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ILO's Case No. 2508: (Complaint against the Islamic Republic of Iran violation of workers' rights) - A serious and urgent case at risk of being undermined

Case No 2508 (Complaint against the Islamic Republic of Iran violation of workers' rights) A serious and urgent case at risk of being undermined

382nd Report of the ILO's Committee on Freedom of Association, was published on June 17, 2017. According to this report, there were 176 cases before the ILO's Committee on Freedom of the Association, in which complaints have been submitted to the governments concerned for their observations. Of those complaints, case No 2508 (Complaint against the Islamic Republic of Iran violation of workers' rights) has been identified as one of the two most serious and urgent cases that require the special attention of ILO's Governing Body (link to the report).

On November 8, 2017, the ILO's Committee on Freedom of Association published its 383rd Report. IASWI decided to redistribute both reports but specially highlight the 382nd report. The problem with the ILO's 383rd report is that it has without proper explanation become silent about the "serious and urgent" nature of case No. 2508. We're asking the ILO's committee why they have not re-emphasized on the "urgent and serious" nature of case 2508. None of the issues highlighted in the June 2017 report has been resolved; if they have, which ones? In fact the situation of a number of labour activists indicated in the ILO's June 2017 report has gotten much worse since then. We translated case No. 2508 in Farsi which has widely been distributed in Farsi-speaking websites. Case 2508 includes replies from the Government of the Islamic Republic of Iran (IRI) to the ILO's Committee on Freedom of Association (The Committee) and the Committee's recommendations. We have reviewed government responses and there are basically no truthful content that we could find. Examples:

The Committee reports: *"With regard to the case of Mr. Reza Shahabi, the Government indicates that he clearly contravened the law and as it cannot be assumed that labour activists can have illegal activities and assist terrorist organizations under the cover of labour activities, the Government expects that the Committee refrain from further examination of this issue in view of the detailed information provided and the leniency shown in this regard. The Government further specifies that Mr. Shahabi was arrested on 14 June 2010 for assembly and collusion with the intent to commit crimes against national security through communication with the Monafeghin terrorist group [Mujahedin-e Khalgh Organization, MKO], receiving remuneration from them and propaganda against the Islamic Republic....(Page 117)"*

Reza Shahabi is possibly the most well-known and respected Iranian labour activist today. He has been targeted for his leadership role within Tehran bus workers' union; for that, he has been in and out of the prison since June 2010 and underwent torture and months of solitary confinement. He has denied all the above allegations by the Iranian regime; he has never been collaborating with MKO. He is a worker who has done nothing but

organizing for his rights and the rights of his coworkers and standing against austerity and other anti-worker laws and practices. The above-mentioned responses by the Iranian government are clearly a mockery of the ILO procedures, taking it for granted that they could continue to play this game of deception and lies while purposefully dragging this case for years.

Another example is related to the denial of torture and mistreatment of jailed workers and other political prisoners in Iran. There is a mountain of evidence to prove that torture and mistreatment of political prisoners is a common practice in prisons of the IRI. Amnesty International, among others, has done extensive work throughout the years to cover this area. Reza Shahabi went to jail completely healthy in 2010 but as a result of months of beatings and torture he suffered major disk dislocations and had to undergo two radical surgeries. Shahrokh Zamani was killed in the Rajaei Shahr Prison and despite numerous international calls by workers' organizations and inquiries by the ILO's Committee no responses has yet been given by the Iranian government. Mohammad Jarahi, a well-known and highly respected labour activist in Iran, died, shortly after his release from prison, due to thyroid cancer and a wide range of complications and other illnesses caused as a result of the lack of proper treatment during his five-year long imprisonment. There are countless undeniable cases of torture and ill-treatment of prisoners of conscious in Iran.

Contrary to the claims made by IRI, the Iranian government has never stopped harassing workers and labour activists and has no intention to do so unless it's pressured by the international workers' movements and other progressive and human rights' forces beyond the current level. Reza Shahabi has since the publication of this report been imprisoned again as of August 9, 2017 and had to go on hunger strike for 50 days to protest his unjust re-incarceration. Other labour activists who have also been mentioned in the case No 2508 continue to face persecution.

After consulting with a wide range of workers' groups and labour activists in Iran and abroad, IASWI raises serious concerns about ILO's complicity with the government of Islamic republic of Iran. IRI is a member of ILO's Governing body for the third consecutive time while simultaneously being one of the most frequent violators of workers' rights. It seems that the authentic voices of workers in Iran have been silenced through politics and other political maneuverings. IASWI calls, once again, on the ILO's Governing body, ILO's Workers' Group and the Committee for the Freedom of Association to take any necessary measures in order to put an end to the manipulation and misinformation provided by the government of the Islamic Republic of Iran. While the IRI is continuing with its lies and delaying tactics and avoiding any accountability, the Iranian workers' movement and its activists are suffering increasing persecution and repression. We believe a Commission of Inquiry on Iran is long overdue. The Iranian government has been committing persistent and serious violations of international labour standards and has repeatedly refused to address them in satisfactory manners. Case Number 2508 opened in 2006 and after over 11 years almost no sustainable improvement has been made. We are urging labour organizations internationally to stand in solidarity with the Iranian working class and independent workers' organizations in Iran and advocate with the ILO to act swiftly on recommendations stipulated in Case 2508 including an end to persecution of labour activists in Iran and the imposition of sham charges against workers who have done nothing but standing up for some of the most basic and fundamental human and workers' rights.

