

# **Human Rights in the Islamic Republic of Iran**

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## **Introduction**

Human rights are undeniably a central component of international affairs today and form one of the dominant paradigms of our world. To an unprecedented degree, governmental as well as social and political activism are being conducted in the name of human rights and it is a collective responsibility as well as a common concern for all the members of the international community.

Human rights are also vital to permanent peace, prosperity and sustainable development worldwide. Yet in these first years of the 21st century, war, terrorism, pervasive poverty and epidemic disease still threaten to destroy prospects for peace, security and sustainable development.

Every human being, regardless of his race, religion and position is entitled to be treated with dignity, simply because of their humanity. Human rights deal with relationships among and between individuals, groups and the State. They are about how we live together and about our responsibilities to each other. They set a basis for the relationship between the individual and the State, between the governed and those who govern, at every level of society.

United Nations, since its inception has assumed a great role in the promotion and protection of human rights throughout the world. The purpose of the international human rights regime is to protect and revive human dignity and to promote the vital human interests. Accordingly, the subject of the United Nations Human Rights System is all human beings in all parts of the world and as a universal mechanism, shall cover all peoples and groups throughout the world. Undoubtedly no part of the world is free from human rights violations nor is any individual believed to be immune from being a victim of such violations. The human rights system is therefore bound to be mindful of human rights upheavals and trends in all parts of the world. This seems to be one of the challenges that the United Nations face with in promoting and protecting human rights worldwide.

In this regard, the basic structures and mechanisms of the UN in particular on the issue of human rights are based on establishing and enhancing international cooperation. The UN Charter and the Vienna Declaration and Programme of Action as well as documents of major world conferences all emphasize on the enhancement of international cooperation and interaction between member states.

In an inclusive examination of documents and basic principles of international cooperation, one might find that the improvement of human rights in a given country takes place as a result of several underlying measures such as: ratification of basic international human rights instruments, cooperation with the UN human rights mechanisms, legislative reforms and capacity building in the country and finally structural reforms to the benefit of human rights

situation.

It is obvious that the general direction of any international cooperation on human right should be established across the above- mentioned areas of activity. In this regard to evaluate achievements of human rights in the Islamic Republic of Iran, particular attention should be paid to the above areas that might actually serve as criteria for assessing the improvement of human right. In case, the general direction set by a country ensures the implementation of the recommendations of the world conferences on these areas, human rights situation of that country should be regarded as positive and progressive.

Consequently, based on the analysis and normative tool for assessment, it is evident that the overall human rights record on the referred areas of activity in the Islamic Republic of Iran over the past years is positive. The following is a brief reference to the basic principles and approaches, legislative and structural national guarantees and the measures and achievements of the Islamic Republic of Iran in the field of human rights.

## **A. Islamic Republic Of Iran's Basic Approaches towards Human Rights**

### **1. Universality**

It is the view of the Islamic Republic of Iran that the concepts, values, objectives and norms which constitute human rights represent the noblest concerns of humanity in its totality, and should not have been the monopoly of a single segment of the international community in the codification, implementation and international promotion and protection processes. This view was represented in the Declaration of the Asian Countries in Bangkok just before the World Conference on Human Rights. Recognition of and respect for this fact would promote the "human rights" and "equal participation" of the diversified cultures representing the human community, without distinction as to race, religion, or national origin, in an exercise whose aim is to further these very objectives.

Many developing countries, especially in Asia, share the view that to enhance the universality of human rights and relevant instruments, it is imperative to be cognizant of the cultural diversity of the human family, and respect the values of various cultures. This would not only contribute to the richness of human rights norms, but also provide the best guarantee for their universal observance.

It should be emphasized that a genuine discourse on these fundamental and basic concepts is by no means a license for violations of fundamental rights and freedoms. Rather , a multi- dimensional approach to human rights, which emanates from a sound appreciation of the nature of human beings, coupled with the need to preserve the identity, health and safety of the social environment within which such rights are to be exercised, can provide a better background for the full realization of human rights.

In fact, a multi-dimensional approach to human rights, which takes into account the rights as well as the responsibilities of individuals, coupled with the need to preserve the identity, health and safety of the social environment within which such rights are to be exercised, can

provide a better background for the full realization of human rights objectives. Any model should indeed at least address the fundamental values dear to nations having different cultural backgrounds; otherwise it will be a failure from the start.

## **2. Human Rights as a Political Tool**

Human rights reflect the highest aspirations of humanity and cannot be the monopolized domain of a few. By the same token, they cannot be subject to selectivity, politicization and application of double standards, which are the exact opposite of the universality of these rights. The universality of human rights does not only require a truly universal theoretical base but also a universal method of application outside the control of a few. The abuse of the available international machinery for protection of human rights for short-sighted political expediencies of a dominant minority connotes that human rights rather than being universal aspirations and instead of being above foreign policy, have indeed become tools of foreign policy.

Application of double-standards and selectivity based on political considerations are no longer exceptions to the process, but in fact the rule of the game. This applies both to the category of rights that are given priority and to the cases that are being investigated.

Another important related point which is very much diluted in human rights debates is the relationship between international protection of human rights and the principles of sovereignty and non-interference in internal affairs of others. Nobody would question a serious, balanced, objective and non-selective international concern for human rights. However, when human rights and its pertinent fora, become vehicles for the advancement of the political consideration of a few, it becomes a totally different scenario; the one we are facing today. Such political acts of intervention are certainly against the well-founded and universally recognized principles of non-intervention and the imperative of respect for sovereignty. The argument that "human rights are legitimate international concern" cannot be applied to the existing process whose object is not in fact protection of human rights but rather furtherance of political goals.

## **3. International Human Rights Machinery**

The international debate on human rights is expected to assume new dimensions and new direction as a result of the ongoing structural reform which has now led to the establishment of the new Human Rights Council.

Islamic Republic of Iran reflected to the current state of affairs as a decisive juncture because the wrong diagnosis of the strengths and weaknesses of the past and present and the analysis of what the international community should undertake to make a difference in future, will indeed take us back to a situation where we will be left again with the same malaise faced by the Commission on Human Rights over the past years. Clearly, the Commission on Human Rights made considerable progress in the field of both standard- setting and implementation.

The best way to ensure moving in the right direction is to consider, as the first move, the human rights activities within the UN system in a broader context which signifies the political impact through the political manipulation by the outsiders on the different processes both in the field of standard-setting and international monitoring systems.

The supremacy of the arrogant and selfish security considerations over the genuine human rights concerns and the imposition of certain cultural values, which may call it uniculturalism, are the two defining features of the new era. In the new hegemonic discipline and its value system, the legitimacy of human rights structures and values and even the worth of democracies newly formed in some parts of the world are measured by the degree to which they can serve the purpose of the hegemonic powers and their culture.

One may wonder whether the United Nations human rights machinery and its protection system including the special procedures have fulfilled their task or displayed even slightest interest, in some cases, in addressing effectively these real gross and systematic human rights violations, while they found every reason to highlight and overact on some situations where the so called victims constitute only few people in a vast territory that could be normal in any jurisdiction.

The aggressive and preemptive attitude of the stronger nations to tackle the human rights situations of others without having regard to their own, the acquiescence displayed by their supporters and consequently the inaction shown by the human rights institutions is a clear manifestation of politicization and political manipulation which, as a result, plagued the system and impeded the Commission on Human Rights to defend effectively the right to life and the right to live in dignity of hundreds of thousands of voiceless people all over the world.

Human rights and the matters involved in its protection system became a matter of intense international debate and even at some stage the subject of North-South divide. This state of affair had far reaching and profound impact on the ongoing reform processes which provided a forum for many including developing countries to voice their fundamental concern that structural reform should, as a matter of urgency, be accompanied with substantive change.

The recent political and social developments in the world together with the nature of the current international debate on human rights has ushered the human rights history in a new phase. The distinctive feature of the new phase is the honest attempt by the majority of the international community to maintain a retrospective connection between the present and the past with a view to continuing aspects essentially serving the genuine human rights protection system while disqualifying the practices harboring the malaise responsible for inaction and pause in the work of the Commission on the real situations of massive violation of human rights.

The key elements that characterize the new phase, are amongst others the following:

-without equality and justice and in the absence of a just international order there is no peace, if there is no peace there is no development, if there is no development there is no rights.

-Combating terrorism as well as the biased security arrangements should not be a reason for violation of the human rights of peoples of different cultures and religions,



-Associating certain religions and cultures with terrorism are totally unacceptable and that enjoying freedom of expression should not constitute a pretext and a platform to insult religions and their sanctities, Defamation of religions particularly the divine message of Islam should be rejected,

-The weaknesses and shortcomings in the Human Rights Commission is not merely the result of structural deficiencies but were also an effect of politicization, selectivity and double standards.

-To avoid uni-culturalism and respecting cultural diversity on a global scale and avoiding imposition of certain value systems over others are essential prerequisites for promoting peace and security in the world,

- The right to development should find its rightful place in the international protection system, in full equality with other rights in terms of both standard setting and implementation,

-Cooperation and dialogue is the only way for the genuine promotion and protection of human rights worldwide.

### **3.1. Universal Periodic Review**

The mechanism of the Universal Periodic Review constitutes a breakthrough in the work of the United Nations intergovernmental human rights activity. The rationale behind the proposal of this mechanism was to ensure universality, objectivity, nonselectivity and impartiality in the work of the Human Rights Council. The real performance of this mechanism, in a logical setting, should allow the human rights machinery to act beyond the monopoly, maintained by a few in the past, in monitoring the human rights situations in the countries. Yet, there is every reason to believe that the Universal Periodic Review, though a universal mechanism, will be subjected to the risk of being perverted, over the passage of time, if all safeguards to protect the system are not identified and implemented.

The real challenge before the Council, in this domain, is to ensure that the monitoring system work truly as a universal mechanism in addressing the human rights situations worldwide. This will require the Council to adopt a balanced and integrated approach and enforce the unified set of criteria and terms of reference in all situations alike. The agreed modalities, the quality accepted to be valid for the source of information, the elements required for the admissibility of information, the widely accepted criteria of ratifications and finally the implementation of recommendations given by the United Nations expert system should be equally and carefully applied to all states.

A major deficiency within the monitoring system of the Commission on Human Rights was the fact that some procedures and providers of information frequently highlighted a particular manifestation considered to be violation of human rights by a traditionally targeted country, while they tend to be quite insensitive to an equally charged violation of human rights by another country, deemed traditionally exempted from the international scrutiny, thanks to its

political influence in the system. Hence, any stereotypical attitude directed towards a particular state stressing on a well propagated form of violation of human rights at the expense of others should be rejected.

Besides, the following elements should also be taken into consideration:

-As mentioned in the GA resolution, the review should be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity building needs.

-Review process should take into consideration the important features of the level of development of the State and religious and cultural particularities of different societies.

-A country reviewed under the UPR mechanism in the Council should not be simultaneously subject to other bodies and procedures.

- An open, transparent and inclusive process of negotiations on the modalities of the UPR should be followed by the Council. In this regard an open – ended working group should be established based on paragraph op5 (f) and op9 of the General Assembly resolution.

## **B. National Guarantees and Mechanisms for the Promotion and Protection of Human Rights**

According to Article 156 of the Constitutional Law<sup>1</sup>, the Judiciary “ Shall protect individual as well as social rights and shall be responsible for administering of justice “ and “Restoration of public rights and upholding of justice and legal freedoms”. Having regard to “ the nature of the Islamic Revolution of Iran which is a movement targeting the victory of the entire Oppressed - Mostaza’fin - over the Oppressors -Mostakberin — ( Excerpts of the Preamble of the Constitutional Law ), while being inspired by the live and evolving Shiite Figh — Jurisprudence — and “Uninterrupted personal systematic reasoning on Canon Law by fully qualified religious jurists “( Part A of paragraph 6 to the Second Article of the Constitutional Law ), the Constitutional Law in other articles, especially articles 19 to 42 elaborated on “ The Right of the People”. These stipulations which could be referred to as “The Constitutional Rights of the People”, “ The Rights of People” or “ Human Rights “ comprises the principles which from the very beginning date of the advent of Islam and Islamic Civilization, namely

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<sup>1</sup> Article 156 of the Constitutional Law of the Islamic Republic of Iran:

Judiciary is an independent power which shall protect the individual as well as social rights and shall be responsible for the administering of justice and performing the following duties:

- Investigation into litigation, injustice and complaints, and issuance of verdicts thereon; settlement of disputes and making decisions on no litigious affairs to be determined by law.
- Restoration of public rights and promotion of justice and legal freedoms.
- Supervision of good administration of laws.
- Detection of crime; prosecution and punishment of criminals, and to enforce the Islamic Punishments and penal regulations.
- Taking appropriate measures for crime prevention and rehabilitate criminals.

centuries before the codification of the Universal Declaration of Human Rights, were derived from the original sources of Islam and asserted.

Furthermore, the Constitutional Law as the Charter of the Islamic Revolution stipulated “ The Introduction of Judicial System on the basis of Islamic justice and comprising of just judges versed in religious criteria “to safeguard” The Rights of the People in the direction of Islamic movement “and” Prevent deviations in the Islamic Ummah “( Excerpts of the Preamble of the Constitutional Law ).

The Judiciary in implementation of its supervisory tasks shall adopt suitable measures and put the same into practice. However, in the circumstances presently prevailing in the world, the topics of “The Right of the People“ turned out lacking relevant mechanisms, and this phenomena has put the countries in defensive position, and a country which is the standard bearer in defending the human rights and the rights of the people, has been introduced as violator of human rights.

For certain, the Judiciary is the most competent entity to undertake and establish organs for the implementation of the duties which the Constitutional Law have stipulated for the Judiciary in “upholding of justice and legal freedoms” and through adopting active stance regarding the violation of human rights, whether inside or outside the country, and to investigate the problems and claims on violation of the rights of the people inside the country.

## **1. Basic Rights in Iran's Constitution**

**Article 9:** In the Islamic Republic of Iran, the freedom, independence, unity, and territorial integrity of the country are inseparable from one another, and their preservation is the duty of the government and all individual citizens. No individual, group, or authority, has the right to infringe in the slightest way upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom. Similarly, no authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.

**Article 19:** All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and color, race, language, and the like, do not bestow any privilege.

**Article 20:** All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.

**Article 22:** The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases specified by law.

**Article 23:** The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.

**Article 24:** Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by law.

**Article 25:** The inspection of letters and the failure to deliver them, the recording and disclosure of telephone conversations, the disclosure of telegraphic and telex communications, censorship, or the willful failure to transmit them, eavesdropping, and all forms of covert investigation are forbidden, except as provided by law.

**Article 26** of Iran's Constitution allows formation of parties, societies, political or professional associations and Islamic and other religious societies of recognized minorities the law on activities of parties and political groups was approved in Iran in 1981 by the Islamic Consultative Assembly (Majlis) but its enforcement was postponed until the year 1989.

**Article 27:** Public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam.

**Article 29:** To benefit from social security with respect to retirement, unemployment, old age, disability, absence of a guardian, and benefits relating to being stranded, accidents, health services, and medical care and treatment, provided through Insurance or other means, is accepted as a universal right. The government must provide the foregoing services and financial support for every individual citizen by drawing, in accordance with the law, on the national revenues and funds obtained through public contributions.

**Article 30:** The government must provide all citizens with free-education up to secondary school, and must expand free higher education to the extent required by the country for attaining self-sufficiency.

**Article 32:** No one may be arrested except by the order and in accordance with the procedure laid down by law. In case of arrest, charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible. The violation of this article will be liable to punishment in accordance with the law.

**Article 33:** No one can be banished from his place of residence, prevented from residing in the place of his choice, or compelled to reside in a given locality, except in cases provided by law.

**Article 35:** Both parties to a lawsuit have the right in all courts of law to select an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel.

**Article 37:** Innocence is to be presumed, and no one is to be held guilty of a charge unless his or her guilt has been established by a competent court.

**Article 38:** All forms of torture for the purpose of extracting confession or acquiring

information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.

**Article 39:** All affronts to the dignity and repute of persons arrested, detained, imprisoned, or banished in accordance with the law, whatever form they may take, are forbidden and liable to punishment.

