

Controlled and Persecuted: Labor Activism in Contemporary Iran

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Introduction

On February 27, 2018, Ali Naqdi, a seasonal worker at the Haft Tapeh Sugarcane Company in Khuzestan Province, committed suicide after his repeated attempts to collect his back wages failed to come into fruition.¹ He had told his colleagues earlier that day that he was tired of this situation, and that he wanted to commit suicide in order to attract the attention of the company's management to the non-payment of workers' back wages.²



Figure 1: Ali Naqdi, a seasonal worker at the Haft Tapeh Sugarcane Company, committed suicide after the company's management failed to pay his back wages.

The failure of employers to pay their employees has been reported across a wide variety of industries. Workers, who have not been paid in months, have staged demonstrations to demand their back wages across Iran. In many cases, their demands have been ignored; in some, they have been met with intimidation and arrest. Restrictions on labor organizing, corruption and economic mismanagement have contributed to the current situation. Seeing labor activism as a security threat, the Iranian government has gone to great lengths to restrict and control workers who want to organize, effectively eroding the

¹ *Khudkushī Kārgari Fašlī Dar Haft Tappih*; “*Kārfarmā Muṭālibātash Rā Pardākht Nakardih Būd*”, RADIO FARDA (Feb. 27, 2018), https://www.radiofarda.com/a/iran_haftapeh_worker_suicide/29066069.html.

² Id.

independence of unions and trade associations. In addition, when labor activists have attempted to form independent organizations, Iran's security and intelligence apparatus has often blocked their efforts by arresting and prosecuting leading activists.

This report, relying on interviews with labor activists, news reports, and data regarding labor protests collected by IHRDC researchers, provides a detailed account of labor issues in contemporary Iran. Starting with an analysis of Iran's Labor Code, the report examines the protections afforded to workers as well as the ideological discrimination institutionalized in the laws of the Islamic Republic. The report then shifts to experiences of four labor activists who have been confronted by the Iranian government, demonstrating the uncompromising approach of the intelligence apparatus and the judiciary toward independent labor activism. Finally, the report discusses lack of workplace safety, non-payment of wages and benefits, privatization, and restrictions on labor organizing, and explains how past and current practices of the Iranian government violate Iran's international human rights obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) as well as International Labor Organization (ILO) conventions.

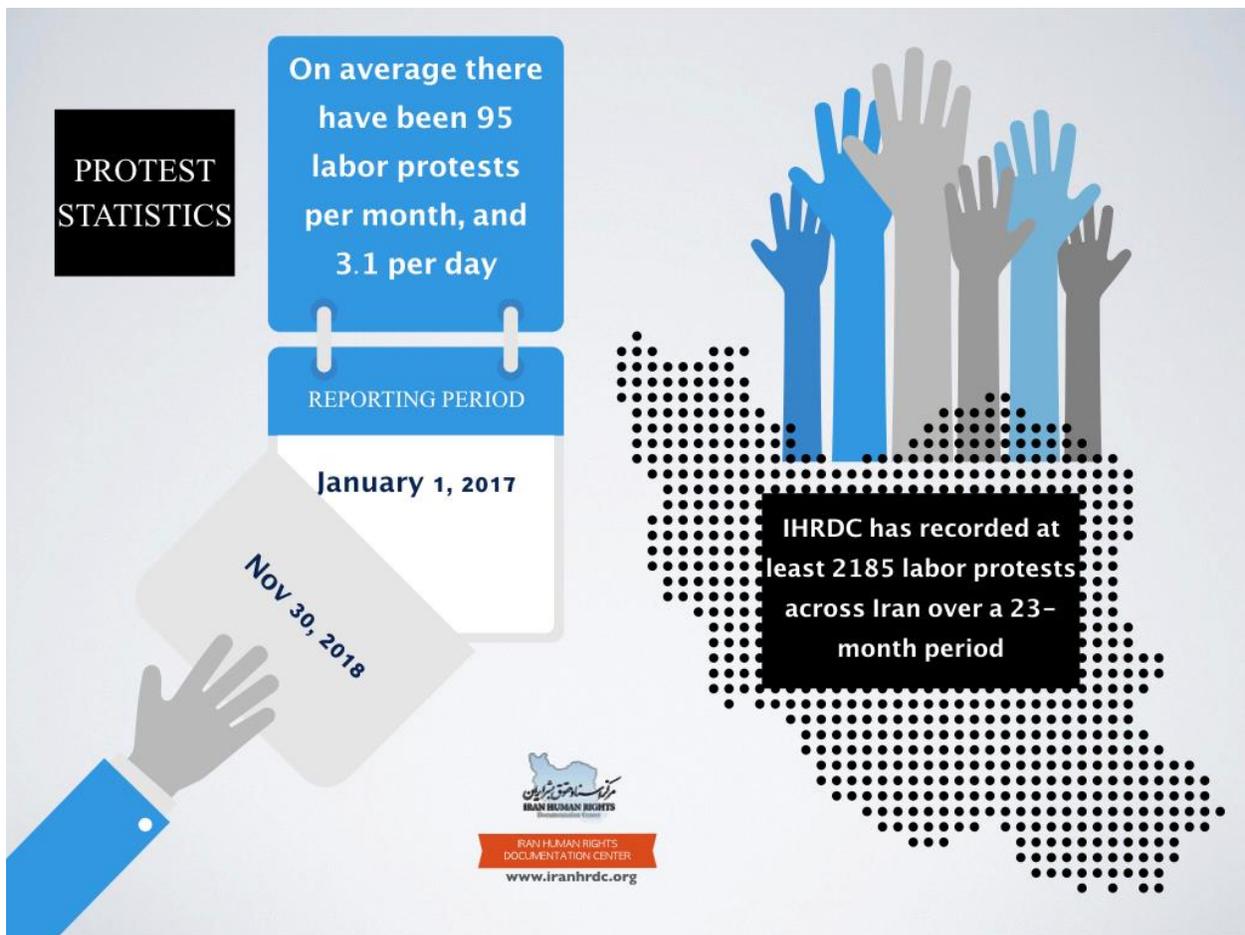


Figure 2: Between January 1, 2017, and November 30, 2018 IHRDC has recorded at least 2185 days of labor protests across Iran.

1. The Labor Code

The Labor Code of the Islamic Republic of Iran was passed on November 20, 1990, in the Expediency Council,³ a decade after the establishment of the new revolutionary government. The Labor Code, which contains 203 Articles, provided some protections for the labor force while ensuring that labor activism was limited to what the government approves. In addition, this section explains how several provisions of the Labor Code are designed to impose ideological values and restrict labor activism.

1.1. Protections Afforded to Workers

In this section some safeguards afforded to Iranian workers will be explained. This section also discusses examples of how these protections are not fully implemented

1.1.1. Termination of Employment Contract

One key provision of the Labor Code is Article 21, which specifies the conditions under which an employment contract could end. It states,

“An employment contract shall be terminated by any one of the following events:

- (a) the worker's death;
- (b) the worker's retirement;
- (c) the worker's total disability;
- (d) the expiry of the period specified in an employment contract concluded for a fixed term and its non-renewal, either explicit or implicit;
- (e) the completion of work under a contract concluded for a specified assignment;
- (f) the worker's resignation.”⁴

As it is evident from this list, the employer's will in continuing the employment, or its financial ability to retain employees, were not included as possible reasons for ending a worker's employment. Note 2 of Article 7 of the same Code indicates, “Where no period is specified in a contract for work which is permanent by nature, the contract shall be deemed to be permanent.”⁵ In other words, an employer who wanted to reserve the possibility to dismiss or lay off his or her employees was left with no choice but to

³ Under Article 112 of the Iranian Constitution, the Expediency Council is charged with the task of resolving conflicts between the parliament and the Guardian Council when the latter considers a bill either unconstitutional or against Islamic principles. The members of the Expediency Council are appointed by the Supreme Leader.

⁴ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art.21, *available at* <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm>. Please note that the English translation of the Labor Code provided here does not reflect amendments made following its enactment. When a reference is made to amendments not available in this translation, the citation refers to the Persian text.

⁵ *Id.*, art. 7.

enter into a fixed-term contract. Otherwise, an employment contract could be considered permanent, and layoffs could be considered breaches of contract.

Many employers considered Labor Code provisions as creating excessive costs for employers.⁶ In addition, according to one study, 39% of managers and 42% of workers believed that Articles 21 to 29 of the Labor Code hindered employers' discretion, which in turn reduced employment.⁷ In 2008 the Iranian parliament amended the Labor Code and added the subsections below:

(g) Termination of the contract as provided in the text of the contract.

(h) Reduction in production, structural changes in economic, social, and political conditions, and the necessity of substantial changes in technology in accordance with Article 9 of the 2003 Law on Modification of Some Regulations on Streamlining and Renovation of the Nation's Industries.⁸

Although the Labor Code was meant to provide job security for workers, in reality this goal has not been materialized. Employers often resort to fixed-term contracts to avoid the requirements of the Labor Code. According to Ali Aslani, a member of the High Committee of Islamic Labor Councils, 85% of work contracts in Iran are temporary.⁹ Fathollah Bayat, the head of Iran's Union of Contract Workers, put this number higher and stated that more than 90% of workers have fixed-term contracts.¹⁰

Article 7 of the Labor Code, originally meant to limit temporary contracts, has not led to this outcome in practice. Article 7 states, “

The expression "employment contract" means a written or an oral agreement whereby a worker undertakes, in return for remuneration, to perform work for an employer for a definite or an indefinite period.

Note 1. The maximum duration of a definite period in respect of types of work which are not permanent by nature shall be determined by the Ministry of Labor and Social Affairs and approved by the Council of Ministers.

Note 2. Where no period is specified in a contract for work which is permanent by nature, the contract shall be deemed to be permanent.¹¹

The specific regulations regarding the two notes of this Article have not yet been promulgated. Note 2 has been particularly contentious as the Iranian government has not yet specified what kinds of work are considered “permanent by nature.”

According to Article 2.3 of ILO's Termination of Employment Convention, “Adequate safeguards shall be provided against recourse to contracts of employment for a specified period of time the aim of which is

⁶Muhammad Bāqir Nubakht, *Naqshi Qanūni Kār Dar Bāzāri Kār Va Ravābiṭi Kār Dar Īrān*, 16 KĀR VA JĀMI' IH 4, 15 (2012), available at <http://www.ensani.ir/storage/Files/20121212093656-9625-135.pdf>

⁷ Id.

⁸ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art.21, available at https://www.mcls.gov.ir/icm_content/media/image/2016/04/87906_orig.pdf?t=635958861814543536.

⁹ *Ti 'dādi Kārgarāni Muvaqqat Chiḡadr Ast?*, ISNA (Feb. 29, 2018, 03:15 AM), <https://www.isna.ir/news/96110804692>.

¹⁰ *90 Darṣadi Kārgarān Amnīati Shughlī Nadārand/Ibhām Dar Qarārdādhāyi Muvaqqat*, MEHR NEWS (Sept. 17, 2016), <https://www.mehrnews.com/news/3771028>.

¹¹ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art.7, available at <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm>.

to avoid the protection resulting from this convention.”¹² This convention limits causes for which an employment could be terminated. For instance, termination for illness or maternity leave is prohibited under this convention.¹³ Iran has not ratified this convention, but the Labor Code includes provisions that were intended to make firing of workers more difficult.

Temporary contracts frustrate the Termination of Employment Convention and similar laws meant to protect workers. For instance, terminations subsequent to maternity leave are very common in Iran. According to an official with Iran’s Social Welfare Organization, one-third of women who go on maternity leave lose their jobs.¹⁴ In response to this problem the Ministry of Labor promulgated a regulation banning the termination of women until two years after the birth of their children.¹⁵ This regulation, however, was invalidated by a Court of Administrative Justice ruling. The Court of Administrative Justice argued, inter alia, that fixed-term employment contracts were permissible under Article 21(d) of the Labor Code, and that prohibiting termination of women for two years after giving birth would violate the Labor Code.¹⁶

1.1.2. Disciplinary Actions against Workers

Another major protection afforded to workers in the Labor Code is that in case of misconduct or failure to meet performance obligations the employer does not have the power to unilaterally fire the employee. Article 27 states,

“Where a worker is negligent in discharging his duties or if, after written warnings, he continues to violate the disciplinary rules of the workplace, the employer shall, provided that the Islamic Labor Council is in agreement, be entitled to pay to the worker a sum equal to his last monthly wage for each year of service as a length of -service allowance, in addition to any deferred entitlements, and to terminate his employment contract.

In units in which there is no Islamic Labor Council, the employer shall secure the agreement of the Guild Society. In any of the above cases, if the dispute is not settled by agreement, it shall be referred to the Board of Inquiry and, failing settlement by the said Board, the matter shall be investigated and settled by the Disputes Board.¹⁷”

Widespread use of fixed-term contracts has rendered this provision ineffective. Ali Khodayi, a member of Iran’s High Council on Labor, stated that instead of going through disciplinary procedures, employers simply wait until the conclusion of a fixed-term contract. At that point they simply do not extend it.¹⁸

¹² Convention Concerning Termination of Employment at the Initiative of the Employer art. 2.3., June 22, 1982, 1412 U.N.T.S 158, available at

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C158.

¹³ Convention Concerning Termination of Employment at the Initiative of the Employer art. 6.1., art. 5(e), June 22, 1982, 1412 U.N.T.S 158, available at

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C158.

¹⁴ *Sāzmāni Ta’ mīni ’Ijtīmā’ ī Irān: Yik Sivvume Zanān Pas az Murkhašū Zāymān ’Ikhrāj Mīshavand*, BBC PERSIAN (Apr. 23, 2014), http://www.bbc.com/persian/interactivity/2014/04/140413_139_maternity_leave_iran.

¹⁵ *Mamnū’ īati ’Ikhrāji Mādarāni Kārgar Laghv Shud*, TASNIM NEWS (Sept. 15, 2017, 10:47 AM), <https://www.tasnimnews.com/fa/news/1396/06/24/1517716/>.

¹⁶ Id.

