

Workers' rights and workers' access to the justice system in Iran
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A persistent trend in the Islamic Republic of Iran has been the repression of trade unions and of labour rights. Workers are forbidden from forming independent associations, as well as not being legally allowed to participate in any collective actions because strikes are denounced as *haram* (forbidden).¹ The regime has appointed 'Islamic Workers Councils' to make decisions on behalf of workers. These agencies are working with management and the intelligence and security forces to identify activists as well as any possibilities of worker collective actions. So, if workers strike over grievances such as non-payment of wages, which is widely prevalent, they risk being persecuted. The 'ring leaders' are watched closely by those spies in the 'Islamic Workers Councils' and 'Islamic Associations' and are reported to management.

Iran's Islamic Labour Law² clearly stipulates strikes are anti-Islamic and forbidden. Forming an independent workers' organisation is a punishable crime. The regime so closely monitors workers' activity that even the statute of the 'Islamic Workers Councils' states its members must have proven their commitment to the *velayat-e faqih* (guardianship of the jurist).³ Every year hundreds of workers' protests are reported and in every case riot police are called to disperse them.⁴

On the eve of May Day 2014, Jafar Azim Zadeh and Jamil Mohammadi were arrested for having called for a workers' gathering to protest against the minimum wage announced this year.⁵ On the same day Shapoor Ehsani-Rad and Parvin Mohammadi were arrested briefly and later released after being interrogated for belonging to the same organisation as Jafar and Jamil.⁶ Reza Shahabi, another prominent labour activist from the Tehran Bus Drivers' Union was arrested in 2011 and in spite of very poor health, he has been in jail ever since for leading a bus drivers' strike in 2006.⁷ All of the labour activists from the Haft Tapeh Sugar Cane Union are under tremendous pressure from security forces. They have been silenced and many of them have lost their jobs.⁸ The Metal Workers' Union in Sanandaj was dissolved in the 1980s after every one of its key activists were arrested, tortured and jailed. Jamal Cheagh-Vaisi, one of the leading members of that union was executed.⁹ The Saqez Bakers' Union suffered the same fate.¹⁰ Mahmood Salehi, a well-known worker activist and leading member of this union was jailed under very harsh conditions. Rasoul Bodaghi, a member of the governing board of the Teachers' Trade Association is serving a six-year sentence for his union activities.¹¹

As individuals before the Justice System, Muslim workers like everyone else nominally have equal rights. But Islamic laws govern these rights. Protesting workers face arbitrary arrest and the arrested workers are labelled as 'agents of foreign enemies and threats to national security'.¹² They are often interrogated under harsh conditions; held in solitary confinement and tortured in order to give false testimony against their comrades. They are even denied regular visits. The Islamic regime's treatment of Sharookh Zamani, Jafar Azim Zadeh and Rasoul Bodaghi are examples of such treatment.

Behnam Ebrahim-Zadeh, a member of The Committee to Pursue the Establishment of Free Workers' Organization, has been in jail for defending his fellow workers' rights since June of 2010 and has been held under very harsh conditions. His charges include the allegation of being a member of an armed opposition

¹ On 15 Dey 1358 (Jan 5, 1981), in one of his speeches, Khomeini declared that: "Today strikes are *Haram*. Those that are participating in strike actions are engaged in anti Islamic activities": <http://seyyedmohammadi.blogspot.com/1390/03/25/post-208/>

² Available on-line at: <http://www.ilo.org/dyn/natlex/docs/WBTEXT/21843/64830/E901RN01.htm>

³ Statute of Islamic Workers' Councils: <http://tashakolha.mcls.gov.ir/fa/tashakolkargari/shoraaslami/marahal>

⁴ News of workers' activities and strikes can be obtained from *lana* and many other websites and newspapers inside and outside Iran. My source, which collects workers' related news weekly, is: <http://www.wpiran.org/00-k-komonist/kk-index.htm>

⁵ Jafar Azim Zadeh and Jamil Mohammadi are arrested: <http://www.etehadeh.com/?page=news&nid=3703>

⁶ Iranian workers being arrested beaten on May Day: <http://persian.iranhumanrights.org/1393/02/labor-day/>

⁷ Deutsche Welle Persian, Reza Shahabi, a labour activist, is sentenced to 6 years in jail.; April 2012, <http://www.dw.de/%D8%B1%D8%B6%D8%A7-%D8%B4%D9%87%D8%A7%D8%A8%DB%8C-%D9%81%D8%B9%D8%A7%D9%84-%DA%A9%D8%A7%D8%B1%DA%AF%D8%B1%DB%8C-%D8%A8%D9%87-%D8%B4%D8%B4-%D8%B3%D8%A7%D9%84-%D8%AD%D8%A8%D8%B3-%D9%85%D8%AD%DA%A9%D9%88%D9%85-%D8%B4%D8%AF/a-15884677>

⁸ Prison sentence for *Haft Tapeh* Sugar Cane union members: http://www.bbc.co.uk/persian/iran/2009/04/090415_op_hafttappe_convictions.shtml

⁹ History of Sanandaj Metal Workers Union: in an interview with one of that defunct union's members: <http://www.komitteyehamahangi.com/post143.htm>