**Article 169:** No act or omission may be regarded as a crime with retrospective effect on the basis of a law framed subsequently.

## **2. National Human Rights Guarantees**

### **2.1. Guarantees of Due Process**

The Islamic Republic of Iran is one of the countries enjoying highly progressive mechanisms in examining its judicial cases in a just way. These mechanisms are guaranteed both in principle and practice and are as follows:

#### **2.1.1. The Constitution**

Articles 156 and 157 of the Constitution provide for an independent judiciary whose job is supporting the individual and social rights of the people. The Judiciary is entrusted with "administration of justice" and establishing "judicial security" through the following:

- investigating and passing judgment on grievances, violations of rights, and complaints; the resolving of litigation; the settling of disputes; and the taking of all necessary decisions and measures in probate matters as the law may determine;
- restoring public rights and promoting justice and legitimate freedoms;
- supervising the proper enforcement of laws;
- establishing courts and required judicial foundations

- uncovering crimes; prosecuting, punishing, and chastising criminals; and enacting the penalties and provisions of the Islamic penal code;
- taking suitable measures to prevent the occurrence of crime and to reform criminals

The ruling rules and principles of Iran's judicial affairs are based on the administration of justice and removal of any oppression and disorientation imposed on the people of the society irrespective of their gender, religion and ethnicity. Some of them are: the principle of openness of hearings, the principle of basing the rulings of courts on the laws of the country, the principle of the necessity of investigation and fulfillment of rights by the judge, the principle of the legality of the punishment, the principle of non-retroactivity as well as the principle of guiltlessness and equality in the enjoyment of rights.

### **2.1.2. Ordinary laws and directives**

The rules of penal proceedings are the collection of laws entering into force once a crime is committed based on which the competent and authorized authorities are enabled to safeguard the society and protect the rights of the people involved by ensuring justice with regards to the detection, investigation, prosecution, the manner of legal procedure, issuance of verdicts, appeals and implementation of the rulings irrespective of race, religion, gender and ethnicity.

The formalities of Iran's penal proceedings such as assurances of the accuser's defense-related rights and rules like: the right to having an advocate in the different stages of prosecution, investigation and examination and the right to object to the decisions made by the officials of the public prosecutor's office and the verdicts of the high courts after the legal procedure and final verdicts have been issued by high courts, taking into account the legal considerations and reasons as well as the existence of disregarding instruments within the prosecutor such as suspension of prosecution, postponement of prosecution, filing away the cases under special circumstances and when the offence is trivial and assuming the principle of guiltlessness, all bear witness to the fact that Iran has advanced and progressive elements in safeguarding the rights of all the walks of life.

### **2.1.3. The Stages of Penal Proceedings**

The stages of penal proceedings in I.R. Iran are as follows:

#### **a) Public Prosecutor's Office**

The public prosecutor's office is a judicial institution whose foremost duties are to uncover offences, prosecute the offenders and carry out preliminary investigations and, if needed, to issue the bill of indictment and defend it in the court and, ultimately, to implement the criminal rulings. In fact, the public prosecutor's office plays an important role in administrating penal justice and the process of legal procedure. The legal proceeding systems come in various stages in order to make the proceedings as just and fair as possible and make up for some judicial mistakes. Following this principle, the public courts of I.R. Iran, too, have been divided into Preliminary, Appeal and High courts.

#### **b) Penal Preliminary Courts**

There are four types of penal preliminary courts:

- 1- Public criminal courts
- 2- Provincial criminal courts
- 3- Courts of Revolution
- 4- Children's courts.

#### **c) Appeal and High Courts**

The courts and high judicial authorities are duty bound to correct and remove possible mistakes in the issued verdicts by preliminary courts and must precisely implement the laws, restore rights and implement justice. The lawmakers have specified two authorities for appealing to the issued verdicts.

### **2.1.4. Equality before the Law**

Equality of all citizens irrespective of social status, race, sex, religion, national origin, language and other superficial barriers before the law has deep roots in Islamic tradition and teachings. Paragraph 14 of Article 3 of the Constitution of the Islamic

Republic of Iran also provides for "Securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as the equality of all before the law."

### **2.1.5. The Rule of Law**

According to Article 32 of the Constitution, "No one may be arrested except by the order and in accordance with the procedure laid down by law. In case of arrest, charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours so that the preliminaries to the trial can be completed as swiftly as possible. Any violation of this Article will be liable to punishment in accordance with the law."

Furthermore, according to Article 34 of the Constitution, it is the indisputable right of every citizen to seek justice by recourse to competent courts. All citizens have the right of access to such courts, and no one can be barred from courts to which he has a legal right of recourse.

Article 166 of the Constitution provides that the verdicts of courts must be well-reasoned and documented with reference to the articles and principles of the law in accordance with which they are delivered.

### **2.1.6. Independence of the Judiciary**

Article 61 of the Constitution provides that: "The functions of the Judiciary are to be performed by courts of justice, which are to be formed in accordance with criteria of Islam, and are to be vested with the authority to examine and settle lawsuits, protect the rights of the public, dispense and administer justice."

Furthermore, it is stated in Article 156 that, "The Judiciary is an independent power; is the protector of the rights of the individual and society and is responsible for the administration of justice."

### **2.1.7. Presumption of Innocence**

Article 37 of Iranian Constitution stipulates that innocence is to be presumed, and no one is to be held guilty of a charge, unless his or her guilt has been established by a competent court.

### **2.1.8. Public Trials**

Based on Article 165 of the Constitution, trials are to be held openly and Members of the public may attend them without any restriction, unless the court determines that an open trial would be detrimental to public morality and order, or if in case of private disputes, both parties request that it not be held openly.



### **2.1.9. Jury Trial**

Article 168 of the Constitution dictates that Political and Press offense will be tried openly and in the presence of a jury in courts of justice. The manner of selection of the jury, its powers, and the definition of political offenses, will be

Determined by law, in accordance with the Islamic criteria, Jury trials have been convened to deal with a variety of press offenses, most notably those arising from claims of private citizens against the press charging the latter of malicious defamation.

### **2.1.10. Right to Defense Counsel**

According to Article 35 of the Constitution, parties to any court proceeding have the right in all courts of law to select an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel. Furthermore on January 1991 the Parliament of the Islamic Republic of Iran adopted a legislation which reads as follows:

Single Article: The Parties to any court proceeding have the right to appoint an attorney and all courts including Legal, Penal, Revolutionary, Military, Special Courts for the Clergy and others should take place in the presence of a defense counsel in all stages of interrogation and court process;

Sub-article 1: Failure to comply with the provisions of the above article for the first time shall be punishable according to the third degree of disciplinary punishment and for the second time, the dismissal from judicial post. If a court denies the right of a party to appoint an attorney, and without the presence of the latter issues its verdict, such verdict shall be considered as null and void;

Sub-article 2: An attorney in his/her position of defending a case enjoys all the honors and privileges which are accorded to other judicial authorities."

Having been rejected by the Council of Guardians, the legislation was debated and endorsed by the Expediency Council on 3 October 1991, and thus turned into law. According to this law, any court decision adopted without the presence of defense counsel is invalid. The Supreme Court has on several occasions rejected verdicts reached by lower courts on this ground.

### **2.1.11. Right of Appeal**

According to Article 6 of the Law pertaining to the Revision of Court Verdicts and the Manner of Their Investigation, adopted on 6 October 1988, the defendant or his attorney or his legal deputy can, based on documentary evidence, request revision in the following cases:

(a) If he claims that the documentary evidence was not valid, or that witnesses committed perjury or were not competent to testify, from legal or religious points of view;

(b) If he claims that the verdict was contrary to law or religion; If he claims that the court or the judge was not competent.

(c) Under all circumstances, judgments involving capital punishment are automatically sent to a higher court for review, and can only be executed if approved by the Supreme Court. According to Article 482 of the Penal Statute, penal sentences will be put into effect after all legal processes have been exhausted; However I according to Article 484 of the same Law, "enforceable verdicts will not be Put into effect immediately in the following cases:

- (a) In the case of a sick convict, if the sickness prevents imposition of the punishment;
- (b) In the cases of pregnant women, or women who have recently had childbirth, until three months after delivery
- (c) In the cases of nursing mothers, until their children reach two years of age, applicable in those cases where enforcement of punishment would injure the child.

### **2.1.12. Habeas Corpus**

Article 124 of the Penal Adjudication Procedure Law states that: if an accused is kept under detention for more than 24 hours, without being turned over to prosecutors and informed of his charges, his detention will be deemed as arbitrary. If the guards commit such an offense, (delay in informing the prosecutor and introducing the accused for more than 24 hours), they will be discharged from their posts. In addition, prosecutor and the examining magistrate may be dismissed from their posts for such an offense.

### **2.1.13. Rights of the accused**

The legal system of I.R. Iran includes rules and regulations which guarantee the rights of the accused as follows:

- Anyone who is accused of a crime must be regarded innocent until proven guilty based on the laws (article 37 of the Constitution, paragraph 3 of article 14 of the International Convention of Civil and Political Rights, paragraph 1 of article 11 of the Universal Human Rights Declaration).
- The accused have the right to ask the arresting officer to show them some ID and also the judicial order for their detention.
- The accused have the right to remain silent before the questions posed by the court or by the prosecuting/investigating authority (articles 129 and 197 of Penal Code of Iran).

- The accused have the right to ask their interrogation officer to inform their families of their whereabouts at the earliest possible time so that, if needed, they may give bail or provide security (paragraph 5 of article of the single law of respecting legitimate freedoms and maintaining citizenship rights).
- The accused have the right to object to their writ of detention within 10 days so that the higher authority will look into it as soon as possible as an urgent matter. According to the law, the accused needs to be informed of this right (article 33 and note of the article 147 of Penal Code of Iran and item 2 of article 3 of the Reinstitution of the Public Prosecutor's Office Law ratified in 2002).
- In case bail or security is issued for the accused, they have the right to be immediately released by introducing an affluent personal surety or by providing the determined bail (note of article 13 and article 137 of the Penal Code of Iran)
- No bailiff from the Justice Department can enter the house the accused and inspect or search it without a judicial permit and without observing the legal arrangements (article 22 of the Constitution, 580 of the Islamic Punishment Law, articles 96 and 97 of the Penal Code of Iran)
- No bailiff from the Justice Department has the right to detain the accused unless in significant and clear crimes, in which case, they must inform the judicial authorities at the earliest possible time (24 hours at most) (article 24 of the Penal Code of Iran).
- The accused have the right to be informed of their accusation and the reason(s) behind it within at most 24 hours. The judicial authority is obliged to inform them within this time (article 32 of the Constitution and article 127 of the Penal Code of Iran).
- The accused have the right to study his case after the preliminary investigations have been finished and get to know its content (article 190 of the Penal Code of Iran).

- The accused have the right to ask the judge of the court or the public prosecutor's office on what grounds they have been summoned or arrested (article 124 of the Penal Code of Iran)
- The accused have the right to refrain from answering questions about detecting crime and prosecution which are not related to crime and prosecution or the ones related to personal and family affairs (paragraph 11 of the single law of respecting legitimate freedoms and maintaining citizenship rights)
- The accused have the right to read the papers of the proceedings of their investigations and avoid signing them in case they are changed or distorted. Also, if willing, they may provide the answers personally (article 131 of the Penal Code of Iran, article 12 of the single law of respecting legitimate freedoms and maintaining citizenship rights).
- The accused have the right to be tried in an impartial court and according to a just or fair procedure (article 10 of the Universal Human Rights Declaration).
- The accused have the right to ask the court to hold their hearing openly unless in cases prohibited by the law (article 188 of the Penal Code of Iran.).
- The accused have the right to be provided with enough opportunity and facilities in order to prepare for their defense and lawyer and having communications with their selected lawyer (articles 185 and 186 of the penal Code of Iran, paragraph 1 of article 11 of the Universal Human Rights Declaration, paragraph 3 of the single law of respecting legitimate freedoms and maintaining citizenship rights).
- The accused have the right to expect all the officials of the judiciary system to treat them according to humanistic values and dignity (paragraph 1 of article 10 of International

Convention of Civil and Political Rights, paragraphs 4 and 5 of the single law of respecting legitimate freedoms and maintaining citizenship rights).

- The accused who have been arrested illegally have the right to ask the respective authorities for the compensation of the damages (paragraph 5 of article 9 of the International Convention of Civil and Political Rights, article 1 of the Civil Responsibility Law and article 171 of the Constitution)
- The accused have the right to object to their sentence within the framework of the law and appeal to a higher court (item 5 of article 14 of the International Convention of Civil and Political Rights and articles 232 and 239 of the penal Code of Iran)
- The accused have the right to ask the public prosecutor's office or the court to pose their questions to the complaining witnesses so that they can prove their innocence.
- Any immature or teenage accused person has the right to be tried in a special court and, in case he is arrested or convicted, to be kept in a place separate from the adult convicts. (Paragraph "b" of article 10 of The International Convention of Civil and Political Rights, article 219 and note of article 220 of the Penal Code of Iran).
- The accused have the right to ask the respective authorities to be released unconditionally in case their innocence have been established or ask for the lifting of their bail and security in case their punishment or prosecution have been suspended (articles 144 and 213 of the Penal Code of Iran).

#### **2.1.14. The Necessity of the Presence of Lawyers in Trials**

According to article 35 of the Constitution, both sides in a judicial case have the right to choose lawyers for them and if they can not afford one, then they must be provided with the means and facilities to get one.

### **2.1.115. The Rights of the Detainees and the Situation of Solitary Confinements**

The Islamic Republic of Iran attaches great importance to criminals and providing them with desirable conditions in the prisons. So far, the prisons of Iran have been visited by several foreign and international delegations.

The Executive Statute of the Organization of Prisons (ratified in 10 December 2005) includes vast rights for the prisoners such as their right to receive humane behaviors, right of being equal to others, the right to benefit from rehabilitative programs, the right to enjoy health and medical treatment facilities etc.

Moreover, in order to develop and propagate the basics and standards of citizenship rights in prisons and houses of detention as well as observing the standards of Islamic and human laws, an office called “the Office of Supporting the Citizenship Rights of Prisoners” has been established so that the trend of decreasing the number inmates could be facilitated and the criminal could be better adjusted to the society. This establishment is in line with implementation of article 44 of the previously mentioned Statute. Among other things, this Office is duty bound to study and examines possible violations of citizenship rights in prisons and houses of detention. Some of the practical outcomes of this Office are: admonishing the supervisory judges in the prisons and judicial officials concerning the observance of law, preparation of pamphlets on the legal rights and obligations of the accused and convicts, constant and systemic cooperation with councils specializing in preserving the citizenship rights and other human rights institutes.

I.R. Iran’s Organization of Prisons has had active and constructive cooperation with similar organizations and international institutes in order to benefit from their modern and scientific services and has exchanged experiences with them, presented papers in seminars, held several workshops and visited prisons in other countries. This Organization has signed a MOU in this regard and has received several awards including the award of managing criminals and re-socializing them in the fifth international conference of ACPI.

I.R. Iran's cooperation with international mechanisms is continuing also and Mr. Jovani the special reporter of arbitrary detainments visited Iran and approved of the conditions of prisons and assessed the judicial files of the prisoners he requested according to the laws and non-arbitrarily. (Paragraph 42)

Concerning solitary cells, the I.R. Iran is one of the leading countries in converting them to group cells or in enlarging them to suites. Although solitary confinements have not yet been completely deleted in the world, Iran has successfully made efforts in order to reduce the solitary confinement from 1 month to 20 days according to paragraph 4 of article 175 of the Statute of the Organization of Prisons (ratified in 10 December 2005). Based on article 24 of the Penal Code of I.R. Iran, detaining the accused person before they are informed of their charges is limited to 24 hours. After this, the accused are handed over to the judicial system and therefore are entitled with all the respective rights.

Training courses on human rights are frequently held so that the knowledge of the prison staff is promoted. A training workshop called "Human Rights & Prisons" was held in line with this purpose with the participation of the heads of central prisons of Iran and with the presence of experienced university professors of penal laws, criminology and management of prisons with the cooperation of the peace and human rights seat of UNESCO and Tehran's Shahid Beheshti University.

