

**Concluding observation Committee on Economic, Social and Cultural Rights
E/C.12/IRN/CO/2 para 15**

Full recommendation:

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

Assessment using Impact Iran human rights indicators.¹

- A. The Committee recommends that the Islamic Republic of Iran take steps to ensure that independent trade unions can be formed and carry out their activities without interference, including unions of teachers, bus workers and sugar-cane workers, as well as the Iran Free Workers' Union.**

The Constitution, under article 26, permits freedom of association, yet does not elaborate on the specifics of this, outside of mentioning that “political parties, associations and trade unions, Islamic associations, or associations of the recognized religious minorities are free to exist on the condition that they do not negate the principles of independence, freedom, national unity, Islamic criterion, and the foundation of the Islamic Republic.”²

Articles 130 and 131 of the Labor Law allow workers in various manufacturing, service, industrial, etc. occupations to form "Islamic Associations" in their workplaces to defend workers' rights, which are defined in the Labor Law.³

The law on the Formation of Islamic Labor Councils is another law that is in force in the field of workers unions and associations. However, the difficult process of setting up these councils and the Ministry of Labor's oversight of the approval of candidates for these councils, as well as the

¹ ESCR.8.1.S.1
ESCR.8.1.P.1
ESCR.8.1.S.14 ESCR.8.1.P.18 ESCR.8.1.O.5
ESCR.8.1.O.2 ESCR.8.1.O.22

² The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

³ <https://shenasname.ir/laws/kar/1017>

belief conditions (including belief in Islam and the principle of *Wilayat Faghih*⁴) set out in the list of qualification requirements for candidacy, undermine the independence and effectiveness of these councils in defending labour rights.⁵

In addition, the Law on the Activities of Political Parties and Groups of 1981 (amended in 1989) is one of the key laws in this regard, governing the formation of political parties and civic associations and formalizing the State's tight control on political and civic associations. Article 6 Note 1 mandates all groups to report their mission statements as well as the identities of all its members, while Note 2 undermines Article 27 of the Constitution (which ensures freedom of Assembly) by implementing a permit system (issued by the Ministry of the Interior) for anyone wanting to organize an assembly. Even though certain laws appear to guarantee the right to freedom of peaceful assembly and association, the high level of ambiguity and space for subjective interpretation of laws in Iran's constitution and domestic law does not correspond with international standards.⁶

There are no reports of the existence of relevant policies or regulations that would encourage the creation of independent labour unions in Iran. The only national labour organization that has been allowed to exist is the Iran Workers' House or *Kaneh Kargar* which is controlled by government officials and coordinates with the state-run Islamic Labour Councils.⁷

There are no readily available and accurate statistical data on labour union registrations in Iran, yet there are reports of cases that point to the repeated suppression of existing unions and their activities by the authorities. These unions include the Haft Tappeh sugarcane Workers union; the Syndicate of Workers of Tehran and Suburbs Bus Company; Free Union of Iranian Workers and many others. Members of these unions have reportedly been arrested, interrogated and even tortured after participating in protests and demanding their labour rights. Peaceful demonstrations are often met with displays of force by the government who often employ tear gas to break up gatherings. More indirect ways of suppressing trade unions are often used by the government, which is known for creating parallel unions that are reportedly obedient to the state, such as the Islamic Council of the Haft Tappeh Sugarcane Complex.⁸

B. The Committee recommends that the Islamic Republic of Iran ensure that workers can participate in strikes without facing reprisals.

⁴ Guardianship of an Islamic Jurist

⁵ <https://shenasname.ir/laws/kar/6423>

⁶ ESCR. General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights) p.1 and 49

ESCR General comment No.20 (2009) on Non-discrimination in economic, social and cultural rights. P.16

⁷ http://www.ictur.org/Profile_Iran.html

⁸ Labour Rights in Iran, a Radio Zamaneh project: <https://en.radiozamaneh.com/labor/> Labour Rights in Iran, Special Report January 2019.

The Constitution, in its 27th article, permits freedom of assembly yet mandates that the assembly should not be “disruptive to the principles of Islam”. There is no clear definition or criteria that specify what could be considered “Principles of Islam”, and this ambiguity may facilitate reprisals against strikers. In addition, the law governing the formation and operation of parties in Iran has made gatherings subject to authorization from the Ministry of Interior. In practice, Iranian law does not fully protect this right and has no mechanism to guarantee its implementation in accordance with international standards. The right to call and participate in a strike is not mentioned anywhere in Iran’s labour laws or the constitution.

There is no independent and impartial monitoring instrument that ensures and promotes the Right to Freedom of Peaceful Assembly and Association in Iran, as such instruments fall under the power structures of the State. The Commission of article 10 of the Law of the Formation of Parties and Associations is in charge of approving or declining request for the formation of associations and assemblies. Despite the lack of any type of judicial review of decisions taken by the state to restrict the ability to strike, the Judiciary does have a presence in this Commission which compromises its independence. As the judiciary has a say in which associations and assemblies get the approval of this commission, it can’t be considered to be fully independent. Data is scarce on cases where strikes were interrupted by the government, there are however NGO reports of workers being arrested after participating in strikes and protesting unpaid wages.⁹ Additionally, there are reports of workers who participated in strikes facing continuous harassment. The most famous case in the last few years is that of Esmail Bakshi and Sepideh Gholian, labour rights activists who participated previously in strikes and protests and have since been targeted by the government and security forces who have arrested both activists numerous times, only to later release them on bail.¹⁰

C. The Committee also calls upon the Islamic Republic of Iran to immediately release labour rights activists and members of independent trade unions currently serving prison sentences who acted in conformity with internationally recognized trade union standards.

Trade unionists and labour rights activists are regularly arrested and detained in the Islamic Republic of Iran.¹¹ The Islamic Republic of Iran has not immediately released labour rights

⁹ <https://www.hrw.org/news/2019/01/24/iran-prominent-labor-activist-rearrested> and <https://en.radiofarda.com/a/iran-unpaid-workers-strike-suicide/29069420.html>

¹⁰ <https://english.alarabiya.net/en/News/middle-east/2019/01/21/Iran-rearrests-labor-protest-leader-Esmail-Bakhshi> and <https://en.radiofarda.com/a/prominent-labor-leader-freed-from-iran-prison-on-bail/30244304.html>

¹¹ <https://www.iranhumanrights.org/2019/12/this-verdict-means-any-protest-will-be-considered-an-act-of-violence/> and <https://www.hrw.org/news/2019/06/28/iran-release-detained-labor-activists> and <https://www.amnesty.org/en/latest/news/2019/09/iran-prison-and-flogging-sentences-for-seven-journalists-and-activists-disgraceful-injustice/>

activists and members of trade unions serving sentences who acted in conformity with internationally recognized trade union standards.^{12 13 14}

Considering that Iran has not made progress in allowing for the creation and operation of independent trade unions or with regards to allowing for workers to participate in strikes, this recommendation has not been implemented. The state has actively repressed its citizens' freedom of peaceful assembly and association, as demonstrated by the above assessment.

Recommendation Status:

This recommendation has **NOT** been implemented.

¹² See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

¹³ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

¹⁴ See more : ARTICLE 19, Small Media, Human Rights Activists in Iran, Impact Iran, Human Rights Committee, 129th session (Geneva) 29 June – 24 July 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICS_IRN_42315_E.pdf