¹⁷ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art.27, available at

<http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm>.

¹⁸ *Chirā 90 Darṣadi Qarārdādhāyi Kār, Muvaqqat Ast?*, DONYA-E-EQTESAD (Oct. 22, 2017, 08:56 AM), <https://donya-e-eqtasad.com/بخش-سایت-خوان-3303488/62-چرا-اگر-صد-قراردادهای-کار-موقت-است>.

According to Mostafa Khezri, the head of the legal affairs committee of the High Congress of Workers' Representatives, more than 90% of contracts have fixed-terms of one to three months.¹⁹ Under these circumstances, employers can refuse to renew a worker's contract and avoid the procedures delineated in the Labor Code and other regulations meant to protect workers from unjustified terminations.

1.1.3. Preferred Creditors

Workers are considered among preferred creditors according to Note 1 of Article 13 of the Labor Code, and when a contractor fails to pay its employees, the principal is required to pay the contractor's employees from the sums owed to the contractor.²⁰ In reality, however, this provision has not ensured that workers are paid for the work they have performed. Workers across a wide range of industries have protested non-payment of their wages in recent months. Many employers who have failed to pay their workers are contractors of state institutions such as municipalities. The non-payment of wages is a violation of ILO's Protection of Wages Convention. This topic is further discussed in Section 3.2. *infra*.

1.2. Islamization of the Workplace

Following the 1979 Islamic Revolution the Iranian government sought to impose Islamic values on as many facets of life as possible. Work environments were no exception. Those deemed to be morally unfit were expelled in the "purging" process. Individuals associated or believed to be associated with the Pahlavi dynasty were fired. Members of the Bahá'í faith were also dismissed from their jobs. According to the Bahá'í International Community, about 15,000 individuals lost their jobs or sources of livelihood.²¹ This section examines how these policies have impacted work environments in Iran.

1.2.1. Discrimination against Women

Forcing women to observe the Islamic veil was one of the first acts of the new government. According to President Hassan Rouhani's memoir, at that time he was charged with ensuring that women working in the Iranian military's Joint Chiefs of Staff observed proper veiling.²² He stated that he instructed the guards not to let female employees into the building unless they wore the veil.²³ The Iranian government's policies, such as barring women from working as judges, led to a sharp drop in the female labor force participation rate. While this rate stood at 14.8% in 1976, by 1986 the female labor force participation rate

¹⁹ *Bīsh Az Navad Daršad Qarārdādhāyi Kār, Yik Ta Sih Māhih Ast/Qānūni Kār Bāyad 'Islāh Shavad*, YJC.IR (Aug. 24, 2017, 11:26 PM), <https://www.yjc.ir/fa/news/6216895/>.

²⁰ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art.13, note 1, available at <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm>.

²¹ BAHÁ'Í INTERNATIONAL COMMUNITY, THE BAHÁ'Í QUESTION: CULTURAL CLEANSING IN IRAN 35 (2008), available at <http://news.bahai.org/documentlibrary/TheBahaiQuestion.pdf>.

²² *Khāṭirāti Ḥasani Rūhānī Dar Muridi Hijāb*, PARSINE (May 3, 2013, 02:05 PM), <https://www.parsine.com/fa/news/187972>.

²³ *Id.*

had declined to 10.2%. By 1996 this rate increased to 12.7%, which was still lower than what it had been two decades earlier.²⁴ In 2017 Iran's female labor force participation rate was 16.8%.²⁵

Although the Labor Code bans wage discrimination on the basis of gender,²⁶ it also institutionalizes discriminatory hiring practices as it conditions one's freedom to choose his or her trade on compliance with Islamic principles.²⁷ This policy has an adverse impact on women, as some professions are believed to be unsuitable for women based on religious or traditional values. In 1992, the Supreme Council of the Cultural Revolution, a governmental body charged with delineating Iran's cultural policies, enacted a memorandum entitled "Policies on Women's Employment in the Islamic Republic of Iran."²⁸ This memorandum declared that some occupations are "inappropriate" for women due to religious prohibition, harsh work conditions, or moral values. The memorandum cited judgeship and firefighting as examples of such occupations. On the other hand, it stated that occupations such as midwifery, teaching, and "some medical professions" are considered suitable for women under Sharia law.²⁹

Article 75 of the Labor Code explicitly prohibits women's employment in physically arduous occupations:

"Women shall not be employed to perform dangerous, arduous or harmful work or to carry, manually and without mechanical means, loads heavier than the authorized maximum. Instructions regarding types of such prohibited work and degrees of prohibition shall be approved by the Minister of Labor and Social Affairs on recommendation by the Supreme Labor Council."³⁰

In 2016 an official with the Social Welfare Organization identified 13 categories of arduous and harmful occupations.³¹ Working in mines, waste management, and factories producing pesticides are among those listed as arduous and hazardous. This list also includes jobs that involve working on scaffolds more than 5 meters above the ground. On June 20, 2016, Iran's Minister of Petroleum issued a directive ending gender discrimination in hiring practices of the Ministry of Petroleum. The directive, however, exempted jobs at oil and gas wells as well as the Ministry's subsidiaries from its requirements, which means that women are still categorically barred from certain positions in Iran's oil and gas sector.³² In fact, the head of the Petroleum University of Technology, stated that some academic program in the university, such as

²⁴ ROKSANA BAHRAMITASH & HADI SALEHI ESFAHANI, NIMBLE FINGERS NO LONGER! WOMEN'S EMPLOYMENT IN Iran 26 (2008), available at

<http://faculty.las.illinois.edu/esfahani/IndexFiles/Nimble%20Fingers%20No%20Longer.pdf>.

²⁵ *Labor force participation rate, female (% of female population ages 15+)* (modeled ILO estimate), WORLD BANK, <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?locations=IR> (last visited Oct. 24, 2018).

²⁶ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art. 38, available at <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm>.

²⁷ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art.6, available at <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm>.

²⁸ Memorandum of 17 Aug. 1992 (Policies on Women's Employment in the Islamic Republic of Iran), available at <http://rc.majlis.ir/fa/law/show/100171>.

²⁹ Memorandum of 17 Aug. 1992 (Policies on Women's Employment in the Islamic Republic of Iran), art. 6, available at <http://rc.majlis.ir/fa/law/show/100171>.

³⁰ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art. 74, available at <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm>.

³¹ *Ta' yīni 110 Shughli Sakht Va Ziānāvar Dar Kishvar*, ISNA (Aug. 21, 2016, 09:05 AM), <https://www.isna.ir/news/95050119440>.

³² *Dastūrul 'amali Raf 'i Tab 'iz Dar Jazb Va Bih Kārgūrū Bānuvān Dar Ṣan 'ati Naft 'Iblāgh Shud*, MINISTRY OF PETROLEUM, <https://bit.ly/2Ppb3Ey> (last visited Oct. 24, 2018).

drilling, are “fully masculine,” and that they do not admit female students.³³ Nevertheless, it is not clear how seriously the ban on women working in arduous and harmful occupations is enforced. An official with the Social Welfare Organization stated that by 2016 more than 3,500 women had retired as workers in arduous and harmful occupations, indicating that employers do not enforce the ban stringently.³⁴

Religious or moral considerations are responsible for a different type of discriminatory employment practices against women. Women are barred from working in traditional coffee houses and coffee shops, for instance.³⁵ Government officials have also announced that women cannot work as real estate agents.³⁶ Female musicians, and singers in particular, face various restrictions depending on the province in which they want to perform.³⁷ Given numerous barriers to women’s entry into the job market, and Iran’s low female labor force participation rate, Iran’s labor movement is also dominated by male activists.

1.2.2. Restrictions on the Basis of Religious or Political Views

Article 6 of the Labor Code declares that one has the right to choose an occupation that “is not inconsistent with Islamic principles or the public interests and does not violate other peoples’ rights.”³⁸ Provisions of Iran’s National Selection Law capture the intentions of the Iranian government with respect to the workforce, at least in the public sector. According to this law, any person hired by any governmental agency should possess the following qualities:

1. Belief in Islam or one of the other recognized religions under the Iranian Constitution
2. Commitment to Islamic law
3. Belief and commitment to the Guardianship of the Jurist, the Islamic Republic, and the Constitution
4. Not being known to the public for moral deviance
5. A lack of organizational links to or support for parties, organizations, or groups whose unlawfulness have been or will be announced by government agencies, unless the applicants repent
6. Lack of prior conviction
7. Not being addicted to drugs³⁹

³³ ‘*Idāmihiyi Insidādi Ḥaffārī Naft Barāyi Zanān*, TAADOL NEWSPAPER (June 18, 2017), <http://www.taadolnewspaper.ir/بخش-نفت-انرژی-101445/131-ادامه-انسداد-حفرای-نفت-برای-زنان>.

³⁴ *Man ‘i Istikhdamī Zanān Dar Mashāghili Sakht Va Ziānāvar*, EGHTEHAD ONLINE (Dec. 18, 2016, 10:08 AM), <http://www.eghtesadonline.com/بخش-عمومی-164948/30-منع-استخدام-زنان-در-مشاغل-سخت-زبان-آور>.

³⁵ ‘*Ishtighāli Zanān Dar Ghahvikhānihā Va Kāfīshāphā “Mamnū ‘Ast”*, DEUTSCHE WELLE PERSIAN (Aug. 31, 2014), <https://www.dw.com/fa-ir/اشتغال-زنان-در-قهوه-خانهها-و-کافیشاپها-ممنوع-است/a-17891279>.

³⁶ ‘*Mamnū ‘tati Fa ‘ālīati Zanān Bih Unvāni Mubashir Va Mushaviri Amlāk Dar Īrān*”, RADIO ZAMANEH (Dec. 17, 2013), <https://www.radiozamaneh.com/114497>.

³⁷ *Vizārati ‘Irshād Va Mukhālīfāni Dulat Dar ‘Ijrāyi Zanāni Navāzandih*, BBC PERSIAN (Jan. 20, 2018), <http://www.bbc.com/persian/arts-42732000>.

³⁸ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art. 6, available at <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm>.

³⁹ Selection of Teachers and Employees of the Ministry of Education Law of Sept. 19, 1995, available at http://gozinesh.irantvto.ir/uploads/125_418_ganon%20gozinesh%206.pdf. Also see Law of 14 May 1996 (Expansion of Teachers and Ministry of Education Employees Selection Criteria to Employees of Other Ministries, and State Organizations, Institutions, and Companies), available at http://gozinesh.irantvto.ir/uploads/125_418_ganon%20gozinesh%206.pdf. The National Selection Law originated from an order by Ruhollah Khomeini, the founder of the Islamic Republic. On January 5, 1983 Khomeini issued an order delineating the principles of selecting qualified candidates for governmental jobs. This order was issued in response to excesses in questioning of applicants by selection committees on Islamic laws and beliefs. Khomeini

The Education Committee and Employment and Administrative Affairs Committee of the Iranian parliament jointly promulgated regulations on the *gozinesh* or “selection” process.⁴⁰ Article 3 of this regulation states that performing obligatory rituals such as saying prayers and fasting are among required qualities. The same article also lists abstaining from “major sins” as another requirement.⁴¹ A teacher at a private school who spoke with IHRDC, but who did not want to be identified because of security concerns, described her experience in the *gozinesh* process. She indicated that the questions by the *gozinesh* committee were about Islamic concepts such as daily prayers, fasting and the veil.⁴² She indicated that she was summoned to the *gozinesh* committee several times during the presidency of Mahmoud Ahmadinejad, and that she was twice barred from teaching, but was able to return to work when the school’s founder supported her.⁴³

Even familial ties to a person deemed out of step with the Islamic Republic’s values may hinder an applicant’s employment or educational opportunities. A political activist currently living in exile told IHRDC that his brother, despite having the requisite qualifications, has been denied both employment and admission to a doctorate program. This political activist, who did not want to be identified, indicated that a university professor who has interviewed his brother for a doctorate program told him that he should resolve his “family problem” with the Ministry of Intelligence.⁴⁴

Article 2.2 of the ICESCR declares that religion or political opinion cannot be the basis for violation of rights enunciated in that convention.⁴⁵ Article 6.1 of the ICESCR states,

“The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”⁴⁶

The Iranian government has implemented policies that violate Article 2.2 of the ICESCR by denying employment opportunities to individuals based on their religious beliefs or political views. The National Selection Law explicitly states that the government must only hire persons who believe in Islam, Christianity, Judaism or Zoroastrianism, which are the only recognized religions under Iranian law. Furthermore, the Iranian government actually investigates applicants’ adherence to their respective religious beliefs and the degree to which they are loyal to the government. These practices are major

also instructed government agencies to rehire those individuals who were fired or rejected after failing to adequately respond to questionnaires that were unfairly difficult or asked about irrelevant topics. Khomeini ordered a government task force to set up new selection boards and devise new tests. He added that applicants should only be tested on material that they have had a chance to study for in advance. In 1995, the Iranian parliament passed a law for selection of teachers and other employees at the Ministry of Education. This law was based on the directions in Khomeini’s January 5, 1983 order. A year later, on May 14, 1996, the parliament passed another law and expanded the law on selection of Ministry of Education employees to all governmental departments and agencies.

⁴⁰ Selection Law Regulation of October 17, 1998, available at http://gozinesh.irantvto.ir/uploads/125_418_ganon%20gozinesh%206.pdf.

⁴¹ Id.

⁴² IHRDC Interview with Azar (pseudonym), (Apr. 28, 2018) (on file with IHRDC).

⁴³ Id.

⁴⁴ IHRDC Interview with Omid (pseudonym), (Apr. 28, 2018 and May 30, 2018) (on file with IHRDC).

⁴⁵ International Covenant on Economic, Social and Cultural Rights, art. 2.2, Dec. 16, 1966, 993 U.N.T.S. 3, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

⁴⁶ International Covenant on Economic, Social and Cultural Rights, art. 6.1, Dec. 16, 1966, 993 U.N.T.S. 3, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

impediments to the exercise of citizens' right to work and constitute a clear violation of international human rights law.