#### **2.1.16. Capital Punishment**

Based on the laws of the Islamic Republic of Iran, every human being has the right to life, and this right should be respected and protected; this principle is confirmed and accepted in Article 22 of the Constitution. According to this Article, "the dignity, life, property, rights, residence and occupation of an individual are inviolable, except in cases authorized by law."

The envisaged right to life should be accompanied by freedom and enjoyment of all other civil rights. Therefore, according to Article 959 of the Civil Code of Iran, "Nobody can alienate himself entirely from the enjoyment or use of the whole or a part of his civil rights." Article 960 of the Civil Code further states that nobody can dispossess himself of his liberty or forgo the enjoyment of his liberty so long as it is within the limits of decency and when his action is not contrary to the law."

## Application of capital punishment in the Islamic Republic of Iran is:

- (a) Limited to those cases specified in the binding laws for perpetration of the most serious crimes.
- (b) Dependent on the trial of the accused in a competent court, passing of the sentence for the offender, finalization of the court verdict by the Supreme Court, and the communication thereof to the condemned party.

According to Article 473 (as amended) of the Penal Procedure Law, "The verdicts of penal courts are enforced in the following cases:

- (a) If no protest or appeal has been made within the legal time-limit;
- (b) If the verdict is confirmed by the Supreme Court;
- (c) In those cases where the request for appeal has been rejected or the rejection of the appeal has been finalized."

According to the Iranian law, the most serious crimes include:

- (a) Deliberate murder
- (b) Drug smuggling
- (c) Armed robbery
- (d) Adultery
- (e) Highway robbery

The application of each case and the conditions where the above punishment applies, are clearly stated in the relevant laws. According to Article 205 of the Islamic Punishment Law, deliberate murder entails retribution. If a deliberate murder is committed in self-defense, or in defense of the honor or property of the perpetrator or someone else, provided the defense is proportionate to the threat, then the offender will not be punished for murder.

An additional decision concerning crime punishable by execution is that of the State Expediency Council entitled. "The Law of the Campaign against Narcotics" of 25 October 1988.<sup>2</sup> The Law mentions that anyone who imports, exports, produces, distributes buys, sells or offers for sale more than five kilograms of hashish, henbane, opium or its precursors shall be punishable by execution.<sup>3</sup> Anyone who keeps hides or carries opium and other materials mentioned in Article 4, in excess of 5 kilograms, will be condemned to a cash fine ranging from 30 to 50 million Rials, to an imprisonment

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<sup>2</sup> Article 34 of this Law was amended on 13 December 1988.

<sup>3</sup> Article 4, Paragraph 4



term ranging from 10 to 25 years, and, in the event of repetition, to execution.<sup>4</sup> Anyone who imports, produces, distributes, exports, buys, sells or offers for sale, hides, keeps or carries more than 30 grams of heroin, morphine, codeine, methadone or other chemical derivatives of morphine and cocaine, as well as the juice and oil of hashish, will be condemned to execution.<sup>5</sup> In either case, the capital punishment would not be enforced on the first-time offenders.

It should be mentioned that addicts who carry or keep up to one gram of the narcotics mentioned will not be sentenced to the prescribed punishments. Furthermore, the punishment for armed smuggling will be execution.<sup>6</sup> In addition, anyone who willfully causes someone else to become addicted to the narcotics will be sentenced to 5 to 10 years for the first time, 10 to 20 years for the second time, and, if the offense is repeated, to execution.

Depriving a human being of life, the most precious gift from the Almighty, is indeed a most drastic measure that a state can take only in exceptional circumstances. Any number of capital punishment is too high. The dilemma faced by the Islamic Republic of Iran, however, is how to reconcile between this conviction and a deadly social menace which is not only threatening the very fabric of the society but in fact taking the lives of many innocent people. Apart from the theoretical argument on figures and what is reasonable or excessive, the situation of drug-trafficking in Iran is very much real and not theoretical or speculative. This problem is a devastating menace, which has necessitated an elaborate and costly comprehensive campaign. Although, the problem is international in nature and dimensions, the Islamic Republic of Iran has had to shoulder the entire burden on her own, including an utterly unfair propaganda campaign in Western countries. The prosecution of drug-traffickers to the fullest extent of the law should not be considered a violation of individual rights.

Iran, because of its geographical location, is the main transit route of narcotics from Asia to Europe. Looking to the lucrative markets of Europe, the merchants of death, riding in convoys of specially equipped armored vehicles, armed with heavy machine guns, and even at times supported by helicopters transit an enormous volume of various types of narcotics through Iran and distribute substantial amounts of these deadly substances inside the country, with the resulting surge in addiction, crime, violence and terrorism. The Western countries may wish to note that drug lords have sent communications offering guarantees of non-distribution of drugs within the Iranian territory in return of allowing a safe passage through Iran to the end-users in Europe. Although such alternative would have made Iran's task much easier, Iran has not permitted such harm to be done even to the very people who criticize it for its drug enforcement policies.

It is obvious that combating drug trafficking is an international responsibility and that these international outlaws should be prosecuted to the full extent of the law in order to guarantee the fundamental rights of other people. The advocacy of the right to life by the intended victims of these dangerous criminals gives them a wrong signal that they have the support of the international community and as such should continue their crime

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<sup>4</sup> Paragraph 4, Article 5

<sup>5</sup> Paragraph 6, Article 8

<sup>6</sup> Article 11

with impunity. It should be stressed here that not even one person has been charged, let alone executed, in Iran because of his or her non-violent political activities.

### **2.1.17. Commuting Sentence and Pardons**

According to Article 24 of the Islamic Punishment Law, "Pardon or Commuting of the punishment of the condemned, subject to the limits set by Islamic criteria, shall be at the suggestion of the Head of the Judiciary and discretion of the Leader of the Islamic Republic of Iran." Article 38 pertains to conditional release, the conditions of which have been specified; e.g., where half of the sentence has been served. Article 25 of the Law, relates to suspension of a punishment, which authorizes the court to suspend punishment for two to five years under prescribed conditions.

Article 3 of the Regulations pertaining to the Amnesty and Pardon Committee, approved on 9 February 1991, provides that the court in charge of enforcing a verdict or the National Organization for Prisons and Corrective Action may propose a pardon or commutation of the punishment.<sup>7</sup>

In the case of capital punishment, if after a final verdict has been issued, the person condemned to execution requests a pardon, then at the suggestion of the court charged with enforcement of the verdict, or of the National Organization for Prisons and Corrective Action, and pending the latter's decision, enforcement of the verdict will be postponed.

According to the rules of the State Judiciary System, there are two kinds of pardons: general and occasional. According to the above-mentioned Regulations, convicts can be pardoned on various occasions (at least nine national and religious occasions) every year. In addition, the Head of Judiciary can, whenever necessary, call upon the Committee to convene on other occasions.

Between March 1992 and December 1993, a total of 15,185 persons, convicted in Justice, Military and Islamic Revolutionary courts were pardoned, on various occasions. Most recently, on 10 January 1994, another 2,389 persons, convicted in Justice, Military and Islamic Revolutionary courts were pardoned on the anniversary of appointment of Prophet Mohammad (PBUH).

Furthermore, according to Article 11 of the Islamic Punishment Law, if, after the occurrence of a crime, a law is enacted that commutes the punishment or is otherwise more favorable to the offender, and if, according to the previous law, a final and binding verdict has been issued, then, the course of action will be as follows:

(a) The verdict on an act considered to be offense in the past, but not considered an offense according to the subsequent law, would not be enforced, and if it were in the

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<sup>7</sup> The following conditions are set for application of clemency measures:

(a) The person condemned to imprisonment is already in prison;

(b) The punishment, to the extent enforced, has had a positive effect on the rehabilitation of the, condemned person;

(c) There is no private complainant, or the latter's consent has been secured, or arrangements have been made for the payment of judgment debt;

process of being carried out, it would be suspended. In these two cases, and also if the verdict had already been carried out, no penal consequences would apply.

b) If the subsequent law prescribes commuting the punishment, then the condemned party can request retrial on that basis; in any case, the second punishment can not be more severe than the first one.

(c) If on the basis of the subsequent law, punishment of a crime were converted into corrective action, then only the latter action would be covered by the verdict

(d) If a person condemned to life imprisonment has served at least ten years, and in other convictions arising from either deliberate or unintentional offense, one-third and one-fourth respectively of the terms of imprisonment have been served.

### **2.1.18. Arrests and Treatment of Prisoners**

The laws of the Islamic Republic of Iran are based on prohibition of any form of mistreatment of individuals. This overriding principle has been accorded special attention in the Constitution. In order to ensure effective respect for this principle, not only has the Constitution provided for the punishment of those who ignore the prohibitions and commit acts of mistreatment and torture, but provisions have also been/ made for the legal protection of the victims of mistreatment. Furthermore, confession extracted through torture is invalid.

Article 38 of the Constitution states that: "All forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or to take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law."

As regards punishment for violators of the above, Article 58 of the Islamic Punishment Law, stipulates that: "If any judicial or non-judicial employee or official of the government subjects an accused to bodily harm for the purpose of extracting confession, or issues an order in this regard, the said official or employee will be sentenced to imprisonment from six months to three years. If the accused dies due to mistreatment or torture, the offender shall be liable to the punishment of a murderer or of someone who has ordered a murder." Furthermore, according to Article 59 of the said law, "Any government official or employee who subjects a convicted person to a more severe punishment than that covered by the verdict, or who orders such a punishment, or who otherwise imposes a penalty not covered by the verdict, then the said official or employee will be sentenced to the punishment prescribed in the said Article."

Article 39 of the Constitution provides that: "All affronts to the dignity and repute of persons arrested, detained, imprisoned or banished in accordance with the law, in whatever form, are forbidden and liable to punishment."

Furthermore, "Prison Regulations" were approved on 19 March 1989. It includes sections dealing with admission, identification and classification, census and inspection of prisoners, locations of prisons and prisoners, daily programs, rest areas, clothing and

bedding, prisoners' food, cleaning, prisoners' personal hygiene and health matters etc., as well as, the regulations pertaining to the rights of prisoners.<sup>8</sup>

According to Article 2 of the said Regulations, admission of the prisoner begins from the time when the accused or convict, by virtue of an official form signed and sealed only by the judicial authority of the relevant district issuing the decision or order containing the full particulars of the accused or convict, is delivered to the penitentiary by a recognized agent.

According to Article 23 of the said Regulations and its Notes:

1. Prisoners are assigned to various sections of prisons or correction institutions, depending on their record, age, sex, type of crime, prison term, physical and psychological condition, personality and aptitude, in accordance with the provisions of these Regulations and at the discretion of the Classification Council;
2. Women in general, and youths up to 20 years of age, whether accused or convicted, are kept separately and the Classification Council will make decisions about them in the manner provided for in the above Articles.

In addition to the public visiting places which, according to Article 83 of the Regulations, must be equipped with shelter-proof glass, telephone and soundproofing, the following are also available to prisoners:

- Prisoner can meet his or her spouse, children, father, mother, brother and sister in the presence of an officer;<sup>9</sup>
- In some cases and subject to the consent of the prison warden, prisoner may hold private meetings with his or her spouse and children without the presence of an officer;<sup>10</sup>
- Married prisoners can meet their spouses in private cells. Facilities are provided in this regard.
- Lawyers, if in possession of a power of attorney to protect the rights of their clients, can, whenever the occasion demands, appear at the prison during office hours, present their powers of attorney to the prison warden, and meet with their clients in a special room separate from the public meeting place.<sup>11</sup>
- In some cases such as the marriage of children, the death of close relatives; contraction of a severe disease or for the purposes of consolidation of family bonds, performance of necessary duties, or encouragement, a prisoner may be granted a furlough.<sup>12</sup>

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<sup>8</sup> Article 22 of this document was amended in January 1990, and a Note was added thereto and were published in the Official Gazette No. 12915 dated 5 July 1989 and No. 13078 dated 20 January 1990, respectively. The above regulations and amendments comprise 19 chapters, 24 sections, 180 Articles and 45 Notes.

<sup>9</sup> Article 85

<sup>10</sup> Article 87

<sup>11</sup> Article 89

<sup>12</sup> Article 115

- Some prisoners are granted weekend furlough on a regular basis.

According to Article 111 of the Regulations, in order to facilitate the prisoners' return to normal life, efforts should be made to maintain family bonds. For this purpose, prison social workers are obligated to maintain regular contacts with prisoners, to address their material and moral needs, and those of their families, through the relevant offices, and to play an effective role in establishment and consolidation of family bonds.

According to Article 37 of the Islamic Punishment Law, prisoners can be employed at their own request and with the permission of the court issuing the verdict of condemnation. In the case of ordinary offenders, and subject to the following conditions, it is possible to employ prisoners in industrial and agricultural organizations at the commencement of prison terms with income obtained from such employment belonging to him:

- (a) At the request of or subject to the consent of the prisoner.
- (b) If the prisoner is not a professional criminal and is not in a dangerous state.

In order to prevent the inability of a prisoner to provide compensation to the family of his victim from prolonging his prison term, a special committee has been established to pay the compensation on behalf of the prisoner. By March 1991, total of 218 prisoners had been released through this procedure, 95% of whom were married. Moreover, in order to prevent continuation of a criminal life by the prisoners after their release, they are recommended for employment in government agencies and factories.

### **2.1.19. Respect for the legitimate freedoms & protection of the rights of citizens' Act**

The act entitled "*Respect for the legitimate freedoms and protection of the rights of citizens*" which has been recently adopted consists of 15 points concerning human dignity and values. These points can be summarized as follows:

- Detection and prosecution must be based on the law and clear legal charges;
- Lawyers must be present at trials and unnecessary imprisonment avoided;
- "Assumption of innocence" is the basis of any investigation about the accused until the evidences to prove charges are clearly established;
- The accused has the right to a lawyer, must be detained only on the basis of clear legal charges and must be given the chance to verify written confession;
- Blindfolding, restraining, pestering and insulting of detainees must be avoided during arrest, interrogation and investigation;

- Agents carrying out interrogation should not hide their faces, nor stand behind the accused backs, nor take them to secret locations
- Utilizing technical and scientific methods of inspection and interrogation;
- Any torture to extract confession continues to be banned (in accordance with the Constitution) and the confessions extracted through torture are not legitimate and legal;
- Families should be informed of a defendant's legal status;
- The police should confiscate only relevant documents and material.

It is noteworthy that the above mentioned act was previously a constitution –based directive which later has been turned into a law by the Parliament.

## **2.1.20. Recent Developments**

### **a. Judicial Developments**

- Preparation of the second five-year development plan for the Judiciary Power with the following principal titles :
  - Drafting of the final version of Decriminalization Bill .
  - Drafting of the final version of the bill on alternative sentences and community service .
  - Review of the bill concerning the powers of judges in issuing court orders and writs (habeas corpus and collateral.(
  - Research projects, concerning specialization of courts by using latest world models .
  - Plan for establishment of efficient systems for supervision over the courts and optimizing the protection of judicial process against any probable harm, from the beginning to the end of proceedings .
  - Expediting the drafting of the Criminal Procedures Code in light of the new declared policies in the Judiciary Power and lobbying for its approval in the Islamic Consultative Assembly .
  - Drafting of the final version of the bill on prevention of crime

- Drafting of the final version of the bill concerning Dispute Resolution Councils and other quasi-judicial institutions .
- Preparing the plan on promoting public participation in supporting the victims of crime .
- Reviewing ways of promoting the culture of using lawyers and legal counsels .
- Preparing the plan on ways of revising the Islamic Penal Code.
- Drafting of law on reinstatement the offices of the public prosecutor in provinces .
- Preparing the plan on qualitative and precise implementation of the law concerning protection of citizen's rights .
- Following up of bills relating to judicial affairs in the cabinet and parliament

#### **b. Developments in prisons and prisoners affairs**

- Removal of prison metal fences to the extent possible in Evin, Rajaie Shahr , Kerman and Zahedan prisons .
- Conversion of solitary confinement cells into suites with basic living appliances.
- Granting of long leaves to prisoners ,about 400 thousands cases each year from 1991 to present, for the purpose of helping the morale of the prisoners and their families .
- Granting widespread amnesties on different festive and other occasions .
- Establishment of special assistance funds and using public donations to secure the release of those prisoners who are serving time for inability to pay back financial debts, 1400 cases annually .
- Teaching human rights concepts to the prison staff .
- Creating appropriate spaces for the continuation of education and schooling of prisoners – from basic literacy courses to advanced education. On the basis of an agreement with Payam Noor University (distant learning), more than 522 prisoners have been admitted to this university .