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CASE NO. 2508

INTERIM REPORT

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_558777.pdf

http://www.ilo.org/gb/GBSessions/GB329/ins/WCMS_558777/lang--en/index.htm

http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/freedom-of-association/WCMS_159872/lang--en/index.htm

http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/WCMS_593083/lang--en/index.htm

Complaint against the Government of the Islamic Republic of Iran presented **by**

- the International Trade Union Confederation (ITUC) and
- the International Transport Workers' Federation (ITF)

Allegations: The complainants allege that the authorities and the employer committed several and continued acts of repression against the local trade union at a city bus company, as well as the arrest and detention of large numbers of trade unionists

393. The Committee has examined the substance of this case on ten occasions, most recently at its November 2016 meeting, when it presented an interim report to the Governing Body [see 380th Report, paras 635–683].

394. The Government sent observations in response to the Committee's recommendations in communications received on 26 October 2016 and 9 May 2017.

395. The Islamic Republic of Iran has not ratified either the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

A. Previous examination of the case

396. At its November 2016 meeting, the Committee made the following recommendations [see 380th Report, para. 683]:

(a) Deeply regretting that the Government has not provided full replies to its previous recommendations, the Committee urges the Government to be more cooperative in the future and to provide detailed information in relation to the following requests:

(i) The Committee urges the Government to carry out independent investigations into the allegations of ill-treatment to which Mr Ebrahim Madadi, Vice-President of the SVATH union, and Mr Reza Shahabi, Treasurer of the Syndicate of Workers of Tehran and Suburbs Bus Company are said to have been subjected to while in detention. The Committee further expects that if these allegations are found to be true, both union leaders will be compensated accordingly. The Committee expects that the Government will be able to report without further delay on the outcome of these investigations.

(ii) The Committee urges the Government to secure without further delay Mr Shahabi's definitive release, through pardon or other means, the dropping of any remaining charges, as well as the restoration of his rights and the payment of compensation for the damage suffered. The Committee urges the Government to keep it informed in this regard.

(iii) The Committee expects that the Labour Law and accompanying regulations will be effectively amended without delay so as to bring them into full conformity with the principles of freedom of association, including by allowing for trade union pluralism at all levels. It encourages the Government to accept the technical assistance of the Office in this regard and, in this framework, to transmit to it the latest version of the draft legislation with a view to ensuring its full conformity with the principles of freedom of association as set out in the Constitution of the ILO and the applicable Conventions.

(iv) Pending the implementation of the legislative reforms, the Committee urges the Government to indicate the concrete measures taken in relation to the de facto recognition of the SVATH union, irrespective of its non-affiliation to the Confederation of Iranian Workers' Trade Unions.

(v) The Committee once again requests the Government to provide a detailed report of the findings of the State General Inspection Organization (SGIO) and the Headquarters for the Protection of Human Rights into the allegations of workplace harassment during the period of the union's founding, from March to June 2005. It once again requests the Government, in light of the information revealed by these investigations, to take the necessary measures to ensure that all employees at the company are effectively protected against any form of discrimination related to their trade union membership or their trade union activities. The Committee requests the Government to keep it informed in this regard, as well as to provide a copy of the court judgment on the action initiated by the union concerning the attacks on union meetings in May and June 2005, once it is handed down.

(b) The Committee requests the Government to take the necessary measures to ensure that the charges against Mr Azimzadeh are immediately dropped. It further urges the Government to transmit a copy of the court judgment against Mr Mohammadi and to take the necessary measures to secure his immediate release should his conviction be related to his trade union activities. The Committee also urges the Government to take the necessary measures to secure that he is provided all medical assistance required.

(c) The Committee urges the Government to provide detailed information on:

- the reasons for the arrest and detention of Mr Ehsanirad, Ms Mohammadi and other Tehran bus workers on May Day 2015;
- the alleged arrest of Mr Javad Lotfi, Mr Abbas Haghigh, Mr Kioumars Rahimi and Mr Ahmad Saberi; alleged detention of workers of Loushan Cement Factory; alleged sentencing of four petrochemical workers to 50 lashes and six months in prison in 2014, and of five protesting mine workers to one year in prison and lashes for “disturbing public order” in 2015; and alleged arrest and summons to court of workers of Chadormalu iron ore mine;
- the specific actions that have warranted charges against Mr Ebrahimzadeh and Mr Jarrahi, including copies of the court judgments in their cases; and

– the allegations involving Mr Nejati and in particular, on the charges pending against him.

(d) The Committee expects that the independent investigation into the circumstances of Mr Zamani's death will be concluded without delay and requests the Government to provide detailed information on the outcome thereof.

