

**Human Rights  
in Iran Unit**  
University of Essex

# Legal Research Series

*Analysis of Labour Rights and Employment: Iran's  
International Human Rights Obligations*

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## Executive Summary

This legal research analysis belongs to a series of studies on human rights in Iran authored by the Human Rights in Iran Unit. The Human Rights in Iran Unit in the School of Law at the University of Essex focuses on the Islamic Republic of Iran's compliance with international human rights law. Each study tackles a distinct topic to measure international obligations against domestic law and practice and to identify underlying or systemic problems. The Unit seeks to provide an accessible account of the breadth and complexity of violations in Iran from the standpoint of international law, which may serve scholars, practitioners and anyone concerned with human rights in Iran.

This briefing considers the rights of workers within the Islamic Republic of Iran with respect to the State's obligations under international human rights law and international labour law. The relevant international treaties to which Iran is a State party are the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and a variety of Conventions specific to workers' rights under the International Labour Organization (ILO).

This briefing analyzes how the Iranian legal framework, particularly with regard to the Labour Code, applies in practice to workers within Iran. The briefing finds violations on the basis of:

- **Freedom of association and the effective recognition of the right to collectively bargain:** The 1990 Labour Code effectually creates an organizational monopoly for Islamic Labour Councils both in law and in practice, which is exacerbated by the legal restriction upon workers' representation to the ILO. These provisions violate the rights to work (article 6, ICESCR), freedom of expression (article 19, ICCPR), assembly (article 21, ICCPR) and the ILO fundamental principles of freedom of association (also enshrined in article 22, ICCPR) and the effective recognition of the right to collectively bargain, to which Iran is committed;
- **Social security and fair wages:** The exclusion of essential protections for persons working on temporary contracts and the high prevalence of persons within Iran working under these conditions results in a violation of the right to social security, as enshrined both within Iranian domestic law and ICESCR, article 9, and likely contravenes Iran's obligations under the ILO Protection of Wages Convention;
- **Gender discrimination and child labour:** Specific provisions within the Labour Code directly violate the rights of women on the basis of non-discrimination. The Labour Code also does not adequately incorporate a child-rights approach and, as such, violates the right of the child to rest and leisure (article 31, CRC), in conjunction with the restrictions on involvement of children in employment as set forth in the CRC and the ILO Convention on Worst Forms of Child Labour.
- **Right to work:** The process of *gozinesh* may be seen to violate the principle of non-discrimination as well as a range of labour rights; in particular, access to the labour market as incorporated into the right to work is prejudiced.

## 1. Introduction

This legal research analysis belongs to a series of studies on human rights in Iran authored by the Human Rights in Iran Unit.<sup>1</sup> The Human Rights in Iran Unit in the School of Law at the University of Essex focuses on the Islamic Republic of Iran (IRI)'s compliance with international human rights law. Each study tackles a distinct topic to measure international obligations against domestic law and practice and to identify underlying or systemic problems. The Unit seeks to provide an accessible account of the breadth and complexity of violations in Iran from the standpoint of international law, which may serve scholars, practitioners and anyone concerned with human rights in Iran.

This briefing considers the Islamic Republic of Iran's compliance with and its obligations under international human rights law with respect to labour rights. The relevant treaties to which Iran is a State party are the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). The rights afforded within relevant Conventions of the International Labour Organization further bolster the legal obligations imposed by these treaties.

The analysis focuses on Iran's domestic legal framework with regard to the right to work, freedom of association, trade unions, social security, child and forced labour, the freedom to collectively bargain and the right to enjoy just and favourable conditions of work. Based on the analysis, this briefing finds that Iran does not comply with several of its corresponding international legal obligations in relation to labour rights, both in law and in practice.

## 2. Applicable International Law on Labour Rights in Iran

### *United Nations*

The International Bill of Human Rights (consisting of Universal Declaration of Human Rights (UDHR),<sup>2</sup> International Covenant on Civil and Political Rights (ICCPR)<sup>3</sup> and International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>4</sup> affirms the importance of labour rights and encourages states to respect, protect and fulfil them.

According to the text of the UDHR, everyone has the right to work, to have just and favourable conditions of work and to form and join trade unions for the protection of his interests (Article 23). Iran was one out of 48 States who voted in favour of the adoption of UDHR in 1948.<sup>5</sup> While the UDHR is not a legally binding document, the principles contained within the document provided the basis upon which the ICCPR and ICESCR were drafted.

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<sup>1</sup> All research is supervised by Scott Sheeran and Catherine Bevilacqua, Co-Directors of Research in the Human Rights in Iran Unit, School of Law, University of Essex.

<sup>2</sup> UN General Assembly, *Universal Declaration of Human Rights* (UDHR), 10 December 1948, 217 A (III).

<sup>3</sup> International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171

<sup>4</sup> UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3

<sup>5</sup> United Nations, 'Social, Humanitarian and Cultural Questions: Human Rights, Universal Declaration of Human Rights' (1948-1949) *United Nations Yrbk* 529-530.

As such, several of the UDHR's provisions now find legally binding expression within these two treaties, and many provisions are considered to constitute customary international law.<sup>6</sup>

The ICCPR was ratified by Iran in 1975.<sup>7</sup> By ratifying the treaty, Iran agreed to the imposition of the binding legal obligations contained within the ICCPR, which include obligations relevant to labour rights. The most relevant provisions within this treaty include: the overarching principle of non-discrimination, which should be read into all provisions of the Covenant;<sup>8</sup> Article 19(2), which protects individuals' freedom of expression and right to "seek, receive and impart information"; Article 21, which refers to the right of assembly and, finally, Article 22, which obliges States parties to protect the "right to freedom of association with others, including the right to form and join trade unions", and applies to all individuals within the jurisdiction of the State party to the treaty.

