

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Ref.: AL IRN 14/2022
(Please use this reference in your reply)

1 July 2022

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 42/22, 43/4, 43/16 and 49/24.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the intimidation, threats and arbitrary detention of several teachers, human rights defenders, and members of trade unions for participating in strikes and peaceful protests. Such acts include the arrest and continued detention of teachers, human rights defenders and trade union members of the Iranian Teachers' Trade Association in the province of Tehran; of Mr. **Rasoul Bodaghi**, Mr. **Jafar Ebrahimi**, and Mr. **Mohammad Habibi**, as well as human rights defenders and members of Iranian Teachers' Trade Association in the province of Kurdistan; as well as of Mr. **Eskandar Lotfi**, Mr. **Shaban Mohammadi**, and Mr. **Masoud Nikkhah**.

The arrest and detention of members of the Iranian Teachers' Trade Association have been the subject of previous communications, most recently (ref no IRN 12/2021) sent on 6 May 2021. We regret that we have not received a response from your Excellency's Government to this communication. Concerns about the previous conviction of Mr. Mohammad Habibi were raised in the previous reports of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including in his report to the 46th session of the Human Rights Council (A/HRC/46/50). Mr. Rasoul Bodaghi was the subject of a previous communication (ref. no IRN 23/2015) sent on 3 December 2015. We regret that we have not received a response to this letter.

The Iranian Teachers' Trade Association (ITTA) is one of the largest teachers' organizations in the country, which campaigns for teachers' rights.

According to the information received:

Teachers' protests and the Government's response

Amidst a deterioration of the economic situation in the Islamic Republic of Iran, protests by workers in different sectors, including teachers have significantly increased. Since the start of the academic year 2021-2022, teachers have organized a series of strikes and demonstrations throughout the country, including protests on 21 September 2021, 11 November 2021, 13 December 2021, 10-12 January 2022, 19 February 2022, and 1 May 2022. On

some days, protests and strikes were held in over 200 cities and towns.

Teachers' demands include the adoption and implementation of the "Teachers' Salary Ranking Plan", payment of unpaid pensions, release of imprisoned teachers, putting an end to privatization of education, and ensuring free access to education for all students. There is currently a wide salary gap between teachers and other government employees. The goal of the "Teachers' Ranking Plan" was to increase the salary of teachers in line with the salaries of other Government employees. The plan classifies teachers into five ranks based on their work experience and competencies. According to the plan, the salary and pensions of the five ranks of teachers should be equal to 80 percent of the salary and pensions of members of the faculties of universities with the same rank.

The Teachers' Ranking Plan was initially proposed in 2011. After a decade, a bill was submitted to the Islamic Consultative Assembly (the Iranian Parliament) in August 2021. The Parliament adopted the bill with revisions in December 2021. While the initial bill proposed 80 trillion tomans (approximately 2.7\$ billion) for the implementation of the teacher ranking system, the Parliament entered the bill on its agenda with a credit ceiling of only 12.5 trillion tomans (approximately 417\$ million) for the second half of the year. The adopted bill in the present format did not meet the expectations of teachers and protests continued.

The authorities have responded to teachers' protests with arrest and prosecution of labor rights activists and members of teachers' unions. Between March 2021 and March 2022, at least 50 teachers were reportedly summoned and 12 were convicted on the basis of national security legislation. In some incidents, the security forces dispersed the protests violently. Prior to the protests, members of the ITTA reportedly received phone calls from authorities or were summoned to the offices of the intelligence services or Revolution Courts and received threats to deter their participation in teachers' gatherings.

On 1 May 2022, on the occasion of the International Workers' Day as well as the Teachers' Day in Iran, teachers organized another round of nationwide protests. In the city of Bushehr, police reportedly used force against protesters and arrested six teachers who had participated in protests. In the city of Tehran, a large number of teachers tried to gather in front of the Parliament, but the security forces forced them to leave the area.

On 6 May 2022, the Minister of Education stated in a public event in the province of Kurdistan that, "Teachers who participate in illegal protests can be dismissed from work." On 9 May 2022, the Head of the Judiciary made statements about the "infiltration of foreign-affiliated elements into the ranks of teachers and workers", adding that they plan to threaten the order and security of the Iranian people. State television has broadcasted footage of several of the arrested teachers and labour rights defenders, accusing them of engaging with "hostile enemies". The footage of the detained individuals was broadcasted despite article 96 of the Code of Iran's Islamic Penal Code, which bans media from publishing the identities of accused individuals in the preliminary stages of investigation.

On 16 June 2022, teachers organized another nationwide rally to protest the continued detention of their colleagues as well as poor working conditions amidst the dire economic situation in the country. A heavy presence of security forces was reported, with some gatherings prevented. During the protests, over 100 teachers were reportedly arrested, including 60 teachers in the city of Shiraz, 30 teachers in different cities in the province of Kurdistan, ten teachers in the city of Qazvin, six teachers in the city of Rasht and three teachers in the city of Khomeini-Shahr. There are no further reports on the condition of teachers who were arrested in protests on 16 June 2021.