(e) The Committee requests the Government to ensure that all charges related to the organization of the Labour Day march and the peaceful participation therein pending against Mr Salehi are immediately dropped. It further requests the Government to provide a copy of any judgment in relation to any other charges.

(f) Noting that the Government reiterates its readiness to receive ILO technical assistance, the Committee

expects that the Government will engage with the Office in this regard without delay.

(g) The Committee draws the Governing Body's special attention to the extremely serious and urgent nature of this case.

B. The Government's reply

397. The Government indicates, with regard to the amendment of the Labour Law, that the Amendment Bill was reviewed several times in the Social Committee of the Parliament, in presence of the Government's representative and social partners; however, discussions were unfruitful as social partners could not reach consensus. At the occasion of the most recent examination of the Bill in the parliamentary committee, the Government provided the MPs with the ILO recommendations and urged the Parliament to continue working on the draft.

398. The Government also indicates that pursuant to Article 8 of Convention No. 87 and Article 3 of Convention No. 98, in order to set up a single authority for organizing labour relations and distinguishing union activities from activities of a merely political nature, the Ministry of Cooperatives, Labour and Social Welfare (hereafter "the Ministry"), in consultation with the Labour Committee of the State Security Council formulated and adopted draft guidelines that were finally approved by the State Security Council in 2011 under the title "Regulations on the handling of trade union demands". The Regulations establish unified procedures for dealing with union protests. Training of experts in the grievance handling office and the establishment of technical judicial branches are also provided for in pursuant to international standards.

399. The Government indicates that with a view to realizing and developing social and economic justice nationwide, it has prepared and adopted the Charter of Citizens' Rights, which was unveiled and signed by President Rouhani on 19 December 2016 during the Forum for Constitution and Nation's Rights. The Charter aims at vindicating and promoting civil rights in the Government's Plan and Policy, subject to article 134 of the Constitutional Law. It is a collection of civil rights, identified within the legal system references and/or the ones that the Government shall conclusively and inclusively endeavour to identify, create and achieve through reform and development of the legal system, adoption of bills or any other arrangement or necessary legal action. To this end, collaboration of other powers and institutions, also participation of people, organizations, trade associations, NGOs and the private sector is crucial. Passage 10 of the above Charter deals with the right of association, assembly and demonstration, explicitly referring to the right to organize.

400. The Government provides the following indications with regard to regulatory reforms on the agenda of the Ministry. A "Plan on empowerment of workers' and employers' organizations and regulation of their participation in the conduct of labour relations" (hereafter "the Plan") was drawn up with the aim of promoting representation of workers' organizations at the national and provincial levels and in relation to national and international authorities. The Government indicates that the Plan was discussed with the ILO Governance and Tripartism

Department and ILO advisory views were taken into account in its implementation. As a step to implement the Plan, and in order to settle issues raised in Case No. 2508, the Ministry, in consultation with the social partners, prepared the draft by-law on sections 131 and 136 of the Labour Law pertaining to the procedure of formation, scope of powers, duties and operation of trade unions and associations as well as the method of appointment of workers' representatives in national and international assemblies. In this process, ILO Special Advisor Mr Kari Tapiola and Mr Kamran Fannizadeh, Deputy Director, Governance and Tripartism Department were invited to visit Iran to discuss with all representatives from workers' and employers' organizations and the Government

issues of labour relations and the reforms envisaged by the Ministry for changing procedures related to sections 131 and 136 of the Labour Law. The draft by-law has been approved by the Social Committee of the Council of Ministers and is awaiting the approval of the plenary Council. It is hoped that once approved, this by-law will expedite the implementation of the Plan. The Government further indicates that on 10 September 2016, the Minister of Cooperatives, Labour and Social Welfare issued the Ministerial Order entitled “Job security in conjunction with investment and production security” where, among other points, it was emphasized that workers’ and employers’ organizations must be empowered through the amendment of the existing by-laws with a view to preparing the ground for accession to Conventions Nos 87 and 98, as well as through access to skills and adequate training and legal services.

401. The Government further indicates that although it intends to revise the abovementioned by-laws with a view to enhancing compliance with international labour standards, it wishes to emphasize that the present labour law sets a framework that is favourable to the establishment and empowerment of workers’ and employers’ organizations nationwide. The following figures are provided as an illustration of this statement: by September 2016, the number of registered organizations exceeded 12,009, of which 9,481 were workers’ and 2,528 were employers’ organizations. The number of organizations established since the current Government took office – September 2013 – amounts to 4,448; including 3,872 workers’ and 576 employers’ organizations respectively.