¹⁰ History of May Day in *Saqez*: in an interview with its leader, Mahmood Salehi: <http://eshtrak.wordpress.com/2014/05/07/%D8%A7%D9%88%D9%84-%D9%85%D8%A7%D9%87-%D9%85%D9%87-%D8%AF%D8%B1-%D8%B4%D9%87%D8%B1-%D8%B3%D9%82%D8%B2-%DA%86%DA%AF%D9%88%D9%86%D9%87-%D8%A8%D8%B1%DA%AF%D8%B2%D8%A7%D8%B1-%D8%B4%D8%AF%D9%AC-%D9%82/>

¹¹ Six years prison sentence for Rasoul Bodaghi: <https://hra-news.org/fa/thought-and-expression/1-2212>

¹² Charges of collaborating with anti Islamic illegal groups: <http://exilesactivist.wordpress.com/2013/02/13/%D9%85%D8%AD%D8%A7%DA%A9%D9%85%D9%87-4%D8%B9%D8%B6%D9%88-%DA%A9%D9%85%DB%8C%D8%AA%D9%87-%D9%87%D9%85%D8%A7%D9%87%D9%86%DA%AF%DB%8C-%D8%A8%D9%87-%D8%A7%D8%AA%D9%87%D8%A7%D9%85-%D8%A7%D9%82%D8%AF%D8%A7/>, http://www.radiofarda.com/content/f6_Iran_Osanloo_Court_Prison/2121967.html

group, a claim that is strongly refuted by Mr Ebrahim-Zadeh and other activists. His son, Nima, has been diagnosed with cancer and doctors have advocated for Behnam's release as it will help Nima's recovery but it has been denied.¹³ Two other well-known members of the same organisation, Sharookh Zamani and Mohammad Jerahi are in jail for 'anti-Islamic activities' charges, as well.

In 2010, members of the Free Union of Workers in Iran (*Ettehadīye Azad-e Kargarān-e Iran*), in Sanandaj, were fined and sentenced to flogging in public for participating in a May Day rally.¹⁴ Three members of the Collaborative Council of Labour Organisations and worker activists from Mohabad in West Azerbaijan, Vahed Seyedeh, Yousef Abkharabat, Mohammad Molanaie (who is 76 years old) were arrested and detained without the right to bail, for participating in workers' rights-related activities in mid February 2014.¹⁵

Worker activists are never treated as 'innocent until proven guilty', but they are always 'guilty until proven innocent'. Almost every known worker activist has been summoned for interrogation and face huge bail requests which act to restrict and limit their freedom to participate in workers' rights-related activities. Most of these activists are also being prevented from travelling abroad; or have to go through red tapes before being allowed to travel. This was the case in a recent travel plan for Dawood Razavi of the Tehran Bus Drivers' Union who had an invitation from trade unions in France to attend a conference.¹⁶

Lawyers defending workers rights and worker activists are facing intimidation as well. This was the case when Mahmood Salehi was first arrested as well as with the lawyers of executive members of *Haft Tapeh* Sugar Cane Union.¹⁷

Afghan immigrant workers do not even have those nominal equal rights. They are considered illegal residents and anyone employing them will be fined and prosecuted.¹⁸ The Islamic regime treats non-Muslim workers as non-equal citizens and they are not treated the same before the law as Muslim citizens.

It is important to also keep in mind there are no independent, trained judges overseeing court cases related to workers concerns. The judges are clerics trained to lead prayers and hold marriage or death ceremonies. Based on their teachings from seminaries they make arbitrary legal decisions. Most of the time, when a lawyer brings up a clause in a legal document to defend his/her client, they are shut down and their legal documents are dismissed. Most statutes that seem to establish rights for workers in Iran contain clauses which effectively deny these basic rights.

¹³ Behnam Ebrahim-Zadeh's son, Nima, writes about his father and his own illness: <https://tavaana.org/fa/content/%D8%B1%D9%86%D8%AC%D9%86%D8%A7%D9%85%D9%87-%D9%86%DB%8C%D9%85%D8%A7-%D8%A7%D8%A8%D8%B1%D8%A7%D9%87%DB%8C%D9%85%E2%80%8C%D8%B2%D8%A7%D8%AF%D9%87%D8%8C-%D9%81%D8%B1%D8%B2%D9%86%D8%AF-%DA%A9%D8%A7%D8%B1%DA%AF%D8%B1-%D9%85%D8%B9%D8%AA%D8%B1%D8%B6-%D8%B2%D9%86%D8%AF%D8%A7%D9%86%DB%8C-%D8%A8%D9%87%D9%86%D8%A7%D9%85-%D8%A7%D8%A8%D8%B1%D8%A7%D9%87%DB%8C%D9%85%E2%80%8C%D8%B2%D8%A7%D8%AF%D9%87-0>

¹⁴ Workers participating in May Day rally are sentenced to be flogged in public: <http://www.k-hamahangy.com/AhkameSalaq1May.htm>

¹⁵ Press release from Committee to defend jailed workers from *Mohabad*: <http://komitedefaa.blogspot.ca/2014/02/3.html>

¹⁶ Dawood Razavi is prevented from traveling to attend a conference organized by French trade unions: <http://www.etehadeh.com/?page=news&nid=3774>

¹⁷ An interview with Mohammad Sharief, Mahmood Salehi's lawyer: http://anjomane-d-mataleb.blogspot.ca/2008/03/blog-post_24.html

¹⁸ Anyone employing Afghan workers will be fined up to 1.5 million *tomans*: <http://www.dolat.ir/NSite/FullStory/News/?Serv=106&Id=203668>