

Education International – UPR Submission – Iran (Islamic Republic of) – 7th session (February 2010)

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Education International (EI) --the world's largest Global Union Federation representing over 30 million education workers through 401 teacher organisations-- hereby lodges a submission for violations of the principles of freedom of expression, association and assembly by the Government of the Islamic Republic of Iran. This submission focuses on the continued repression of teachers and their independent professional associations. Teacher unionists face regular harassment by the Ministry of Interior secret police officers, backed up by ordinary police officers and officials of the local administration. The arrest, detention and condemnation of teacher unionists because of their trade union activities are not only serious violations of human rights, but also create an atmosphere of fear prejudicial to civil society development in Iran. EI is considering to organise a mission to Iran provided visas are secured and it receives guarantees that such an international mission will not have negative repercussions on the teacher unionists in Iran.

1 BACKGROUND AND FRAMEWORK

Constitutional and legislative framework

1. Articles 26 and 27 of the Constitution support the right to freedom of association and assembly. Article 30 supports the right to education. Article 15 supports the right to learn in mother language. All these articles are violated in law and in practice by ministries' orders.

Teacher union context

2. Since 1999, separate independent teacher associations have been formed. In order to coordinate their labour activities, half a dozen such associations founded the Coordinating Council of Iranian Teacher Trade Associations in 2001, hereafter named the CC of ITTAs. Since the ban issued by the Ministry of Interior in April 2007, most teacher associations have been crushed by the intelligence service and have become dormant. Some teacher associations such as ITTAs Tehran, Esfahan and Kermanshah remain active. However union meetings are either dispersed, or being attended by intelligence service officials.

2 IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Restriction on freedom of association

3. In violation of its international obligations¹ and contrary to the country's Constitution, freedom of association is restricted for teachers in the public sector in Iran. The legal confinement of the teacher trade organizations has the reference number 12500/43 and was signed by Mahmoud Abbaszadeh Meshkini, the General Director of Political Affairs in the Ministry of Interior in April 2007. The order has been appealed but to date no conclusion has been drawn. The Ministry's order refers to paragraph 2, article 16 of the law and regulation for political parties.

¹ Iran has ratified the International Covenant on Economic, Social and Cultural Rights on 24 June 1975 without reservation.

4. As a result of intimidation by the government, teachers are now reluctant to become members of independent teacher associations. In a phone conversation on 30 November 2007, an ITTA representative indicated that teachers also appear afraid of their ITTAs joining EI.

5. In July 2007, upon its return from the 5th World Congress of EI, Mohammad Khaksari, Editor in chief of the teacher magazine “Teacher’s Pen”, was arrested and questioned at the Emam Khomeiny’s airport in Tehran by the presidential guard. He was finally released but the security agents confiscated his passport, as well as written documents from EI. On 5 October 2007, to celebrate World Teachers Day, CC of ITTAs formally applied for membership to EI. After that, the apartments of Mr. Baghani (Superintendent of ITTA) and of Mr. Khaksari were raided. Their computers were taken away and also the documents for membership application to EI. Trade union literature is routinely confiscated by police or the secret police in raids.

6. In 2007, the ITTA Hamadan was declared illegal by the Security and Intelligence Deputy Governor of the Province because its members were in possession of 5,000 leaflets describing the hours and location of particular teacher strikes. The last case of a teacher prosecuted for being member of the ITTA is Hashem Khastar, head of the ITTA in Mashhad, who was arrested on 15 June 2009 and was sentenced to 6 years prison by the low court. He was released after 38 days.

Restriction on freedom of assembly

7. Although there were already teacher protests in 2001-2002, the largest public rallies, and subsequent crackdown on teacher union officials and activists occurred in 2007. Throughout the year, teachers and academic workers of Iran participated in a nationwide protest movement to denounce the distressing working conditions and remuneration in education. Teachers also claimed the right to form labour associations.

8. Information provided to EI by the CC of ITTAs indicates that **286 security files** were opened on teachers arrested in the context of the protests. Over 700 teachers have had pay cuts from 10,000 to 200,000 toomans (10 to 200 USD), 86 teachers have been suspended and 39 teachers have been banned from teaching. This situation continues to prevail.

9. **Teacher union leaders were the first ones to be intimidated.** Typically, plainclothes agents from the Security and Intelligence Ministry went to the homes of teacher union leaders to arrest them without warrants or charge. Teacher union leaders were then taken to undisclosed locations. The authorities would not provide the names of those arrested, and would not allow the detainees to communicate with their attorneys or families. Many union leaders were transferred to the Evin Prison. Arrested teachers would be released on very high bails (up to 100,000 USD for Mohammad Khaksari).

10. In the days that preceded the teacher strikes in April 2007, security forces **forewarned teachers not to participate in the announced strikes.** On 15 April 2007, the first day of the strike, teachers were told by the authorities that all striking teachers would have their status and position revoked immediately. The authorities also encouraged the parent association to file formal complaints against the teachers to the judiciary. Secret security forces were present to report the names of striking teachers to the Security and Intelligence Ministry. School principals were summoned to provide the names of striking teachers, failing to do so would lead to their immediate replacement.