402. The Government draws the attention of the Committee to the specific circumstances created for the Islamic Republic of Iran. During the past two years, the intensification of unilateral sanctions affected the country’s international trade relations and entailed the closure of certain industrial units and the inability of certain employers to pay workers. Consequently the workers’ problems were aggravated, but the Government support programmes were to a great extent successful in bringing the situation under control and any initiative aiming at mitigating the problems of the working class was welcomed. As the sanctions impacted vulnerable segments of the Iranian population, the steps taken by the Government and other Non-Aligned Movement member States resulted in the appointment by the United Nations Human Rights Council of a Special Rapporteur to investigate the unfavourable human rights impact of unilateral sanctions (the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights). The Government expresses its hope that the establishment of this mandate would effectively contribute to the removal of unilateral sanctions and prevent the taking of similar measures with regard to other countries; as well as its readiness to analyse the impacts of these sanctions on the Iranian workers’ and employers’ community with the collaboration of the ILO.

403. With regard to the allegations of persecution of a number of labour activists, the claims related to their judicial status and the Committee’s request as to their release, the Government reiterates that in dealing with labour-related infringements, it tries to apply the highest possible level of tolerance and in some cases even after the finalization of judicial verdicts, efforts were made to obtain reduction of punishment and pardon. In a few cases where the accused had misused the available capacities in the labour area for illegal objectives such as support of terrorist aims, encouragement of subversive armed action and creation of ethnic and religious hatred, charges were investigated with utmost clarity in accordance with the law.

404. The Government indicates that Mr Mohammad Jarrahi was released from prison on 22 August 2016 upon termination of his prison term and Mr Davoud Razavi was released on bail on 1 September 2015. Messrs Javad Lotfi, Abbas Haghighi, Ahmad Saberi and Kioumarth Rahimi, workers at a synthetic fibre company, were all released on bail on 27 November 2013. In a judgment dated 2 January 2015, the Court of Appeal reduced their

six-month imprisonment sentence to three months and decreased the term of probation from two years to one year. This term has now expired and the case is closed.

405. With regard to the case of Mr Ali Nejati, the Government reiterates that he was released on bail on 17 October 2015 and that his case is still pending at the Prosecutor's Office.

406. With regard to the case of Mr Reza Shahabi, the Government indicates that he clearly contravened the law and as it cannot be assumed that labour activists can have illegal activities and assist terrorist organizations under the cover of labour activities, the Government expects that the Committee refrain from further examination of this issue in view of the detailed information provided and the leniency shown in this regard. The Government further specifies that Mr Shahabi was arrested on 14 June 2010 for assembly and collusion with the intent to commit crimes against national security through communication with the Monafeghin terrorist group [Mujahedin-e Khalgh Organization, MKO], receiving remuneration from them and propaganda against the Islamic Republic. According to the Government, this organization was recognized as a terrorist group by various countries and its actions resulted in the loss of life of more than 17,000 Iranian nationals as well as a number of Iraqi citizens during Saddam Hussein's rule. The Government states that Mr Shahabi was a bus driver in a city bus company. According to the available evidence, he was an affiliate of the MKO as of the end of 2008 and continued his cooperation with them up to the time of his arrest through supplying manipulated news and information and participation in illegal gatherings where he took pictures and recorded videos that he subsequently transmitted to the organization via the Internet. Mr Shahabi communicated with one of MKO's liaisons named Sharam Soheili by phone and and e-mail and was receiving a monthly salary in his and his wife's bank account for sending news and information needed by the organization. Mr Shahabi also introduced other persons such as Mr Saeid Torabian and Mr Hassan Mohammadi to the organization and received significant financial assistance from it. Mr Torabian, who is related to Mr Shahabi, was arrested and confessed that Mr Shahabi had connected him to the MKO towards the end of 2008. Mr Shahabi declared that someone named Shahram Soheili, a collaborator of one of the news agencies, had paid them a monthly amount of 4 million Iranian rials (IRR) per person in exchange for supply of confidential news. The Government states that given the above facts, Mr Shahabi was put to trial on charges of assembly and collusion with the intent to commit crimes against national security through cooperation with the MKO terrorist group and propaganda against the Islamic Republic. On 10 April 2012, the court, having heard the accused and his counsel's defence and in accordance with rules of due process, sentenced him to five years' imprisonment on the first charge, to one year on the second – taking into account the time he had already spent in detention – as well as to the restitution of IRR70 million in favour of the Government, which corresponded to the amount he had earned through criminal activity. The provincial court of appeal confirmed the verdict on 13 June 2012. Through the application of article 134 of the revised Islamic Penal Code (IPC), the sentence was reduced to five years' imprisonment and the restitution of the amount mentioned above. The Government indicates that regrettably, Mr Shahabi continued his linkage with the abovementioned organization and during his leave from prison committed acts contravening the law, as a result of which a new case was filed against him and he was sentenced to one year imprisonment on charges of propaganda against the State. His final conviction was notified to the prison on 9 January 2015. The Government draws the attention of the Committee to the fact that Mr Shahabi has been granted furlough several times while serving his prison sentence, and that the execution of the sentence was suspended between 16 February and 6 May 2015. The Government adds that, at the date of the communication, Mr Shahabi was free and as he had repented, the possibility of granting him pardon was under consideration.