- Publishing books on human rights and the rights of prisoners and their distribution in prisons.
- Councils of Arbitration have been established to promote a culture of reconciliation among people and to avoid unnecessary recourse to tribunals. Negotiations between the parties in a judicial procedure are being encouraged in order to reach a conciliatory outcome, particularly in less serious cases; i.e. Cases relating to offences punished with less than 91 days imprisonment and with fines up to 5 million Rials;
- A center for legal counsel composed by judicial experts has been established in order to facilitate the access of people to legal assistance. This has allowed a better , more precise and more cost- effective resolution of judicial cases;
- The re-establishment of the Office of the Public Prosecutor has speeded up the consideration and resolution of cases;
- A number of legal bills have been drafted by the judiciary and are now ready to be submitted for consideration to the Majles ( Parliament): a draft bill on the establishment of courts for juveniles, another bill on alternatives punishments to imprisonment, and drafts on support of victim's relatives, crime prevention and computer-related offences;
- Establishment of Human Rights Committee within the judiciary which is considered as the high level human rights monitoring body in the country;

## **2.2. Civil and Political Rights**

The I.R. of Iran has provided for many laws in order to promote the political and civic rights in the country and has taken practical steps in order to implement them. Among the various mechanisms for promoting such rights, only 4 are mentioned below from the resolution of the general assembly:

### **2.2.1. Freedom of Press and Expression**

Article 24 of the Constitution, ensures freedom of expression and press, except when it is detrimental to the rights of the Public or against Islamic Principles. Article 175 of the Constitution provides that: "The freedom of expression and dissemination of thoughts on the Radio and Television of the Islamic Republic of Iran must be guaranteed in keeping with the Islamic Criteria and the best interests of the country." Furthermore, Article 168 of the Constitution on the freedom of the press provides for jury trials in cases of press offense.



In compliance with Article 24 of the Constitution, the Press Law was adopted on 12 March 1986. This Law consists of six chapters concerning the definition, mission, rights and limitation of the press, the qualifications of the applicant, the

Stages of issuing of a publication license and press offense, In Paragraph C of the said law it is clearly stated that efforts to remove false and divisive boundaries and to refrain from setting various strata of the society against one another, such as factionalism on the basis of race, language, customs, or local traditions are among the objectives of the press.

Furthermore, according to Article 34 of the said Law:” Offense committed by the press will be investigated by a competent court in the presence of a jury.

Recent statistics show that presently more than 2050 weekly, monthly, quarterly, bi-yearly and yearly publications on a variety of subjects ranging from current affairs to special interests and hobbies and 650 newspapers are published locally in the country. Most foreign publications are sold across the country and are also available in various libraries. Various ideas and political tendencies are represented in the domestic publications which engage in lively and at times heated debates over different aspects of national policy.

### **2.2.2. Freedom of Assembly and Association**

By virtue of Articles 26 and 27 of the Constitution, all Iranian citizens enjoy the fundamental right to peaceful assembly. Article 26 states that: "The formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted, provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them." Article 27 of the Constitution provides that "Public gatherings and demonstrations may be freely held, provided arms are not carried, and that they are not detrimental to the fundamental principles of Islam."

### **2.2.3. Political Parties**

In order to achieve the objectives contained in the above Articles, the Law Pertaining to Activities of Parties, Societies, Political and Professional Associations as well as Islamic and Recognized Religious Minorities Societies was adopted on 29 August 1981. Several Articles of the said law are as follows:

Political Parties, societies and groupings, and the like, are defined as organizations which have specific objectives and constitutions and which are established by a group of real persons who believe in a definite ideals and policies, and the behavior of which are, in one way or other, concerned with the principles of administration and the policies of the Islamic Republic of Iran system.

According to Article 10 of the Parties Law, a commission comprising representatives of the State Prosecutor General, political -judicial council, the Interior Ministry and two Majlis deputies are delegated with the responsibility of issuing operation permit for parties and supervising over them. The membership period in the commission is two years

In cases of press offense, the Executive Regulations of the Press Law, adopted by the Council of Ministers on 28 January 1987, provides that the Ministry of Islamic Guidance prepares grounds for the appointment of members of a jury in Tehran; henceforth, after formation of the jury, press offense will be investigated in public courts in the presence of a jury.

Article 6: Groups may freely engage in activities provided they do not commit offenses mentioned in Article 16 of the Law.

Note 2: Demonstrations without arms may freely be held with the prior notification of the Ministry of the Interior, provided that they are not detrimental to the principles of Islam; also, public gatherings may be freely held in public squares and parks after having obtained authorization from the above Ministry.

About 240 groups have so far been recognized as political group and parties, and applications of other aspirants are being evaluated in accordance with the provisions of the above law. Other groups, not yet recognized as official parties, are engaged in social and political activities and freely disseminate their ideas and viewpoints in meetings and through printed media.

#### **2.2.4. Trade Unions**

Article 2 of the Law Pertaining to Activities of Parties, Societies, Political and Professional Associations defines trade unions and covers the formation of trade guilds.

Furthermore, Article 131 of the Labor Code provides that: "In compliance with section 26 of the Constitution of the Islamic Republic of Iran, and in order to protect the legitimate and statutory rights and interests of workers and employers and to improve their economic situation in a manner guaranteeing the protection of the interests of society as a whole, the workers subject to the Labor Code, and the employers of a given profession or industry, may establish guild societies. Note one of the above article states ~hat, in order to coordinate the fulfillment of their assigned statutory functions, the guild societies may set up guild society centers in the provinces and a Supreme Council of Guild Societies at the national level.

A very active labor organization exists for the benefit of all workers and covers 1,450 manufacturing units throughout the country. It participates actively in national politics, nominating candidates for elected office.

#### **2.2.5. The Situation of Laborers in Iran**

The laborers and workers in Iran are supported by the Labor Law and the standards set forth by ILO. According to this law, the Islamic Council of Labor is considered as the nationwide union of the laborers in the country. This union stages numerous gatherings and demonstrations every year and is highly active in promoting the rights of the laborers.

According to the examinations conducted, the I.R. of Iran has placed many programs on

its agenda in the area of promoting the standards and the variety of labor unions and has had concrete results. There are millions of workers in Iran many of who have had high education. Annually many workers receive awards for getting promoted in education and ranks.

The efforts made by the civic community and the large number of work gatherings and the good performance of the police in this regard bear witness to the principled policy of Iran in providing the freedoms of the gatherings and associations dealing with laborers and workers. Independent unions can also apply for a license and after their name is registered they may start their activities just like other associations and unions.

#### **2.2.6. City Councils**

Based on article 7 of the Constitution and in order to promote the participation of people in managing the public affairs and localizing most of the decision-making and planning, the law of councils was approved by the parliament on 22 may, 1996. In the last 10 years, 3 nationwide elections have been staged for the councils.

#### **2.2.7. Human Rights Defenders**

Activities in the area of promoting human rights are done by governmental and non-governmental entities:

On the governmental front, there are various centers located in the Ministry of Foreign Affairs, Ministry of Interior, Human Rights Council of the Judiciary, the Presidential Office for Women and Family, the Office of Supporting the rights of women and Children and provincial councils in charge of ensuring the fulfillment of citizenship rights. They have taken vast measures and have been highly active in defending the rights of the public and in promoting the frameworks and standards of human rights as well as in drafting the new and advanced standards of human rights.

There are also respective fractions in the parliament, city councils, Municipalities and NGOs active in the affairs of women, children, immigrants etc. they, too, have had great records in improving and promoting the human rights inside the country.

In light of the above-mentioned, the I.R. of Iran announces that no body in Iran has been

arrested for being active in the area of human rights.

## 2.2.8. Situation of Minorities

According to the sublime teachings of Islam, the God Almighty has created all humans equal, and only by having divine virtue and human perfection, they can have superiority over each Other. Based on divine religion of Islam, race, ethnicity etc. are not the resources for superiority. Thus, discriminative perception cannot be effective in the current laws, bylaws and

Policies of the Islamic Republic of Iran, which are based on Islamic Sharia; similarly, you can not find any kind of discrimination among different groups or individuals in any part of our laws (either in our Constitution or related laws).

In this regard, the Holy Koran says, “God forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for God loveth those who are just.” [\(AlMumtahina Verse: 8\)](#) The Iranian society is a good and successful example of friendly and brotherly coexistence among different religious and ethnic groups. One of the most important principles of the government is to further promote and strengthen such favorable conditions and, in this regard, various measures have been adopted

The Constitution of the Islamic Republic of Iran, the civil code and government practice provide very broad freedoms for members of recognized religious minorities, including the applicability of their canon laws to their personal and communal affairs as well as reserved seats in the Parliament.<sup>13</sup>

Even national courts must abide by the respective canon law in matters pertaining to recognized religious minorities. During a dispute over law between two civil court branches over two cases relating to Armenians, the General Bureau of the Supreme Council ruled that "in accordance with Article 13 of the Constitution, courts shall abide by the practices of religious minority groups, except for issues of public security.

All recognized religious minorities enjoy equal political, economic, social and cultural rights with Muslims. Article 26 of the Constitution states that "the people shall be free in the establishment of religious, political, and professional parties, associations and Islamic societies or the societies of recognized religious minorities provided that association is not inimical to the principles of independence, liberty, sovereignty, national unity and the Islamic precepts and the foundation of the Islamic Republic. Individuals are free to participate in such groups. No one may be prevented or forced to participate in such groups".

Religious minorities have reserved seats in the Islamic Consultative Assembly (Parliament). Out of the total 270 parliamentary representatives, five members are elected

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<sup>13</sup> Article 13 of the Constitution

as follows: Zoroastrians and Jews, each one representative; Assyrian and Caledonian Christians: collectively one representative; Armenian Christians in the north and the South: one representative each. It should be noted that seats reserved for recognized religious minorities is quite disproportionate to their overall population. Had minorities been Muslims, with their overall population of 213,600, they would have had the right to only 1.5 seats instead of the present five.

Furthermore, in the last part of Article 67 of the Constitution dealing with the oath by representatives of religious minorities in the first session of the Islamic

Consultative Assembly, it is stated: "Members belonging to the religious minorities will swear by their own sacred books while taking this oath."

Even though minorities can enroll in regular schools, they also have their own private schools. In these schools, which are financially supported by the Ministry of Education, minorities read their language and practice their own religion. Minorities may easily enter universities. In fact, Armenians hold a department on Armenian language at Isfahan University. Minority group's religion is no impediment to their employment in the government.

Moreover, In addition to national holidays, minorities have their own religious holidays; For example, in the case of the Zoroastrians minority, in addition to other national holidays they enjoy five other special holidays.<sup>14</sup>

Minorities have their own cultural programs and sports clubs, even though they may freely use public centers.<sup>15</sup> Also, their ancient monuments and religious and historical places are protected and funded by the Government.

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<sup>14</sup> Letter No. 7882/8 of Tehran Education Department and the Decision of 216th Session of the Supreme Education Council, dated 16 November 1980.

<sup>15</sup> According to the statistics of the Islamic Guidance Ministry, each minority group including the *Assyrian Society of Tehran*, the *Zoroastrian Society of Tehran*, *Gregorian Annenians*, *Catholics* and *Chaldeans* in Tehran, have the following cultural centers in addition to churches, synagogues or prayer centers:

(a) Catholic Armenians have convents for sisters, foster homes, a council for catholic Armenians in Tehran, primary, secondary, and high schools for boys and girls, and charity center~ of the Saint Mary Church

(b) Assyrian Christians have convents, educational and sports centers, an Assyrian society, society for Assyrian graduates, charity center and a Catholic Chaldeans Council

(c) Gregorian Armenians have a sports club, a cultural society, charity centers, a society for graduates from Iranian universities, a women's society, a society for Armenian teachers and doctors, a society for Armenian writers, primary, secondary and high schools, newspapers and a publishing house

(d) Chaldeans have 12 youth homes, a center for women, a sports club, a kindergarten, a society for intellectuals, and primary and secondary schools

(e) Zoroastrians have 20 cultural centers, namely *Adrian* centers, foundations, organizations, and societies. They also hold 35 praying centers, 33 schools at all levels, 9 hospitals, clinics and health centers, 31 societies in Tehran and other places, 7 libraries, and 10 sports clubs. Iranian Armenians have three Armenian publications called the *Alik*, the *Arakas*, and the *Horu*. Zoroastrians have three Farsi newspapers, namely *Forouhar*, *Human*, and *Chista*.

## Situation of Other Non-Muslims

The absence of recognition of other non-Muslims simply means that the above-mentioned freedoms granted to the recognized minorities even as far as conducting their personal and communal affairs according to their own canon law cannot logically be granted to any cult. It does not imply that such groups do not enjoy rights; rather as a citizen of Iran they enjoy all the rights granted to other citizens. Regarding the legal status of these individuals or groups, the following provision of the Constitution of the Islamic Republic of Iran can be cited:

1. According to Article 14 of the Constitution, "It is incumbent upon the Government and the Muslims to observe the human rights of non-Muslims with goodwill and according to the principle of Islamic justice."
2. Based on Article 22 of the Constitution: "The dignity, life, property, rights, residence and occupation of an Individual are Inviolable, except in cases authorized by law,"
3. Article 23 of the Constitution states, "It is forbidden to subject people to inquisitions about their beliefs and no person may be molested or reprimanded for the mere possession of a certain belief."

The same applies in practice. Although the followers of other beliefs are not accorded the broad privileges of recognized religious minorities, they can enjoy the same rights as any other citizen in the civil society. No one can be persecuted or deprived of his right as an Iranian citizen for his beliefs.

## Bahá'ís in Iran

Just like other countries<sup>16</sup>, only a limited number of religions have been announced as official Religions in Iran. Although Bahaism is not considered an official religion, its followers enjoy social, civic and citizenship rights. Bahaism has not been identified by any Islamic country and the Organization of Islamic Countries. Some aspects relating to the citizenship rights of Bahais are as follows:

- The followers of this cult have their own cemeteries throughout the country and their dead are buried according to their customs and traditions.
- They can enroll in schools just like others. They can travel inside and outside Iran just like other citizens and their visa are issued freely.
- Bahais teachings start at the age of four. For this purpose, an institute has been formed teaching all Bahá'ís of all ages.
- Geriatric hospitals have been created for elderly Bahá'ís.

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<sup>16</sup> such as Belgium, Greece etc

- Economically speaking, they can get work and profession permits and there are no poor Bahá'ís in Iran. They may travel abroad to do business and they are provided with equal banking and commerce facilities.
- They may very well go to universities to continue their education. Contrary to what the fans of this cult claim overseas, every year tens of Bahá'ís graduate from universities.

### **Measures Adopted at the National and Local Levels**

In order to further promote the presence of Religious minorities in different fields of decision-making and in order to broaden their active participation in various areas, some measures have been adopted at national and local levels within the framework of the current Constitution. Here, some of these measures will be referred to as follows:

#### **Political Area**

1- The religious minorities have five representatives in the Islamic Consultative Assembly (parliament) of Iran. Two representatives from Armenians, one representative from Assyrians, one representative from the Jews and one from the Zoroastrians. In spite of the fact that Iran has a population of 70 million and that there are only 290 MPs, we will find that religious minorities with populations of only 200 thousand have five representatives altogether in the Islamic Consultative Assembly.

2- According to article 10 of the Commission of the Parties of the Ministry of Interior, all the religious minorities' organizations and groups can have the permission to perform their activities (most of the associations, organizations, and cultural-social groups of the minorities are officially active in Iran).