11. Several dozens of ITTA activists were put on **trial by the Revolutionary Courts** for “disturbing social order”, “issuing announcements” and “holding illegal gatherings”². On 6

² See appendix: List of detained teachers end their sentence (complement to CFA complaint 2566) – February 2008

October 2007, Ali Asghar Montajabi, member of the ITTA Central Council was sentenced to four years of a suspended sentence by the 15th branch of the Revolutionary Court.

Mohammad Tachi Falahi, another member of the ITTA was given a three-year sentence converted to a three-year suspended sentence. They were both charged with “gathering and conspiring to disturb national security” (in accordance with section 610 of the penal code).

Most union leaders received disciplinary sentences from the Administrative Disciplinary Board (exile, temporary suspension or pay cuts).

12. Throughout **2008 and 2009**, union meetings of the various ITTAs have been dispersed with excessive force. Trade union gatherings in homes were raided in many cases; often the participants were temporarily detained, given large fines, dismissed from their work places, and communities have been warned that their trade union activities could lead to further harassment. In some cases police beat teacher unionists or threatened them with violence.

13. In September and again in December 2008, attempts by the ITTAs to organise union meetings to discuss issues related to the teachers’ status were disrupted. On 16 September 2008, a meeting of the CC of ITTAs was dispersed: 42 teachers were taken to Police Station No. 127. Witnesses reported brutal behavior by intelligence agents including the beating of Mr. Payman Nowdinian. All cell phones were confiscated and turned off thus preventing calls. On October 5 2008, teachers were prevented from participating in ITTAs gatherings to celebrate World Teacher’s Day. The teachers’ request to distribute flowers and sweets to passers-by was refused and police vans discouraged gatherings in front of the Education Ministry. Teachers who assembled were questioned by plain-clothes agents.

14. On 4 May 2009, teachers gathered in front of the Education authorities throughout the country. There was a crackdown on the protest in Tehran. Three teachers, Mr. Rasoul Bodaghi, a member of ITTA Tehran, Mrs. Khatoun Badpar, a teacher in Tehran 2, and Mr. Ali Aalami, a teacher in Islamshahr, were detained for 26 hours in the Police Station detention center in Niloufar. Mr. Aalami's and Mr. Badpar's cellphones have not been returned. Mr. Bodaghi, after his release, indicated that he had been treated respectfully.

15. Several hundred of people have been arrested for anti-government activity following the **2009 presidential election**. Teachers, academics and students were in the firing line during the crackdown. University students were arrested, tortured, and killed while they were in detention or in the street. Students dormitories were attacked in Tehran and Isfahan and many of the students were arrested. University professors in Ghazvin or Tabriz were also among the detainees, and so was Dr. Ardeshir Amirarjomand who chairs the UNESCO Democracy and Human Rights in Beheshti University. Most of the lawyers of the detained teachers were also arrested or were threatened not to inform media and family members. On 25 June, 72 university professors were arrested after meeting the presidential candidate Mousavi. 68 of them were released but their laptops and cellphones were confiscated.

16. The following ITTA members were also arrested: Hashem Khastar, a member of the ITTA in Razavi Khorasan; Alireza Hashemi, General Secretary of Iran Teachers Organization, arrested on 15 June in Tehran; and Jafar Ebrahimi Azandariani, an active member of ITTA Tehran, was arrested on 10 June. His apartment had been searched and items were seized. The judiciary and the Evin prison authorities initially denied his arrest. It was later found out that Ebrahimi was on ward 209 Evin and under interrogation.

Restriction to Freedom of Expression

17. The teacher weekly publication “Teacher’s Pen” (*Ghalam Moallem*) was banned in April 2007 by the order of the Ministry of Interior. In 2006, Sajad Khaksari, reporter for *Pen* and son of Mohammad Khaksari and Soraya Darabi, both leaders of ITTA Tehran, was arrested

and detained for having covered teacher protests for the magazine. On 11 April 2007, security agents searched the homes of teachers who contributed to *Pen* and confiscated their equipment and computers. These were never returned. On 17 October 2007, Mohammad Khaksari, Editor in chief of *Pen*, was summoned by the court to pay a bail of 100,000 USD. Sajad Khaksari was again arrested on 26 April 2009 during a gathering of teachers from Lorestan and Kermanshah requesting permanent contracts. After he was transferred to the Baharestan Security Police Station, the Revolutionary Court charged him with "disturbing the public's opinion" and ordered 50,000 USD bail for his release. On 6 June, 2009, he was announced innocent by the Revolution Court 22. But on July 1, the 15th branch of the Revolutionary Court condemned him to 6 month prison for his presence as a *Pen* reporter during a 2006 teacher protest. Then, he was taken to the Branch 30, and sentenced to one year prison for taking pictures of the National Inspection Organisation. He was also condemned to one year prison for having interviewed protesting teachers from Lorestan and Kermanshah. Sajad Khaksari objected the verdict. He is still detained in Ward 10 of the Evin prison.