407. With regard to the case of Mr Ebrahim Madadi, the Government indicates that he was prosecuted for assembly and collusion against national security and disturbing public order and peace through attending illegal gatherings. On 1 May 2016 the court sentenced him to five years and three months' imprisonment in accordance with article 610 of the IPC in conjunction with article 137 of the same Act governing the punishment applicable in case of recidivism. The Government further indicates that Mr Madadi's case was investigated in accordance with the law, and his acts constituting infringements of the law were established with utmost clarity and care. As his attorney did not appeal within the legal time limit the first instance verdict became final. The Government adds that Mr Madadi was released on bail and was free at the time of the communication, and concludes that as his criminal actions were irrelevant to labour activities, there is no ground for compensation and requests the Committee to refrain from any further examination of the matter.

408. With regard to the allegations of ill-treatment of Mr Shahabi and Mr Madadi in detention, the Government indicates that any kind of persecution is strictly prohibited pursuant to articles 32, 38 and 39 of the Constitution, and that the legislature has rejected all forms of torture and enacted fully fledged regulations to ensure its prevention, notably through article 169 of the new IPC; paragraphs 1, 6, 7, 9 and 10 of the single article of the Law on Respect for Legitimate Freedoms and Protection of Civil Rights; and article 169 of the Executive By-law on State Prisons and Security and Corrective Measures Organization. The Government further indicates that in practice, the necessary oversight measures were taken through the establishment of Civil Rights Monitoring Boards in Tehran and provincial capitals. Any breach of the law is addressed through the dispatching of inspection groups and the review of received reports. The Law on Respect for Legitimate Freedoms and Protection of Civil Rights and the relevant executive guideline also provide for a litigation mechanism for those who claim the violation of their civil rights, so that the officials and persons challenging the law are held responsible. The secretariats of the central and provincial oversight boards are in charge of enforcing the law. The Government indicates that as a result of the constantly increasing supervisory measures, the number of complaints referred to the inspection and grievance boards has significantly decreased during recent years. In the period between 2012–16, some 38,557 inspections of disciplinary, judicial and prison authorities were conducted throughout the country. In this same period 11,093 complaints and violation reports were registered through provincial boards and the online complaint registration system, out of which only 4,332 were receivable. The examination of these cases in the central and provincial boards resulted in the issuance of 622 warnings to the judicial staff; 385 warnings to the administrative personnel; 128 disciplinary proceedings against judges and 116 referrals to the judicial authorities. As a result of the inspections conducted, provincial boards praised 511 persons for discharging their duties in full respect of civil rights. The Government emphasizes that out of 4,332 reports and complaints investigated, only a small percentage entailed prosecution for violation of civil rights. It further indicates that the law provides for reparation of material and moral damages resulting from the offence, and requests the Committee to provide any information and documentation it might have regarding the claim raised by Mr Madadi for investigation and follow-up.

409. With regard to the recognition of the Syndicate of Workers of Tehran and Suburbs Bus Company (SVATH), the Government indicates that it has not received any application from this organization and expresses its readiness to take measures for registration of any worker's and employer's organization in accordance with the applicable laws.

410. With regard to technical cooperation, the Government indicates that workers' and employers' groups and the governmental division of labour relations attended an ILO workshop on various types of labour contracts.

The Government further requests technical assistance for a course for Iranian judges and indicates that the ILO's readiness to provide assistance in the training of disciplinary forces that deal with labour protests has been transmitted to the relevant unit and the necessary coordination will be made once their reply is received. The Government finally states that while it considers that there is room for improvement with regard to compliance with international standards, it has always pursued the empowerment of workers' and employers' organizations, and requests the Committee to assist it in carrying out its initiatives through mutual understanding and recognition of the positive trend in empowerment of labour organizations in Iran.

C. The Committee's conclusions

411. The Committee recalls that this case, lodged in July 2006, concerns acts of repression against the SVATH, as well as the arrest and detention of large numbers of other trade union members and officials, and the insufficient legislative framework for the protection of freedom of association.

412. The Committee notes the Government's indication that while an amendment bill to the Labour Law was reviewed several times in the Social Committee of the Parliament, discussions remained unfruitful as the social partners could not reach consensus. The Committee further notes that the Government has provided the MPs with the ILO recommendations and urged the Parliament to continue working on the draft. In the meantime, the Government has engaged in a process of amendment of the by-laws (regulations) on sections 131 and 136 of the current Labour Law pertaining to the procedure of formation, scope of powers, duties and operation of trade unions and associations with a view to facilitating and enhancing the representation of workers' organizations at the international, national and provincial levels.

413. The Committee recalls that, in other cases addressing the legislative framework for freedom of association in Iran, it had noted that the proposed amendments to the Labour Law sections 131 and 135 contained aspects that were not in conformity with the principles of freedom of association and had observed that, as various components of freedom of association were to be regulated through additional specific regulations, it was not clear to what extent the proposed amendments would guarantee, in law and in practice, the right of workers to come together and form organizations of their own choosing, independently and with structures which permit their members to elect their own officers, draw up and adopt their by-laws, organize their administration and activities, and formulate their programmes in the defence of workers' interests without interference from the public authorities [see 371st Report, Case No. 2807, paras 575 and 577]. Recalling that it has already on several occasions requested the Government to amend the current Labour Law so as to bring it into conformity with the principles of freedom of association [see 362nd Report, Case No. 2567, para. 86; 371st Report, Case No. 2807, para. 574 and 359th Report, para. 700], the Committee trusts that the Parliament will soon be in a position to adopt amendments to the Labour Law as requested above and requests the Government to provide detailed information on the assistance currently being sought from the ILO in this regard and the progress made on the legislative reform.

