee. He was formerly in charge of coordinating the national budget, served in government as deputy director of the Planning & Management Organisation, secretary of the Economic Council and secretary of Employment Council.

167. *Towards the highest inflation rate in 70 years?* Radio Farda’s website, 11 February 2013, available at: [http://www.radiofarda.com/content/f3\\_new\\_inflation\\_wave\\_iran/24898508.html](http://www.radiofarda.com/content/f3_new_inflation_wave_iran/24898508.html).

168. *Iran’s Lying Inflation Statistics*, CATO AT LIBERTY, 9 January 2013, available at: <http://www.cato.org/blog/irans-lying-inflation-statistics>.

169. *Reduced purchasing power of people in the last 8 years*, Shargh daily, 4 March 2013, available at: <http://sharghdaily.ir/1391/12/14/Files/PDF/13911214-1687-3-5.pdf>.

170. *Prices at the start and end of Ahmadinejad’s term in office*, 3 March 2013, Mardomsalari Newspaper, available at: <http://www.baharnews.ir/vdci.ua3ct1a55bc2t.html>.

171. US\$1=8,750 rials in 2004 and 13,500 rials in 2011.

172. *When wages go down the slope*, Khabaronline news website, 29 March 2012, available at: <http://www.khabaronline.ir/detail/205533/economy/macroeconomics>



**Table: Official figures of inflation rate and monthly minimum wage<sup>173</sup>**

Year <sup>174</sup>	Inflation (%) CBIRI	Inflation (%); SCI	Inflation (%) Other officials <sup>175</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>176</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 (to March 2013)	30.5	31.5 <sup>177</sup>	28.1	3,900			
2013				4,871			

The above calculations were made at the end of March 2012, unless otherwise indicated.

A member of the Supreme Council of Labour, Faramarz Tofighi, said in April 2012:

More than 60% of workers are paid the base minimum wage.<sup>178</sup> The absolute poverty line is estimated at around 7 million rials, and 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>179</sup>

On 11 March 2013, the Supreme Council of Labour (SCL) set the minimum wage for the solar year beginning 21 March 2013 at 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.

173. The calculations of minimum wage were made at the end of March 2012. Sources: (i) For Central Bank of Islamic Republic of Iran (CBIRI) and Other officials, see reportage of the semi-official Mehr News Agency, 21 December 2012, available at: <http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=1771591>; (ii) For Statistical Centre of Iran (SCI), see Tebyan news, 10 April 2012, available at: <http://www.tebyan.net/newindex.aspx?pid=205396>; (iii) For monthly minimum wages, see CBIRI and Eqtesad-e Iran monthly, 29 March 2012, available at: <http://www.khabaronline.ir/detail/205533/economy/macroeconomics>.

174. Year beginning 21 March.

175. Figures asserted by government sources at a meeting at the Presidential Office on the second anniversary of the implementation of the Goal-oriented Subsidisations Law, *Government's mistaken data on inflation rate*, Mehr News Agency, 21 December 2012, available at: <http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=1771591>.

176. Figures in brackets from op. cit. When wages go down the slope, <http://www.khabaronline.ir/detail/205533/economy/macroeconomics>.

177. Inflation in urban areas.

178. 3,900,000 rials per month for the year ended 20 March 2012.

179. 60 per cent of workers are living around the death line, Hamshahronline, 18 April 2012, available at: <http://hamshahronline.ir/details/166911>.

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>180</sup> which he estimated around 12 million rials in large cities.

Since then, the situation throughout 2012 and 2013 has been disastrous. The exchange rate of the Iranian rial to the US dollar – 13,500 rials for 2011 according the CBIRI – went into free fall, from approximately 14,000 rials<sup>181</sup> at the end of 2011 to 19,000 rials in April, 33,500 rials<sup>182</sup> in late December 2012 to 36,900 rials in late February 2013<sup>183</sup>. This is more than 2.5 times the exchange rate in 2011, which means that real wages at the end of 2012 and afterwards has continued to fall far below half the 2011 figures.