Iran has also been a party to the ICESCR since 1975.<sup>9</sup> Under the Covenant, State parties recognize the right of everyone to work (Article 6) and to enjoy "just and favourable conditions of work" (Article 7). State parties also undertake an obligation to ensure the right of everyone to form and join trade unions; the right of trade unions to function freely; and the right to strike (Article 8).<sup>10</sup>

Provisions under the Convention on the Rights of the Child (CRC) and its Optional Protocol on the sale of children, child prostitution and child pornography (CRC-OPSC) also impose obligations upon Iran as a State party with regard to labour rights. The CRC protects the right of the child to rest and leisure and includes provisions regulating the amount and types of work that children are allowed to engage in. The CRC-OPSC expands upon these provisions by explicitly prohibiting forced child labour (article 3(1)(a)(i)(c)) and other means of exploitation.

Notably, the provisions relating to labour rights in both the ICCPR (Article 22(3)) and ICESCR (Article 8(3)) make reference to the International Labour Organization and its legal framework. Both articles clearly state that State parties should refrain from taking legislative measures prejudicing the guarantees provided in the International Labour Organization Convention 1948 on Freedom of Association and Protection of the Right to Organize (No. 87).

### *International Labour Organization*

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<sup>6</sup> Hurst Hannum, 'The Status of the Universal Declaration of Human Rights in National and International Law' 25 Ga. J. Int'l & Comp. L. 287, (1995-1996). For further information, see the discussion of the UDHR within the Human Rights in Iran Unit's publication on Women's Rights (Human Rights in Iran Unit, *Analysis of the Legal Status of Women in Iran and Iran's International Human Rights Obligations* (June 2014), available at: <<http://www.essex.ac.uk/hri/documents.aspx>>).

<sup>7</sup> UNTC, available at: <[https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg\\_no=iv-4&chapter=4&lang=en](https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-4&chapter=4&lang=en)>

<sup>8</sup> Article 2(1) of the ICCPR; Human Rights Committee, *General Comment No. 18: Non-discrimination*, UN Doc HRI/GEN/1/Rev.1 at 26 (1994), para. 1-2. See also ICESCR article 2(2); CRC article 2(1); CEDAW (article 2); CRPD (article 4).

<sup>9</sup> UNTC, available at: <[https://treaties.un.org/pages/viewdetails.aspx?chapter=4&lang=en&mtdsg\\_no=iv-3&src=treaty](https://treaties.un.org/pages/viewdetails.aspx?chapter=4&lang=en&mtdsg_no=iv-3&src=treaty)>

<sup>10</sup> Article 8 of the ICESCR allows for the right to strike, "provided that it is exercised in conformity with the laws of the particular country".

The International Labour Organization (ILO), established in 1919, is a specialized UN agency.<sup>11</sup> This status provides the ILO with independence from the United Nations but also closely links its activities in partnership with the UN.<sup>12</sup> The ILO is made up of an International Labour Conference,<sup>13</sup> a Governing Body,<sup>14</sup> and the International Labour Office,<sup>15</sup> the latter of which is controlled by the Governing Body.<sup>16</sup> The Governing Body has a tripartite structure, which consists of governments, employers and workers,<sup>17</sup> and is elected at the annual International Labour Conference.<sup>18</sup> Stakeholders, who represent workers' or employers' rights, or the interests of governments, are present at each International Labour Conference.<sup>19</sup>

Iran was a founding member of the ILO.<sup>20</sup> Iran has ratified 13 ILO Conventions<sup>21</sup>, including five of the eight Conventions identified by the ILO Governing Body as "Fundamental" Conventions (C029 Forced Labour; C100 Equal Remuneration; C105 Abolition of Forced labour; C111 Discrimination (Employment and Occupation); C182 Worst Forms of Child Labour).<sup>22</sup> As a member State of the ILO, Iran has taken on additional legal obligations

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<sup>11</sup> The ILO became the United Nation's first specialized agency in 1946 (<http://www.ilo.org/global/about-the-ilo/history/lang--en/index.htm>).

<sup>12</sup> International Labour Organization (ILO), *Agreement between the United Nations and the International Labour Organization*, Official Bulletin of the ILO, Vol. XXIX, No. 4 (15 November 1946), Article 1

<sup>13</sup> The International Labour Conference meets once a year and decides the broad policies of the ILO. It functions similarly to a Parliamentary body, as international labour standards are adopted at the Conference. The Conference represents the views of employers, workers and governments from around the world, and provides a forum for these parties to discuss key questions relating to social and labour policies and laws. It is also the ILO organ responsible for electing the members of the Governing Body (see below). (ILO, "International Labour Conference", available at: <<http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/international-labour-conference/lang--en/index.htm>>)

<sup>14</sup> The Governing Body meets three times a year to decide on ILO policies and set the agenda for the International Labour Conference, amongst other programmatic and budgetary responsibilities. (ILO, "Governing body", available at: <<http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/governing-body/lang--en/index.htm>>)

<sup>15</sup> The Office functions as the Secretariat of the ILO (*ibid*).

<sup>16</sup> ILO, *Constitution of the International Labour Organization*, 1 April 1919, article 2

<sup>17</sup> *Ibid*, article 7(1).

<sup>18</sup> ILO, "International Labour Conference", available at: <<http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/international-labour-conference/lang--en/index.htm>>

<sup>19</sup> For further information on how to engage with the ILO, see, e.g., Lee Swepston, "The International Labour Organization and human rights: Access to the ILO" (2008), available at: <<http://www.leeswepston.net/moller.htm>>. See also the ILO's guidance to NGOs on requesting an invitation to an ILO meeting at <http://www.ilo.org/pardev/civil-society/lang--en/index.htm>

<sup>20</sup> ILO, "Iran", available at: <<http://ilo.org/asia/countries/iran/lang--en/index.htm>>

<sup>21</sup> Most of the Conventions are ratified during the period of the late 50's until the early 70's. Two Conventions, however, are ratified on a later date: C182 on Worst Forms of Child Labour in 2002 and C142 on Human Resources Development in 2007.