Right to life, liberty and security of the person

18. Iran has one of the highest rates of judicial executions in the world. The government retains the death penalty for a wide range of offences, including non-violent offences, and continues to use it extensively, even against juveniles, in defiance of international standards.

19. EI received credible reports of harassment, ill-treatment, arbitrary detention and imprisonment after unfair trials of teacher union activists. The failure of the current legislation to meet international standards results in widespread violations of human and trade union rights. No investigation into these allegations took place.

Death Penalty and ill-treatment for teacher unionist Farzad Kamangar

20. A 35-year old teacher and member of the Kurdistan ITTA, Farzad Kamangar was charged with "enmity with God". His trial on 25 February 2008 by the Tehran Revolutionary Court was not in accordance with article 168 of the Iranian Constitution: "Political and press offences will be tried openly and in the presence of a jury, in courts of justice." Only one judge reviewed the case within five minutes and the defendant was not allowed to speak. However the death penalty was confirmed by the Supreme Court of Iran on 11 July 2008.

21. In a letter he wrote while in the Sanandaj prison in November 2007, Kamangar alleges ill-treatment and severe torture by the prison authorities on different occasions during his detention, to force him to confess the charges against him. For several months he was kept in solitary confinement and was not allowed any contact with family and/or lawyer. Amnesty International reported that "as a result of this torture, his arms and legs have started to tremble involuntarily". His lawyer and family deplored a lack of appropriate medical treatment. In November 2008, he was again mistreated in the Evin prison.

22. In addition, pervasive intimidation and harassment of the Iranian trade unionists and human rights activists who show solidarity with Kamangar has been reported. On 21 July 2008, a "Save Farzad Committee" was formed, composed of members of the teacher association, former colleagues of Kamangar and human right attorneys, including Shirin Ebadi. The same day, three teacher unionists, members of the committee, were arrested and taken to the Intelligence Detention Centre in Sanandaj, in Kurdistan. Ahmad Ghorbani was released on bail after two weeks detention. Hassan Ghorbani and Kaveh Rostami were released on 14 August each on 22,000 USD bail. Farzad's supporters and their family members are regularly intimidated through phone calls by the Ministry of Intelligence and National Security.

Administration of justice and the rule of law

23. The weakness in human rights protection is further exacerbated by a criminal justice system which continues to fall far short of international standards governing procedures for arrest, detention and trials, as well as prisoners' rights. The criminal justice system continues to operate largely in secret and fosters impunity. The justice system allows for prolonged incommunicado detention and detention of suspects without charge or trial for long periods of time and it provides no rights for suspects to challenge in court the legality of their detention or to lodge complaints about other abuses such as torture and other ill-treatment.

24. Despite article 171 of the Constitution, which protects the rights of persons sustaining material and non-material damages due to errors committed by judges, restoration of justice is not implemented in practice.

Equality and non-discrimination

25. The Government has postponed implementation of the Bill on Non-discrimination in Employment and Education, which would guarantee to all Iranian nationals, irrespective of their gender, language, religion, ethnic and social background, equal access to education.

26. The Government has also postponed commitments to repeal or amend all laws restricting women's employment, including regarding the role of female judges, the obligatory dress code, the right of a husband to object to his wife taking up a profession, the discriminatory application of social security legislation, and the barriers in law and practice to women being hired after a certain age.

27. EI also deplores the discrimination on the basis of religion of the Baha'i in terms of access to education and universities, and to particular employment occupations in the public sector. In 2006, the Central Security Office Director General of the Ministry of Science, Research and Technology, Asghar Zarei, issued a letter to 81 universities around the country from which the Baha'i were to be expelled and denied further access. Stamped "confidential," the exact date of the letter is undecipherable, although its contents are legible. At least 128 of the 200 Baha'i university students were expelled during the 2006-2007 academic year.

3 RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Ask Government of Iran to:

- Respect its obligations under ICESCR, especially the right to organise in law and practice;
- Ratify ILO Conventions No 87 and 98 and adopt policy measures to respect the right of workers' organisations to organize their activities and to hold meetings and public protests related to their conditions of work and economic and social policy;
- Abolish death penalty;
- Reform the judiciary to strengthen the rule of law; to bring laws and practices in line with international human rights standards regarding fair trial, in particular articles 14 and 15 of the International Covenant on Civil and Political Rights;
- Ratify the UN Convention against Torture and other cruel, inhuman or degrading treatment or punishment
- Bring the Charter of Citizenry Rights in conformity with ILO Convention No 111 and provide equal access to employment and education for all Iranian nationals.
- Repeal or amend discriminatory laws and regulations, such as the provisions of the Civil Code restricting women's access to employment, certain provisions of the social security legislation, the provision concerning women's access to the judiciary, the dress code and the age barrier to women's employment.