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



*“Satiating our hunger is our indisputable right”*

Source: [irandailybrief.com](http://irandailybrief.com)

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180. 80% of Iranian workers live below the poverty line, Mohammad Reza Emadi, 15 January 2012, available at: <http://www.radiozamaneh.com/39309#.UZJDE0rSIY>

181. Dollar at record high: 14,000 rials, Hamshahrionline, 18 December 2011, available at: <http://hamshahrionline.ir/details/154169>

182. Exchange rate hikes in Iran, BBC Persian Service, 24 December 2012, available at: [http://www.bbc.co.uk/persian/iran/2012/12/121224\\_110\\_currencies\\_iran\\_usd.shtml](http://www.bbc.co.uk/persian/iran/2012/12/121224_110_currencies_iran_usd.shtml)

183. Table of exchange rates and gold coin prices, Hamshahrionline news, 20 February 2013, available at: <http://www.hamshahrionline.ir/details/202354>; The exchange rate even exceeded 40,000 rials in February 2013.

# CONCLUSION AND RECOMMENDATIONS

The Islamic Republic of Iran's Constitution and legal framework are profoundly discriminatory in the field of labour on grounds of religion, ethnicity and political opinion. They also maintain pervasive discrimination against women. Independent trade unions are prohibited, and the government exercises strong control on all legal institutions supposed to represent workers. Strikes are brutally suppressed. Independent unionists are increasingly attempting to establish their own trade unions free from government interference. Many such unionists, however, are paying a high price, being dismissed from their jobs, harassed and persecuted, and imprisoned.

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 below the living wage required under the ICESCR.

The Islamic Republic of Iran has not implemented the recommendations made by independent UN and ILO bodies, thereby showing total disregard for international human rights norms and mechanisms, as well as for its own citizens.

## **FIDH and LDDHI urge the government of the Islamic Republic of Iran to:**

- Amend domestic legislation, in consultation with representatives of workers and civil society, in order to bring it into conformity with Iran's international human rights obligations. UN treaty bodies and ILO recommendations provide clear guidance in that regard.

In particular:

- Amend the Constitution, the Labour Code, the Civil Code, the Selection Law and all other relevant laws and regulations to ensure that all discriminatory provisions in the field of labour are eliminated, notably against women and against recognised and non-recognised religious minorities and ethnic communities;
- Review and amend laws governing women's employment as well as regulations banning women from certain jobs;
- Guarantee equal opportunity for all to access public office, without any discrimination whatsoever;
- Guarantee freedom of association, by putting an end to organisational monopoly, recognising workers' rights to independently form and join organisations of their choice;
- Review the role, functions and status of all government-guided structures and governmental organisations at the work place that could impact on these rights,;
- Eliminate legal restrictions on the right to strike and refrain from repressing and persecuting labour activists engaged in labour stoppages or strikes;

- Ensure the 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.
- Ensure that both public institutions and private companies implement non-discriminatory employment policies towards recognised and non-recognised religious minorities, and penalise violators of those policies;
- Take special measures to reduce the unemployment rate among women;
- Adopt policies and direct resources in order to bridge the income and development gap between the various provinces of Iran, putting a special emphasis on areas inhabited by Iranian ethnic communities such as the Arabs, Azeris, Baluch, Kurds, Turkmen and religious minorities, including Sunni Muslims;
- Immediately and unconditionally release all people detained for their role in defending workers' rights.
- Put an end to discrimination in the field of labour against lawyers, journalists, independent unionists, human rights activists, dissidents and critics of the government, and members of their families;
- Make statistics concerning the actual inflation rate, poverty line and unemployment rate public. Transparency is indispensable to citizens' scrutiny of public policies in the field of economic and social rights;
- Determine the minimum wage proportionately and at a level that keeps up with prices and ensures a decent living for all Iranians, in conformity with the right to a living wage.

**FIDH** and **LDDHI** also call upon the Islamic Republic of Iran to ratify key conventions in the field of labour, in particular 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 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the ILO 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.

**FIDH and LDDHI urge the international community to**

- Call on the Iranian government to fully cooperate with all relevant UN Special Procedures mandate-holders in the discharge of their mandates and invite the Special Procedures mandate-holders, in particular the Independent Expert on Iran, who requested to visit the country.
- Establish an independent expert body to determine the actual effects of international sanctions against Iran, and the extent of their negative impact on the population, especially the poorest, and take the necessary measures to alleviate the effects of those sanctions.



# APPENDIX

**Excerpts of the Concluding observations on the second periodic report of the Islamic Republic of Iran, adopted by the Committee on Economic, Social and Cultural Rights (17th May 2013) - E/C.12/IRN/CO/2\***

*\* (The full text of the Concluding observations on the second periodic report of the Islamic Republic of Iran, adopted by the Committee at its fiftieth session is available at: <http://bit.ly/17VMR1x>)*

Point 6: The Committee is concerned that the State party discriminates against religious communities other than those belonging to Islam, Christianity, Judaism and Zoroastrianism, which seriously and negatively affects the people's enjoyment of economic, social and cultural rights.