<sup>22</sup> The three Fundamental Conventions that Iran has not ratified are C087 Freedom of Association and Protection of the Right to Organize; C098 Right to Organize and Collective Bargaining; and C138 Minimum Age. It should be noted, however, that as a State party to the ICCPR and ICESCR, Iran is still bound to refrain from imposing legislative measures that would prejudice the guarantees provided in this Convention (article 22(3) ICCPR and article 8(3) ICESCR). For a full list of the ILO Conventions that Iran has ratified, see:

deriving from the ILO Conventions, both in terms of the general principles that the ILO's "Fundamental" Conventions set forth and as a State party to several non-fundamental Conventions.

In 1998 the ILO restated its long-standing commitments by adopting the Declaration on Fundamental Principles and Rights at Work.<sup>23</sup> States are encouraged "to respect, promote and to realize" these principles in good faith and in accordance with the ILO Constitution. While the declaration itself is non-binding, the declaration recognizes that all member States, by virtue of their membership within the ILO, have committed to these principles, as they are a "precondition" for all the other rights enshrined in ILO treaties.<sup>24</sup> The Declaration is thus a reaffirmation of "the logic of the commitments and the values to which States have already freely subscribed in joining the ILO"<sup>25</sup> and, as such, applies to all member States.<sup>26</sup> These fundamental principles are: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation (article 2(a)-(d)).

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) is the main ILO supervisory body tasked with regularly monitoring the conformity of ILO member states' national legislation with ILO labour standards.<sup>27</sup> As a State party to several ILO Conventions, the CEACR monitors Iran's compliance with the provisions of these treaties; the recommendations and observations of this body will thus be drawn upon throughout the following analysis.

### 3. Application of International Human Rights Law to Iranian Legislation

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<[http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:102800](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102800)>

<sup>23</sup> Adopted by the International Labour Conference at its Eighty-Sixth Session, Geneva, 18 June 1988 (Annex revised 15 June 2010), available at: <<http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm>>

<sup>24</sup> Article 2 of the *ILO Declaration of Fundamental Principles and Rights at Work*, 1998; Follow-Up of the Discussion of the Report of the Director-General to the 85th Session (1997) of the International Labour Conference, ILO Doc GB.230/3/1, 270<sup>th</sup> session (1997), para. 10-16.

<sup>25</sup> Follow-Up of the Discussion of the Report of the Director-General to the 85th Session (1997) of the International Labour Conference, ILO Doc GB.230/3/1, 270<sup>th</sup> session (1997), para. 10.

<sup>26</sup> Office of the High Commissioner for Human Rights, "The corporate responsibility to protect human rights: An interpretive guide" (2012), p. 10, available at: <<http://www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf>>; Organisation for Economic Co-operation and Development, *OECD Guidelines for Multinational Enterprises: Global Instruments for Corporate Responsibility* (Annual Report 2001), p. 62, Box 3; Trade Union Congress, "International Issues: The standards in detail" (April 2013), available at: <[http://www.tuc.org.uk/international-issues/standards\\_detail.cfm](http://www.tuc.org.uk/international-issues/standards_detail.cfm)>

<sup>27</sup> ILO, "Supervision", available at: <<http://www.ilo.int/indigenous/Conventions/Supervision/lang--en/index.htm>>; George P Politakis (ed.), "Protecting Labour Rights as Human Rights: Present and Future of International Supervision", Proceedings of the International Colloquium on the 80<sup>th</sup> Anniversary of the ILO Committee of Experts on the Application of Conventions and Recommendations, Geneva (24-25 November 2006), Preamble, available at: <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_087817.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_087817.pdf)>.

The analysis now turns to the national legislation of Iran regarding labour rights, with particular focus on those pieces of legislation that are not in conformity with relevant international labour standards. The Labour Code will be examined in the closest detail, in addition to the relevant provisions of the Iranian Constitution.

### 3.1 Iranian Constitution

The 1979 Constitution of the IRI<sup>28</sup> enumerates certain basic human rights, including the equal enjoyment of “all human, political, social and cultural rights” (article 20). The Constitution also contains an article on women’s rights, addressing the need to “create a favourable environment” wherein a woman’s personality can grow (article 21). Article 26 guarantees the right of association for political parties, religious associations, societies and professional associations,<sup>29</sup> while article 28 provides for a right of every person to choose employment and recognises the responsibility of the Government to create the possibility of employment, and equal opportunities for obtaining it (Article 28). Under the Constitution, every person is also entitled to social security benefits (Article 29).

Article 4 of the Iranian Constitution provides, however, that *all* legislation, including “civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria.”<sup>30</sup> It further stipulates that this principle “applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations,” and that the *fuqaha*, or Islamist jurists of the Guardian Council, shall judge compliance with this principle.<sup>31</sup> The State determines the content of such criteria in this case, meaning that “Islamic criteria” and the relevant interpretation of Islamic laws are specific to the Iranian State.

As this provision applies to all of the aforementioned Constitutional provisions, this allows for a situation wherein the rights afforded to, for example, women, religious and ethnic minorities or disabled persons, can be qualified under “Islamic criteria.” Further, of the provisions that are directly relevant to discrimination, such as article 21 relating to women, the subjection to “Islamic criteria” means that these provisions are not, in fact, unconditional.<sup>32</sup>

The principle of non-discrimination is a basic tenet of international human rights law that flows through all relevant provisions within the international human rights legal framework; as such, it cannot be subject to derogation.<sup>33</sup> Iran is obliged to uphold this principle on a

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<sup>28</sup> For a full English translation, see: <<http://www.iranonline.com/iran/iran-info/government/constitution.html>>

<sup>29</sup> For further information with regard to the right to form political parties, see HRIU *Electoral Process* (March 2014). See also HRIU, *Rule of Law: Independence of the Judiciary* for further discussion of Iranian laws on the Bar Association in relation to the right to form professional associations.

<sup>30</sup> Constitution of Iran, article 4

<sup>31</sup> Constitution of Iran, article 4

<sup>32</sup> For a more in-depth analysis of discrimination against women within Iran, see HRIU, *Legal Status of Women: Iran’s International Human Rights Obligations* (June 2014).