1.3. Control of Labor Organizations

Article 8.1 of the ICESCR, to which Iran is a party, protects the right to form or join trade unions, and declares that no restrictions can be placed on this right except "those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others."⁴⁷ In describing what limitations on this right are permissible under international law, the Human Rights Committee's General Comment No. 34 is instructive. Although the General Comment is on the right to freedoms of opinion and expression, it provides guidance on the same language used in Article 8.1 of the ICESCR. The Human Rights Committee states that restrictions meant to protect public order or national security "must conform to the strict tests of necessity and proportionality."⁴⁸ Regarding necessity, General Comment No. 34 adds that restrictions could be necessary only if they are imposed for a "legitimate purpose."⁴⁹ The Committee maintains that "the relation between right and restriction and between norm and exception must not be reversed."⁵⁰ Regarding proportionality, the Committee says, "restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected... The principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law."⁵¹

Section 1.3. explains the provisions of the Labor Code regarding the establishment and operation of labor organizations. As both the text of the Labor Code and actual experience of labor activists show, these measures are meant to control labor organizations rather than ensure national security, public order or the rights and freedoms of others, as provided in Article 8.1 of the ICESCR. In fact, the Labor Code does not describe its restrictions on labor organizing in terms of national security, public order, or protecting the rights of others. Instead, it ensures that labor organizations conform to the state's political and ideological beliefs.

Note 4 to Article 151 of the Labor Code states that workers in a workplace may have only one of the following three institutions for the purposes of representation and collective bargaining: (1) Islamic Labor Councils, (2) Trade Associations or (3) Workers' Representatives.⁵² This provision effectively bars the

⁴⁷ International Covenant on Economic, Social and Cultural Rights, art. 8.1, Dec. 16, 1966, 993 U.N.T.S. 3, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

⁴⁸ United Nations, Human Rts. Comm., Gen. Comment No. 34 ¶ 22, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011), available at <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

⁴⁹ United Nations, Human Rts. Comm., Gen. Comment No. 34 ¶ 33, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011), available at <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

⁵⁰ United Nations, Human Rts. Comm., Gen. Comment No. 34 ¶ 21, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011), available at <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

⁵¹ United Nations, Human Rts. Comm., Gen. Comment No. 27, ¶14, U.N. Doc. CCPR/C/21/Rev.1/Add.9 (Nov. 2, 1999), available at <http://www.refworld.org/pdfid/45139c394.pdf>.

⁵² The ILO's translation of this provision reads, "The workers of any given unit may establish an Islamic Labour Council, a guild society or workers' representatives." This translation, however, is inaccurate as it does not contain the word "only" used in the original Persian text. Therefore, ILO's translation does not convey the restrictive nature

establishment of truly independent labor organizations. Each of the three permitted labor institutions specified in this article of the Labor Code are briefly explained below.

1.3.1. Islamic Labor Councils

The Law to Establish Islamic Labor Councils predates the Labor Code. Passed by the Iranian parliament on January 20, 1985, this law created the framework of Islamic Labor Councils for the purposes of “ensuring Islamic justice, cooperation in programs, and creating harmony for progress in manufacturing, industrial, agricultural and service employment units.”⁵³ Under this law, workers at a place of employment may form an Islamic Labor Council. One of the duties of these Councils is examining workers’ complaints and instances in which their rights are infringed.⁵⁴

This law delineates the mechanism through which Islamic Labor Councils are elected. The eligibility criteria for election to Islamic Labor Councils are the following:

- (a) A minimum age of 22
- (b) At least one year of work experience in that workplace
- (c) Belief in, and practical adherence to, Islam and the Guardianship of the Jurist, and loyalty to the Constitution of the Islamic Republic
- (d) Having no proclivity toward illegal parties, groups, or organizations, or groups opposed to the Islamic Republic
- (e) Literacy and being informed about his or her responsibilities
- (f) Iranian citizenship
- (g) Honesty, trustworthiness, and not being known for moral deviance
- (h) Not having ties to the former regime, and not having a criminal conviction resulting in deprivation of social rights.⁵⁵

As to the question of who shall determine whether a candidate meets these criteria, the Law to Establish Islamic Labor Councils states a three-member board has the power to vet candidates. This board is comprised of (1) a representative from the Ministry of Labor, (2) a representative from the ministry overseeing the economic activity conducted at the workplace, and (3) a representative elected by the workers.⁵⁶ Therefore, government officials have the majority vote in this board, effectively controlling the membership of Islamic Labor Councils. Both the required qualifications and the composition of the board responsible for vetting the candidates demonstrate that Islamic Labor Councils were not designed to increase worker’s collective bargaining capacity. Instead, they are tools for exercising state control over the work force.

1.3.2. Trade Associations

of Note 4 to Article 131, which is, in fact, limiting labor organizing to institutions the mechanisms of which are regulated by the government.

⁵³ Law of Jan. 20, 1985 (Establishing Islamic Labor Councils), *available at* <http://rc.majlis.ir/fa/law/show/91022>.

⁵⁴ Law of Jan. 20, 1985, (Establishing Islamic Labor Councils) art. 13(f), *available at* <http://rc.majlis.ir/fa/law/show/91022>.

⁵⁵ Law of Jan. 20, 1985, (Establishing Islamic Labor Councils) art. 2, *available at* <http://rc.majlis.ir/fa/law/show/91022>.

⁵⁶ Law of Jan. 20, 1985, (Establishing Islamic Labor Councils) note 3 of art. 2, *available at* <http://rc.majlis.ir/fa/law/show/91022>.

A regulatory code promulgated in 2006 describes the framework within which trade associations are to operate. This regulatory code provides for election of boards of directors and inspectors. A candidate for these offices, however, should meet conditions such as “practical adherence” to the Iranian Constitution and possessing a “good reputation.”⁵⁷ The Ministry of Labor is charged with overseeing the election processes of trade associations.⁵⁸ Given the ideological and moral requirements of trade association elections, they are neither independent nor free. Examples of disqualification of candidates for the Boards of Directors of trade associations include the exclusion of candidates for the bakers’ association in Kurdistan Province⁵⁹ and the construction workers’ association in Shiraz.⁶⁰ A candidate for the bakers’ association in Kurdistan Province indicated that his disqualification was politically motivated.⁶¹ The disqualified candidates for the construction workers’ association in Shiraz released a statement and criticized the authorities for failing to provide any explanation for their disqualification.⁶²

It should be noted that some professional trade associations, such as the Medical Council,⁶³ are regulated by special statutes. Government interference in elections of professional associations is also common. For instance, the board overseeing Medical Council elections, which is appointed by the Minister of Health, disqualified several candidates after they had signed an open letter to Syrian President Bashar al-Assad, criticizing him for violating his Hippocratic Oath by inflicting harm on protesters.⁶⁴

1.3.3. Workers’ Representatives

A Workers’ Representative is an employee elected by his or her co-workers for the purpose of defending workers’ rights and benefits. Required qualifications for a candidate who wants to be elected as a Workers’ Representative are the following:

- (a) Iranian citizenship
- (b) Practical adherence to the Constitution of the Islamic Republic
- (c) Not being affiliated with illegal parties or political groups
- (d) Not being known for moral deviance
- (e) Not being addicted to drugs
- (f) A minimum age of 18

⁵⁷ Regulatory Code of Jan. 20, 2006, art. 9 (Establishment, Duties, Powers and Operation of Trade Associations and Related Centers), available at

https://www.mcls.gov.ir/icm_content/media/image/2016/02/85407_orig.pdf?t=635913969234116226.

⁵⁸ Regulatory Code of Jan. 20, 2006, art. 14, note 1 (Establishment, Duties, Powers and Operation of Trade Associations and Related Centers), available at

https://www.mcls.gov.ir/icm_content/media/image/2016/02/85407_orig.pdf?t=635913969234116226

⁵⁹ *Ihtimāli Mudākhilīhi ‘Idārihi Kār Dar ‘Intikhābāti ‘Anjumani Šinfū Khabbāzāni Kurdistān*, AFTAB (Nov. 12, 2015, 11:12 AM), <http://www.aftabir.com/news/article/view/2016/11/12/1547977>.

⁶⁰ *Raddi Šalahīyyatha Dar ‘Intikhābāti Anjumani Šinfū Kārgarāni Sākhtimānū Šhīrāz Qānūnī Ast*, ILNA (May 27, 2013), <https://www.ilna.ir/انتخابات-هادر-د-صلاحیت-76197/38-بخش-اخبار>.

⁶¹ *Ihtimāli Mudākhilīhi ‘Idārihi Kār Dar ‘Intikhābāti ‘Anjumani Šinfū Khabbāzāni Kurdistān*, AFTAB (Nov. 12, 2015, 11:12 AM), <http://www.aftabir.com/news/article/view/2016/11/12/1547977>.

⁶² *Raddi Šalahīyyatha Dar ‘Intikhābāti Anjumani Šinfū Kārgarāni Sākhtimānū Šhīrāz Qānūnī Ast*, ILNA (May 27, 2013), <https://www.ilna.ir/انتخابات-هادر-د-صلاحیت-76197/38-بخش-اخبار>.

⁶³ The Islamic Republic of Iran Medical Council is responsible for licensing, and registration of health care professional in Iran.

⁶⁴ *Bayānīhi Pizishkān Bih Bashshār Asad Raddi Šalahīyyati Ānān Ra Raqam Zad*, STUDENT NEWS NETWORK (Feb. 19, 2013), <http://snn.ir/fa/news/228600>.

- (g) Having finished the eighth grade at a minimum and familiarity with the duties of a Workers' Representative. The eighth-grade education requirement is waived if more than half of the workers at a place of employment are educated below that level.
- (h) Not having a criminal conviction resulting in deprivation of social rights.

The board charged with vetting candidates is directly elected by workers without government intervention.⁶⁵ The regulations governing these elections do not specify the criteria by which candidates' qualifications are to be assessed. For instance, it is not clear how it is determined whether a person is addicted to drugs or not.

Although the government does not directly control the election of Workers' Representatives, an elected Workers' Representative may still be stripped of his or her title by a different board established under Article 22 of the Law Establishing Islamic Labor Councils.⁶⁶ Members of this seven-member board are (a) three members of Islamic Labor Councils picked by other Islamic Labor Council members in the same geographic region, (b) three managers picked by managers in the same geographic region, and (c) a representative from the Ministry of Labor.⁶⁷ Under this arrangement, a board that does not represent the workers employed at a workplace can remove their elected representative. Therefore, a Workers' Representative cannot function independently, although governmental control is not as direct as in the case of Islamic Labor Councils.

2. Intimidation and Prosecution of Labor Activists

The Iranian government prevents the formation and functioning of independent labor unions, and it targets labor activists with intimidation and arrest. In this section, the accounts of several labor activists are discussed in some detail to demonstrate the manner in which the Islamic Republic implements this policy. The accounts related below depict a consistent pattern of violations that has not significantly changed since the Islamic Revolution four decades ago. The government curtails the right of workers to organize through both stringent laws and extra-legal intimidation tactics. Baseless national security charges are brought against labor activists, often leading to long prison sentences. Through limiting the right of workers to assemble and organize, and by treating the labor movement as a political threat, the Iranian government has attempted to stifle labor activism. On the other hand, labor leaders have continued to organize as best as they can, sometimes using the limited space provided under Iranian law. This ongoing struggle has resulted in numerous violations of Iran's international human rights obligations. As a party to both the International Covenant on Civil and Political Rights (ICCPR) and the ICESCR, the Iranian government is required to respect workers' freedom to form and join unions under Article 22.1 of the ICCPR and Article 8.1 of the ICESCR. Furthermore, by charging labor activists with national security crimes, the Iranian government is violating Article 15.1 of the ICCPR, which states,

⁶⁵ The Regulatory Code of July 31, 2013, art. 6 (Election, Operation, Duties and Powers of Workers' Representatives in Workplaces), *available at* https://qom.mcls.gov.ir/icm_content/media/image/2016/07/95355_orig.pdf.

⁶⁶ The Regulatory Code of July 31, 2013, art. 16.3 (Election, Operation, Duties and Powers of Workers' Representatives in Workplaces), *available at* https://qom.mcls.gov.ir/icm_content/media/image/2016/07/95355_orig.pdf.

⁶⁷ Law of Jan. 20, 1985, art. 22 (Establishing Islamic Labor Councils), *available at* <http://rc.majlis.ir/fa/law/show/91022>.

“No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.”⁶⁸

This Article generally prohibits ex post facto convictions and bars retroactive application of criminal statutes. In addition, however, this provision has been understood to mean that criminal statutes should be clear and precise. As the UN Human Rights Committee has stated, criminal liability and punishment should be limited to “clear and precise provisions in the law.”⁶⁹ In interpreting this principle, the European Court of Human Rights has explained, “This condition is satisfied where the individual can know from the wording of the relevant provision and, if need be, with the assistance of the courts’ interpretation of it, what acts and omissions will make him liable.”⁷⁰ The provisions of Iran’s Islamic Penal Code under which labor activists are often charged are broad and unspecific. Article 500 of the Fifth Book of the Islamic Penal Code, for example, declares, “Anyone who engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations, shall be sentenced to three months to one year of imprisonment.”⁷¹ Under this definition any criticism of the government’s actions could be construed as a crime, and, in fact, activists are routinely prosecuted for this crime. Likewise, Articles 498 and 499 describe the crime commonly referred to as “acting against national security” and its punishment:

Article 498 – Anyone, with any ideology, who establishes or directs a group, society, or branch, inside or outside the country, with any name or title, that constitutes more than two individuals and aims to perturb the security of the country, if not considered as *mohareb*,⁷² shall be sentenced to two to ten years’ imprisonment.