**The Committee urges that the State party take steps to ensure that people with beliefs other than the religions recognized by the State party can fully enjoy all aspects of economic, social and cultural rights, without any discrimination.**

Point 8: The Committee is concerned that members of the Baha'i community face widespread and entrenched discrimination, including denial of access to employment in the public sector, institutions of higher education, as well as to benefits of the pension system. (art.2).

**The Committee recommends that the State party take steps to ensure that members of the Baha'i community are protected against discrimination and exclusion in every field, including denial of employment and benefits of the pension system. The Committee also recommends that the State party take steps to guarantee, in law and practice, the unhindered access of Baha'i students to universities and vocational training institutions, and to prevent refusals of access and expulsions of students from such institutions based on their belonging to the Baha'i community.**

Point 10: The Committee is concerned that the participation of women in the labour force is low and is further declining. The Committee is concerned about the low number of women in decision-making positions in the public sector, and that women are excluded from certain public positions, such as the post of judge presiding over a court. The Committee is also concerned that the Family Protection Law provides for the possibility of a spouse to prevent the other spouse from entering employment upon the reception of a court order (art.3).

**The Committee recommends that the State party take steps to address the declining participation of women in the labour force. The Committee recommends that the State party amend the Civil Code and the Family Protection Laws with the aim to remove the power of a spouse to prohibit the other spouse from entering employment. The Committee also recommends that the State party take steps to increase the number of women in decision-making and judicial bodies at all levels and in all areas.**

Point 11: The Committee is concerned that the unemployment rate is high and continues to rise, despite the measures taken by the State party to stimulate employment. It is particularly concerned about the high unemployment rate for women (20.9 percent in 2011) and youth, as well as the disproportionately high unemployment rate in areas with ethnic minorities, such as Sistan-Balochistan and Khuzestan province. (art.6).

**The Committee recommends that the State party increase its efforts to combat unemployment through specifically targeted measures, in particular aimed at women and youth, including by addressing mismatches between education and labour markets, through increasing the quality of technical and vocational training and education. The Committee also urges the State party to adopt temporary special measures to address the very high unemployment rates in areas with ethnic minorities, and to include**



**information in its next State party report on the progress achieved.**

Point 12: The Committee is concerned that the gozinesh process under the 1995 Selection Law based on Religious and Ethical Standards impairs equality of opportunity or treatment in employment or occupation for persons belonging to ethnic and religious minorities, as well as laypersons, seeking employment in the public sector and organizations receiving state funding. (art.6).

**The Committee recommends that the State party ensure full compliance of the gozinesh process with the standards under the Covenant, and thus ensure that employment is not made conditional upon political opinion, previous political affiliation or support, or religious affiliation.**

Point 13: The Committee is concerned that labour laws do not apply to workplaces with fewer than five workers or in export processing zones, excluding an estimated 700,000 legal workers from its application (art.7).

**The Committee recommends that the State party take steps to extend the application of its labour law to all workers, including to those working in places with fewer than five workers and those working in export processing zones.**

Point 14: The Committee is concerned that the minimum wage level, as announced by the Supreme Labour Council, has been determined at a level insufficient to provide workers and their families with a decent living. It is also concerned that Afghan workers are often paid less than the minimum wage, or are faced with non-payment of wages (art.7).

**The Committee recommends that the State party ensure that the national minimum wage is set at a level sufficient to provide all workers and their families with a decent standard of living, and strengthen its efforts towards the progressive increase of the minimum wage in accordance with article 7 (a) (ii) of the Covenant. The Committee also recommends that the State party take steps to ensure that Afghan workers are not paid a wage below the level of the minimum wage.**

Point 15: The Committee is concerned that the State party prevents the formation of independent trade unions. It is concerned that labour rights activists, such as members of the Committee to Pursue the Establishment of Workers Organizations, the Iran Teachers' Trade Associations, the Iran Free Workers' Union and members of unions of bus workers and sugar-cane workers have faced harassment, arrests and detention based on vaguely worded charges, such as "harming state security", "acting against national security", or "spreading propaganda against the system". The Committee is also concerned that workers who participated in strikes have faced reprisals from the State party's authorities, including suspended prison terms and dismissals (art.8).