3- Interactions and relations of high-ranking officials of the government with the minority groups.

After the victory of the Islamic Revolution of Iran, we can now witness good interactions and relations between the high-ranking officials and the minorities in Iran more than any other community, which indicates the great importance our high-ranking officials of our country

attach to religious minorities in the Islamic republic of Iran. In this regard, a good example is the presence of the then president of Iran in a Jewish festival in a synagogue in Yousefabad in 2004, which was unique in the history of the Jews living in Iran (2700 years).

4- To allocate special code from state budget for religious minorities for 17500000000 Rials annually.

a- for Armenians from Tehran and northern areas 5400000000 Rials

b- for Armenians from Southern areas 2420000000 Rials

c- for Assyrians 3000000000 Rials

d- for Zoroastrians 3680000000 Rials

e- for Jews 3000000000 Rials

### **Cultural-Social Areas**

The minorities in Iran,

1- Enjoy permits to publish various journals.

2- Are free to renovate their historical monuments.

3- Are free to have their own especial schools.

4- Are free to teach and to be taught in their ethnic language.

5- Are free to hold religious ceremonies and rites.

6- Enjoy state budget and credits.

7- Enjoy facilities for the issuance of passport and the permission to exit the country.

8- are free to choose their school principals and teachers from among their own people.

### **Legal Area**

The minorities in Iran,

1- Are free in their personal affairs.

2- Enjoy pension payments.

3- Enjoy the same amount of blood money that is paid to Muslims.

4- Have seen the amendment of the religious minorities' inheritance issue in favor of the minorities supported by 199 MPs.



## **Economic Area**

The minorities in Iran,

- 1- Can attain basic approvals for economic activities.
- 2- Can participate in economic areas of the society.
- 3- Have the chance to be employed on the public sector.
- 4- Enjoy banking facilities for economic activities.

About the above-mentioned issues, we would like to present some information concerning each religious minority:

### **The Christians:**

#### **Political Area**

The Christian minorities in Iran

- 1- Have the privilege of having 3 representatives in the Iranian parliament (although they have such a small population).
  - a- One representative for the Armenians from Tehran and northern areas.
  - b- One representative for Armenians from southern parts.
  - c- One representative from Assyrians.
- 2- Have privilege of having active NGOs in various fields.
- 3- Presence of 9 Christians in the city and urban councils of the cities of Urumieh, Faridan and Fereydoun-shahr.

#### **Cultural-Social Areas**

The Christian minorities in Iran,

- 1- Are free to publish monthly or weekly newspapers, publications or magazines in the country (for example, magazines entitled Elik, araks, Peyman etc.)
- 2- Have 200 churches all over the country.

- 3- Have the right to holding cultural and sports activities.
- 4- Have the opportunity to continue their studies in universities at various academic levels.
- 5- May very well have the Cultural and Heritage Organization of Iran Renovate or repair their churches and other holy sites.
- 6- Have a large number of religious places and sites.
- 7- Have exclusive cemeteries.
- 8- Have seen the registration of some of the churches as national monuments of Iran and. The officials attach an utmost importance to their preservation.
- 9- Have the permission for publishing books or selling them in stores.
- 10- Can be employed in universities and public sector.
- 11- Enjoy welfare facilities just like other citizens.
- 12- Are free to have private schools in different educational levels.
- 13- Enjoy freedom in holding religious ceremonies and rites.
- 14- Can receive passports and can travel outside the country just like other citizens.
- 15- The support and aid of the Islamic Republic of Iran to religious, cultural and social bodies of minorities are as follows:
  - a) Supporting the preservation of educational centers of the Christians particularly their schools.

b) Supporting the establishment and preservation of educational-cultural centers of Christians particularly their sports towns and centers.

c) Supporting Christians' health centers particularly geriatric hospitals.

d) Contributing to the preservation of Christian cultural heritage (renovation of 40 churches)

e) Giving the Christians an opportunity to participate in national, international, global and regional scientific Olympiads.

16- Permitting the Armenians' to teach in their own languages in their schools (there are about 50 private schools for Armenians)

17- Permitting them to have a religious school called "Khalifeh Council".

18- Holding more than 9 rounds of religious dialogues with the concept of "peaceful coexistence".

19- Producing social and historical films in the field of Christianity.

20- Enabling the Christians to continue education at the highest level in universities.

### **Legal and Economic Areas**

The Christian minorities in Iran,

1- Enjoy equal civil rights like other citizens.

2- Enjoy equal blood money like Muslims.

3- Enjoy pension salaries.

4- Are free in their personal affairs.

5- The Christian students shall enjoy Christian religious holidays in their schools.

### **The Jews:**

#### **Political Area**

1- In spite of small population of the Jews in the Islamic Republic of Iran our Constitution says that Jews can have one representative in the parliament.

2- The representative of Jews was actively present in the drafting of the Constitution in Iran after the victory of Islamic Revolution in the Experts assembly.

3- The Jewish minorities enjoy the privilege of having different active NGOs in various fields.

4- There are 32 special Jewish associations and organizations active in Iran.

#### **Cultural-Social Areas**

The Jewish minorities in Iran,

1- Practice their religious rites and activities in 76 synagogues.

2- Have access to related religious places.

3- Can receive cultural, artistic and recreational permits.

4- Can very well renovate, repair and maintain their holy sites.

5- Can continue their education at all at levels in universities.

6- Hold licenses for publishing their own periodicals (“Ofogh Bina” a journal affiliated with the organ of the Association of Jews in Tehran etc.)

7- Have special schools for Jews and are free to teach in Hebrew.

8- Enjoy government’s support in repairing and renovating their religious sites.

9- Freely practice their religious rites and customs in religious and holy places.

### **Legal and Economic Areas**

The Jewish minorities in Iran,

1- Hold work permits in different professions.

2- Can attain basic approvals for their economic activities.

3- Are present in various economic areas.

4- Are present in domestic and foreign trade.

5- Can freely buy, sell and own movable and immovable properties.

6- Can be employed by governmental organizations.

7- Receive the same amount of blood money as the Muslims do.

8- Enjoy pension salaries and different insurance benefits.

9- Are free to use their civil rights just like other citizens.

**The Zoroastrians:**

**Political Area**

The Zoroastrians in Iran,

- 1- Have one representative in the parliament (although their population is very small).
- 2- They have 10 representatives in city and village councils (Yazd province)
- 3- Freely practice their various social and civil activities in 28 associations.
- 4- Have active NGOs in different areas.

**Cultural-Social Areas**

The Zoroastrians in Iran,

- 1- Freely practice their rites and customs and do their worshipping throughout the country.
- 2- Have access to various religious places.
- 3- Have special schools for Zoroastrian minorities (38 schools)
- 4- Are allowed to publish and distribute different books and journal (“Frouhar”, “Chista”, “Chapkhaneh Rasti” etc.)
- 5- Receive cultural, art and recreational permits.
- 6- Can renovate, repair and maintain their holy sites.

7- Can continue their education in universities in different academic levels.

8- Can hold international conferences like the Conference of the Zoroastrians of India and Iran.

9- Holding the Conference of Commemorating Three Thousand years of Zoroastrian culture with the participation of Zoroastrian guests from all over the world (2003)

### **Legal and Economic Areas**

The Zoroastrians in Iran,

1- Hold work permits in different professions.

2- Can freely make economic investments.

3- Can be employed by the government

4- Are present in various economic areas at the national level.

5- Can attain basic approvals in various economic areas.

6- Receive the same amount of blood money as the Muslims do.

7- Enjoy pension salaries and other insurance benefits.

8- Have freedom in personal affairs.

9- Enjoy equal citizenship rights.

10- Are entitled to take vacations exclusive to Zoroastrians (students, civil servants etc.)

11- Can freely practice their religious rites and customs in religious places and sites.

### **2.2.9. Freedom of Religion and Belief**

According to the Constitution of the Islamic Republic of Iran, Islam is the Official religion (*Ja'afari Isna Ashari* is the official school of jurisprudence). At the same time by virtue of Articles 12, 13 and 14 of the Constitution:

1 Other Islamic Schools are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal Status and related litigation in the courts of law.

2. *Zoroastrian, Jewish and Christian* Iranians are recognized religious minorities, who within the limits set by the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education

3. The Government of the Islamic Republic of Iran and all Muslims are duty bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran. The term "non-Muslim" here also means those persons who do not believe in monotheism

### **Legal Assurances and General Policies Concerning the Combat against Discrimination based on Religion and Belief**

According to the Constitution of the Islamic Republic of Iran, the religious minorities can freely practice their customs and rites and follow the laws of their faiths and personal affairs.

Article 12 of the Constitution stipulates that:

The official religion of Iran is Islam and the Twelver Ja'afari School [in usual al-Dine and fiqh], and this principle will remain eternally immutable. Other Islamic schools, including the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi, are to be accorded full respect and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance and wills) and related litigation in courts of law.



In regions of the country where Muslims following any of these schools of fiqh constitutes the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school of fiqh, without infringing upon rights of the followers of other schools.

In addition, article 13 of the Constitution expresses that: “Zoroastrians, Jewish and Christian Iranians are the only recognized religious minorities who within the limits of the law are free to perform their religious rites and ceremonies and to act according to their own canon in matters of personal affairs and religious education”

Article 19 says:” All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights and color, race, language, and the like, do not bestow any privilege”

Article 20 of the Constitution states:” All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy the protection of the law and enjoy all human rights including political, social, and cultural rights in conformity with Islamic criteria”

The above-mentioned items are not only reiterated by the Constitution but also in the normal rules and regulations of the country including an article called “the law of observing the personal affairs of the non-Shia Iranians ratified in 1923”. According to this law, the courts should stick to rights of the followers of the faiths, which have been recognized concerning matters of personal status and will and inheritance, and act according to the stipulations and regulations of their faiths except when they contradict the social and public order.

Also, article 143 of the executive statute of the Organization of Prisons and Security and Correctional Measures (ratified in 2001), stipulates that upon the entry of prisoners belonging to minority groups to the prisons, their faiths need to be mentioned in the prison forms and the prison authorities must seek the aid of the Ministry of Islamic Culture and Guidance to provide them with the required facilities so that the said prisoners can perform their customs in the prison. Articles 144 and 145 of the same statute articulate “any prisoner who believes in one of

the official religions of the country can have a holy book, a praying book and praying mat for doing his worshipping in his cell or room. With the approval of the warden of the prison, any prisoner who believes in one of the official religions of the country can ask for a religious leader to come to him in order to give him religious guidance in performing the religious customs and rites.”

In the Islamic Republic of Iran, the freedom of religious ceremonies and rites, security of temples and sacred places, dignity of spiritual leaders, judiciary independence, economic activities and freedom in social relationships are equally assured for all the citizens. Therefore, cases like prevention of racism and xenophobic beliefs concerning religions and their followers (paragraph 3), physical assaults on worshipping places and cultural centers of religious minorities (paragraph 4) and guaranteeing the prevention of insults to Islam and other religions in combating terrorism (paragraph 5) mentioned in resolution 61/164 of the General Assembly are not found with regards to the Islamic Republic of Iran.

### **The measures taken in line with preventing the release of the audio-visual products aimed at creating provocations against Islam and other religions**

The Islamic Republic of Iran respects the beliefs and values of other divine religions and faiths and practically supports the domestic and foreign products and works (films, pictures, art works etc.) made and produced with the purpose of promoting the global knowledge and familiarity with the lives of holy prophets and divine religions.

It needs to be mentioned that, in recent years, many films and books have been prepared whose themes are related to divine religions in Iran. These products have been warmly welcomed by the religious minorities inside Iran. In addition, the government of I.R. Iran has always expressed its disagreement and discontent with the products prepared against the cultural and religious background of nations (cases like cartoons insulting the sanctity of the Holy prophet of Islam published in Danish papers, the stupid “300” movie produced by Warner Brothers of Hollywood, “Fitna”, and also the granting of the knighthood title to Salaman Roshdi, the writer of the “Satanic Verses” by a British authority).

## **The educational measures taken in line with preventing religious discriminations by public figures, executive authorities, the military people and civil servants**

Establishment of dispute settlement councils special for the religious minorities and appointment of people from among the same minorities to hold posts in them including the establishment of council special for the Zoroastrians, Jews and Armenians.

In this line, the required judiciary trainings on different legal matters have been presented to people through different TV channels and also privately and personally for the judges of the country. Of course, these trainings have been aimed at further familiarity of the public with various legal subjects.

In order to implement the articles of the Constitution so that all the people will enjoy the stipulated rights in the rules and regulations, article 570 of the law of Islamic punishment reiterates that: “any governmental official or authority who breaks the laws by depriving people of their freedoms or rights is not only dismissed from his duty banned from employment by the government for 3 to 5 consecutive years but will also be sentenced to six to 3 years of imprisonment”.

### **Education for all**

Since knowledge was chosen as the main basis for the advancement of the country, education has been given a great and significant status and importance in the 20-year outlook plan of I.R. Iran and other national plans. Almost in all the aspects of this national plan, the great importance of education is seen.

a- Considering the articles of the Constitution (especially article 30), all the ratifications of the high council of education are made based on the principle of the enjoyment of all individuals of education in a just and equal way.

b- As a part of its policies and planning in the education system of the country, the Ministry of Education of Iran has drafted the needed laws and has allocated the budget for combating deprivations in order to eradicate the inequalities existing in education system in the marginalized regions of the country.

c- In the development plans of the country, the proprieties have been given to the increasing of the educational coverage with an emphasis on educating the girls, exceptional children especially in marginalized and vulnerable regions, increasing the literacy rate in the people aged from 10 to 40 and promoting the educational quality. These have been considered as the priorities of the educational system of Iran.

d- Paragraph (b) of article 52 of the fourth development plan which says that education is compulsory until the secondary school is completed, has been sent to all the ministries and deputies of Education and the Organization of Management and Planning of Iran (ratified by the Council of Ministers in 2005). According to this law, the Ministry of Education is obliged to materialize this by the end of the fourth development plan of the country. In addition, this Ministry needs to identify the dropouts and provide them with the chance to continue their education. In addition, considering paragraph 7 of the statute of the Ministry of Education, this Ministry must hand over the names of the parents or legal guardians who do not let their children go to school and get educated to the respective judicial authorities based on article 4 of the law of supporting children and teenagers ratified in 2002.

e- The Ministry of Education has had various programs in recent years for the promotion of the education coverage in marginalized regions. The most important ones which have been carried out are as follows:

- Implementation of the ‘education for all’ program
- Utilization of the distant learning for the education of students in marginalized regions
- Development of boarding schools and exemplary schools in marginalized areas

- Development of the education of the nomads
- Development of general education in villages
- Development of the high schools and adult schools in villages
- Development of the pre-elementary education in the country

**The measures taken in line with promoting the dignity and respect of the religions as well as in line with global dialogue for the culture of peace**

The principled and practical policy of I.R. Iran at the domestic, regional and international levels has been based on combating the different forms of racism, racial discrimination, xenophobia and the related intolerances. Our country's efforts for the deletion of apartheid in South Africa included a wide range of measures such as the imposition of oil embargoes, joining the respective international conventions and an active participation in international endeavors. On the domestic level, too, the I.R. Iran has strived for the expansion of bilateral cultural ties by increasing the tolerances and cementing the national solidarity through holding various cultural and art seminars, holding dialogues among religions on different topics and also by holding international conferences for religious minorities. These measures are still being taken.

Believing that one of the most effective ways of combating the various symbols and manifestations of discrimination at the international level is the propagation of and promotion of the dialogues among cultures, religions and different civilizations and also respecting the cultural diversities, the Islamic Republic of Iran proposed the idea of dialogue among civilizations in the past years which was intended to confront the idea of clash of civilizations. This idea was embraced by the international community and was welcomed in the Durban document. With regards to respecting cultural diversities, Iran submitted the initiative of the resolution of cultural diversity in the General assembly of UN and this resolution has been

submitted and ratified in this Assembly for the last 5 years. It needs to be explained that I.R. Iran held a conference on Human Rights and Cultural Diversity in Tehran with the cooperation of Non-aligned Movement member states in which the ministers of the said countries and the High Human Rights Commissionaire took part in order to institutionalize the importance of respecting the cultural diversity. It is noteworthy that at the end of this Conference and with the approval of all the members of NAM, the center for the human rights and cultural diversity of NAM states was established in Tehran in order to institutionalize this matter.