414. Concerning the amendment of the current regulations pertaining to the procedure of formation, scope of powers, duties and operation of trade unions and associations referred to by the Government, the Committee, while awaiting information on the progress made in respect of the Labour Law, welcomes any Government measure aiming at the enhancement of freedom of association and the empowerment of workers' and employers' organizations pending the completion of the legislative reform process. The Committee requests the

Government to keep it informed of the status of the revision of these Regulations and to send a copy of the

latest draft.

415. The Committee notes the information provided by the Government as to the approval by the State Security Council of the Regulations on the handling of trade union demands in 2011, establishing unified procedures for dealing with union protests. The Committee notes that the Government provides little specific information as to the content of the Regulations and the way in which they enhance freedom of association rights including the right of workers to peaceful assembly. It further recalls that since 2011, it has received several allegations in the context of this case as to the intervention of security forces in labour protests and the arrest, detention and eventual prosecution and condemnation of workers for participation in them [see 380th Report, Case No. 2508, paras 644–646], with regard to which the Government has not provided any specific observations. In these circumstances the Committee is not in a position to assess the import of the 2011 Regulations in view of guaranteeing freedom of association rights in law and in practice. It therefore requests the Government to provide it with a copy of the Regulations as well as its responses to the allegations referred to above so as to enable it to examine these matters in full knowledge.

416. While it takes due note of the information of the release and commuting of the sentences of synthetic fibre company workers, Messrs Javad Lotfi, Abbas Haghighi, Ahmad Saberi and Kioumarth Rahimi, the Committee is bound to recall that the charging, arrest and detention – even if only briefly – of workers for legitimate activities in relation to their right to freedom of association constitutes a violation of the principles of freedom of association.

417. Noting the information provided as to the release of Mr Jarrahi at the end of his prison term, the Committee recalls that in its latest recommendations it had requested the Government to provide detailed information as to the specific actions that have warranted charges against him. As the Government has not provided any information in this regard, the Committee is bound to reiterate its previous request.

418. With regard to the case of Mr Ali Nejati, the former president of the Haft Tapeh Sugar Company Workers' Syndicate, the Committee notes that the Government reiterates that he was released on bail in October 2015. Noting that the Government indicates that Mr Nejati's case is still pending without providing any details on the charges pending against him, the Committee is bound to reiterate its previous request to provide detailed information in this regard.

419. The Committee notes the information provided by the Government as to Mr Davoud Razavi's release on bail in September 2015. Recalling that Mr Razavi, a member of the SVATH board of directors, was one of the trade unionists whose arrest and detention was brought to the attention of the Committee at the beginning of its examination of this case in 2007 [see 346th Report, para. 1185], and that in 2011 the Government had provided information as to his release [360th Report, para. 802], the Committee notes with great concern that he has once again been arrested and charged and requests the Government to provide detailed information with regard to the charges brought against him and the specific acts concerned.

420. With regard to the cases of Mr Reza Shahabi and Mr Ebrahim Madadi, the Committee notes with deep concern the Government's indication that new charges have been brought against these trade unionists, that they have been put on trial once again and given final sentences of one year, and five years and three months' imprisonment respectively. The Committee notes the Government's statement about the previous condemnations of Mr Shahabi, while not providing the judgment itself or his response, and its indication that on this last occasion he was condemned for propaganda against the State (section 500 of the IPC), while Mr Madadi was sentenced for acting against national security (section 610 of the IPC). The Committee observes however, that no information is provided as to the specific actions that have warranted the renewal of these

charges against them, nor have the judgments against them been provided. Recalling that it had previously observed in its examination of this case that criminal law, in particular articles 500 and 610 of the IPC were systematically used to punish trade unionists for engaging in legitimate trade union activities [see 350th Report, Case No. 2508, para. 1105], and in view of the fact that once again the Government does not indicate what actions have entailed these charges, the Committee is bound to note that the latest condemnations of Mr Shahabi and Mr Madadi reproduce an unmistakably familiar pattern. Considering that the frequent arrest and sentencing of trade unionists to long periods of imprisonment under such general charges in this case is likely to severely hinder the exercise of legitimate trade union activities, the Committee firmly urges the Government to bring its conclusions to the attention of the Iranian judiciary with a view to ensuring that peaceful trade union activists are not sentenced to prison on vague charges of acting against national security and propaganda against the State.

