

Legislative item #:	Registration number: 469
Draft legislation title: عنوان پیش نویس قانون	Selection of managers and employees of the Islamic Republic گزینش مدیران و کارگزاران نظام جمهوری اسلامی
Date of submission: تاریخ تحویل:	May 25, 2021 ۲۵ اردیبهشت ۱۴۰۰
Co-sponsors:	The bill is co-sponsored by 27 members of the current Parliament.
Supporters:	TBC
Against:	TBC

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Bill Profile

Bill Objective

The proposed bill, if adopted, will replace the **Selection Law (1995)** (also known as the law for the *Gozinesh Process*). Sponsors of the draft legislation note that they intend to build on lessons learned from over thirty years of applying the Selection law to improve the processes' efficiency.¹

¹ See https://rc.majlis.ir/fa/legal_draft/show/1659385 (in Persian)

The *gozinesh* process makes employment in the country's public sector conditional on discriminatory grounds — effectively prohibiting several religious and ethnic minorities from fully participating in economic life.² As described by the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran: the process “involves investigations conducted by the Supreme Selection Council and the Ministry of Intelligence into the acceptability of an applicant's beliefs, previous political opinions, and affiliations” and is intended to ensure that applicants “adhere to and have knowledge of Islam, follow the theory of *Velayat-e-faqih* (rule of an Islamic jurist under Shi'ite Islam) and are loyal to the Islamic Republic of Iran.”³

Human Rights Impact

The draft bill preserves the shortcomings in the current Selection Law. The current law of "selection" generates grounds for discrimination based on thoughts, conscience, and religion or belief, including political beliefs. The *gozinesh* process violates the right to work under ICESCR Arts. 6 and 7 in relation to the principle of non-discrimination under ICESCR Art. 2(2). While the right to work is not ‘an absolute and unconditional right’, but individuals may not to be deprived of employment unfairly. The labor market must be accessible indiscriminately.

In its latest submission to the CERD committee, authorities asserted “the criterion for recruiting forces in government organizations and departments observes the Constitution of the Islamic Republic of Iran. Needless to say, a government official must be committed to the law that they are responsible for enforcing, as is the case everywhere with an adopted constitution.”⁴

The *gozinesh* process infringes on the right to equality of opportunity or treatment in employment or occupation for all those who seek employment in the public sector and, reportedly in some instances, in parts of the private sector on the basis of religious affiliation, political opinion, or political affiliation. In practice, members of ethnic and religious minorities, as well as those who hold political opinions which differ from those accepted by the State, face discrimination. In addition to violating the right to equal access to work without discrimination as guaranteed under Articles 6 and 2 and 7 of the International Covenant of Economic Social and Cultural Rights (ICESCR), the *gozinesh* process contravenes Article 23 of Iran's Constitution, which states that “[t]he investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.” The criteria also establish a barometer for measuring the degree to which an applicant is committed to promoting the views of the State. For example, among the topics relevant to the selection process are assessments of an applicant's involvement, or lack of involvement, in revolutionary and religious institutions, charities, or of their attendance at congregational prayers or government-sponsored rallies.

Timeline:

Date of receipt by Parliament: May 25, 2021

Date of issuance of expert opinion by the Research Center: October 13, 2021

The possible timeframe for bill discussion: April to July 2022

² See <http://rc.majlis.ir/fa/law/show/92541> (in Persian).

³ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

⁴ See CERD/C/IRN/20-27

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fIRN%2f20-27&Lang=en

Categories	Current law	Proposed law
Eligibility criteria for public-sector employment	Belief in the religion of Islam or one of the official religions permitted by the Constitution	Unchanged
	Adherence to the rule of Islam.	Unchanged
	Belief in and adherence to "Velayat-e-Faqih," the system of the Islamic Republic, and the Constitution.	Unchanged
	Not being known for moral corruption and pretending to be immoral.	Moral and behavioral health, especially honesty, trustworthiness, integrity, work commitment, and responsibility.
	Not being affiliated with any organization, supporting parties, and organizations and groups whose illegality has been declared or will be declared by the competent authorities unless the repentance of these people is achieved.	Iranian citizenship.
	No history of an effective criminal conviction.	No record of a definitive criminal conviction in intentional crimes.
	No drug addiction.	No drug addiction
Decision-maker structure	<p>* The Supreme Selection Board (appointed by the President) is responsible for setting policies and guidelines.</p> <p>Composition of members: One person from the judiciary, the secretary-general of the country's Employment Affairs Organization, the minister or the highest official of the relevant body, plus two members of Parliament as observers.</p>	<p>* The Supreme National Selection Council is responsible for setting policy.</p> <p>Composition of the council: The President, one of the deputy speakers of the Parliament, the first deputy of the judiciary or the head of the Administrative Justice Court, the head of the country's Employment Affairs Organization, the head of the Selection Organization (who is the secretary of this council).</p>
	<p>* Central Selection Boards (elected and appointed by the Supreme Selection Board). Composition of these members: a representative of the minister, a representative of the Employment Affairs Organization of</p>	<p>* Country's Selection Organization. It is affiliated with the presidential office. The head of the organization is appointed on the proposal of the President and the approval of the Supreme Council.</p>

	<p>the country, a representative of the Supreme Selection Board, and a member of Parliament as an observer.</p> <p>* Selection Committees (nominated by the Central Boards and approved by the Supreme Selection Board.) Composition: 3 to 5 people in each administrative unit.</p>	<p>* In each province, a provincial office is formed.</p> <p>* Each provincial office consists of a set of primary⁵ and appellate⁶ committees within their department. All these members will be appointed for two years on the proposal of the head of the Selection Organization and the approval of the Supreme Council.</p>
<p>Authorities to provide information about job seekers</p>	<p>In the case of paragraph 5, the sole authority for comment is the Ministry of Intelligence.</p> <p>In other cases, the Ministry of Intelligence and all executive, judicial, law enforcement, intelligence, and political-ideological organizations of the Armed Forces.</p>	<ul style="list-style-type: none"> - Ministry of Intelligence. - Intelligence Organization of the Islamic Revolutionary Guard Corps. - The judiciary. - Police. - Organization for the protection of information and political ideology of the Armed Forces. - Security department at institutions, universities, and higher education centers, the Ministry of Foreign Affairs, and the Ministry of Economy.
<p>Appeal process</p>	<p>Selection committees make decisions after receiving reports and comments from intelligence sources.</p> <p>The decision of the selection committees in the first stage can be reviewed in the same committee (with the presence of at least 2 new people).</p> <p>The decision of the selection committees in the second stage can be reviewed by the central boards.</p> <p>The decisions of the first and second stages can be appealed in the Court of Administrative Justice.</p>	<p>The primary committees make decisions based on information received from the security authorities.</p> <p>The decision of the primary committees can be an appeal in appeals committees.</p> <p>The decision of the appeals committees can be appealed in the Court of Administrative Justice.</p>
<p>Who is subject to this law?</p>	<p>All managers and employees of all government ministries, organizations, institutions, and national companies, including national oil and gas companies, Industrial Development Organization, National Industrial</p>	<p>Any organizations subject to Article 5 of the Civil Service Management Law, all bodies that use the budget, the Radio and Television Organization, universities, academies, companies that more than 50% of</p>

⁵ **Composition:** Two selection employees with at least two years of experience in issuing selection decisions, or four years of successful work experience, plus 1 to 3 employees of organizations subject to this law in the province.

⁶ **Composition:** Two selection employees with at least four years of experience in issuing selection decisions, or eight years of successful work experience, plus 1 to 3 employees of organizations subject to this law in the province.

	<p>Organization, Red Crescent, Municipalities, Social Security Organization, banks, institutions, and companies whose budgets are entirely or partially drawn from the national budget.</p>	<p>their share belong to official bodies, the presidency, the judiciary, Parliament and revolutionary institutions.</p> <p>There are a few exceptions in this draft whose employment criteria follow their laws: judges, Armed Forces Staff, Ministry of Intelligence, Academic Faculties.</p> <p>The inclusion of this law in other bodies under the supervision of the Supreme Leader is subject to his approval.</p>
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