<sup>33</sup> Article 2(1) of the ICCPR; Human Rights Committee, *General Comment No. 18: Non-discrimination*, UN Doc HRI/GEN/1/Rev.1 at 26 (1994), para. 1-2. See also ICESCR article 2(2); CRC article 2(1); CEDAW (article 2); CRPD (article 4).



national level due to its ratification of several human rights treaties<sup>34</sup> and as a member State of the ILO.<sup>35</sup>

By subjecting this principle to vague conditions on the basis of “Islamic criteria”, Iran is in effect violating its legal obligations with regard to the equality of workers and workers’ rights. Other domestic legislation, as examined below, suggests that the discriminatory foundation set forth within the Constitution is prevalent across Iranian law, thus embedding discriminatory employment practices within Iranian society.

The creation of an exception to this principle within domestic law cannot comply with the clear legal obligations set forth by the treaties to which Iran has committed itself.

### 3.2 Labour Code

The 1990 Labour Code of Iran<sup>36</sup> presents several issues in relation to Iran’s legal obligations under international human rights law, particularly with regard to minimum wage, temporary contracts, trade unions, gender discrimination and child labour.

#### 3.2.1 Minimum Wage

According to article 41 of the Labour Code, the Labour High Council has the authority to annually set the minimum wage of workers “in consideration of the percentage of inflation announced by the Central Bank of the Islamic Republic of Iran” (article 41(1)). In April 2014, the Council of Ministers<sup>37</sup> amended relevant legislation<sup>38</sup> to give specified workers a 25 per cent raise.<sup>39</sup> Trade union activists reportedly expressed dissatisfaction with this raise as inconsistent with the inflation rates of the country, which are currently higher than 30 per cent.<sup>40</sup> This shortfall in the raise may have negative consequences with respect to Iran’s international obligations under ICESCR article 7(1)(i), which requires State parties to provide workers with fair wages.

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<sup>34</sup> Iran has ratified the following international human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (UN General Assembly (UNGA), 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195); the International Covenant on Civil and Political Rights (UNGA, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171); the International Covenant on Economic, Social and Cultural Rights (UNGA, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3); the Convention on the Rights of the Child (UNGA, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3); and the Convention on the Rights of Persons with Disabilities (UNGA, 13 December 2006, UN Doc A/RES/61/106, Annex I).

<sup>35</sup> ILO *Convention concerning Discrimination in Respect of Employment and Occupation* (No. 111) obliges Iran to promote equality of opportunity and treatment in the workplace as a State party and as a recognized fundamental Convention of the ILO (Geneva, 42<sup>nd</sup> ILC session, 25 June 1958, article 2).

<sup>36</sup> For the full English translation, see: <<http://www.alaviandassociates.com/documents/labourlaw.pdf>>

<sup>37</sup> As per shared Recommendations of President’s Management and Planning Organization and President’s Supervision and Strategic Affairs and with reference to Article 138 of the Constitution of the Islamic Republic of Iran, Article 76 of Countrywide Services Management Law (ratified in 2007), and article 50(1) of the Fifth Fifty-Year Development Plan of the Islamic Republic of Iran (ratified in 2011)

<sup>38</sup> Article 9 of manifesto no. 185751/t50286h dated 8 March 2014

<sup>39</sup> The minimum wage for the current year in the Iranian calendar is set at 6,089,060 IR Rilas, or approximately 230USD at the exchange rate on 20 June 2014. See <http://www.isna.ir/fa/news/92122415713/> (93- سال-درک ارگ ران-ایمزا-و-د قوق-ی- یاتج-ز/).

<sup>40</sup> شدت-ومان-هزار-DB%B0۸%۶-ک ارگ ران-د قوق-حداقل/ <http://www.tabnak.ir/fa/news/386546/>

### 3.2.2 Temporary Contracts

Iran's Labour Code establishes the features of employment contracts between employers and workers in its section 7, which can be temporary or permanent contracts ("for a definite or indefinite period"). Temporary contracts are intended for "types of work which are not permanent by nature."<sup>41</sup> However, in practice 70-80 per cent of workers in Iran work on temporary contracts, meaning that a significant proportion of work that is permanent by nature is carried out on contracts that do not guarantee any job security.<sup>42</sup>

The execution of work of a permanent nature under a temporary contract violates several labour rights. Through a temporary contract, the employer has exclusive control over both the continuity of employment (through renewal) and its termination. This means that a worker is engaged in long-term work without any of the security or entitlements attached to a permanent contract. In practice, a worker will be committed to long-term work with all its implications for his or her private life (including decisions about housing, payment of bills and other matters, which in turn may affect other family members), yet without the necessary guarantees of continued income. Under the Labour Code, termination of a temporary employment contract may result in the expiry of the duration of the contract itself and thereby its explicit or implicit non-renewal<sup>43</sup> or the completion of work for a specified assignment as per the contract.<sup>44</sup> This means that the employer needs only to let the contract expire, rather than terminate it. Expiry of the contract is advantageous to the employer as sections 23 and 24 of the Labour Code, which set forth the benefits and mechanisms associated with termination of a permanent contract, are not applicable. These provisions address payment of wages or of pensions arising from, amongst others, sickness, layoff, total or partial disability,<sup>45</sup> and 'length of service' allowance in the event of termination of a fixed-term contract.<sup>46</sup> In the case of the worker's death, the payment of wages or pensions to a worker's legal heir under a temporary contract will also be reduced, as it will reflect the contractual employment period (and not, for example, the actual longer period of work over the course of multiple temporary contracts).<sup>47</sup> In other words, workers (or their families) will receive fewer social protections than they would be entitled to under a contract that recognizes the permanent nature of the work. Further, where a contract simply expires, mechanisms for the settlement of disputes will not apply, allowing an employer to end a worker's employment without the worker having resort to an appeal.<sup>48</sup>

According to the ILO Protection of Wages Convention, to which Iran is a State party, wages must be paid regularly.<sup>49</sup> In addition, wages cannot be paid in a manner that deprives the individual of a "genuine possibility of terminating his employment."<sup>50</sup> These obligations are

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<sup>41</sup> Iranian Labour Code, Sec. 7 Note 1.