Between 30 April and 26 June 2022, 230 teachers and teachers' rights advocates have been arrested and 23 have been summoned to judicial and intelligence bodies.

Arrest and detention of members of the Iranian Teachers' Trade Association

On 30 April 2022 and in advance of the protests on 1 May 2022, officials from the Intelligence Ministry arrested three teachers, human rights defenders and members of ITTA in the province of Tehran: Mr. Rasoul Bodaghi, Mr. Jafar Ebrahimi, and Mr. Mohammad Habibi. During their arrest, they were reportedly subjected to physical violence. Their houses were raided and their electronic devices were confiscated.

On 30 April 2022, three human rights defenders and members of ITTA in the province of Kurdistan, Mr. Eskandar Lotfi, Mr. Shaban Mohammadi, and Mr. Masoud Nikkhah were arrested in the city of Marivan. Mr. Lotfi and Mr. Nikkhah were first transferred to Marivan prison and then to the security ward of Sanandaj prison, controlled by the intelligence service of the Islamic Revolutionary Guard Corps. They were threatened not to take part in the teachers' gathering of 1 May 2022. Mr. Mohammadi and Mr. Nikkhah were released on 1 May and 11 May 2022 respectively, but were arrested again on 12 May 2022.

The arrested individuals are reportedly subjected to investigation and harsh interrogations with the aim of extracting forced confessions. Since their arrest, they have been denied access to their lawyers. Article 48 of the Code of Criminal Procedure restricts the right to a lawyer during the investigative phase of certain crimes including acts deemed to be crimes against national security.

Mr. Rasoul Bodaghi was previously arrested on 11 December 2021 at his house prior to protests by teachers on 13 December 2021. On 21 December 2021, he was released on bail. On 12 April 2022, Branch 26 of Tehran Revolution Court sentenced Mr. Bodaghi to four years in prison on the charge of "gathering and colluding with the intention of acting against national security" and one year in prison on the charge of "propaganda activities against the state", one year of travel ban, a two-year ban on residing in Tehran and its neighboring provinces, and a two-year ban on membership in political parties and social groups. On 1 June 2022, Branch 36 of the court of appeal confirmed the sentences.

Mr. Jafar Ebrahimi was previously arrested on 26 December 2019 for attending the 40th-day memorial services for individuals who were killed in the November 2019 protests. On 31 January 2022, Branch two of the Revolution Court in the city of Karaj sentenced Mr. Ebrahimi to four years and six months in prison on the charges of “propaganda activities against the state” for publishing official statements for the Coordinating Council of the ITTA and “gathering and collusion with the intention of acting against national security”.

Mr. Mohammad Habibi was previously arrested on 10 May 2018 while participating in a peaceful protest of teachers. On 4 August 2018, Branch 26 of Tehran Revolution Court sentenced Mr. Habibi to seven and a half years’ imprisonment on charges of “gathering and collusion with the intention of acting against national security”, “propaganda activities against state” and “disrupting public order”. On 10 November 2020, Mr. Habibi was released from the Greater Tehran Central Penitentiary after serving 30 months of his sentence. His release occurred after his sentence was reduced based on a new directive issued by the head of the Judiciary on 10 November 2020. Mr. Habibi had been terminated twice from his teaching position under the pretext of the “unjustified leave of absence” while he was in detention.

Mr. Shaban Mohammadi was previously arrested on 30 January 2022, after taking part in a teachers’ sit-in protest in the city of Marivan in Kurdistan province. He was released on 28 February 2022.

Without prejudging the accuracy of the above-mentioned allegations, we are seriously concerned by the alleged intimidation, threats and arbitrary detention of several teachers, which appear to be in direct response to the exercise of their rights to freedom of expression, association, peaceful assembly and academic freedom. We are concerned that the approach of the authorities to teachers’ demands, and more generally with respect to civic space, is contrary to the State’s obligations under international human rights law. We also wish to express our utmost concern regarding the allegations of arbitrary deprivation of liberty of teachers, human rights defenders, and members of the Iranian Teachers’ Trade Association, Mr. Rasoul Bodaghi, Mr. Jafar Ebrahimi, Mr. Mohammad Habibi, Mr. Eskandar Lotfi, Mr. Shaban Mohammadi, and Mr. Masoud Nikkhah. We are seriously concerned about the reported use of national security charges against these individuals, which appear to be linked with the exercise of their functions in workers’ and trade union activities. We are equally concerned of the restrictions to access lawyers in preliminary investigation in accordance with article 48 of the Code of Criminal Procedure. We are concerned that the arrests and criminal accusations are brought against teachers with the intention of silencing teachers’ protests. We refer in this context to the Islamic Republic of Iran’s obligations under international human rights law, including the prohibition against arbitrary arrest, and the rights to freedom of expression, of association and of peaceful assembly, guaranteed by articles 9, 14, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975.