421. The Committee further notes that the Government indicates that both trade unionists are free on bail, and hence understands that they might be summoned at any moment to return to prison. The Committee recalls that Mr Shahabi and Mr Madadi have each already spent more than five years in prison and that since June 2007, when it first took up the examination of this case, it has urged the Government at numerous occasions to immediately release one or the other and drop any additional charges against them [see 350th Report, para. 1107(g); 354th Report, para. 927(h); 357th Report, para. 692(b); 368th Report, para. 583(b); 371st Report, para. 596(a)]. The Committee further recalls that it had deplored the fact that Mr Madadi, sentenced to two years' imprisonment in October 2007, was only released in April 2012, despite the Committee's systematic recommendation for his release. The Committee had expressed the expectation that his rights be restored and the damage he had suffered be compensated [see 360th Report, para. 807(b); 364th Report, para. 593(b)]. The Committee is bound to note that the possibility of being summoned back to prison creates a situation of great insecurity for these trade unionists who have already been deprived of their liberty for long years, and is liable to have an intimidating effect and cause prejudice to the normal development of trade union activities in general. In view of these conclusions, and noting the Government's consideration of the possibility of granting a pardon to Mr Shahabi and the fact that the first instance verdict for Mr Madadi became final because his attorney did not appeal within the time limit, the Committee firmly expects that the sentences against Mr Shahabi and Mr Madadi will be lifted definitively and that they will not spend any more time in prison. The Committee requests the Government to keep it informed of developments in this regard.

422. The Committee notes the general information provided by the Government with regard to the legal and institutional framework available to prevent ill-treatment of detainees and hold those responsible into account and the overall statistics provided in relation to such complaints. The Committee recalls however that it has repeatedly called for the conduct of independent investigations into the specific allegations of ill-treatment to which Mr Shahabi and Mr Madadi were said to have been subjected while in detention [see 375th Report, para. 371(a); 380th Report, para. 683(a)(i)]. Recalling that the prohibition of torture and ill-treatment is a peremptory norm of international law which, pursuant to the Government's observations, is also reflected in Iranian law, and that governments are bound to take all the necessary measures to prevent such acts, punish the perpetrators and compensate victims, the Committee strongly urges the Government to use the institutional machinery described in its latest communication, or any other appropriate mechanism or body qualifying as independent and impartial, to conduct a full investigation into the claims of ill-treatment of Mr Shahabi and Mr Madadi while in detention and to keep it informed of the outcome thereof.

423. Noting that the Government has not provided any information as to the conclusion and outcome of the investigation into the circumstances of Mr Shahrokh Zamani's death in prison – presumably concluded after 18 months – the Committee once again requests the Government to provide detailed information as to the outcome thereof.

424. With regard to the recognition of the SVATH, the Committee notes the Government's indication that it has not received any application from this organization and that it would take measures for registration of any organization in accordance with the applicable laws. The Committee recalls that, aware of the fact that the current Labour Law establishes an organizational monopoly and hence does not allow for the registration of the SVATH, it had repeatedly urged the Government to take the necessary measures with a view to the de facto recognition of the SVATH pending the completion of legislative reforms. The Committee is therefore bound to reiterate this recommendation and request the Government to keep it informed of the measures taken in this regard without further delay.

425. Regretting that the Government has not replied to many of its recommendations, the Committee is bound to reiterate them and urges the Government to provide detailed information thereon without delay.

426. The Committee takes due note of the general indication of the Government that in the past two years the intensification of unilateral sanctions has affected Iran's international commercial relations and entailed the closure of industrial units and the inability of employers to pay wages, thus harshly deteriorating the situation of workers. The Committee wishes to emphasize that, especially in times of great economic difficulty, permanent and intensive social dialogue represent a critical factor in the development of sustainable national economic and social policy, but that social dialogue can only be effective within a framework of full respect for freedom of association.

The Committee's recommendations

427. In the light of its foregoing conclusions, the Committee invites the Governing Body to approve the following recommendations:

- (a) In view of the absence of concrete results in this case, the Committee has requested its Chairperson to make contact with its representatives attending the June 2017 International Labour Conference in order to encourage a more effective engagement in response to the Committee's long-standing recommendations.
- (b) Trusting that the Parliament will soon be in a position to adopt amendments to the Labour Law so as to bring it into conformity with the principles of freedom of association, the Committee requests the Government to provide detailed information on the assistance sought from the Office and the progress made on the legislative reform, and to send it a copy of the latest drafts.
- (c) The Committee requests the Government to send it a copy of the Regulations on the handling of trade union demands approved by the State Security Council in 2011, and provide detailed observations as to how these Regulations have enhanced the freedom of association rights, and in particular the right to peaceful assembly in practice.
- (d) Noting with great concern that Mr Davoud Razavi has once again been arrested and charged, the Committee requests the Government to provide detailed information with regard to the charges brought against Mr Razavi and the specific acts concerned.
- (e) Noting with deep concern that Mr Ebrahim Madadi and Mr Reza Shahabi, the Vice-President and the Treasurer of the SVATH respectively, have been put on trial once again and sentenced to one year, and five

years and three months imprisonment respectively and noting the Government's consideration of the possibility of granting a pardon to Mr Shahabi and the fact that the first instance verdict for Mr Madadi became final because his attorney did not appeal within the time limit, the Committee firmly expects that these sentences will be lifted definitively and that they will not be returned to prison. The Committee requests the Government to keep it informed of developments in this regard.