<sup>42</sup> ITUC, *Countries at Risk: 2013 Report on Violations of Trade Union Rights*, p. 69.

<sup>43</sup> Iranian Labour Code, Section 21(d).

<sup>44</sup> Iranian Labour Code, Section 21(e). Other reasons listed are: the worker's death, retirement, total disability, or resignation (Sec.21(a)-(c) and (f)).

<sup>45</sup> Labour Code, Sec. 23.

<sup>46</sup> Labour Code, Sec. 24

<sup>47</sup> Labour Code, Sec. 22

<sup>48</sup> Settlement of disputes mechanisms are established by Chapter XI. of the Iranian Labour Code.

<sup>49</sup> Convention concerning the Protection of Wages (Entry into force: 24 Sep 1952) article 12(1)).

<sup>50</sup> See the Preamble of the ILO Convention concerning the Abolition of Forced Labour and articles 1-14 of the Protection of Wages Convention.

further enhanced by the fundamental principles of the ILO in relation to the freedom of association and the effective recognition of the right to collectively bargain, applicable to all ILO Members. As discussed, these principles are further codified as obligations upon Iran as a State party to the ICCPR and ICESCR.

Temporary contracts undermine the right to social security, provided for both under the Iranian Constitution<sup>51</sup> and the ICESCR.<sup>52</sup> Iran's obligation to respect this right under international human rights law includes a duty to refrain from denying or limiting equal access to adequate social security,<sup>53</sup> which is likely violated with regard to the wide scale use of temporary workers within Iran. Importantly, however, the right to social security under international human rights law also specifically incorporates "casual" workers, whereby social security schemes should be adapted for individuals who are not working on a full-time basis to ensure that these workers can enjoy equivalent or comparable conditions.<sup>54</sup>

Temporary contracts may also have an adverse impact on individuals' physical and mental well-being; research suggests that workers on temporary contracts are frequently prone than workers on permanent contracts to stress-related unhealthy habits, lack of physical exercise, and the direct effects of stress due to job insecurity. Temporary contracts may therefore also constitute a violation of the right to health, which Iran commits to respect, protect and fulfil through ICESCR.<sup>55</sup>

Temporary contracts have further negative implications with respect to the rights of women, as women in temporary contract employment do not have access to certain gender-specific benefits such as maternity leave. The CEACR has highlighted this problem due to the increasing number of women in temporary and contract employment.<sup>56</sup> Temporary contracts for women who are performing work of a permanent nature violate the right to paid leave or leave with adequate social security benefits during maternity leave under article 10(2), ICESCR, as well as the more general principles of non-discrimination and gender equality under articles 2(2) and 3 of the ICESCR.

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<sup>51</sup> Iranian Constitution, Article 29.

<sup>52</sup> ICESCR Article 9.

<sup>53</sup> CESCR, *General Comment No. 19: The right to social security (art. 9)*, UN Doc E/C.12/GC/19 (2008), para. 44.

<sup>54</sup> CESCR, *General Comment No. 19: The right to social security (art. 9)*, UN Doc E/C.12/GC/19 (2008), para. 33.

<sup>55</sup> ICESCR, Article 12. For research on the adverse health outcomes related to temporary employment, see: Fernando Benavides & George Delclos, "Flexible employment and health inequalities" (2005) 59 *J Epidemiol Community Health* 719-720, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1733136/pdf/v059p00719.pdf> ; also Lucia Artazcoz, Joan Benach, Carme Borrell, Imma Cortes, Social inequalities in the impact of flexible employment on different domains of psychosocial health, *J Epidemiol Community Health* 2005;59:761-767, <http://jech.bmj.com/content/59/9/761.full.pdf>

<sup>56</sup> CEACR, Observation on the Discrimination (Employment and Occupation) Convention No. 111, adopted 2013, published 103<sup>rd</sup> ILC session (2014), available at: [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3148594](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3148594)

### 3.2.3 Trade Unions

The 1990 Labour Code provides that workers may be represented by one of the three following bodies: an Islamic Labour Council, a Guild Society or a workers' representative.<sup>57</sup> As recognized by the Iranian government, this provision has made it impossible for workers of a single enterprise to have more than one form of representation, which in effect has established an organizational monopoly for Islamic Labour Councils both in the law and in practice.<sup>58</sup>

This situation is exacerbated by concerns regarding the authenticity of the Coordinating Centre of Workers Representatives (CCR), which is the representative body of workers' within the IRI to the International Labour Conference.<sup>59</sup> As the Labour Code explicitly states that State authorities must elect any representation to the International Labour Organization and International Labour Conference,<sup>60</sup> these concerns appear warranted. As the CEACR has reminded the Iranian Government, the principle of trade union pluralism is:

[G]rounded in 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 programs without interference from the public authorities and in the defence of workers' interests.<sup>61</sup>

Within the ILO system, Iran is not a State party to the 1948 Convention on the Freedom of Association and Protection of the Right to Organise (C087) or the 1949 Right to Organise and Collective Bargaining Convention (C098), both among the eight fundamental ILO Conventions. Nevertheless, as a member State of the ILO, Iran is committed to upholding the general principle of "freedom of association and the effective recognition of the right to

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<sup>57</sup> Labour Code, section 131, note 4.