## **2.2.10. The Rights of Women**

### **Equality before the Law**

In accordance with Article 3, Para 14 of the Constitution, the Government is bound to do its utmost towards, "Securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as ensuring the equality of all before the law." Furthermore, it is clearly stated in Article 20 of the Constitution that: "All Citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social and cultural rights, in conformity with Islamic criteria."

Based on the conviction of the Islamic Republic, women should be held in high esteem and all their rights be observed. Article 21 is devoted exclusively to guarantees for the protection of all aspects of women's rights. It stipulates that " The Government must ensure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following:

- (a) The creation of a favorable environment for the growth of women's personalities and the restoration of their rights, both material and intellectual;
- (b) The protection of mothers, particularly during pregnancy and childbearing, as well as, the protection of children without guardians
- (c) The establishment of competent courts to protect and preserve the family;
- (d) The provision of special insurance for widows, aged women and women without support.

### **Right to Work**

In the Islamic Republic of Iran, as a matter of principle, women and men have equal social, political and other rights. Women can hold various governmental and non-governmental posts, and they can participate in referenda, as well as, in national and local elections with equal voting rights to men. They can, while enjoying equal rights to men,

be ministers, members of parliament, attorneys-at-law, university professors, or hold other high offices.

According to Article 6 of the Labor Code: "... All individuals, whether men or women, are entitled to the same protection of the law; and every person has the right to freely choose an occupation, provided that such occupation is not inconsistent with the Islamic principles or the public interest and does not violate other peoples' rights." There are certain responsibilities and obligations envisaged for men from whom women are exempted, while continuing to enjoy relevant rights and benefits. These rights and benefits include inter- alia:

- "Women shall not be employed to perform dangerous, arduous or harmful work or to carry, manually and without mechanical means, loads heavier than the authorized ...,<sup>17</sup>
- "Women workers shall be entitled to 90 days of maternity leave, of which 45 days shall, if possible, be taken after delivery. The said maternity leave entitlement shall be extended by 14 days for women giving birth to twins.<sup>18</sup>
- "On termination of maternity leave, a woman worker shall return to her work, the duration of such leave being considered a part of her effective service, subject to confirmation of the Social Security Organization."<sup>19</sup>
- "During maternity leave, wages shall be paid in accordance with the provision of the Social Security Organization Act."<sup>20</sup>
- "Where, on the advice of a physician ... a type of work is deemed too dangerous or arduous for a pregnant worker, the employer shall, without reducing her remuneration, provide her with more suitable and easier work until the end of her pregnancy."<sup>21</sup>
- "In work-places, employing women workers, nursing mothers shall be granted a half-hour break every three hours to enable them to nurse their children until they reach two years of age; such breaks shall be regarded as part of the hours of work. Furthermore, the employer shall set up child-care centers according to the number of children, with due regard to their age."<sup>22</sup>

## Equal Pay

In Article 38 of the labor Code, adopted on 24 October 1989 also ratified by the State Expediency Council on 20 November 1990, the need *for* the above equality and non-discrimination is expressed explicitly as follows: "Equal wages shall be paid to men and women performing work of equal value in a work-place under the same conditions. Any discrimination on the basis of age, gender, race, ethnic origin and political and religious convictions shall be prohibited." Violations of these provisions shall be punished in accordance with Article 174 of the labor Code.

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<sup>17</sup> Article 75 of the Labor Code

<sup>18</sup> Article 76 of the Labor Code

<sup>19</sup> Note 1 of Article 76 of the Labor Code

<sup>20</sup> Note 2 of Article 76 of the Labor Code

<sup>21</sup> Article 77 of the Labor Code

<sup>22</sup> Article 78 of the Labor Code

## Political, Social and Cultural Participation

Women in Iran are active in social and political life of the country and have high profiles in the official governmental positions. The most notable are: eight members of the Parliament, Adviser to the President on women's affairs, Advisers to the Ministers of Interior, Health, Higher Education and Labor, Adviser to the head of Islamic Republic of Iran Broadcasting, a number of Directors-General in Government Ministries, as well as many executives in the public and private sector.

Recently the Ministry of Higher Education of the Islamic Republic of Iran announced that there are no gender restrictions for choosing various disciplines in the universities. In fact, women in Iran are among the leading university students in engineering and medicine. The majority of teachers are women, who are extremely active in education.

Women are active in sports as well. The statistics shows that In 1991 300,000 women are members of various sports clubs. Women participate In international sporting events. The Islamic Republic of Iran hosted last year. the First International Games for Ladies from Islamic Countries.

## Rights and Special Privileges of Women in Marriage

According to Islamic tradition, as well as regulations of the Islamic Republic, women constitute a willing partner in marriage, and their consent is required both for the initiation as well as for the termination of this institution.

Furthermore, a number of provisions in Iranian legal system are geared to guarantee economic well-being and independence of married women, including:

- The wife can independently do what she likes with her own property.<sup>23</sup>
- Immediately after the marriage ceremony I the wife becomes the owner of the Dowry and can dispose of it in any way and manner that she may like.<sup>24</sup>
- The cost of maintenance of the wife is born entirely by the husband.<sup>25</sup>
- "The cost of maintenance includes dwelling, clothing, food, furniture in proportion to the situation of the wife, on a reasonable basis, and provision of a servant if the wife is accustomed to have servants or if she needs one because of illness or physical handicap.,<sup>26</sup>
- The same is true in the case of a divorced wife during the period of "*Eddeh*", or when She is pregnant by her husband, until her child is born.<sup>27</sup>

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<sup>23</sup> Article 1118 Civil Code

<sup>24</sup> Article 1082, Civil Code

<sup>25</sup> Articles 1106 and 1113 of Civil Code

<sup>26</sup> Article 1107 of the Civil Code

<sup>27</sup> Article 1109 of the Civil Code



- Maintenance of children is the duty of the father.<sup>28</sup>
- Article 111 of the Civil Code provides that: "The wife can refer to the court if her husband refuses to provide her maintenance. In such a case, the court will fix the amount and will compel the husband to pay it." If the enforcement of the provisions of the foregoing is impossible or the husband is unable to provide for the maintenance of the wife, "the wife can refer to the judge applying for divorce and the judge will compel the husband to divorce her."<sup>29</sup>
- According to Article 105 of the Islamic Punishment Law, "Any financially capable person, who refuses to pay his wife's maintenance, while the latter fulfills her matrimonial duties, will be sentenced by the court."

## **Right to Divorce and Community Property Rights**

According to legislation enacted through Parliamentary procedure in Iran, the divorce does not take place simply on the basis of a request by the husband; rather it should be based on a decision by a competent court and through a legal procedure. The consent of the wife is required in divorce cases. Furthermore, the wife has the right to seek divorce through the same procedure.

If the court finds that the husband is asking for a divorce without legitimate cause, he is required to pay for all his wife's work at home as determined by the court. In addition, in such a case, the court could rule for equal division of property, registered in husband's name.

## **Recent Developments in Iranian women affairs:**

Most important amendments in the Family Law of Iran

- Addition of two addenda to the Civil Code (approved on( ۹/۵/۲۷ and its Implementing Regulations (approved on 3/5/98 ) regarding calculation of nuptial gift (Mehrieh) and its payment in current currency proportionate to the annual rise in the price index from the day marriage contract was concluded
- Amendment of Article 1173 of the Civil Code concerning determination of examples of lack of parental care or moral deviation), approved on 30/10/97.
- Amendment of Article 1184 of the Civil Code concerning circumstances under which a natural guardian may be removed and a new guardian assigned approved on 17/5/2000.
- Amendment of Article 1041 of the Civil Code concerning making marriage age of girls and boys before 13 and 15 conditional upon the authorization by the natural guardian but by taking into account the best interest as determined by a competent court, approved ۲۰۰۲/۶/۲۲

<sup>28</sup> Article 1199 of the Civil Code

<sup>29</sup> Articles 1112 and 1129 of the Civil Code

- Addition of one addendum to Article 1130 of the Civil Code concerning cases of hardship, approved 29/6/2002.
- Amendment of Article 1107 of the Civil Code approved on 11/10/2002. Concerning widening the scope of the definition of maintenance payments to cover all ordinary living requirements compatible with the status of the woman.
- Amendment of Article 1110 of the Civil Code, approved on 11/10/2002, concerning payment of living expenses of the wife during Eddeh arising from the death of the husband from the assets of relatives who assumed responsibility for the payment of maintenance.
- Amendment of Article 1133 of the Civil Code, approved on 11/10/2002, regarding cases where women can apply for divorce and omission of the absolute right of men in matters of divorce.
- Government directive on establishment of Counseling Aid and Guidance Unit alongside Special Civil Courts, approved on 9/11/93
- The Law concerning amendment of divorce procedures and regulations, approved on 19/11/92 by the Expediency Council regarding the requirement of obtaining Certificate of Non-compatibility from the court, the possibility of the presence of Women Advisor Judges in the Family Courts, arrangements for the payment of compensation for household services rendered to husband during marriage, approved on 3/3/1993
- The Law on the validity period of the Certificate of Non-compatibility approved on 2/11/97.
- The possibility of the use of the services of women advisor judges is considered in much other legislation, including the Law concerning Establishment of Public and Revolutionary Courts, approved on 2002.
- Article 111 of the Fourth Economic, Social, and Cultural Development Plan. In accordance with the Article 111 of Law on Fourth Development Plan The government shall take the following measures for the purpose of enhancing the role of women in the society, promoting opportunities for women and elevating their participation:
- Drafting, approval and implementation of a comprehensive plan for greater participation of women, including review of legislations and regulations especially the Civil Code, strengthening the skills of women commensurate with the social needs and technological developments, identification and increasing the investment structures in employment-generating opportunities by taking into account gender composition of the labor force, enhancement of the quality of life for women and public perception regarding their capabilities.
- Drafting and presentation of bills relating to ways of strengthening the institution of family for approval by the relevant authorities.

- To carry out the required measures, including preparation of prevention programs and legislative and legal arrangements for the elimination of violence against women
- Presentation of legal bills to the Parliament of Islamic republic of Iran (Majles) for promotion and creation of women NGOs and civil society institutions. Addendum: All implementing agencies shall make the required budgetary allocation in the preparation of their annual budget for their legal obligations under this Article and take necessary measures in coordination with the Center for Women s Participation.

### **Other matters relating to women in the Fourth Economic, Social, and Cultural Development Plan**

- Granting wage subsidies for housing to women heads of household (Article 30)
- Determining the duties of the government for the purpose of ensuring access to equal educational opportunities, especially for girls, and elevating the qualitative and quantitative levels of public education (Article 52) Requirement on the part of the Implementing Agencies to make budgetary allocations for the design and implementation of the on-the-job training courses for the personnel, especially women (article 54)
- Obligation on the part of the government to prevent and mitigate social harms by placing emphasis on \*Enhancement of the mental health, expansion of social counseling services, strengthening the foundation of family. \*Preparation of a comprehensive plan for women heads of household(article 97)
- Obligation of the government to draft the charter of citizens rights with emphasis on freedom and the needed security for the development of social institutions for the protection of the rights of women and children(article 100)
- Obligation of the government in preparation of national plan for promotion of meritorious with following main axes:
- Respect for the fundamental labor laws, including equal pay for equal work and prohibition of discrimination in employment.
- Expansion of social protections, including equal opportunities for men and women, and empowerment of women in gaining access to appropriate employment opportunities (article 101)
- Obligation of the government in development of Cooperative Sector with emphasis on empowerment of the youth, women university graduates and applicants for employment (article 102)
- Obligation of the government to strengthen the institution of the family (article 106)
- Expansion of covered sports facilities by according priority to girls (article 117)

- Articulation of the duties of the Judiciary in elimination of discrimination )Article 130.(
- Protection of the families of prisoners and death penalty convicts (article 132.(
- Elimination of some services, including child care centers, from the Third Development Plan, and payment of direct subsidies) article 145

## **Rights of the Children**

### Recent Developments in Iranian Children Affairs:

- A Commission made up of university professors of Law and Criminology, and Senior Judges of the Supreme Court, has started working on a revision of the Comprehensive Child Delinquency Law. This measure is being taken to introduce new methods of arbitration and implementation, in keeping with the views of the United Nations and the UNICEF Regarding children .Most of the Law has already been revised and after finalizing the draft of the new Law, the Comprehensive Child Delinquency Law will be forwarded as a bill for the approval of the Parliament. On the other hand establishing “ the Office of Protection of Rights of Women and Children ” in the Judiciary, can be a promise for the protection and promotion of rights of victim and accused children ,adolescents and women at all stages of the procedures
- On May 14, 2007 the United Nations Secretary –General’s Study on Violence against Children was launch by Professor Paulo Sergio Pinheiro the Independent Expert for the UN Secretary- General’s Study on Violence against Children in Tehran and he presented the main findings of this important study. Professor Pinherio also visited the Juvenile Correction and Education Center affiliated to the Judiciary Branch, which he admired the professional services being delivered; moreover, he also believed that the said Center can be a base role and a role model for South- South Cooperation. It is note worthy mentioning that Madam Louise Arbour the High Commissioner for Human Rights also visited the same Center on September ۲۰۰۷ ,۳ and praised the taken measures.
- One of the other noticeable measures was the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on July 31, 2007 by the Parliament of the Islamic Republic of Iran.

## **2.3. Economic, Social and Cultural Rights**

The I.R. of Iran has strived too much to provide the economic, social and cultural rights

of all the walks of life in Iran and has designed and implemented four development plans based on national objectives and international commitments and is now in the middle of implementing the fifth one. Considering the importance of promotion of the status of ethnic groups, religious minorities and other social groups, detailed information is given below in this regard:

### **2.3.1. Employment**

In line with combating any form of discrimination in employment, article 6 of the labor law has prohibited any discrimination based on color, race or language. Iran joined Convention No. 111 of ILO in 1964 and has submitted its reports to this organization on a regular basis. It has to be mentioned that this Convention has never even remotely made mention of employment discrimination in Iran. Article 120 of the labor law of Iran has envisaged for those refugees who have work permit and visas to be able to work here without facing any prejudices or discriminations. The current procedures make no difference between them and Iranian nationals.

### **2.3.2. Health and Medicine**

Government's efforts in order to improve health conditions in less developed regions of Iran have been accelerated in recent years. Concentration of various policies on health-related matters in chapter 25 of the third development plan of Iran, implementation of the nationwide initiative to grant health insurance to all the people in Iran including the villagers, using the aid provided by international agencies such as UNICEF for removing the deprivations in less developed regions, adopting the policy of giving incentives and special facilities to physicians so that they would go and work in rural areas, allocation of a special share in high education centers in medical majors for deprived regions, supplying the food needs of these people through giving them subsidies etc are some of the measures and steps taken in order to fulfill the principle of indiscriminate in the area of health and medicine (appendix)

### **2.3.3. Education**

The Ministry of Education and Organization of Literacy Movement of Iran have been very active in promoting literacy in Iran as a result of which literacy rate has significantly increased

in Iran especially in provinces with ethnic groups (appendix).

#### **2.3.4. Cultural Activities**

Paying attention to cultural and artistic needs and promotion of cultural activities is of utmost importance especially when one takes into account the rich and old cultural background of some of the ethnic groups in Iran. In chapter 21 of the third economic, social and cultural development plan of Iran which deals with culture and arts, initiatives have been envisaged for this matter. Item 2 of paragraph "a" of article 155 of this plan, makes the government duty bound to create cultural, art and sports centers and complexes in marginalized areas. Thanks to the efforts made by the ninth government of Iran, the number of sports centers has been doubled (appendix)

### **3. National Human Rights Mechanisms**

According to paragraph 3 of article 156 of the Iranian Constitution, the Judiciary is responsible for ensuring the correct implementation of laws in the country. The judiciary is provided with mechanisms so that it can fulfill this legally and does this supervising in two ways: judiciary and administrative

#### **3.1. Judiciary supervision**

Judiciary supervision is done by the Supreme Court of Iran's the highest judiciary authority and also by public prosecutors within the framework of law.