(f) Considering that the frequent arrest and sentencing of trade unionists to long periods of imprisonment under such general charges in this case is likely to severely hinder the exercise of legitimate trade union activities, the Committee firmly urges the Government to bring its conclusions to the attention of the Iranian judiciary with a view to ensuring that peaceful trade union activists are not sentenced to prison on vague charges of acting against national security and propaganda against the State.

(g) The Committee strongly urges the Government to use the institutional machinery described in its latest communication, or any other appropriate mechanism or body qualifying as independent and impartial, to conduct a full investigation into the claims of ill-treatment of Mr Shahabi and Mr Madadi without further delay and to keep it informed of the outcome thereof.

(h) The Committee once again urges the Government to take the necessary measures with a view to the de facto recognition of the SVATH pending the completion of legislative reforms and to keep it informed of the developments in this regard.

(i) Regretting that the Government has not provided replies to several of its recommendations at the last examination of this case, the Committee urges the Government to provide detailed information in relation to the following requests:

(i) The Committee once again requests the Government to provide detailed information as to the outcome of the independent investigation into the circumstances of Mr Shahrokh Zamani's death in prison.

(ii) The Committee requests the Government to take the necessary measures to ensure that the charges against Mr Azimzadeh are immediately dropped. It further urges the Government to transmit a copy of the court judgment against Mr Mohammadi and to take the necessary measures to secure his immediate release should his conviction be related to his trade union activities. The Committee also urges the Government to take the necessary measures to secure that he is provided with all medical assistance required.

(iii) The Committee urges the Government to provide detailed information on:

- the reasons for the arrest and detention of Mr Ehsanirad, Ms Mohammadi and other Tehran bus workers on May Day 2015;
- the alleged detention of workers of the cement factory; the alleged sentencing of four SVATH workers to 50 lashes and six months in prison in 2014, and of five protesting mineworkers to one year in prison and lashes for "disturbing public order" in 2015; and the alleged arrest and summons to court of workers of the iron ore mine;
- the specific actions that have warranted charges against Mr Ebrahimzadeh and Mr Jarrahi, including copies of the court judgments in their cases; and
- the allegations involving Mr Nejati and in particular, on the charges pending against him.

(iv) The Committee requests the Government to ensure that all charges related to the organization of the Labour Day march and the peaceful participation therein pending against Mr Salehi are immediately dropped. It further requests the Government to provide a copy of any judgment in relation to any other charges.

(v) The Committee once again requests the Government to provide a detailed report of the findings of the State General Inspection Organization (SGIO) and the headquarters for the Protection of Human Rights into the

allegations of workplace harassment during the period of the union's founding, from March to June 2005. It once again requests the Government, in light of the information revealed by these investigations, to take the necessary measures to ensure that all employees at the company are effectively protected against any form of discrimination related to their trade union membership or their trade union activities. The Committee requests the Government to keep it informed in this regard, as well as to provide a copy of the court judgment on the action initiated by the union concerning the attacks on union meetings in May and June 2005, once it is handed down.

(j) The Committee draws the Governing Body's special attention to the extremely serious and urgent nature of this case.

The International Alliance in Support of Workers in Iran (IASWI) is an independent progressive campaign in support of workers' rights and struggles in Iran.

The IASWI was formed in 1999 and formally launched in January 2000 with the following objectives:

- Support workers' movement demands and struggles in Iran, including the right to organize independent labour organizations and the right to strike.
- Strive for an absolute end to the systematic repression, persecution, imprisonment, torture, assassination and execution of labour activists and political opponents in Iran.
- Promote the implementation and enforcement of internationally recognized human and workers' rights and freedoms for all people in Iran.

The IASWI has been working in collaboration with many labour and progressive activists and organizations in Iran and around the world to strengthen worker-to-worker solidarity in defence of workers' rights and struggles in Iran and against the repressive Islamic Republic of Iran and its capitalist and neo-liberal policies and practices.

As a volunteer-based international solidarity campaign in support of workers in Iran, the IASWI has colleagues and branches in North America, Europe and other parts of the world that work collaboratively towards the realization of the above objectives. IASWI's members and colleagues have been prominent worker activists in Iran or their respective countries. IASWI has proven to be one the most consistent and reliable sources of information and actions on workers' struggles in Iran.

As an independent organization, IASWI is not affiliated with any political party. IASWI does not accept funding or resources from any governments or corporations and their affiliates. IASWI does not collaborate with governments or organizations that are directed by and/or financially sponsored by governments and capitalist institutions. IASWI believes that such collaborations are against the underlying principles of the working class international solidarity and compromise the struggle for the formation of independent workers' organizations in Iran. Furthermore, IASWI strongly opposes and condemns economic sanctions and threats of military interventions by the US government and allies against Iran as well as military adventures by the regional powers such Israel, Saudi Arabia, Iran and Turkey.