<sup>58</sup> International Labour Office, Governing Body, *Case No. 2807 (Islamic Republic of Iran): Interim Report, 359<sup>th</sup> Report of the Committee on Freedom of Association*, ILO Doc. GB.310/8 (2011), para. 700, available at:

<[http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@relconf/documents/meetingdocument/wcms\\_153533.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_153533.pdf)>; International Labour Office, Reports of the Committee on Freedom of Association - 363rd Report of the Committee on Freedom of Association, Case No. 2807 (Islamic Republic of Iran): Interim report, para. 718

<sup>59</sup> In Case No. 2807 (Islamic Republic of Iran): Interim Report, the International Trade Union Confederation filed a complaint against Iran, alleging that the accreditation of the Coordinating Centre of Workers Representatives is "inconsistent with the requirements of the ILO Constitution", as the ITUC and the independent groups it works with did not recognise this Centre, claiming that none of its representatives had heard of it. (See International Labour Office, Governing Body, 359<sup>th</sup> Report of the Committee on Freedom of Association, ILO Doc. GB.310/8 (2011), para. 684-705, available at: <[http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@relconf/documents/meetingdocument/wcms\\_153533.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_153533.pdf)>)

<sup>60</sup> See Iranian Labour Code, section 131, Note 3 (representation to the ILC) and section 136 (representation to the ILO).

<sup>61</sup> Committee on Freedom of Association, Interim Report No 359, March 2011, Case No 2807 (Iran, Islamic Republic of) – Complaint date: 03-Jun-10, available at:

<[http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@relconf/documents/meetingdocument/wcms\\_153533.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_153533.pdf)>

collective bargaining.”<sup>62</sup> Iran is further obliged to uphold these principles under article 22 of the ICCPR, which also requires the State to respect freedom of association in law and in practice.<sup>63</sup> Finally, the right to work as enshrined within article 6, ICESCR requires States parties to recognize the “collective dimension” of the right to work, “which enunciates the right of everyone to form trade unions”.<sup>64</sup> In turn, trade unions play a central role in ensuring respect for the right to work.<sup>65</sup>

There is no express right to strike under the Labour Code and, despite government arguments of an indirect right to strike under article 142, the right to strike is not recognised in practice.<sup>66</sup> Indeed, public expression of dissent is systematically suppressed in the name of “national security”.<sup>67</sup> Both the *de jure* and *de facto* denial of the right to strike constitute a violation of article 8(1)(d), ICESCR.

The freedoms of expression, of assembly and of association and the right to join trade unions, enshrined in articles 19, 21 and 22 of the ICCPR, respectively, are directly linked with the broader right to work (article 6 ICESCR) and the specific right to form trade unions, as protected in article 8 of the ICESCR. The freedom of expression also includes the right to “seek, receive and impart information”, which in turn imposes an obligation upon State parties to the ICCPR to allow the dissemination of information with regard to trade union activities.<sup>68</sup>

Nevertheless, the CEACR expressed its deep concern about the “apparent absence of workers’ organizations’ delegates, appointed in the full spirit of freedom of association, among the official delegation to the International Labour Conference”.<sup>69</sup> The UN Committee on Economic, Social and Cultural Rights has expressed similar concerns with regard to the prosecution of individuals expressing their right to form independent trade unions within Iran.<sup>70</sup> The UN Human Rights Committee has called for the immediate and unconditional release of trade unionists held solely for the peaceful exercise of the right to freedom of assembly and association.<sup>71</sup> NGOs consider that independent trade unions are restricted to

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<sup>62</sup> 1998 *Declaration of Fundamental Principles and Rights at Work*, article 2(a)

<sup>63</sup> This right is inextricably linked to the rights of expression and of assembly. See Human Rights Committee, *General Comment No. 34 on Article 19: Freedoms of opinion and expression*, UN Doc CCPR/C/GC/34 (2011), para. 4.

<sup>64</sup> CESCR GC18, para. 2

<sup>65</sup> CESCR GC 18, para 54.

<sup>66</sup> FIDH, *Iran: Rising Poverty, Declining Labour Rights* (10 June 2013) available at: <<http://www.fidh.org/en/asia/iran/iran-rising-poverty-declining-labour-rights-13403>> p 37.

<sup>67</sup> International Trade Union Confederation, *Survey of Violations of Trade Unions Rights – Iran* (undated) available at: <<http://survey.ituc-csi.org/Iran.html?edition=336#tabs-3>>.

<sup>68</sup> The Human Rights Committee has found a violation of article 19(2) of the ICCPR on the basis of a State party detaining an individual for such dissemination of information. See *Luciano Weinberger Weisz v Uruguay*, Human Rights Committee Communication No. R.7/28, UN Doc Supp. No. 40 (A/36/40) at 114 (1981), para. 16.

<sup>69</sup> Committee on Freedom of Association, Interim Report No 359, March 2011, Case No 2807 (Iran, Islamic Republic of) – Complaint date: 03-Jun-10, p. 191, available at: <[http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@relconf/documents/meetingdocument/wcms\\_153533.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_153533.pdf)>

<sup>70</sup> CESCR CO 2013 para. 15.

<sup>71</sup> HRC CO 2011 para. 26.

such an extent that existing trade unions can no longer function effectively within Iran.<sup>72</sup> The collective message is one of condemnation of the systemic repression of independent trade unions within Iran and, in particular, the restrictions imposed upon these bodies' freedoms of association, assembly and expression.

The considerable restrictions to which individuals are subjected within Iran thus result in violations of articles 19, 21 and 22 of the ICCPR and articles 6, 7 and 8 of the ICESCR. The cumulative effect is a further violation of the right of trade unions to function freely, as protected under the collective dimension of article 8.<sup>73</sup> In addition, as associations must comply with the "principles of Islam", which are not defined in Iranian law, it is likely that the right to non-discrimination (article 2(1) of ICCPR and article 2(2) of ICESCR) is systematically violated within Iran, as religious minorities will not be able to equally formulate associations.<sup>74</sup>

### 3.2.4 Gender Discrimination

The Iranian government has recognized that measures taken to encourage better access of women to education and training is "not translating into the same labour market access for women as for men", referring to the "social and cultural reasons, mainly based on traditional interpretations, which the Government considers are justified".<sup>75</sup> As a State party to the ICCPR, ICESCR, ILO Convention No. 111 on discrimination and ILO Convention No. 100 on equal remuneration, however, Iran is obliged to uphold the provisions and principles enshrined within these treaties and, as such, cannot utilise internal law as justification for lack of compliance with these duties.<sup>76</sup>

### 3.2.5 Child Labour

Article 79 of Iran's 1990 Labour Code prohibits children to work under the age of 15. However, according to Iran's parliamentary research centre more than 3.2 million children

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<sup>72</sup> Amnesty International, *Determined to live in dignity: Iranian trade unionists' struggle for rights* (June 2011), available at:

<<http://www.amnesty.org/en/library/asset/MDE13/024/2011/en/3926c734-012a-40f3-9925-4134723366d1/mde130242011en.pdf>>

<sup>73</sup> CESCR GC18, para. 2.