Article 499– Anyone who joins, as a member, any of the groups, societies, or branches aforementioned in article 498, shall be sentenced to three months to five years’ imprisonment, unless it is proved that he had been unaware of its aims.⁷³

The Iranian security apparatus and judiciary define perturbing national security very broadly and invoke these two provisions to arrest and prosecute a broad range of defendants for peaceful acts. Journalists, religious minorities, and labor activists are among those targeted under these provisions. The individuals whose accounts are discussed below are labor activists who were harassed or prosecuted under this legal framework

⁶⁸ International Covenant on Civil and Political Rights, art. 15.1, Dec. 16, 1966, S. Exec. Rep. 102-23, 999 U.N.T.S. 171, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

⁶⁹ UN Human Rts. Comm., Gen. Comment. No. 29, ¶ 7, U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001), available at <http://www.refworld.org/docid/453883fd1f.html>

⁷⁰ Kokkinakis v. Greece, 17 Eur. Ct. H. R. 397 (1994), available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57827>.

⁷¹ KITABI PANJUMI QANUNI MUJAZATI ISLAMI [Fifth Book of the Islamic Penal Code] Tehran 1375 [1996], art. 500, available at <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>.

⁷² The term *mohareb* refers to a person who has engaged in the crime of *moharebeh*, or “waging war against God.” This charge is often brought against individuals accused of armed resistance against the Islamic Republic or armed robbery, and it is punishable by death.

⁷³ KITABI PANJUMI QANUNI MUJAZATI ISLAMI [Fifth Book of the Islamic Penal Code] Tehran 1375 [1996], arts. 498-499, available at <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>.

2.1. Mahmoud Salehi

In an interview with IHRDC, Mahmoud Salehi, a labor activist from Saez, a city in Kurdistan Province, described his ordeal. Salehi, who was arrested several times in the 1980s because of his links to Kurdish opposition groups, was also imprisoned for labor organizing. In 2004, Salehi and a number of other activists were arrested for participating in a peaceful May Day rally.⁷⁴ He was subsequently sentenced to five years' imprisonment on national security charges.⁷⁵ He served three and a half years of this sentence.⁷⁶

2.1.1. Coordinating Committee to Form Workers' Organizations

In 2005, Salehi, along with several other labor activists, founded the Coordinating Committee to Form Workers' Organizations. Salehi stated that the Coordinating Committee was established in accordance with applicable laws.

We founded this Coordinating Committee in accordance to government regulations and based on article 131 of the Iranian Labor Code. We had a general assembly at which we elected board members. In accordance with the Committee's guidelines, we presented all the elected members' names and information to the Ministry of Labor and the Ministry of Intelligence. Our goal was to register our newly-founded group with the government. Not only did they not register our group, they charged us with criminal activities.⁷⁷

According to Salehi, even though they had sought a permit, 60 members of the Coordinating Committee were arrested as they had gathered for a meeting in Karaj, Alborz Province, in 2011.⁷⁸ While the authorities released them after one day, they brought charges against several attendees. Intelligence agents interrogating Salehi pressured him to resign from the Coordinating Committee. In response, Salehi insisted that the workers' efforts were not breaking any law:

[I]f we were doing something illegal or if we were colluding illegally, we would have to do it in secret. But nothing we have done has been underground. We held an official general assembly. We announced its members' names, occupations and places of residence to the Ministry asking to be registered. How is this an illegal organization?⁷⁹

According to Salehi, the agents interrogating him were adamant in their determination to define the Coordinating Committee as an opposition group rather than a labor organization.⁸⁰ Those who resigned from the Coordinating Committee were not prosecuted, but those who did not do so faced charges later.⁸¹

⁷⁴ *Iran: New Government Fails to Address Dire Human Rights Situation*, AMNESTY INTERNATIONAL (Feb. 16, 2006), <https://www.amnesty.org/en/documents/mde13/010/2006/en/>.

⁷⁵ *Id.*

⁷⁶ *Witness Statement of Mahmoud Salehi*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (June 11, 2018), <https://iranhrdc.org/witness-statement-of-mahmoud-salehi/>.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*



Figure3: Mahmoud Salehi is greeted by supporters after his release from prison on November 23, 2017.

2.1.2. Latest Imprisonment

Salehi was arrested again on April 28, 2015 at his home in Saqez.⁸² Ministry of Intelligence agents seized many of his personal belongings and took Salehi to the Ministry's detention center in Sanandaj, the capital of Kurdistan Province. Salehi was not interrogated in the first week of his detention. The questioning commenced in the second week. According to Salehi, the intelligence agents kept repeating the same questions and tried to link Salehi to armed Kurdish fighters known as the *Peshmerga*.

The charges brought against Salehi were, again, of a political nature. First, as Salehi describes, a judiciary official informed him that he was being charged with having contact with Kurdish opposition parties. Salehi categorically rejected this accusation. Then the judiciary official turned the conversation to focus on the formation of the Coordinating Committee. Eventually, Salehi was charged with membership in opposition groups as a result of his role in forming the Coordinating Committee.⁸³

⁸² Id.

⁸³ Id.

According to Salehi there was no clean water to drink at the detention facility. Furthermore, the security agents did not provide needed medical attention to Salehi:

I was on dialysis medication. The day I was officially charged, I made it clear to the court that I needed my medication to survive. They kept me from taking my medication for 32 hours and my blood pressure skyrocketed. I had nosebleeds and then my kidneys gave in. Since that day I have to go to the hospital for dialysis twice a week. I've lost both my kidneys.

Salehi was transferred to a hospital after he collapsed on his chair during questioning. He was subsequently released on bail, ending his pre-trial detention.⁸⁴

2.1.3. Trial

Salehi's trial took place in August 2015, at Branch 1 of the Sanandaj Revolutionary Court. Salehi did not retain an attorney because he believed that he had not done anything wrong. Due to his ill health, he was not active in the Coordinating Committee he had founded.⁸⁵ Salehi was summoned to appear in court on September 16, 2015, to receive the court's verdict.⁸⁶ Salehi stated that the trial court found him guilty of disseminating propaganda against the Islamic Republic and membership in an opposition group and sentenced him to nine years' imprisonment.⁸⁷ Salehi was not given a copy of the court opinion. Instead, he was given the court order's number and told to just mention the opinion number in his appellate brief. Salehi responded:

"My dear sir, I have been given a nine-year prison sentence, I have to have the order in my hand to see what it says so that I could defend myself accordingly!"⁸⁸

Salehi appealed his conviction to the Kurdistan Province Court of Appeals without possessing the trial court's opinion. As Salehi described, the proceedings of the appellate court did not pertain to the legality of the charges brought against him in the case at hand. Instead, appellate judges asked about Salehi's activities three decades ago:

The judge ordered me to listen to what he had to tell me and proceeded to say: "You were incarcerated 30 years ago, in 1988. You completed your sentence. On February 11, when you were being released, they asked you to take a placard and go to the streets with other inmates.⁸⁹ Your response was that you are not a Basiji⁹⁰ and you refused to take the placard. Is this true?" I said, "Yes it's true. I am not a Basiji. I was just a prisoner who had completed his sentence and had to be released. Why would I go to the streets with the

⁸⁴ Id.

⁸⁵ Id.

⁸⁶ *Mahmūd Ṣālihi, Fa'āli Kārgarī: Hukmi 9 Sāl Zindān Rā Bih Man 'Iblāgh Kardand*, KALEME (Sept. 20, 2015), <https://www.kaleme.com/1394/06/29/klm-224931/>.

⁸⁷ Id.

⁸⁸ *Witness Statement of Mahmoud Salehi*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (June 11, 2018), <https://iranhrdc.org/witness-statement-of-mahmoud-salehi/>.

⁸⁹ Each year on February 11 rallies are held across Iran to mark the anniversary of the 1979 Islamic Revolution. Participation in these rallies is generally viewed as a sign of loyalty to the Iranian government.

⁹⁰ The term Basij refers to a volunteer paramilitary organization that was formed during the Iran-Iraq war. Members of the Basij often enforce the Iranian government's morality code. Also known as "plainclothes agents," some Basij members take part in suppression of anti-government protests.

placard?” Why is it that three Appeals Court judges bring up something that happened 30 years ago?”⁹¹

Salehi showed the court several administrative rulings that he had secured in favor of workers as a labor activist, demonstrating that his activities were within legal bounds. In response, he was told that he should not have involved himself in workers’ rights advocacy. At the Court of Appeals he was asked, “Why are you defending the working class?” to which Salehi responded that if defending the rights of the working class is a crime, then he’s guilty.⁹²

Salehi was not directly informed of the result of his appeal. Instead, on June 2, 2017 a summons notice was sent to the person who had posted bail for Salehi. The summons indicated that Salehi should turn himself in so that he could serve his sentence. It did not indicate whether his nine-year sentence was reduced or upheld entirely.⁹³ Salehi refused to turn in himself.⁹⁴

On October 28, 2017, Ministry of Intelligence agents arrested Salehi at the hospital where he was undergoing dialysis and took him to Saqez prison.⁹⁵ The Court of Appeals had, in fact, reduced Salehi’s sentence to one year in prison.⁹⁶ This decision, however, was not communicated to Salehi. Six days after his arrest Salehi was taken to hospital due to his heart condition.⁹⁷ Salehi was eventually released from prison on November 23, 2017.

2.2. Sadeq Kar

Sadeq Kar, an industrial mechanic born in 1955, is a labor activist. In his interview with IHRDC, Kar discussed how Iranian authorities viewed labor activism in the early years of the Islamic Republic. Kar was the secretary of a labor syndicate for industrial mechanics. He indicated that about two years after the revolution, pro-government forces detained more than 100 persons who were attending a syndicate meeting.⁹⁸ The arrested participants were taken to a *komiteh*⁹⁹ in Robat Karim, a town near Tehran. Although Kar and others detained at the meeting were soon released, the authorities closed down the syndicate and confiscated its properties.¹⁰⁰ Still, the members held their meetings in places used by other

⁹¹ *Witness Statement of Mahmoud Salehi*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (June 11, 2018), <https://iranhrdc.org/witness-statement-of-mahmoud-salehi/>.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Farzandi Maḥmūdi Ṣāliḥī: Dar Bāzdāshṭ Qabl Kullīhāyash Rā Az Dast Dād, Īn Bār Nīgarāni Jāni Ūyīm*, CENTER FOR HUMAN RIGHTS IN IRAN, <https://persian.iranhumanrights.org/1396/08/mahmoud-sahlehihe-lost-his-kidney/> (last visited Oct. 28, 2018).

⁹⁶ *Id.*

⁹⁷ *Maḥmūd Sāliḥī, Fa’āli Kārgari Zindānī, Āzād Shud*, RADIO FARDA (Nov. 23, 2017), https://www.radiofarda.com/a/iran_mahmoud_salehi_prison_released/28872181.html.

⁹⁸ IHRDC Interview with Sadeq Kar, (July 2017) (on file with IHRDC).

⁹⁹ The term *komiteh* refers to armed revolutionary groups that enforce Iran’s strict morality code and surveil and arrest those believed to be engaging in “counter-revolutionary” activities. The *komitehs* were incorporated into the country’s police force in 1991. For more on *komiteh* see *Komiteh*, ENCYCLOPEDIA.COM, <https://www.encyclopedia.com/religion/encyclopedias-almanacs-transcripts-and-maps/komiteh> (last viewed Oct. 29, 2018).

¹⁰⁰ IHRDC Interview with Sadeq Kar, (June 6, 2017) (on file with IHRDC).

trade groups as well as public places such as mountains, parks, and even religious shrines.¹⁰¹ Private homes of labor activists were also used for this purpose.¹⁰²

Kar's account demonstrated remarkable similarities between the manner in which the Iranian government treated labor activism in the early years of the Islamic Republic and the present day. Both then and now security concerns have been the main feature of the Iranian authorities' approach to the labor movement.

From the beginning, the Islamic Republic had a security-oriented approach in handling syndicates and syndicate activists. The main purpose of syndicates was defending workers' rights in the framework of existing laws and regulations, trying to implement the Labor Code in workplaces and overseeing its enforcement... This was our work. It was not dangerous, nor was it something that should offend anyone. But the government had a wrong and exaggerated idea about the nature of syndicates and it believed that they wanted to bring down the government.¹⁰³

Kar stated that they did not discuss politics at syndicate meetings. Instead, they deliberated on topics such as workers' insurance, the ILO's statements, and labor conditions in other countries.¹⁰⁴ According to Kar, the authorities did not care about what was actually said in the meetings or what the purpose of the syndicates was.

Whenever they detained [us] they would not ask why we were being active in the syndicate, what the syndicate was, what it does, or what we wanted. They would not ask anything about these things. Instead they would say: "you're counter-revolutionaries and your activities are conspiratorial."¹⁰⁵

In September 1980, the Turkish military overthrew Turkey's government and arrested many dissidents, including members of the Confederation of Progressive Trade Unions of Turkey.¹⁰⁶ Kar stated that his syndicate published an open letter, protesting the arrest of labor activists in Turkey. The letter stressed that labor unions should be allowed to function in accordance with international law, and it called for their release.¹⁰⁷ During their detention, the Iranian authorities accused Kar and other activists of spying for Turkey, even though the letter was, in fact, critical of the Turkish government. Kar and other activists had to convince the authorities that no espionage activity was undertaken, and that they had written the letter in protest to Turkey's action.¹⁰⁸

Kar stated that when working in Iran Khodro, one of Iran's major auto manufacturers, the authorities were searching for him for organizing strikes.¹⁰⁹ Also a supporter of the leftist *Fedaian-e Khalq* political organization, Kar felt that he was in danger of being arrested, and he left Tehran for the town of Zarand in Kerman Province. Eventually Kar left Iran in 1991.¹¹⁰

¹⁰¹ Id.

¹⁰² Id.

¹⁰³ Id.

¹⁰⁴ Id.

¹⁰⁵ Id.

¹⁰⁶ *DISK*, FRIEDRICH EBERT STIFTUNG, <https://www.fes.de/fulltext/bueros/istanbul/00253009.htm#LOCE9E9> (last viewed Oct. 29, 2018).

¹⁰⁷ IHRDC Interview with Sadeq Kar, (June 6, 2017) (on file with IHRDC).

¹⁰⁸ Id.

¹⁰⁹ Id.

¹¹⁰ Id.