We also refer to articles 6, 7 and 8 of the International Covenant on Economic Social and Cultural Rights (ICESCR), ratified by Iran in 1975, regarding the right to work, the right to just and favourable conditions of work, as well as trade unions rights. Furthermore, articles 13 and 15 of the ICESCR protect the right of

everyone to education, as well as the freedom indispensable for scientific research and creativity, both requiring respect for academic freedom.

For further elaboration on the applicable international standards, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

We are issuing this appeal in order to safeguard the rights of individuals concerned from irreparable harm and without prejudicing any eventual legal determination.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide comprehensive information on the factual and legal basis for the arrest and continued imprisonment of the abovementioned individuals as well as the compatibility of such measures with articles 9, 14, 19, 21 and 22 of the ICCPR.
3. Please provide detailed information about the legal and factual basis for the conviction of Mr. Jafar Ebrahim and Mr. Rasoul Bodaghi, as well as how they were provided guarantees of due process and fair trial, and indicate how the basis for their conviction is incompatible with international human rights law.
4. Please provide information as to the continued use of national security charges against those exercising and defending fundamental rights and freedoms. Please explain how this is compatible with your Excellency's Government's obligations under international law.
5. Please provide information about the legal basis for the use of force against peaceful protests by teachers, including protests on 1 May 2022.
6. Please provide information on the number of teachers arrested during the protests, including on 16 June 2022, as well as the legal and factual basis for their arrests, including any charges brought against them, and explain how they are compatible with the international human rights obligations of your Excellency's Government.
7. Please provide information on the measures taken to ensure that human rights defenders, including teachers' rights defenders, in the Islamic Republic of Iran are able to carry out their work in a safe environment, without fear of undue criminalization, detention or torture.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within

60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

Please accept, Excellency, the assurances of our highest consideration.

Mumba Malila

Vice-Chair of the Working Group on Arbitrary Detention

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Javaid Rehman

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to article 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, which guarantees the right not to be arbitrarily deprived of liberty and to fair proceedings before an independent and impartial tribunal. We wish to highlight that, according to the criteria applied by the Working Group on Arbitrary Detention, deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the ICCPR is arbitrary.

Article 9 establishes in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, and that anyone who is arrested shall be informed, at the time of arrest, of the reasons behind such arrest and be brought promptly before a judge to determine the lawfulness of the detention.

We recall that article 9(3) of the ICCPR requires that detention in custody of persons awaiting trial shall be the exception rather than the rule. It should not be the general practice to subject defendants to pre-trial detention. Detention pending trial must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime. Pre-trial detention should not be mandatory for all defendants charged with a particular crime, without regard to individual circumstances (Human Rights Committee, General Comment No. 35, para. 38).

Article 9 (4) specifies that anyone who is arrested shall be brought promptly before a judge for the purpose of legal review and challenge of the detention. Article 14 stipulates that, in the determination of any criminal charge, everyone shall be entitled to adequate time to communicate with counsel of choice. Article 14 also guarantees the right to be tried without undue delay. The right to have access to a lawyer without delay and in full confidentiality is also enshrined in principle 9 and guideline 8 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), and the Basic Principles on the Role of Lawyers (Principles 7 and 8).

Article 19 of the ICCPR guarantees the right to freedom of expression, which includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

We would like to remind your Excellency’s Government that any limitation to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 19 (3) of the ICCPR. Under these standards, limitations must be determined by law and must conform to the strict test of necessity and proportionality, must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

We wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on discussion of government policies and political debate; reporting on human rights, engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We recall that the ICCPR guarantees the rights to freedom of peaceful assembly and of association in its articles 21 and 22. These rights can be subject to certain restrictions in strict conditions of necessity and proportionality.

In this regard, we would like to refer to Human Rights Council Resolution 24/5 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others”.

We also refer to article 6 of the International Covenant on Economic Social and Cultural Rights (ICESCR), ratified by Iran in 1975, protecting the right to work, which includes the right of everyone to the opportunity to gain his living by work which he or she freely chooses or accepts. Furthermore, in accordance with article 7 of ICESCR, the right of everyone to the enjoyment of just and favourable conditions of work shall be protected. This includes ensuring, in particular, remuneration which provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind.

Article 8 of the ICESCR protects the right of everyone to form and join trade unions, the right of trade unions to function freely, as well as the right to strike. As elaborated by the Committee on Economic, Social, and Cultural Rights, the trade union rights, freedom of association and the right to strike are crucial means of introducing, maintaining and defending just and favourable conditions of work (E/C.12/GC/23). The Committee also underlined that the right to education, enshrined in article 13 of the ICESCR, can only be enjoyed if accompanied by the academic freedom of staff and students, and that this includes the liberty of individuals to express freely opinions about the institution or system in which they work (E/C.12/GC/13, paras 38-39). Finally, under article 15 of the ICESCR, States Parties have undertaken to respect the freedom indispensable for scientific research and creative activity, which entails respect for academic freedoms.

We would also like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.