<sup>74</sup> HRC CO 2011 para. 26

<sup>75</sup> CEACR, Observation on Discrimination (Employment and Occupation) Convention No. 111, Iran, Islamic Republic of, adopted in 2012, published on 102<sup>nd</sup> ILC Session, 2013, available at: <[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3085370:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3085370:NO)>

<sup>76</sup> United Nations, *Vienna Convention on the Law of the Treaties*, 23 May 1969, United Nations Treaty Series vol. 1155, p. 331, article 27. For further discussion on invocation of internal law as justification for violation of treaty provisions, see relevant discussion within the Human Rights in Iran Unit's *Legal Status of Women: Iran's International Human Rights Obligations* (June 2014), available at: <<http://www.essex.ac.uk/hri/documents.aspx>>. See also the CEACR report that expresses dissatisfaction with this explanation and instead encouraged the government to "address stereotyped assumptions regarding women's aspirations, preferences and capabilities regarding employment" (CEACR, Observation on Discrimination (Employment and Occupation) Convention No. 111: Iran, Islamic Republic of adopted in 2012, published 2013, available at: <[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3085370:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3085370:NO)>)

aged 7-16 years are out of school;<sup>77</sup> of these children, reports indicate that a possible 90 per cent are working.<sup>78</sup> These figures indicate that child labour is common beyond the most underprivileged communities in Iran. Children between the ages of 15 and 18 are allowed to work under certain conditions as juvenile labourers (article 80).

While the Labour Code establishes that children under the age of 18 should not perform hazardous work (article 83), it does not define what constitutes such conditions; rather, the determination is left to the Ministry of Labour and Social Affairs (article 84). Children between the age of 15 and 18 are limited to working one half hour less than “normal working hours” (article 82) and are prohibited from working extra hours (article 83); due to this provision, children between 15-18 cannot work more than 8 hours in one day (article 51) or 176 hours in 4 consecutive weeks (article 57).

Notably, Iran has not ratified the ILO’s “fundamental” Convention on Minimum Age (No. 138), which requires States parties to set a minimum age of work (article 2(1)) and to prohibit work “likely to jeopardise the health, safety or morals of young persons” to all children under the age of 18 (article 3(1)). This Convention integrates the fundamental principles of effectively abolishing child labour and forced labour, to which ILO member States are committed. Iran is also a State party to the ICESCR, which contains a very similar provision: article 10 requires States parties to ensure that children are protected from dangerous work and “work harmful to their morals and health”, which in turn allows children the ability to realize their right to development, as enshrined within article 6 of the CRC.<sup>79</sup>

The CRC’s provision on the right of the child to rest and leisure (article 31) is also directly related to the child’s right to development, as well as to the involvement of the child in situations of employment (article 32).<sup>80</sup> As noted by the Committee on the Rights of the Child, the right to rest specifically requires States parties to ensure that children are afforded “sufficient respite from work”, in accordance with their evolving capacities.<sup>81</sup> Iran is therefore obliged as a State party to both the ICESCR and the CRC to uphold certain principles with regard to minimum age and the right of the child to rest and leisure; these obligations also mirror the fundamental principles that Iran is committed to as a member State of the ILO. In other words, it is clear that if children are engaging in arduous working conditions, including working hours that exceed international standards, the laws that allow for such conditions will not be considered to be in conformity with international human rights law.

The widespread existence of child labour in practice highlights the importance of ensuring that relevant domestic laws in Iran protect the rights of individuals both *de jure* (by law) and *de facto* (by practice). Despite *de jure* protection, *de facto* child labour is prevalent within Iran. As noted by the Committee on the Rights of the Child, the informal sector, household

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<sup>77</sup> Research Center of the Islamic Republic of Iran Parliament, “A research on Education Coverage and Ending Illiteracy” available at: <<http://rc.majlis.ir/fa/report/show/800839>>

<sup>78</sup> As cited in Human Rights Watch, *Iran: Government Trampling Workers’ Rights*, April 30, 2013, available at: <http://www.hrw.org/news/2013/04/30/iran-government-trampling-workers-rights>.

<sup>79</sup> CESCR, GC6, E/C.12/GC/18, para. 15

<sup>80</sup> Committee on the Rights of the Child, *General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31)*, UN Doc CRC/C/GC/17 (2013), para. 29

<sup>81</sup> Committee on the Rights of the Child, *General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31)*, UN Doc CRC/C/GC/17 (2013), para. 14(a).

enterprise and agricultural sectors, which are often characterized by hazardous conditions, utilize a significant proportion of child labour.<sup>82</sup> Section 98 of the Labour Code permits labour inspectors to enter family workplaces “upon the permission of the Public Prosecutor.” The CEACR has noted, however, that out of 15,226 citations issued in relation to child labour, “only two employers were brought before judicial authorities for their violations”.<sup>83</sup> It is the CEACR’s concern that persons employing children “in breach of the provisions giving effect to the Convention” are usually not prosecuted as a rule.<sup>84</sup>

It is thus clear that, despite the existence of relevant domestic law, the law lacks adequate implementation and, furthermore, sufficient safeguards. Iranian legislation is not effectively protecting children in practice. As such, Iranian domestic laws are not in conformity with its international legal obligations, particularly with regard to the rights to rest and to leisure found in the CRC and the protection from dangerous work enshrined in the ICESCR. The fulfilment of these rights requires, *inter alia*, adequate legislation that addresses the principle of sufficient time and space for such rights and universal design of appropriate facilities.<sup>85</sup>