##### **3.1.1. The Supreme Court of Iran**

According to article 161 of the Constitution, the Supreme Court convenes in order to supervise the correct implementation of laws in the courts and to create uniformity of judicial procedures and to discharge responsibilities it is entrusted with based on law.

The supervision is done through the branches of the Supreme Court and the public prosecutor's office of the Supreme Court.

### **3.1.2. Public Prosecutor Supervision over the Judicial Authorities and Prisons**

Considering the importance of the issue of supervision over the performance of the police and the prisons, article 17 of the Penal Code of Iran gives this responsibility to the public prosecutor. To fulfill this, the public prosecutor directly dispatches judges to police stations to examine the pending cases and to visit the prisons. In case these judges are faced with violations, they must reform the faulty performances and take legal measures against the violators.

### **3.1.3. Administrative Supervision**

Articles 173 and 174 of the Constitution have envisaged two authorities for the fulfillment of this supervision: Court of Administrative Justice and National General Inspectorate

### **3.1.4. Court of Administrative Justice**

It investigates the complaints, grievances, and objections of the people with respect to government officials, organs, and statutes. This court is the supervision of the head of the judiciary branch. The jurisdiction, powers, and mode of operation of this court are laid down by law the last amendment of which took place in 2005.

It has to be mentioned that according to article 170 of the Constitution Judges of courts are obliged to refrain from executing statutes and regulations of the government that are in conflict with the laws or the norms of Islam, or lie outside the competence of, the executive power. Everyone has the right to demand the annulment of any such regulation from the Court of Administrative Justice.

Article 36 of the law of Court of Administrative Justice provides for the ways the public prosecutor's jurisdiction in this regard.

### **3.1.5. National General Inspectorate**

In order to ensure the proper conducting of affairs and the correct implementation of laws by the administrative organs of the government and based upon the Article 174 of the constitution of the Islamic Republic of Iran, the General Inspection Organization has been

established. The law determines the powers and duties of this Organization.

The duties of the Organization are:

Regular controlling and supervising all the administrations, military and disciplinary forces, state run institutions and companies, municipalities and the offices associating with them, public notary offices, foundations of public utility, revolutionary organs, institutions whose financial resources totally or partially belong to the government or the state in one way or another presides them or financially supports them.

Extraordinary inspections which would be implemented by the command of the dignified Leader or upon the order of the head of the Judiciary power or ordered by the president or by commission of the Articles 88 and 90 of the constitution of the Islamic Consultative Assembly or requested by a Minister or the Islamic Consultative Assembly or requested by a Minister or the highest ranking official of any executive organ or any other instances which the head of the organization or Judiciary views as necessary to be inspected.

### **Investigating the public complaints and proclamations**

Any legal or real entity can lodge his or her complaint against the administrative organs with the organization. The complaints can be regarded as violation, irregularity or improper decision.

In case of receiving any complaint or report, the experts must review them. Justified cases will be sent to the related departments of the organization for further investigation. The complainant will be informed of the investigation process. All the complaints should be in writing but the reports made by people may be submitted through telephone or other means of communications

### **Reports Made by the Organization and their effectiveness**

After completing the process of inspection and investigation, the violation of laws, administrative grievances and financial abuses pertaining to the Ministries, revolutionary organs and foundations would be reported to the president of the Islamic Republic. And in respect of institutions and state run companies and also those relating to the government would be reported



to the related Minister. Grievances pertaining to the municipalities and the related departments would be reported to the Ministry of Interior. As regards the administration and associated offices subject to the Ministry of Justice, reports are submitted to the Judiciary. Finally, in respect of those non-governmental institutions which receive financial help from the government, the grievances and shortcomings would be reported to the Ministry of Economics Affairs & Finance.

Administrative and financial abuses of the Judicial organs and offices related to the Ministry of Justice should be reported to the head of the Judiciary, and the cases reported by commission of Articles 88 and 90 of the Constitution ,the final result of investigation would be transmitted to that commission.

Head of Organization submits a copy of the report together with the evidences and documents to the competent authorities for prosecution and punishment. Judicial organs and councils for investigating administrative grievances shall investigate the Organization's reports out of ordinary time. Head of Judiciary shall be informed of the inspection process all the time.

Verdicts issued by the judiciary organs with the request of the organization and agreement of General attorney and verdicts issued by the councils for investigating administrative grievances with the request of related organ shall be reviewed within 20 days after the announcement out of ordinary time.

The report of inspection concerns the governmental regulations, decrees, circulars and the decisions, and the complaints of the non- governmental real or legal parsons pertaining to the above mentioned violations, should be reported to the court of administrative justice for investigation and taking judicial decision. Such cases would be considered out of ordinary times.

### **The head of Organization and his deputies**

The head of Organization shall be assigned from among the Islamic religion judges

(Islamic religious men) or the judges who are in judicial grade 10 or 11. The head of the Organization can elect from among the qualified judges a vice president to be appointed by the head of the judiciary. And he can also appoint a necessary number of efficient persons as his deputies.

### **Accessibility**

For facilitating the access of the public to the organization's services and providing easy communication following measures have been taken:

- Setting up a 3 digit hot line(136) and putting boxes in some major administrative organs to receive the public reports and proclamations
- Establishing 22 local offices in different provinces
- Launching the web site for providing information and receiving public reports, proclamations and complaints electronically. Complainant all over the country and overseas can lodge their complaints through this web site and follow the process of investigating.

### **3.1.6. The High Human Rights Council**

The High Human Rights Council was established in 2001<sup>30</sup> and comprises of principal members, visiting members and Secretariat.<sup>31</sup>

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<sup>30</sup> Published in the Official Gazette No.: 16496 dated October 17, 2001

<sup>31</sup> These members including :

- Deputy, Head of Judiciary, for International Affairs.
- Deputy, Head of Judiciary, for Judiciary Affairs.
- Deputy, Head of Judiciary, for Public Relations and Social Affairs.
- Spokesman of the Judiciary
- Justice Administration Department for Tehran Province
- State Inspectorate Organization.
- State Prisons Organization.
- Office for Judicial Development Studies.
- Representative of the Head of the Supreme Court.
- Representative of the General Public Prosecutor.
- Ministry of Foreign Affairs, Ministry of Information, Ministry of the Interior and/or fully authorized representative, and one member of the Judicial Commission of the Islamic Consultative Assembly are to be invited for attending the meetings of the Headquarters.

The Secretary of the Headquarters may, as the case demands, and pursuant to the approval of the majority of the members extend invitation to organizations, organs and well informed individual to attend the meetings

## **POWERS, DUTIES AND COMPETENCY OF THE HEADQUARTER**

- To clarify and introduce the Islamic Human Rights
  
- To study the legal and judicial problems concerning the Islamic Human Rights, and rendering executive solutions in line with the laws of the Islamic Republic of Iran, through formation of a commission comprising of learned and fully versed personalities in affiliation with the Judiciary or university.
  
- To study the resolutions adopted by the United Nations Human Rights Mechanisms, and the reports of the Special Rapporteurs, and then submit report and recommendations to the attention of the Head of Judiciary; To study the claims and complaints made by real persons and legal entities regarding violation of human rights in the Islamic Republic of Iran.
  
- To identify and determine the cases of human rights violation in other countries, especially those ruled by arrogant regimes, and to adopt suitable stance Vis-a'-Vis the same.
  
- To adopt unified policy and maintain coordination in defending and responding the accusations lodged against the Islamic Republic of Iran.
  
- To identify suitable person for the purpose of representing the Islamic Republic of Iran in the relevant International assemblies and meetings, and introduce such personalities to the Head of Judiciary.
  
- To study the claims and complaints which are justifiable as far as the laws of the Islamic Republic of Iran are concerned, and to report the outcome to the Head of Judiciary for adoption of expedient decision.
  
- To arrange for proper respond to claims and challenges which are politically and non-politically motivated and/or they are brought for the reason of ignorance to the laws and regulations prevailing in the Islamic Republic of Iran.

- To submit report to the Head of Judiciary concerning the shortcomings, requirements and difficulties in national and international arena, and to recommend practicable and executable solutions for development and upholding of the matters related to human rights issues.
- To maintain effective cooperation and coordination with other local organs involved in human rights issues, in order to adopt identical procedures.
- Take appropriate measures concerning other issues relevant to human rights, as referred by the Head of Judiciary.

### **3.1.7. The Central Supervisory Board for Preserving the Right of Citizenship**

For supervising the sound implementation of the Law on Upholding Legitimate Liberties and preserving the Rights of Citizenship, “ THE CENTRAL SUPERVISORY BOARD “ subject matter of Article 15 of this Act, comprising of the members of the Council of Deputies of the Judiciary is formed.<sup>32</sup>

The duties of the Central Supervisory Board are as follows:

- To supervise the sound performance of the said Act in the country and initiate identical procedure.
- To amend the procedures and conform them to the regulations.
- To study the reports submitted by the Supervisory and Inspection Boards in Provinces and evaluate the implementation of the law.
- To dispatch Extraordinary Inspection Teams to the organizations which are subject to the directive
- To send the complaints and reports to the concerned authority and follow-up the same up to achieving final result.
- To propose encouragement and punishment on the basis of the reports submitted by the Inspection Boards.

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<sup>32</sup> The Head of the Judiciary presides over the Central Supervisory Board, and he may assign this position to one of his deputies. Concerned authorities may also be invited to join, provided securing the agreement of the Head of Judiciary to that effect.

- To report on the trend of the implementation of the Act in the country in three-month intervals.
- To report on the trend of the implementation of the Act to the public in six-month intervals.

### **3.1.8. Provincial Councils Supervising the Citizenship Rights**

A council is formed in provinces of Iran consisting of 5 judges from the Ministry of Justice, judiciary organization of armed forces, National General Inspectorate and representative office of Police Court in order to ensure the citizenship rights of the people.

The Heads of Justice Department of provinces are the heads of these councils too. The members are elected at the suggestion of a head of the Justice Department of province with the order of the Head of Judiciary of Iran. The members of the councils are dispatched in groups of 2 or 3 to police stations and other organizations by the head of the council

## **3.2. Other National human Rights Mechanisms**

### **3.2.1. Article 90 Commission of the Parliament**

According to article 90 of the Constitution, Whoever has a complaint concerning the work of the Parliament or the executive power, or the judicial power can forward his complaint in writing to the Parliament. The Parliament must investigate his complaint and give a satisfactory reply. In cases where the complaint relates to the executive or the judiciary, the Parliament must demand proper investigation in the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public.

### **3.2.2. The National Supreme Audit Court**

Article 55 of the Constitution states that The National Supreme Audit Court will inspect and audit, in the manner prescribed by law, all the accounts of ministries, governmental institutions and companies as well as other organizations that draw, in any way, on the general budget of the country, to ensure that no expenditure exceeds the allocations approved and that

all sums are spent for the specified purpose. It collects all relevant accounts, documents, and records, in accordance with law, and submits to the Islamic Consultative Assembly (Parliament) a report for the settlement of each year's budget together with its own comments. This report must be made available to the public.

#### **4. The Islamic Republic of Iran's Pledges and Commitments on Human Rights**

The Islamic Republic of Iran, as a founding member of the United Nations and a party to the major International Human Rights Instruments, based on principles enshrined in its Constitution and in full compliance with its international commitments has continuously put the great efforts into safeguarding the status and inherent dignity of human person as well as promotion and protection of human rights and fundamental freedoms.

These target-oriented efforts and policies entail, inter-alia, measures designed to overcome obstacles and difficulties hindering the full and effective enjoyment of all human rights at notional and international levels.

The Islamic Republic of Iran is therefore firmly determined and prepared to maximally utilize its potentials and capacities including its membership to the newly established Human Rights Council for achieving the noble and common objectives of international community in this domain.

#### **4.1. International Contribution, Pledges and Commitments**

##### **4.1.1. The list of International Human rights Instruments to which the Islamic Republic of Iran is a party;**

- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Convention on the Rights of the Child;
- Convention on the Prevention and Punishment of the Crime of Genocide
- International Convention on the; Suppression and Punishment of the Crime of Apartheid;
- International Convention against Apartheid in Sport;
- Supplementary Convention on the Abolition of. Slavery. the Slave Trade and Institutions and Practices Similar to Slavery;

- Convention relating to the Status of Refugees;
- Protocol to the Convention relating to the Status of Refugees;
- ILO No 182 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor,
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children , Child Prostitution and Child Pornography

#### **4.1.2 Cooperation with the UN Human Rights mechanism**

##### **Cooperation with Special Procedures:**

##### **Cooperation extended to the Special procedures:**

Islamic Republic of Iran has extended a general standing invitation to all thematic Rapporteurs, Working Groups as well as' Independent Experts of the Commission on Human Rights in July 2002. The following mandate-holders visited Iran since the time:

- The Working Group on Arbitrary Detention ( February 2003)
- Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expressions ( November 2004)
- Special Rapporteur on the Human Rights of Migrants ( February 2004)
- Special Rapporteur on Violence against Women ( February 2005)
- Special Rapporteur on the Right to Adequate Housing (March 2005)
- The Working Group on Arbitrary Detention

It is worth mentioning that prior to the extension of general Standing invitation; two visits of previous Special Rapporteur on Freedom of Opinion and Expression and Special Rapporteur on Freedom of Religion to Iran were facilitated. In addition to above-mentioned visits, the Islamic Republic of Iran as a neighboring country to Afghanistan and Iraq extended full cooperation to the Special Representative on the Situation of Human Rights in Afghanistan and the Special Rapporteur on the Situation of Human Rights in Iraq in fulfilling their mandates.

Furthermore it is worth mentioning that, all respective communications of the Special Rapporteurs have been positively responded to and their recommendations also have been followed up in a timely manner.

### **Cooperation with the Office of the High Commissioner for Human Rights:**

Mrs. Robinson, the former High Commissioner for Human Rights visited Iran on the occasion of the Sixth Regional Arrangements for Human Rights in Asia and Pacific in 1998 and the Asian Preparatory Meeting for The World Conference against Racism in 2001, at the side line: of which, different ways of enhancement of International Cooperation pertaining to the ongoing joint projects were discussed in meetings with respective officials of the Islamic Republic of Iran. It is to be reiterating that the said Regional Meeting successfully managed to adopt an important document, namely "Tehran Framework "constituting the four point general framework in Asia and Pacific for promotion and protection of Human Rights in the region.

In recent years the Islamic Republic of Iran has engaged in bilateral and meaningful technical cooperation with the Office of the High Commissioner for Human Rights. In this regard and based on the recommendations of an OHCHR Needs -Assessment mission in 1999, the OHCHR explored four areas of possible cooperation including law Enforcement; Prisons and Correctional Institutions ;City Councils and Human Rights Education. Finally and as the first step, Human Rights Education was selected as best - suited for a technical cooperation pilot project. However, OHCHR's financial constraints delayed the implementation of activities from 2003 to 2004 .The long term objective of the project was through promotion of human rights education in Iranian schools and also integrating human rights programs in high education institutions and universities curricula and teaching materials which can contribute to the promotion of international human rights in the country. Following action has been accomplished in this regard:

- Submission of Comprehensive proposal for the enjoyment of technical assistance and advisory services of OHCHR.
- Launching of a joint national project in the field of Human Rights Education in collaboration with OHCHR and Iranian Ministry of Education as the respective national entity.
- Successful implementation of 3 five-year national joint project with a view to enabling and promoting human rights national capacity which is being carried out with the UNDP office in Tehran , different executive bodies and universities. Convening of different human rights seminars throughout the country, strengthening of human rights departments, faculties at various universities, conducting human rights research and studies as well as other educational programs have also been incorporated in the said project.
- Extension of full cooperation with the OHCHR in successful convening of the Sixth Meeting of Human Rights Regional Arrangements in Asia and Pacific as well as the Asian preparatory meeting of the World Conference against Racism.