2.3. Mansour Osanlou

Mansour Osanlou, born in Tehran on February 24, 1960, is one of the most well-known Iranian labor activists. In his interview with IHDC he discussed his multiple arrests and imprisonment.

2.3.1. Beginning of Activism

Osanlou, a driver, traces back his activism to 1985, when Asghar Tabatabaei, a colleague of his, was fined by the government. The government had fined Tabatabaei because his tanker truck, which was transporting water, veered off a road during the Iran-Iraq war after it came under fire.¹¹¹ Tabatabaei was fined 12,000 toumans, approximately equaling \$197 per the exchange rate in 1985.¹¹² Osanlou and other drivers at the Tehran Bus Company set up a donation box to collect funds to cover Tabatabaei's fine. This box was placed next to a donation box designated for helping the war front and another one designated for the Islamic Labor Council, the government-sanctioned labor group.¹¹³ According to Osanlou, when a driver wanted to place a cash donation into the box designated for the war front, others would urge him to donate to Tabatabaei's box instead. This led to a confrontation between several drivers and members of the Islamic Labor Council, and eventually the drivers took the war-front donation box out of the building.¹¹⁴ The funds raised for Tabatabaei exceeded his fine, and the drivers decided to establish a fund for helping drivers in need.

The fundraising cooperation between drivers evolved into the formation of an unofficial syndicate. Osanlou stated that drivers started to have weekly meetings at their private homes.¹¹⁵ Both the divisional manager of the Tehran Bus Company and the *herasat*¹¹⁶ office summoned the drivers and questioned them about their meetings.¹¹⁷ The divisional manager of the Tehran Bus Company told Osanlou that this type of meetings was illegal and that holding them was something communists did.¹¹⁸ *Herasat* agents, on the other hand, knew that brazen acts, such as removing the donation box for the war effort, was not something experienced political dissidents would do, and they realized this was about labor activism. Nevertheless, they started to threaten the drivers by reminding them of the possibility of arrest and imprisonment. Some of the drivers stopped attending the meetings, but the rest continued to assemble, albeit more discreetly.¹¹⁹

In 1986, Osanlou gathered the signatures of 430 bus drivers in order for them to start collective bargaining with the government. What the drivers wanted were better equipment, higher wages, and other benefits. Tehran Bus Company's *herasat* office summoned Osanlou yet again.¹²⁰ He was asked to give a

¹¹¹ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ Governmental organizations and universities in Iran have an intelligence and security office known as *herasat*. This office is in charge of the university or organization's security and monitors it for any subversive act or any conduct in violation of the IRI's strict Islamic code.

¹¹⁷ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

pledge that he would no longer continue this effort.¹²¹ Osanlou refused, stressing that what he was advocating for was not political in nature.¹²²

Due to back pain, Osanlou was no longer able to operate buses. He was transferred to a ticket sales kiosk, where he sold bus tickets for about two years. Osanlou recalled that he used to read books conspicuously in order to attract the attention of those walking by and start conversing with them about labor issues.¹²³ Osanlou was transferred yet again, this time to the tire service section, in what he believes was an attempt to curtail his interaction with the public.¹²⁴ Osanlou was later transferred to a desk job with a higher salary. Osanlou considered this as an incentive to silence him.¹²⁵

2.3.2. Increase in Labor Activism in Late 1990s and 2000s

Following the election of Mohammad Khatami as president in 1997 Iran experienced a relative easing of restrictions on political and civic activity. In 1999, several labor activists planned to hold a May Day event after more than a decade. This event, held at Talar-e Yaghout, a venue in Tehran, created momentum and led to more cooperation among labor activists across various occupational fields. Osanlou, who participated in the May Day observance, stated that within weeks he participated in a workers' meeting in the town of Jajeroud, in the vicinity of Tehran.¹²⁶

In early 2000s, Osanlou and other activists started to hold their meetings at a place known as the bakers' *hosseinieh*.¹²⁷ This building, which belonged to the bakers' trade association, became the focal point of labor activism for bus drivers and many other labor groups.¹²⁸

In 2003, Osanlou went to Germany while on medical furlough. He met with opposition activists during this trip. When he returned to Iran he continued his advocacy for labor rights with more intensity as he believed that he was now supported by people living abroad as well.¹²⁹ In 2004, after returning to work, Osanlou was fired from his job on the pretext of absenteeism, but he appealed his termination, citing his approved medical furlough, and he was able to return to work.¹³⁰ Subsequently he was questioned by *herasat* about his trip to Germany, but he did not scale back his activities. He then gathered more than 8,000 signatures for reopening of the Syndicate of Workers of Tehran and Suburbs Bus Company (SWTSBC). An open letter containing this request was sent to President Khatami's office. In his response, President Khatami used the phrase "Bus Company Workers' Syndicate."¹³¹ This was considered de-facto recognition of the existence of the syndicate.

¹²¹ Id.

¹²² Id.

¹²³ Id.

¹²⁴ Id.

¹²⁵ Id.

¹²⁶ Id.

¹²⁷ A *hosseinieh* is a building used as venue for mourning rituals associated with the seventh-century Battle of Karbala, during which Hossein, the Prophet Mohammad's grandson, was killed as he fought Yazid, the second Umayyad Caliph. The Battle of Karbala is a central event in Shia Islam and its commemoration is a very important aspect of Shia identity. For more information about *hosseinieh* see *Hosayniya*, ENCYCLOPAEDIA IRANICA (Mar. 23, 2012), <http://www.iranicaonline.org/articles/hosayniya>.

¹²⁸ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹²⁹ Id.

¹³⁰ Id.

¹³¹ Id.

2.3.3. Attacks on the Syndicate

On May 5, 2005, Osanlou and other activists at the Bakers' *hosseinieh* were assaulted while holding a meeting. The assailants were members of government-sponsored labor organizations.¹³² According to Osanlou, Akbar Eyvazi, a member of the Islamic Labor Council at the Tehran Bus Company and also a member of the Worker House,¹³³ and Alireza Mahjoub, a member of the Iranian Parliament and the head of the Worker House, were present during the assault.¹³⁴ According to a letter sent by the SWTSBC to the International Labor Conference, "police and security forces were watching their illegal actions."¹³⁵ During this assault Osanlou was attacked by a knife-wielding individual and his face and tongue were injured.¹³⁶ The SWTSBC saw this raid as part of government-led efforts to stifle independent labor organizations.¹³⁷ Osanlou stated that during this incident one baker named Khalil Goudarzi was thrown off a stairway, suffered a heart attack, and subsequently died.¹³⁸



Figure 4: This image shows injuries to Osanlou's face and tongue after an assault by members of government-sponsored labor organizations on May 5, 2005.

On June 3, 2005, the SWTSBC held its first general assembly.¹³⁹ Elections for the SWTSBC board of directors were held from 8 am until 2 am the next day.¹⁴⁰ Eight to nine thousand workers participated in this election.¹⁴¹ Osanlou was elected to the board. According to Osanlou, five or six days after the general

¹³² Id.

¹³³ Worker House is a government-sponsored labor advocacy group. Alireza Mahjoub, a current member of the Iranian parliament, has led the organization for several decades.

¹³⁴ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹³⁵ *Nāmihi Sandikāyi Kārgarāni Shirkati Utubūsrānī Tihrān Va Hūmih Bih Šadupanjumīn 'Ijlāsi Sāzmāni Jahānī Kār*, VAHEDSYNDICA.COM (June 2, 2016), <https://vahedsyndica.com/archive/2176>.

¹³⁶ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹³⁷ *Nāmihi Sandikāyi Kārgarāni Shirkati Utubūsrānī Tihrān Va Hūmih Bih Šadupanjumīn 'Ijlāsi Sāzmāni Jahānī Kār*, VAHEDSYNDICA.COM (June 2, 2016), <https://vahedsyndica.com/archive/2176>.

¹³⁸ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹³⁹ *Barguzārī Avvalīn Majma 'i Sandikāyi Kārgarāni Shirkati Vāhīd Dat 13 Khurdād 1384 Nuqti 'Atfī Barāyi 'Ijādi Dīgar Sandikāhā Va Tashakkulhāyi Mustaqīli Kārgarī Dar Kishvar Bivujūd Āvard*, VAHEDSYNDICA.COM (June 5, 2017), <https://vahedsyndica.com/archive/2692>.

¹⁴⁰ Id.

¹⁴¹ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

assembly, the SWTSBC building was firebombed, causing damage to the property.¹⁴² SWTSBC members attributed this attack to assailants supported by factions within the Iranian government.¹⁴³

Following the SWTSBC general assembly, the SWTSBC board of directors entered into negotiations with the Tehran Bus Company over employee benefits. Despite initial promises, Tehran Bus Company officials failed to provide the benefits requested by the SWTSBC. In response on September 7, 2005, Tehran Bus Company drivers protested by turning on their headlights while operating the bus fleet.¹⁴⁴ This method of protest has been repeatedly used since then.

2.3.4. Arrest and Imprisonment

On December 22, 2005, Iranian authorities arrested Osanlou and a number of other SWTSBC activists.¹⁴⁵ When security agents came to arrest Osanlou, he initially resisted. Osanlou recalled that the agents appeared at his home at 6 am, and that he and his family argued with them for several hours. Osanlou called the police to confirm the agents' identity. He finally got into their vehicle at 9 am.¹⁴⁶ Osanlou was taken to the Revolutionary Court complex on Moallem Avenue. The agents who had arrested him did not have an arrest warrant and were looking for a judge who would sign one. According to Osanlou none of the judges were willing to do this. As a result, the agents waited until late night, when the night-shift judge agreed to issue an arrest warrant.¹⁴⁷ Osanlou related his conversation with this judge in his interview with IHRDC:

He asked, "What is your name." "I don't have a name," I responded. He said, "What do you mean?" I said, "I don't have a name." "What does this mean?" he asked. I replied, "Your question is absurd. You have brought me here! Don't you know my name? For what crime have you handcuffed me? My hands are swollen and numb. For what crime have you brought me here? The whole world knows me. Why have you brought me here? You don't know my name?"¹⁴⁸

After the judge signed Osanlou's arrest warrant he was taken to Evin Prison's ward 209, which is operated by the Ministry of Intelligence. Once in ward 209, five or six agents started to beat Osanlou.¹⁴⁹ Osanlou recalls that they punched and kicked him, and that he was almost knocked unconscious.¹⁵⁰ He was subsequently placed in solitary confinement.

Osanlou's interrogators threatened Osanlou, stating that his family members could be arrested and raped.¹⁵¹

¹⁴² Id.

¹⁴³ *Barguzārī Avvalīn Majma 'i Sandīkāyi Kārgarāni Shirkati Vāḥīd Dat 13 Khurdād 1384 Nuḡti 'Atfī Barāyi 'Ijādi Dīgar Sandīkāhā Va Tashakkulhāyi Mustaqīli Kārgarī Dar Kishvar Bivujūd Āvard*, VAHEDSYNDICA.COM (June 5, 2017), <https://vahedsyndica.com/archive/2692>.

¹⁴⁴ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹⁴⁵ Id.

¹⁴⁶ Id.

¹⁴⁷ Id.

¹⁴⁸ Id.

¹⁴⁹ Id.

¹⁵⁰ Id.

¹⁵¹ Id.

Anticipating arrest, Osanlou had appointed his attorneys in advance. The authorities, however, did not allow them to meet Osanlou during the detention period.¹⁵² On August 14, 2006, Osanlou was released on a bail of 200 million toumans,¹⁵³ but no charges were brought against him at that time.¹⁵⁴

Osanlou was arrested again on October 23, 2006. During his detention, Judge Haddad, who sits on the Tehran Revolutionary Court, visited Osanlou in prison and asked him when he was going to stop his labor activism.¹⁵⁵ Osanlou responded by asking about the charges for which he was detained. Again, he was not informed of the charges brought against him, but he was released after a month.¹⁵⁶

Osanlou's trial was held months later, on February 24, 2007. Two lawyers accompanied Osanlou. The judge, named Mohammadi, did not allow Osanlou to speak.¹⁵⁷ The court issued its verdict in May 2007, sentencing Osanlou to five years' imprisonment. He received four years for conspiring against national security and one year for disseminating propaganda against the Islamic Republic, respectively.¹⁵⁸ When this verdict was issued, Osanlou was in Europe for meetings with the International Transport Workers' Federation (ITF) and the International Trade Union Confederation (ITUC).¹⁵⁹

Osanlou returned to Iran, knowing that a five-year prison sentence awaited him. He was not, however, immediately arrested. After returning, Osanlou continued his activities, and called for the second general assembly of the SWTSBC. During that period, the SWTSBC operated out of the office of Nasser Zarafshan, a prominent attorney. This office had been closed for several years after Zarafshan had been arrested for investigating the "Chain Murders" of the 1990s.¹⁶⁰ SWTSBC members renovated the office, and used it to distribute flyers to bus drivers.¹⁶¹ Osanlou stated that the opening of this office raised the ire of intelligence agents.¹⁶² Osanlou was eventually arrested again on July 10, 2007.¹⁶³ He was taking a bus home after work when intelligence agents boarded the bus and arrested him. He was handcuffed and placed in the back seat of a car.¹⁶⁴ Osanlou stated that the agents made him lie face down, with two of them sitting on his back and neck.¹⁶⁵ They beat him on the way and also when they arrived at Evin Prison. While beating him and swearing at him, they said, "We let you leave the country. Why did you come back?"¹⁶⁶

¹⁵² Id.

¹⁵³ This amount approximately equals \$217,000 per the exchange rate in 2006.

¹⁵⁴ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹⁵⁵ Id.

¹⁵⁶ Id.

¹⁵⁷ Id.

¹⁵⁸ *Manşūr 'Usānlū Bih 5 Sāl Zindān Maḥkūm Shud*, ASR IRAN (May 28, 2007, 07:22 PM), <http://www.asriran.com/fa/news/18491>.