#### 4. Gozinesh

The *Gozinesh* process entails the screening of individuals upon their application to public sector employment and requires individuals to assert allegiance to the IRI, Islam and the principle of *velayat-e faqih* (Rule of an Islamic Jurist). Investigations are undertaken into an individual’s beliefs, previous political opinions and affiliations and repentance of any former political opinions and affiliations.<sup>86</sup> The central law that governs the *gozinesh* process is the 1995 Selection Law based on Religious and Ethical Standards (‘1995 Law’). The general guidelines for the *gozinesh* process incorporate, amongst others, the following criteria:

1. Belief in Islam or one of the official religions set out in the Constitution of the Islamic Republic of Iran;
2. Practical engagement in the laws of Islam;
3. Belief and engagement in the Velayat-e Faqih [or Leadership by a religious jurisprudent]; the state order (nezam) of the Islamic Republic and the constitution;
4. Absence of a reputation of moral corruption and a tendency towards sin;
5. Absence of

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<sup>82</sup> Committee on the Rights of the Child, *Concluding Observations on the initial periodic report of the Islamic Republic of Iran*, UN Doc CRC/C/15/Add.123 (2000), para. 51.

<sup>83</sup> CEACR, Direct Request on Worst Forms of Child Labour Convention No. 182, Iran, Islamic Republic of, adopted in 2011, published on 101<sup>st</sup> ILC Session, 2012, available at: <[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3078774:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3078774:NO)>

<sup>84</sup> CEACR, Direct Request on Worst Forms of Child Labour Convention No. 182, Iran, Islamic Republic of, adopted in 2011, published on 101<sup>st</sup> ILC Session, 2012, available at: <[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3078774:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3078774:NO)>

<sup>85</sup> CRC, General Comment 17 (17 April 2013) UN Doc CRC/C/GC/17, para. 17, 19 and 57(b).

<sup>86</sup> AI, Submission to the Committee on Economic, Social and Cultural Rights (Amnesty International Publications 2012) available online:

[http://www2.ohchr.org/english/bodies/cescr/docs/ngos/AI\\_CESCRWG49\\_Iran.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/ngos/AI_CESCRWG49_Iran.pdf) p 4.



a record of an organizational membership or support of parties, organizations and groups declared illegal by the competent authorities; or the expression of repentance of this.<sup>87</sup>

Such criteria apply to ‘...the totality of ministries, state organizations, firms and companies; the national companies for oil and gas and petrochemicals; the Organization for the Propagation and Rebuilding of Industry; the Red Crescent Society; municipalities; the social security organization; [...] firms and companies for which all or a portion of their budget is secured by public [state] funds...’ and others.<sup>88</sup>

The *gozinesh* process contravenes international human rights law in relation to the right to work. The right to work, which contributes to an individual’s ‘development and recognition within the community’,<sup>89</sup> is addressed in general terms in Article 6, ICESCR and explicitly developed in Article 7, ICESCR. Whilst the right to work is not ‘an absolute and unconditional right’, it implies the right not to be deprived of employment unfairly.<sup>90</sup> The framework for analysing the implementation of the right to work includes considerations of accessibility, as ‘[t]he labour market must be open to everyone under the jurisdiction of States parties.’<sup>91</sup> Accessibility contains a non-discrimination aspect,<sup>92</sup> and the principle of non-discrimination ‘is directly applicable to all aspects of the right to work.’<sup>93</sup> Indeed, *Gozinesh* acts as a final filter in the restriction of access to State employment and its effect is to further alienate ethnic and religious minorities within Iran.<sup>94</sup>

## 5. Conclusion

As a State party to several international human rights and labour treaties, Iran is obligated to uphold general principles and specific rights of individuals within its jurisdiction under both of these complementary legal frameworks. The Labour Code sets forth the relevant domestic provisions that reflect these international legal obligations, but it appears that this Code cannot provide for legal protections of workers, either in law or in practice.

This analysis has shown that violations of workers’ rights are occurring on a wide scale with regard to, specifically, individuals working on a temporary or contractual basis and persons involved in trade unions. Women are also discriminated against on a regular basis due to inadequate implementation of laws affording equal opportunities to women; Iran is thus violating the principle of non-discrimination on a systematic basis. The rights of the child are

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<sup>87</sup> 1995 Law on The Selection of Teachers and Employees in Education and Development, Article 2. Sourced from AI, Amnesty International’s Concerns Relevant to the 91<sup>st</sup> Session of the International Labour Conference: 3 to 19 June 2003 (2003) AI Index: IOR 42/003/2003, p 13-14.

<sup>88</sup> 1996 The Continuation of the Law of the Law on The Selection of Teachers and Employees in Education and Development, Article 1. Sourced from AI, Amnesty International’s Concerns Relevant to the 91<sup>st</sup> Session of the International Labour Conference: 3 to 19 June 2003 (2003) AI Index: IOR 42/003/2003, 14.

<sup>89</sup> CESCR, The Right to Work: General Comment No. 18 (6 February 2006) UN Doc E/C.12/GC/18, para 1.

<sup>90</sup> *Ibid*, para. 4, 6.

<sup>91</sup> *Ibid*, para 12(b).

<sup>92</sup> *Ibid*, para. 12(b)(i).

<sup>93</sup> *Ibid*, para 33.

<sup>94</sup> A/HRC/19/66, 6 March 2012, paragraph 65; A/68/503, para. 49; A/HRC/22/56, para. 56. See also CESCR CO 2013, para. 12.

also violated in practice despite a legal framework concerning child labour. Finally, the practice of *gozinesh* shows how the violation of the right to work, as a whole, is systemic within the domestic laws of the Islamic Republic of Iran.

Iran is thus in contravention of its international legal obligations with regard to, amongst others, the right to work, the right to establish and form trade unions, the principle of non-discrimination and treaty obligations with respect to child rights.

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