**The Committee recommends that the State party take steps to ensure that independent trade unions can be formed and carry out their activities without interference, including unions of teachers, bus workers and sugar-cane workers, as well as the Iran Free Workers' Union. It recommends that the State party ensure that workers can participate in strikes without facing reprisals. The Committee also calls upon the State party to immediately release labour rights activists and members of independent trade unions currently serving prison sentences who acted in conformity with internationally recognized trade union standards.**

Point 19: The Committee is concerned that a very high number of children are living and/or working in the street, in particular in Tehran, Isfahan, Mashdad and Shiraz, and that these children have limited access to health services and education. (art.10)

**The Committee recommends that the State party take urgent and effective steps to address the very high number of children living and/or working in the street, address the root causes of the phenomenon, and provide all street children with access to health services and education.**

Point 20: The Committee is concerned that child labour is prevalent, in particular in rural areas, including in carpet weaving and other traditional family businesses. The Committee is concerned that domestic legislation does not consistently determine the minimum age for employment, and that child labour is permitted in agriculture, domestic service, and some small businesses. The Committee is also concerned that child labour legislation is ineffectively and inadequately monitored and enforced (art.10).

**The Committee recommends that the State party take steps to strengthen its national legislation prohibiting child labour in accordance with international standards, in all sectors, including in agriculture, domestic service, and clay/brickmaking. The Committee also recommends that the State party ensure that the implementation of legislation pertaining to child labour is effectively monitored and enforced, including through labour inspections in agriculture and the informal sector, ensuring that employers exploiting child labour are held accountable and that victims of child labour are rehabilitated and are ensured access to education. The Committee recommends that the State party undertake awareness-raising campaigns with a view to eradicating child labour.**

Point 21: The Committee is concerned that, despite significant progress achieved in reducing extreme poverty, certain underdeveloped regions, including Sistan-Baluchistan, Khuzestan and Kordestan, continue to show high levels of poverty (art.11).

**The Committee recommends that the State party take all necessary steps to further reduce poverty and extreme poverty, in particular in provinces populated by ethnic minorities, such as Sistan-Baluchestan, Khuzestan and Kordestan. The Committee requests the State party to include in its next periodic report disaggregated and comparative data, by year and province, on the number of men and women living in poverty and extreme poverty.**

**Point 31: The Committee recommends that the State party adopt a comprehensive anti-discrimination bill in compliance with article 2(2) of the Covenant and taking into account the Committee's General Comment no. 20 (2009) on non-discrimination in economic, social and cultural rights.**

**Point 32: The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

**Point 33: The Committee encourages the State party to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the International Convention for the Protection of All Persons from Enforced Disappearance, and withdraw its reservation to the Convention on the Rights of Persons with Disabilities.**

## **Previous reports on Iran:**

### **Death Penalty – A State terror policy**

<http://www.fidh.org/A-State-Terror-Policy>

### **Discrimination against ethnic and religious minorities in Iran**

<http://www.fidh.org/Damning-report-on-an-ignored-issue>

### **Suppression of freedom, prison, torture, execution... A state policy of repression (On compliance with ICCPR)**

<http://www.fidh.org/An-FIDH-LDDHI-report-at-the>

# Abbreviations

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

Sources: All URLs referred to in this document were accessed in the second week of May 2013.

### Establishing the facts – Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1 500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

### Supporting civil society – Training and exchange

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

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FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

### Informing and reporting – Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

# LDDHI

جامعه دفاع از حقوق بشر در ایران

(عضو فدراسیون بین المللی جامعه های حقوق بشر)

League for the Defence of Human Rights in Iran  
(FIDH Member)

**League for the Defence of Human Rights in Iran (LDDHI)** was founded in Paris in March 1983, following the closure of the Iranian Association for the Defence of Human Rights and Liberties in 1981, which had been established in 1977, and the departure of its leaders into exile.

Its aims are:

- to report and campaign against human rights violations in Iran.
- to propagate the culture of Human Rights among Iranians through publication of books, magazines and articles in Persian and other languages for Iranians and the international community and giving interviews to the international media;
- to organise talks and conferences in various countries, on the abolition of the death penalty in Iran, women's rights, freedom of political prisoners and prisoners of conscience, and religious and ethnic minorities, freedoms of expression, assembly and association among others.
- to hold conferences with international NGOs and UN agencies.

LDDHI became a member of FIDH in 1986.

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inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest, detention or exile. Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty

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### **A universal movement**

FIDH was established in 1922, and today unites 178 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

### **An independent organisation**

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