¹⁵⁹ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹⁶⁰ The term Chain Murders refers to assassination of a number of writers and intellectuals in the 1990s. In 1998, Iran's Ministry of Intelligence indicated that "rogue" elements within the ministry were responsible for the murders. Saeed Emami, a deputy at the Ministry of Intelligence, was the most senior official arrested in relation to the Chain Murders. He reportedly committed suicide in prison by ingesting a hair removal product.

¹⁶¹ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹⁶² Id.

¹⁶³ *Sandīkāyi Kārgarāni Shirkati Vāḥid Khāstāri Āzādī Manşūr 'Usānlū Shud*, RADIO FARDA (July 10, 2008), <https://www.radiofarda.com/a/455538.html>

¹⁶⁴ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹⁶⁵ Id.

¹⁶⁶ Id.

Osanlou was put in solitary confinement despite the wounds he had sustained.¹⁶⁷ His shoulders being injured, he could not change his clothes. He was taken to the prison infirmary after three days.¹⁶⁸ Osanlou also stated that as a result of the agents' beating he could not see out of one of his eyes at that time. Eventually he was transferred to Labbafinejad hospital after four months.¹⁶⁹

Osanlou was returned to Evin prison after spending two to three months in hospital¹⁷⁰ and was transferred to Rajae Shahr Prison in the summer of 2008.¹⁷¹ Osanlou referred to this transfer as an "exile" and attributed it to his attempt to unionize the guards at Evin prison.¹⁷²

While in Rajae Shahr Prison, Osanlou filed a complaint regarding smuggling of drugs into the prison complex. He submitted his complaint along with supporting evidence. According to Osanlou, instead of addressing the issue, prison officials filed a complaint against Osanlou and referred him to Branch 1 of the Karaj Revolutionary Court. Judge Hosseini sentenced Osanlou to an additional year in prison on the charge of disseminating propaganda against the Islamic Republic.¹⁷³

Osanlou was released in June 2011 before completing his combined six-year prison sentence.¹⁷⁴ His release, however, was on third-party recognizance. He stated that his early release was due to international pressure, particularly from the ILO.¹⁷⁵

Osanlou indicated that he faced threats to his life after his release.¹⁷⁶ As a result he decided to leave Iran. In February 2013, he illegally crossed the border into Turkey. He arrived at the United States in August of the same year.¹⁷⁷

3. Current Developments and Human Rights Violations

Deteriorating economic conditions and the widespread use of social media has led to an increase in reporting of labor issues in recent years. In this section, a number of recent issues and human rights violations are discussed.

3.1. Lack of Workplace Safety

¹⁶⁷ Id.

¹⁶⁸ Id.

¹⁶⁹ Id.

¹⁷⁰ Id.

¹⁷¹ *Nāmīhi 'Usānlū Bih Quvvīhi Qazāyīh*, SHAHRVAND (Jan. 21, 2009), <http://shahrvand.com/archives/808>.

¹⁷² IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹⁷³ *Yik Sāl Zindān Barāyi Manšūr 'Usānlū Bih 'Ittihāmi "Tablīgh 'Alayhi Niẓām"*, RADIO FARDA (Aug. 12, 2010), https://www.radiofarda.com/a/f6_Iran_Osanloo_Prison_Parvaneh/2126035.html.

¹⁷⁴ *Manšūr 'Usānlū Bih Qiydi Kifālat Āzād Shud*, RADIO FARDA (June 2, 2011), https://www.radiofarda.com/a/f6_iran_osanlou/24213765.html

¹⁷⁵ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

¹⁷⁶ *'Usānlū: Tahdīdhā Bā 'is Shud Az 'Īrān Khārij Shavam*, RADIO FARDA (May 11, 2013), https://www.radiofarda.com/a/o2_osanloo_why_left_iran/24983374.html

¹⁷⁷ IHRDC Interview with Mansour Osanlou, (May 26, 2017) (on file with IHRDC).

On May 3, 2017, an explosion at the Zemestan -Yort coal mine in Golestan Province claimed the lives of 43 miners.¹⁷⁸ President Rouhani visited the mine on May 7. Several miners expressed their concerns during Rouhani's visit, and some attacked his motorcade.¹⁷⁹ After this incident, the Islamic Republic News Agency (IRNA), the Iranian government's official news outlet, published a letter of apology to President Rouhani signed by miners.¹⁸⁰ Hamidreza Emamgholitabar, the inspector of the High Council of Workers' Representatives, stated that it was possible that miners were coerced into signing the letter.¹⁸¹ He added that it is common for workers to sign documents to save their jobs. For instance, he stated that it is common for employers to collect signed statements from workers indicating that they have received their wages before the wages are actually paid.¹⁸² Emamgholitabar also stated that two miners had noticed a gas leak two days before the explosion, but nothing was done. He added that unqualified inspectors are often deployed as a formality.¹⁸³

Three government organs release figures on the number of workplace fatalities: (1) the Ministry of Labor, (2) the Social Security Organization, and (3) the Medical Examiner's Office. The data-collection methods of these three organs differ significantly, resulting in widely different results.¹⁸⁴ For the Iranian year 1394 (March 21, 2015 to March 19, 2016), the numbers of workplace fatalities as reported by these three organs were as follows:

Ministry of Labor ¹⁸⁵	903
Social Security Organization ¹⁸⁶	108
Medical Examiner's Office ¹⁸⁷	1494

Figure 5: Number of work-related fatalities in Iranian year 1394 (March 21, 2015 to March 19, 2016)

The Ministry of Labor explains the discrepancy between its figures and those of the Medical Examiner's Office by stating that the Medical Examiner's Office numbers include fatalities in occupations that are not covered by the Labor Code.¹⁸⁸ The Labor Code exempts workplaces in which ten or fewer workers are

¹⁷⁸ *Jasadi Ākharīn Ma'danchī Dar Ma'dani Āzādshahr Kashf Shud/ Ti'dādi Kushtihshudigan Bih 43 Nafar Risīd*, TASNIM NEWS (May 9, 2013, 12:56 PM), <https://www.tasnimnews.com/fa/news/1396/02/19/1402487/>.

¹⁷⁹ *Shu'ārḥāyi 'I'tirāzī Ma'danchīān Dar Jaryāni Hużūri Rūḥānī Dar Ma'dani Yurt*, RADIO FARDA (May 7, 2017), https://www.radiofarda.com/a/f6_iran_rouhani_golestan_mine_miners/28472784.html.

¹⁸⁰ *Nāmihiyī Kārgarāni Ma'dani Āzādshahr Bih Rayīs Jumhūr*, IRNA (May 16, 2017, 09:17 AM), <http://www.irna.ir/fa/News/82532394>.

¹⁸¹ *'Ijbāri Ma'danchīān Bih 'Imzāyi Nāmihiyī 'Uzrkhāhī Dūr Az Zīhn Nīst/Kārgarān Kāghazhāyi Sifidi Ziādī 'Imzā Kardihand*, TASNIM NEWS (May 14, 2017, 06:42 PM), <https://www.tasnimnews.com/fa/news/1396/02/24/1407145/>.

¹⁸² Id.

¹⁸³ *Ma'dankārān Āzādshahr 17 Māh Huqūq Mu'avvaq Dāshtand Va Bīmih Nabūdand*, TASNIM NEWS (May 4, 2017, 11:33 AM), <https://www.tasnimnews.com/fa/news/1396/02/14/1397492/>.

¹⁸⁴ *Vaz'īati Havadiṣi Nāshī Az Kār Dar Jumhūrī 'Islāmī 'Īrān*, ADMINISTRATION OF LABOR INSPECTION, <https://bazresikar.mcls.gov.ir/fa/workaccident/statistics> (last viewed Oct. 29, 2018).

¹⁸⁵ *Āmāri Havadiṣi Nāshī Az Kār Ṣabt Shudih Tavassuṭi Vizārati Ta'avun Kār Va Rifāhi 'Ijtimā'ī ('Idārihiyī Kullī Bāzrasū Kār)*, MINISTRY OF COOPERATIVES, LABOUR, AND SOCIAL WELFARE, https://www.mcls.gov.ir/icm_content/media/filepool3/2016/12/6450.pdf (last viewed Oct. 29, 2018).

¹⁸⁶ *Āmāri Havadiṣi Nāshī Az Kār 'I'lām Shudih Tavassuṭi Sāzmāni Ta'mīni 'Ijtimā'ī*, MINISTRY OF COOPERATIVES, LABOUR, AND SOCIAL WELFARE, https://www.mcls.gov.ir/icm_content/media/filepool3/2016/12/6451.pdf (last viewed Oct. 29, 2018).

¹⁸⁷ *Āmāri Havadiṣi Nāshī Az Kār 'I'lām Shudih Tavassuṭi Sāzmāni Pizishkū Qānūnī*, MINISTRY OF COOPERATIVES, LABOUR, AND SOCIAL WELFARE, https://www.mcls.gov.ir/icm_content/media/filepool3/2016/12/6452.pdf (last viewed Oct. 29, 2018).

¹⁸⁸ Id.

employed, family businesses in which only first-degree relatives (parents, children and spouses) work, and self-employed drivers.¹⁸⁹ Unauthorized foreign workers are also not covered by the Labor Code.¹⁹⁰

Based on Ministry of Labor figures Iran's fatal accident rate was 7 per 100,000 workers in Iranian year 1394 (March 21, 2015 to March 19, 2016).¹⁹¹ For comparison, the European Union's rate for 2015 was 1.8 workers per 100,000,¹⁹² and the United States' rate was 3.38.¹⁹³

Ahmad Shokat, head of Iran's Construction Workers' Center, cited higher numbers and stated that in the Iranian year 1394 (March 21, 2015 to March 19, 2016), 2,000 workers died while working, 1200 of whom were construction workers. Iran's Minister of Health also stated that 2,000 people die in work-related incidents annually. He further added that 40% of workplaces in the country do not meet safety standards.¹⁹⁴ According to one official with the Ministry of Labor 48% of accidents at workplace occur in the construction sector.¹⁹⁵

Iran has not yet ratified ILO conventions regarding safety at work. However, Article 7(b) of ICESCR declares that every person is entitled to safe and healthy working conditions.¹⁹⁶ Iranian authorities concede that 40% of workplaces in the country do not meet safety standards. The failure of the Iranian government to ensure safe working conditions contravenes its obligations under Article 7(b) of the ICESCR.

3.2. Non-payment of Wages and Benefits and Privatization

In recent months protests by unpaid workers have been commonplace across Iran. For the period between January 1, 2017, to November 30, 2018, IHRDC has recorded at least 1257 demonstrations in which demonstrators demanded payment of back wages or benefits.¹⁹⁷ Protests were held in various towns and by workers employed in a wide range of industries and services in both the public and private sectors. In Ahvaz, the capital of Khuzestan Province, more than 100 workers employed at a water utility protested

¹⁸⁹ *Kudām Kārgarān Mashmūli Qānūni Kār Nimīshavand?*, ISNA (June 13, 2014, 08:45 AM), <https://www.isna.ir/news/93032311992>.

¹⁹⁰ Id.

¹⁹¹ *Āmāri Havādiṣi Nāshī Az Kār Ṣabt Shudih Tavassuṭi Vizārati Ta 'āvun Kār Va Rifāhi 'Ijtimā'ī ('Idārihiy Kulli Bāzrasī Kār)*, MINISTRY OF COOPERATIVES, LABOUR, AND SOCIAL WELFARE, https://www.mcls.gov.ir/icm_content/media/filepool3/2016/12/6450.pdf (last viewed Oct. 29, 2018).

¹⁹² *Fatal accidents at work, 2015 (incidence rates per 100 000 persons employed)*, EUROSTAT https://ec.europa.eu/eurostat/statistics-explained/index.php/Accidents_at_work_statistics (last viewed Nov. 5, 2018).

¹⁹³ Bureau of Labor Statistics, National Census of Fatal Occupational Injuries in 2015 1 (2016), available at https://www.bls.gov/news.release/archives/cfoi_12162016.pdf.

¹⁹⁴ *Futi Sālānih 2000 Nafar Bih Dalili Havādiṣi Kār Dar Kishvar*, ISNA (Jan. 20, 2018, 05:51 PM), <https://www.isna.ir/news/96103016341>.

¹⁹⁵ *Āmāri Havādiṣi Va Savānih Az Kār Dar Kishvar*, Iran Estekhdam (Sept. 15, 2014), <https://iranestekhdam.ir/-آمار-حوادث-و-سوانح-ناشی-از-کار-در-کشور>.

¹⁹⁶ International Covenant on Civil and Political Rights, art. 7(b), Dec. 16, 1966, S. Exec. Rep. 102-23, 999 U.N.T.S. 171, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

¹⁹⁷ For the purpose of this report, when workers hold daily protests across several days, each day in which a demonstration is held is counted as a separate protest.

repeated delayed payments of their wages.¹⁹⁸ According to one employee interviewed by the Iranian Students' News Agency (ISNA) the workers were being paid every three to four months, and some had liens placed on their homes.¹⁹⁹ Workers for water utilities at Eyvan (Ilam Province), Abadan (Khuzestan Province), Behbahan (Khuzestan Province), Sanandaj (Kurdistan Province), Kermanshah (Kermanshah Province), Meshkin Shahr (Ardabil Province) and Landeh (Kohgiluyeh and Boyer-Ahmad Province). Water utility workers at Landeh stated that they had not been paid in 13 months.²⁰⁰ Other public sector workers protesting to demand back wages were firefighters in Roudbar-e Jonoubi (Kerman Province)²⁰¹ and Saveh (Markazi Province).²⁰²

Retirees across the country have also held protests because they have not received benefits due to them. For instance, in April 2017 steel industry retirees in Isfahan protested non-payment of back wages. In addition, they stated that the annual increases to their retirement benefits were not paid to them since 2010.²⁰³

Health care workers also held several rallies demanding payment of their back wages. In Yasouj, nurses and other personnel at Imam Sajjad hospital held a protest in May 2017 because they had not received their wages and other benefits for six months.²⁰⁴ On Qeshm Island, 17 hospital employees at Payambar-e Azam hospital went on strike after they were not paid for eight months.²⁰⁵ A nurse at the hospital stated that none of the striking employees had signed a contract nor been insured. She added, "We work for a state institution, but no government agency accepts responsibility."²⁰⁶

Even those working in Iran's profitable oil and gas industry are not immune from non-payment of wages. Contract workers at several refineries have held protests to demand the payment of their wages. Eighty workers at Abadan refinery staged a protest in February 2017 to demand two months' back wages, their new year bonuses and other benefits.²⁰⁷ In March 2017, workers at Bidboland refinery went on strike asking for three months of unpaid wages.²⁰⁸

Many state-owned enterprises that were privatized in recent years are at the center of major labor disputes. After the 1979 Islamic Revolution many private companies were confiscated and nationalized. The government created a new agency, named the Iran National Industries Organization, to manage the

¹⁹⁸ *Tajammu 'i Kārkunāni Ābfāri Khūzistān Dar 'I'tirāz Bih 'Adami Pardākhti Huqūq*, ISNA (Aug 5, 2017, 12:08 PM), <https://www.isna.ir/news/96051408256/>.

¹⁹⁹ Id.

²⁰⁰ *Tajammu 'i 'I'tirāzī Ābdārāni Shahrīstāni Landih Bih 'Adami Pardākhti Huqūqi Mu'avvaqīhi Yiksalih*, IRAN KARGAR (Jan. 13, 2018), <https://www.irankargar.com/تجمع-اعتراضی-آبادان-ان-شهرستان-لنده/>.

²⁰¹ *'I'tishābi Kārgarāni Shahr-dārū Rūdbāri Junūb Dar 'I'tirāz Bih Mu'avvaqāti Muzdū Du Salih*, RADIO ZAMANEH (Mar. 12, 2017), <https://www.radiozamaneh.com/329511>.

²⁰² *Tajammu 'i Ātashnīshānām Dar Istgāhi Markazū Ātashnīshānū Savih/Ta'khīr Dar Pardākhti 'Izāfīhkar Va Hūqūq*, ILNA (Nov. 22, 2017, 11:40 AM), <https://www.ilna.ir/بخش-کارگری-561742/9-تجمع-آتش-نشانان-در-ایستگاه-مرکزی-آتش-نشانی-ساوه-تاخیر-در-پرداخت-اضافه-کار-حقوق>.

²⁰³ *Tajammu 'i 'I'tirāzāmīz Bāznīshastīgāni Fūlād Dar 'Isfahān/Kārgarān: Dasti Gidāyī Bih Sūyi Dulat Dirāz Kardūm*, TASNIM NEWS (Apr. 29, 2017, 11:28 AM), <https://www.tasnimnews.com/fa/news/1396/02/09/1392290/>.

²⁰⁴ *'Adami Pardākhti Muṭalibāti Parastārān Va Pirsunūli Bīmārīstāni 'Imām Sajjādi Yāsūj/Bilātaklīfī Kārkunāni Bakhshi Sarpāyū In Bīmārīstān*, ASRDENA.IR (June 25, 2017, 06:54 PM), <http://asrdena.ir/fa/news/13833/>.

²⁰⁵ *'Az Ta'viq Dar Pardākhti Hasht Māhihi Huqūqī Kārgarān Ta Piyyūnī Namāyandīgāni Hurmuzgān Dar Majlis*, ISNA (Jan 24, 2017, 01:39 PM), <http://khalijefars.isna.ir/default.aspx?NSID=5&SSLID=46&NID=37018>.

²⁰⁶ Id.

²⁰⁷ *'Ijtīmā 'i Šinfū Kārgarāni Shirkati Pīymānkārū Pālāyishgāhi Ābādan Dar 'I'tirāz Bih Pardākht Nashudani 'Iydi*, YJC.IR (Mar. 14, 2017, 11:41 AM), <https://www.yjc.ir/fa/news/6016785>.

²⁰⁸ *Āh Va Nālihi Kārgarān Fāzhāyi Jadīdi Bīdbuland Dar Āstanihi 'Iydi Nurūz/ Sih Māh 'Ast Kih Huqūq Nagirīfīm*, ASRJAHAN.IR (Mar. 11, 2017, 08:23 PM), <http://asrjahan.ir/print/news/more/news/106777/>.

newly acquired businesses.²⁰⁹ This approach continued through the first decade of the Islamic Republic, and it was seen as a necessary measure to manage the war-time economy. After the end of the Iran-Iraq war in 1988, the Iranian government gradually changed its approach and began the process of privatization of some industries. In 2000, the Iran National Industrial Organization was dissolved.²¹⁰ In 2001, the government established the Iranian Privatization Organization, which was given the task of privatizing Iran's state-owned industries.²¹¹ This effort, however, has faced major roadblocks. On one hand the private sector was weak and did not have the capacity to manage these industries. On the other, the managers of state-owned companies did not want to lose the advantages they held.²¹² Given these conditions, when the Iranian government was facing budget shortfalls, it resorted to selling state-owned companies to retirees' trust funds, foundations such as the Headquarters for Executing the Order of the Imam,²¹³ and entities managed by Iran's armed forces.²¹⁴ These entities do not function as real private enterprises, and they are controlled by the state or individuals connected to the government.

A lack of a clear regulatory framework for the privatization process, combined with a lack of industrial expertise on the part of acquiring entities, has led to mismanagement and substantial losses in privatized industries.²¹⁵

The situation of HEPCO, a heavy machinery manufacturing plant in Arak, is an example of the problems described above. The company was sold in 2007. According to a government official the company that purchased HEPCO only paid 20% of the appraised value of HEPCO at the time of the acquisition. It did not, however, pay the remaining sum in subsequent years as it had promised.²¹⁶ The main shareholder of this company, Ali Asghar Attarian, reportedly transferred the ownership of HEPCO stock to himself.²¹⁷ The wages of HEPCO workers were also paid intermittently after the acquisition. Attarian was arrested on February 8, 2017.²¹⁸ HEPCO was sold again to another company, and the acquisition was conditioned on payment of four and a half months' back wages of HEPCO employees.²¹⁹ The problems at HEPCO, however, have persisted, and workers have continued to demand their back pay.

Article 7(a)(i) of the ICESCR declares that States Parties recognize everyone's right to fair wages and equal remuneration.²²⁰ Iran is also a party to the ILO's Protection of Wages Convention. Article 12 of this convention declares:

²⁰⁹ *Khuṣūṣīsāzī Yā Khuṣūlatīsāzī?*, BBC PERSIAN (Jan. 27, 2018), <http://www.bbc.com/persian/blog-viewpoints-42803665>.

²¹⁰ Id.

²¹¹ Id.

²¹² Id.

²¹³ This organization was established by the order of Ayatollah Khomeini to manage assets abandoned during the revolution or seized by the revolutionary government. It has now become a conglomerate owning stakes across various sectors of Iran's economy. For more information see *Khamenei Controls Massive Financial Empire Built on Property Seizures*, REUTERS (Nov. 11, 2013), <https://www.reuters.com/investigates/iran/#article/part1>.

²¹⁴ *Ārash Āzarmī, Khuṣūṣīsāzī Yā Khuṣūlatīsāzī?*, BBC PERSIAN (Jan. 27, 2018), <http://www.bbc.com/persian/blog-viewpoints-42803665>.

²¹⁵ Id.

²¹⁶ *Nīkī Mahjūb, Hipku Va Āyandih'ī Nārushan*, BBC PERSIAN (Jan. 10, 2017), <http://www.bbc.com/persian/iran-40557218>.

²¹⁷ Id.

²¹⁸ *Mālīki Hipku Dastgīr Shud*, ISNA (Feb. 8, 2017), <http://markazi.isna.ir/default.aspx?NSID=5&SSLID=46&NID=86430>.

²¹⁹ *Nīkī Mahjūb, Hipku Va Āyandih'ī Nārushan*, BBC PERSIAN (Jan. 10, 2017), <http://www.bbc.com/persian/iran-40557218>.

²²⁰ IHRDC Interview with Omid (pseudonym), (Apr. 28, 2018 and May 30, 2018) (on file with IHRDC).

1. Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Upon the termination of a contract of employment, a final settlement of all wages due shall be effected in accordance with national laws or regulations, collective agreement or arbitration award or, in the absence of any applicable law, regulation, agreement or award, within a reasonable period of time having regard to the terms of the contract.²²¹

The Iranian government regularly fails to make on-time payments to individuals employed or contracted by state agencies. The failure of state-owned employers to pay their employees or contractors is a clear violation of Iran's international obligations under Article 7(a)(1) of the ICESCR and Article 12 of the ILO's Protection of Wages Convention. In addition, the Iranian government should implement policies and procedures to ensure that private employers pay adequate and timely wages to their employees.

This problem is compounded by the recent steep decline in the value of the Iran's currency, which means that when an employee is paid several months after his or her wages are due, the employee's purchasing power is significantly reduced.²²²

²²⁰ International Covenant on Economic, Social and Cultural Rights, art. 7(a)(i), Dec. 16, 1966, 993 U.N.T.S. 3, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

²²¹ Convention Concerning the Protection of Wages art. 12, July 1, 1949, 138 U.N.T.S. 138, available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C095.

²²² On July 1, 2017 \$1 was valued at 3,768 toumans. On July 1, 2018 the dollar was valued at 8,150 toumans, with the Iranian currency losing more than half of its value in just a year.

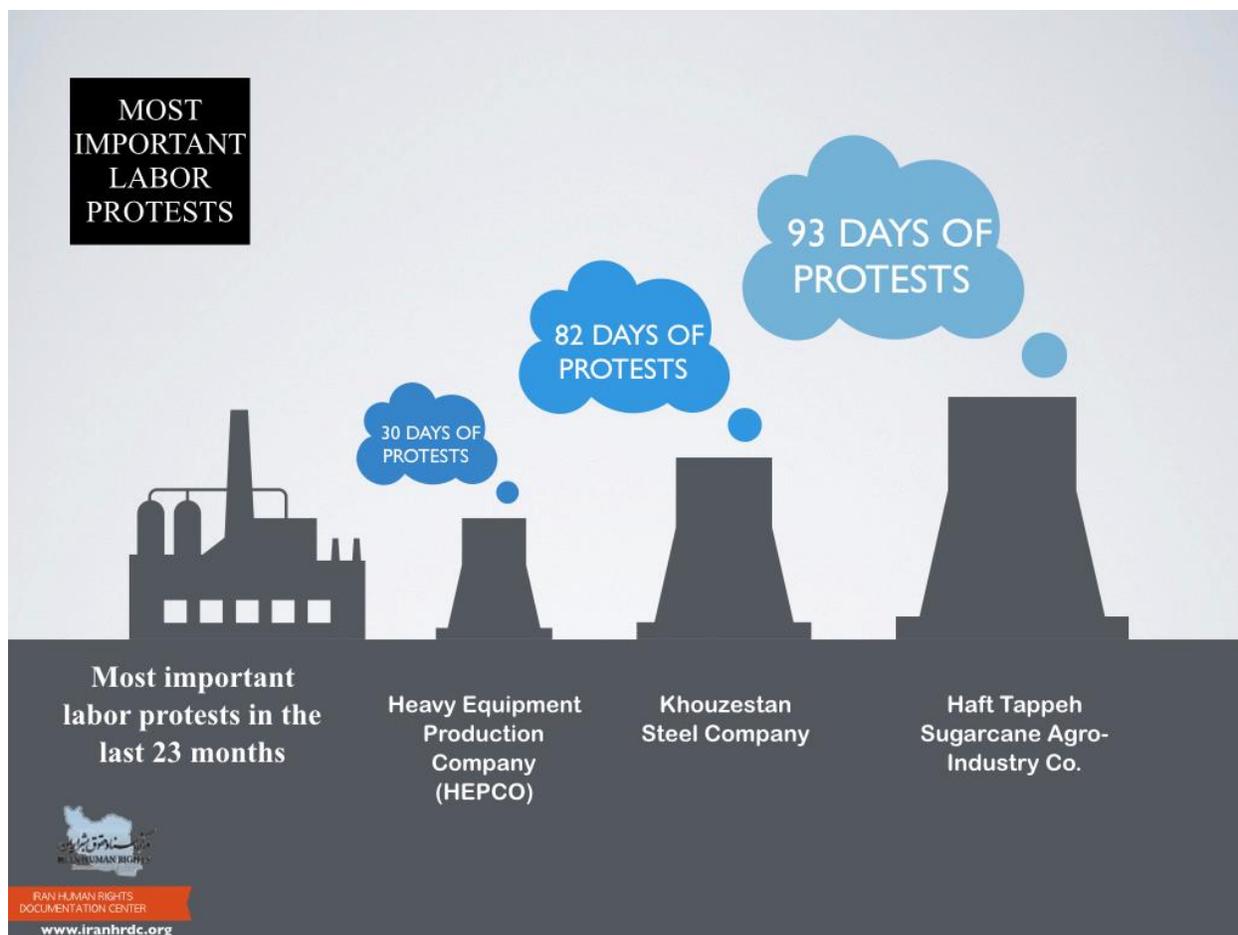


Figure 6: This infographic shows three of the most important labor demonstrations and the number of days in which workers in each company held protests from January 1, 2017, through November 30, 2018.

3.3. Restrictions on Organized Labor

Article 8.1 of the ICESCR states:

The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.²²³

As described in section 2, *supra*, the Iranian government has a long record of arresting labor activists and preventing the functioning of unions and trade associations. Note 4 to Article 131 of the Labor Code limits the type of labor organizations that workers may have to (1) Islamic Labor Councils, (2) trade associations or (3) workers representatives.²²⁴ The Iranian government tightly controls the electoral processes of these institutions, depriving them of independence. For Instance, conditions for being elected to Islamic Labor Councils include belief and adherence to Islam, the Guardianship of the Jurist, and the Iranian Constitution.²²⁵ Furthermore, the electoral board vetting candidates is comprised of (1) a representative from the Ministry of Labor, (2) a representative from the ministry regulating the particular industry in which the workers are employed, and (3) a representative from the workers.²²⁶ As such, the government is inextricably involved in the selection and functioning of labor organizations, eroding their independence. As discussed in section 2, *supra*, these restrictions are too broad to serve a legitimate state interest regarding national security, public order, or the rights of others.

The right to strike is an internationally recognized principle and is meant to help workers protect themselves against abusive practices. Maina Kiai, former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, has stated,

“The right to strike is also an intrinsic corollary of the fundamental right of freedom of association. It is crucial for millions of women and men around the world to assert collectively their rights in the workplace, including the right to just and favourable conditions of work, and to work in dignity and without fear of intimidation and persecution. Moreover, protest action in relation to government social and economic policy, and against negative corporate practices, forms part of the basic civil liberties whose respect is essential for the meaningful exercise of trade union rights.”²²⁷

The Labor Code does not explicitly recognize the right to strike. Article 142, however, makes an implicit reference to strikes at the workplace:

“Where a dispute over any section of this Code, an earlier agreement or any term requested by the parties for the conclusion of a new contract results in the stoppage of work while the workers are present in the workplace or in deliberate reduction of production by the workers, the Board of

²²³ International Covenant on Economic, Social and Cultural Rights, art. 8.1, Dec. 16, 1966, 993 U.N.T.S. 3, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

²²⁴ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art. 131, note 4, available at <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm>.

²²⁵ Law of Jan. 20, 1985, (Establishing Islamic Labor Councils) art. 2(c), available at <http://rc.majlis.ir/fa/law/show/91022>.

²²⁶ Law of Jan. 20, 1985, (Establishing Islamic Labor Councils) art. 2, note 3, available at <http://rc.majlis.ir/fa/law/show/91022>.

²²⁷ *UN rights expert: “Fundamental right to strike must be preserved”*, OHCHR.ORG (Mar. 9, 2017), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21328&LangID=E>.

Inquiry shall, at the request of either party or of the workers' and employers' organizations, investigate the dispute without delay and state its opinion thereon.

Note. Should either party to a collective agreement refuse to accept the said opinion, it may have recourse to the Disputes Board provided for in Chapter IX of this Code, within ten days of the date of notification of the opinion of the Board of Inquiry (see section 158) and request the Disputes Board to investigate the matter and make a decision.

Upon receipt of a request to that effect, the Disputes Board shall examine the collective agreement immediately and make a decision thereon.”²²⁸

As the language of Article 142 shows the Labor Code intends to control the extent of strikes. In reality, the restrictions that the Iranian government imposes on striking workers are far worse. In September 2018 Iranian authorities arrested more than 70 persons for participating in a truck drivers' strike or encouraging it on social media.²²⁹ Mohammad Jafar Montazeri, Iran's Attorney General, announced that individuals who pressure truck drivers to strike through “threats” or “instilling fear” could be treated as bandits and sentenced to death.²³⁰

In May 2016 media outlets reported that Iranian authorities had flogged and fined 17 miners after a protest at Aq-Darreh gold mine in Azarbaijan-e Gharbi Province.²³¹ The miners, who had protested against layoffs at the mine, were charged with various offences after the owners of the mine filed complaints against them in two separate cases. The miners initially received prison sentences, but those sentences were not carried out due to a pardon issued after the mine owner withdrew his complaint. The floggings, however, were carried out. In addition, several miners paid fines. The floggings and fines stemmed from the charges of disrupting public order and peace (Article 618 of the Fifth Book of the Islamic Penal Code), insulting and false imprisonment of a guard, damaging the guard's clothes, and destroying the mine's sign.²³²

Many labor activists have received lengthy prison sentences for peaceful advocacy. Shahrokh Zamani, a building painter from East Azerbaijan Province, was arrested numerous times for his labor activity. His latest arrest was in 2011. He was subsequently sentenced to 11 years' imprisonment on charges of establishing a group for the purpose of disrupting national security and disseminating propaganda against the Islamic Republic.²³³ These charges stemmed from his attempts to form a painters' union.²³⁴ Zamani died on September 13, 2015, while serving his sentence in Rajaei Shahr Prison.²³⁵ Reza Shahabi, a member of SWTSBC's board of directors, was arrested in 2010. Shahabi was sentenced to six years' imprisonment.²³⁶ Behnam Ebrahimzadeh, a labor activist, was imprisoned from 2010 to 2017. He first

²²⁸ QANUNI KAR [LABOR CODE] Tehran 1369 [1990], art. 142, available at

<http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm>.

²²⁹ *Bāzdāshti Bīsh Az 70 Nafar Dar 'Irtibāṭ Ba 'I'tišābi Kāmūndārān*, RADIO FARDA (Sept. 28, 2018),

<https://www.radiofarda.com/a/arresting-iran-truck-drivers-/29515316.html>.

²³⁰ Id. Under Article 281 of the Islamic Penal Code bandits are considered to have engaged in *moharebeh*, or waging war on God. *Moharebeh* is a capital offence under Iranian law.

²³¹ *'Ijrayi Hukmi Pardākhti Jazāyi Naqdī Va Shallāqi 17 Kārgari Ma 'dan*, ILNA (May 25, 2016, 01:15 PM),

<https://bit.ly/2Sle4hz>.

²³² Id.

²³³ *Shāhrukhī Zamānī, Fa 'āli Kārgarī, Dar Zindāni Rajā 'īshahr "Darguzasht"*, RADIO FARDA (Sept. 13, 2015),

<https://www.radiofarda.com/a/b32--sharoukh-zamani--prisoner-passed-away/27245362.html>.

²³⁴ Id.

²³⁵ Id.

²³⁶ *Nīgarānī Az Salāmatī Rīzā Shahābī, Fa 'āli Sandīkāyū Zindānī*, BBC PERSIAN (June 16, 2014),

http://www.bbc.com/persian/iran/2014/06/140616_145_reza_shahabi_workers.

received five years' imprisonment on national security charges. He received two additional years for his activism in prison.²³⁷ Ebrahimzadeh was arrested again on August 17, 2018, in Kermanshah Province. He was released on September 11, 2018 on a bail of 40 million toumans.²³⁸ On March 1, 2015, Jafar Azimzadeh, another labor activist, was sentenced to six years' imprisonment on charges of acting against national security and disseminating propaganda against the Islamic Republic.²³⁹ He began serving his sentence on November 8, 2015.²⁴⁰ Azimzadeh went on hunger strike to protest his sentence on April 29, 2016, and he was released on bail on June 30, 2016. In October 2016 Azimzadeh was sentenced to 11 years' imprisonment in a separate case for establishing the Free Workers Union of Iran, a labor rights advocacy organization, and disseminating propaganda against the Islamic Republic²⁴¹, but he was acquitted on appeal.²⁴² On September 11, 2018, Khaled Hosseini, a labor activist, was arrested in Sanandaj, Kurdistan Province.²⁴³ On October 14, 2018, Mohammad Reza Ramezanzadeh, a teacher and a member of the Coordinating Committee of the Teachers' Trade Associations, was arrested after a day of sit-ins by teachers across Iran.²⁴⁴

²³⁷ *Bihnāmi 'Ibrāhīmzādih Fa'āli Kārgarī Āzād Shud*, HRANA (May 1, 2017), <https://www.hra-news.org/2017/hranews/a-10594/>.

²³⁸ *Bihnāmi 'Ibrāhīmzādih Fa'āli Kārgarī Āzād Shud*, HRANA (Sept. 11, 2018), <https://www.hra-news.org/2018/hranews/a-16954/>. This amount approximately equals \$2,857 per the exchange rate in September 2018.

²³⁹ *Ja'fari 'Azīmzādih Āzād Shud*, RADIO FARDA (June 30, 2016), <https://www.radiofarda.com/a/27831308.html>.

²⁴⁰ *Ja'fari 'Azīmzādih Barāyi 'Ijrāyi Hukmi Shish Sāl Zindām Bih 'Ivīn Rafti*, RADIO ZAMANEH (Nov. 8, 2015), <https://www.radiozamaneh.com/245015>.

²⁴¹ *Ja'fari 'Azīmzādih Va Shāpūr 'Ihsānī Rād Bih Yāzdah Sāl Zindān Mahkūm Shudand*, RADIO FARDA (Oct. 15, 2016), <https://www.radiofarda.com/a/28055996.html>.

²⁴² *Šudūri Hukmi Nahāyi Barāyi Du Fa'āli Kārgarī*, HRANA (Aug 12, 2017), <https://www.hra-news.org/2017/hranews/a-11920/>.

²⁴³ *Khālid Husiynī, Fa'āli Kārgarī Dar Sanandaj Bāzdāshht Shud*, HRANA (Sept. 12, 2018), <https://www.hra-news.org/2018/hranews/a-16964/>.

²⁴⁴ *'Idāmihiyi Taḥaṣṣuni Mu'alliman Va Bāzdāshhti Yik Mas'ūli Šinfi Farhangīān*, RADIO FARDA (Oct. 15, 2018), <https://www.radiofarda.com/a/iranian-teachers-strike/29544022.html>.



Figure 7: Shahrokh Zamani, a building painter and labor activist, died in Rajae Shahr Prison on September 13, 2015 while serving an 11-year prison sentence

The Iranian government routinely intimidates and arrests workers who organize and protest independently. From January 1, 2017, to November 30, 2018, the period during which IHRDC collected data for this report, there were 34 incidents of crackdown on workers' protests, resulting in arrests, beatings or prevention of any gathering. The following are a few examples of these incidents:

- On September 19, 2017, HEPCO workers staged a demonstration to demand their back wages in Arak. Riot police clashed with the protesters, resulting in a number of injuries. Clashes continued on September 20.²⁴⁵ Protests of HEPCO workers have continued into 2018. On February 5, 2018, another demonstration took place. According to one HEPCO worker, 106 days of back pay were owed to some workers, in addition to unpaid wages from the previous year.²⁴⁶ On May 14, 2018, a number of HEPCO workers blocked a railway in protest. Five workers were arrested for this act but were released on bail.²⁴⁷ In September 2018 sixteen HEPCO workers were summoned to appear in court. The charges against them were participating in illegal gatherings and disseminating propaganda against the Islamic Republic.²⁴⁸

²⁴⁵ *Ĥamlīhi Mujaddadi Pulīsi Židdi Shūrīsh Bih Kārgarāni Hipku Va Azarābi 'Arāk*, BBC PERSIAN (Sept. 20, 2017), <http://www.bbc.com/persian/iran-41334873>.

²⁴⁶ *Kārgarāni Hipku Dar 'I tirāz Bih Va 'dīhi Vazīri Kār Shu 'āri "Marg Bar Kārgar – Durūd Bar Sitamgar" Sar Dādand*, RADIO FARDA (Feb 5, 2018), https://www.radiofarda.com/a/iran_arak_workers_hepco_wage/29020950.html.

²⁴⁷ *Kārgarāni Bāzdāshṭū Shirkati Hipku Bā Qarāri Vašiqih Āzād Shudand/ Bayānīhi Jam 'ī Az Kārgarāni Hipku: 'I tirāzimān Šīft 'Ast*, KALEME (May 28, 2018), <https://www.kaleme.com/1397/03/07/klm-266926/?theme=fast>.

²⁴⁸ *16 Kārgari Hipku 'Arāk Bih Dādghāh 'Iḥzār Shudand*, RADIO ZAMANEH (Sept. 18, 2018), <https://www.radiozameh.com/412483>.

- On February 4, 2018, security forces detained at least 30 workers at the Haft Tapeh Sugarcane Company in Khuzestan Province. The workers were protesting non-payment of their wages. The arrested individuals were released after the authorities made them sign pledges regarding their future activities.²⁴⁹
- On the night of February 28, 2018, ten steel workers in Ahvaz were arrested at their homes. Workers at the Iran National Steel Industrial Group had been protesting delayed wages.²⁵⁰
- On November 18, 2018, security forces arrested Esmail Bakhshi, a leading labor organizer at the Haft Tapeh Sugarcane Company. The authorities also arrested Sepideh Gholian, an activist from Ahvaz. Reports indicate that both were subjected to physical abuse subsequent to arrest.²⁵¹ On November 29, 2018, Ali Nejati, another Haft Tapeh labor activist, was arrested.²⁵²



Figure 8: Esmail Bakhshi, a labor activist at the Haft Tapeh Sugarcane Company, was arrested on November 18, 2018.

Conclusion

The Iranian government has attempted to control and regulate labor activism, while also failing to provide basic protections for its labor force. From safety issues to non-payment of wages in both the public and private sector, workers are facing challenges across many sectors of the Iranian economy. Meanwhile, the arrest and prosecution of labor activists has deprived Iran's labor force from advantages that collective

²⁴⁹ *Bīsh Az 30 Kārgari Niyshikari Haft Tappih Bā Sipurdani Ta 'ahhud Āzād Shudand*, BBC PERSIAN (Feb. 4, 2018), <http://www.bbc.com/persian/iran-42940370>.

²⁵⁰ *Bāzdāshthi 10 Nafar Az Kārgarāni Gurūhi Millī Şan 'atī 'Ahvāz*, HRANA (Mar. 2, 2018), <https://www.hra-news.org/2018/hranews/a-14421/>.

²⁵¹ *"Fīshārhāyi Rūḥī Va Jismī Bar 'Ismā 'lī Bakhshī Va Sipīdih Qulīān"*, RADIO FARDA (Dec. 4, 2018), https://www.radiofarda.com/a/iran_bakhshi_gholian_prison_hafttapeh_sugar_factory_syndecate/29636531.html

²⁵² *Bāzdāshthi 'Alī Nijātī Az Kārgarāni Haft Tappih*, ILNA (Nov. 29, 2018, 11:08 AM), <https://www.ilna.ir/-بخش-کارگری-697171/9-بازداشت-علی-نجاتی-از-کارگران-هفت-تپه>.

bargaining can offer. Iran's Labor Code and the accompanying regulatory framework have institutionalized ideological discrimination, and individuals holding beliefs contrary to that of the Islamic Republic's leadership are barred from employment and face the threat of losing their jobs. In addition, Iran's policies with respect to collective bargaining violate the country's international commitments under the ICESCR and ILO conventions.