- During the period of project, 20 documents relating to human rights education were translated into Persian. A glossary of human rights also was compiled and published.
- A preparatory workshop was held on 23 August 2004 to inform the key stakeholders of the content and objectives of the project and its national workshop which was accordingly held on 5<sup>th</sup> & September 2004 in Tehran.
- In order to learn more about other countries' experiences in human rights education, two study tours to the Philippines and India were organized for two different groups of Iranian officials .
- The project was ended in the first quarter of 2005 by drafting a document examining different aspects of Human Rights Education in the country .

Furthermore, Madam Louise Arbour the High Commissioner for Human Rights attended the NAM Ministerial Meeting Conference on Human Rights and Cultural Diversity held in Tehran on September 3-4, 2007 and met high ranking respective Iranian officials as well centers such as women Prison and Juvenile Correction and Education Center that hailed the taken measures there

### **Cooperation with the UN Monitoring Treaty Bodies**

The Islamic Republic of Iran's general as well as periodical reports to the Committees on Rights of the Child and Racial Discrimination have been submitted in a timely manner and presented and elaborated successfully. Consequently the concluding observations of the respective monitoring treaty bodies were communicated to the relevant national institutions and governmental entities. With respect to Iran's periodic reports to other Human Rights International Instruments efforts have been made that full and timely cooperation be extended to the respective monitoring treaty bodies.

Furthermore; it is worth mentioning that draft of the last due periodical report to the International Covenant on Economic, Social and cultural Rights has already been finalized and is ready for presentation. While the periodical report on International Covenant on Civil and Political Rights is presently being drafted.

#### **4.1.3. Contribution to International Initiatives:**

a) Contribution of Iranian experts to Human Rights Mechanism:

The Islamic Republic of Iran has introduced a number of its outstanding experts for assuming different posts within the Human Rights UN mechanism such as Working Group on Involuntary Disappearances and the Working Group on Arbitrary Detention. The Islamic Republic of Iran has also supported strengthening and promoting of the monitoring treaty bodies, efforts and activities.

b) Holding 25 well as participating in Regional and International Conferences Such as:

- The first World Conference on Human Rights in 1968;

- The Sixth Asia and Pacific Regional Arrangements Forum for Human Rights in 1988;

- The Asia Regional Preparatory Meeting for the World Conference against Racism, Racial Discrimination, Xenophobia and related intolerances in 2001;
- Final Meeting of OIC Senior Experts for Drafting the Declaration on Human Rights in Islam in 1990;
- The NAM Ministerial Meeting Conference on Human Rights and Cultural Diversity in 2007
- Elected as the host country for the NAM Center for Human Rights and Cultural Diversity, by the NAM Ministers, in 2007.
- The First Meeting of Prosecutors of Capitals of Islamic Countries in 2007
- The First Meeting of the Head of Judiciaries of the Islamic Countries in 2008

Furthermore, the Islamic Republic of Iran had active participation in and significant contribution to all the UN-sponsored Human Rights International Conferences held during the 1990s including in particular, the World Conference on Human Rights in Vienna in 1993, the Second World Conference on Women and Development in Beijing in 1995 and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001 in Durban as well as the preparatory processes and follow-up measures of the above-mentioned conferences.

The Islamic Republic of Iran has also played an outstanding and active role in the process of standard setting for the promotion and protection of human rights within the Organization of the Islamic Conference's framework.

c) A \$ 10 thousand donation to the Voluntary Fund *for* the Victims of Torture. Such donations will be on the future agenda of respective domestic institution.

#### **4.1.4. Achievements regarding the Millennium Development Goals (MDGs)**

The Islamic Republic of Iran pursues the MDG's in a wide social development framework. Goals such as poverty alleviation, productive employment, education, health, empowerment of women, environmental protection and international cooperation for development have always been among the goals underscored in the Islamic Republic of Iran's Five-Year Development Plans over the past years. The major achievements obtained by the Islamic Republic of Iran concerning the targets specified by the MDG indicators have so far included as follows:

First, a considerable decrease of the population under the extreme poverty and those under the national poverty line as well as a notable reduction in infant and child mortality rates and maternal mortality ratio because of pregnancies and deliveries.

Second, a sustainable increase in the net enrolment rate in primary schooling and in the ratio of female to male students in tertiary education, the number of child births attended by skilled personnel, the ratio of the area protected to maintain biological diversity as well as the proportion of population with remarkable access to safe drinking

water, telephone lines and personal computers.

#### **4.1.5. Contribution to the Deliberation of International Human Rights Fora**

The Islamic Republic of Iran has played a significant and influential role in all the UN sponsored Human Rights International Conferences and meetings held in 1990s, which led to Iran's qualitative and conceptual contribution to the international processes of human rights standard setting and literature.

The human rights policy of the Islamic Republic of Iran which:

- is in full consistence with its international human rights commitments; and
- is reflective of national and regional particularities as well as cultural and historical and religious backgrounds, has continuously emphasized the significance of interactive and cooperative approach in resolving international problems of economic, social, cultural and humanitarian nature for the promotion and protection of human rights as stipulated in purposes and principles of the UN Charter as well as avoidance of confrontation and resorting to political pressure.

The Islamic Republic of Iran's firm resolve in the promotion and protection of human rights includes inter-alia, undertaking of measures leading to further convergence of values and principles held by various countries with different cultural, social and historical background on human rights question. To this end, while enjoying a rich and ancient cultural heritage and civilization and inspired by values and standards arising from its Islamic beliefs and perceptions, Iran attaches paramount importance to human dignity, accordingly it has undertaken the following measures with a view to facilitating cooperation amongst different countries in the field of human rights:

- The Islamic Republic of Iran is fully convinced that politicization, selective approach and application of double standards significantly impede the genuine promotion of human rights as stipulated in Vienna Declaration and program of action (VDPA 1993) and should be avoided.

To this end, the Islamic Republic of Iran's important and practical contribution was realized in the context of a resolution entitled "Enhancement of International Cooperation in the field of Human Rights" which was adopted by the General Assembly in 1996. Ever since, the said resolution has been adopted by consensus as a common initiative of the: Non-Aligned Movement (NAM) in UNGA.

- In addition to above-motivated measure another resolution entitled "Human Rights and Unilateral Coercive Measures" was presented by the Islamic Republic of Iran and adopted by the General Assembly in the: same year. Amongst other important concepts, the said resolution emphasizes the necessity of fostering a favorable international environment for growth and development of countries, realization of all human rights and specifically underlines the necessity of refraining from unilateral coercive measures.
- The Islamic Republic of Iran has presented the resolution entitled "Human Rights and Cultural Diversity" in the year 2000. Ever since, it has been adopted by consensus at consecutive sessions of UNGA. The *said* resolution effectively contributed to the elaboration and follow-up of the concept of cultural diversity. with a view to the fact that the promotion of mutual recognition and understanding in cultural and social fields through exchange of views and discourse is a prerequisite to interaction and continuous

cooperation for achieving the common objective of genuine promotion and protection of human rights, the Islamic Republic of Iran has presented the said resolution in order to help provide a conceptual framework within, the United Nations system to serve as a basis for convergence of different perceptions in the field of human rights at the international level.

- The idea of "Dialogue among Civilizations", adoption of relevant resolutions and declaration by the consecutive sessions of the UNGA, convening of UN sponsored regional meetings with the contribution of UN secretary General and ultimately the establishment of High level personalities with the objective of furtherance of discussions and interactions amongst cultures as well as discussions between the followers of different religions has been realized in consistence with the Islamic Republic of Iran's above-mentioned initiatives and efforts. The said initiative of the Islamic Republic of Iran was presented and adopted at a time when the international community was faced with increasing waves of threat to 'the international peace and security, the roots of which goes back to the mentality of those who believe in clash of civilizations. Therefore due attention and further efforts to the said initiative particularly in the present condition and environment prevailed the world enjoys a higher priority and importance.
  
- Efforts towards convergence of Islamic and Western perceptions in the field of Human Rights: With a view to bridging closer different human rights cultures and ideologies, Islamic Republic of Iran has embarked upon some important initiatives; these efforts were initiated with the aim of identification of the common sounds of various entities and facilitating fraternal, respectable and peaceful interaction amongst the nations. A few significant examples of these efforts include:
  - Successful convening of different seminars in this respect;
  - Assisting OHCHR in establishing of a high level expert group as well as convening of two meetings of the said group in Geneva where the participants had an ample opportunity to exchange "views and identify common grounds as well as areas of differences.

#### **4.1.6. Commitment to fully support and engagement in deliberations of the Human rights Council**

The Islamic Republic of Iran has actively participated and effectively contributed to the human rights deliberations at the regional and international conferences as well as annual meetings of UNGA Third Committee and UNCHR. It is worth mentioning that the Islamic Republic of Iran has also had significant contribution to and an active role in the discussions leading to the creation of Human Rights Council and, if elected as a member, is determined to enhance, strengthen and continue extending its full cooperation with the Human Rights Council, its subsidiary bodies and mechanisms, including the special procedures.

#### **Commitment to engagement in universal review procedure**

Islamic Republic of Iran is determined to participate in a constructive and transparent manner in deliberations and discussions pertaining to universal review procedure. Therefore, it is prepared to actively participate in the relevant deliberations.

## **Commitment to meaningful engagement of NGO's with the Council**

For the purpose of further promotion and enlacement of the civil society status, and the NGO's participation in different civil, political, economic social and cultural spheres, and particularly international humanitarian law and human rights, the Islamic republic of Iran has had outstanding and comprehensive activities. The essence of which can be described as follows:

a) The Islamic Republic of Iran's active participation in and valuable contribution to the realization of the mandate of the open-ended Working Group on rationalization and updating of UNGA resolution containing principles and guidelines regulating NGO's interaction with the UN and their participation in the UN sponsored international conferences;

b) Successful assumption the chairmanship of the NGO's Committee of ECOSOC from 2004 to 2006;

Iran has continuously maintained the view that the constructive contribution of NGO's to the deliberations on economic, cultural and, social, civil and political as well as international humanitarian and human rights issues is complementary to the efforts and measures undertaken by the Governments and they can play an effective role in achieving peaceful humanitarian goals reiterated in the Charter of the United Nations.

### **4.1.7. Islamic republic of Iran's bilateral efforts and initiatives for the promotion and protection of human rights**

a) Holding of four rounds of human rights dialogues with the European Union with a view to enhancing mutual understanding and communicating and exchanging of the experiences and perceptions of the two parries;

b) Reaching agreement and holding talks with a number of interested countries in different geographical regions such as Switzerland, Russia, Japan, and Australia. This human rights discourse has already born fruit and led to enhanced mutual understanding and increased cooperation in the field of human rights.

## **4.2. National Contribution, Pledges and Commitments**

### **Human Rights National Policy**

The Islamic Republic of Iran's national human rights policy is based on the Constitution) which is inspired by the Islamic principles and is in full compliance with its commitments arising from international instruments and duly respects the internationally accepted human rights values and Standards. The principles, prevailing the human rights policy enshrined in the "4th Five Year National Development Programs" clearly represent vigorous attempt aimed at Human Right! Mainstreaming and stipulate full respect for the status and the inherent dignity of human beings from the Islamic perspectives as well as full respect for the citizens' rights. These programs have been deigned in a manner to adequately address all economic, social, cultural and civil and political rights of citizens

including the rights to development and provide to the full extent possible, the effective enjoyment of the said rights and their promotion and protection. To this end, Islamic Republic of Iran while reviewing, amending and updating the existing regulations, has taken measures for legislations of new and additional new regulations. Simultaneously, creation of national human rights institutions and bodies has effectively been pursued.

To accomplish the goals of the Fourth National Development Program, development of different approaches for national capacity building, strengthening of national institutions, human rights education and further attention to the economic, social and cultural rights particularly rights to development has been foreseen. To this end strengthening of civil society, fostering an environment conducive for enhancement of national human rights mechanism such as standing human rights committee in judiciary, Article 90 commission within the Parliament, organization of National Ombudsman, Bar Association. Department of Administrative Justice and Islamic Human Rights Commission as well as drafting and implementation of Citizen's Rights bill have been accomplished.

### **Identification of principal human rights challenges as well as indication of steps to be taken to meet those challenges**

Although the Islamic Republic of Iran based its Constitutional principles and international obligations has had outstanding achievements in the promotion and safeguarding of human rights and fundamental freedoms nevertheless bearing in mind that there is no country which is immune from human rights challenges and mat obstacles on the way of full realization of all human rights persist in different countries in varying degrees, the Islamic Republic of Iran also is faced with certain shortcomings and difficulties, the roots of which are generally developmental questions and imposition of economic sanctions and application of unilateral policies by certain countries during the past quarter of century, In spite of the said obstacles. the Islamic Republic of Iran within the context of the Fourth National Development Program is committed to take the necessary measures to uphold the highest standards and promotion and protection of the human rights and fundamental freedoms of all citizens, realization of which is not only dependent on the national endeavors, it is also interlinked with the international support and cooperation particularly with regard to realization of the right to development, as stipulated in the "Declaration on the Right to development" .

### **Approach to civil society contribution in elaboration and implementation of human rights policy**

The importance of role and contribution of civil society in different fields particularly issues pertaining to human rights policy through provision of their consultative views has precisely and completely been foreseen, and reiterated in the Forth National Development Program. Furthermore the necessity of continuation of empowerment policy of NGO's has also been underlined in the said program. The vigorous pursuance of enabling policy has led to establishment or enhancing of scope of activities of some 2000 NGO's throughout the country well as facilitating the acquiring of consultative status for 16 Iranian NGO's.

Furthermore, convening of different seminars and workshops relating to different aspects of NGO's activities in collaboration with OHCHR at local, national and regional levels and in particular hosting of NGO's regional preparatory meetings for the World Conference against Racism is yet another tangible result of above-mentioned policies.

## **Commitment to protect against and prevent discrimination in law and practice**

Considering the Islamic Basis of existing laws and regulations in the Islamic Republic of Iran which has accorded the highest priority and attention to the elimination of all forms of discrimination against its citizens and with due regard to the fact that Iran is a party to the International Convention against *all* Forms of Racism, Racial Discrimination, Xenophobia and related Intolerance, therefore with respect to standards and measures pertinent to this question, Iran has initiated considerable number of initiatives aim that overcoming this ugly phenomenon both in legislation of laws and in practice.

## **Pledges to uphold the highest standards in promotion and protection of human rights**

As elaborated earlier, since its inception, the Islamic Republic of Iran has in line with its national law and international commitments exerted maximum endeavors for promotion and protection of human rights and fundamental freedoms at national and international levels and feels duty bound, if elected to the Human Rights Council, to intensify and double its continuous and target-oriented efforts in this field,"

The above-mentioned pledges and commitments vividly testifies that the Islamic Republic of Iran as a responsible and effective member!' of international community has continuously exerted its maximum efforts and extended its full and comprehensive cooperation with the respective UN bodies and Organs for the promotion and protection of Human rights. The Islamic Republic of Iran is firmly determined in the context of implemelltation of principles reiterated in the Fourth National Development Program to overcome the challenges through strengthening and increasing the national monitoring institutions as well as paving the ground for further promotion and respect for human rights values and standards.

The Islamic Republic of Iran, if elected as Human Rights Council member, is determined to continue its interactive and cooperative approach and double its efforts for genuine promotion and protection of all human rights and fundamental freedoms through addressing the deficiencies and preventing political abuses of the council mechanism which will pave the ground for realization of the common and noble goals of international community as stipulated in the purpose and principles of the United Nations.

## **Concluding**

We are now living in the 21st century where the uni-culturalism and militarism as the two instruments of global hegemony cannot and should not determine human rights considerations. Allowing the new structure to function within the old entrenched perceptions and historical prejudices will impede the international community to make a difference in defending and protecting the rights of the individuals and peoples around the world.

The International Human Rights Machinery should be given the opportunity to adapt itself with the positive dynamics and the determinants of the new era in international relations. It should also be given the courage and the authority to engage into developing innovative and ground braking alternative conceptions and complementary standards with the view to moving the human rights machinery forward based on justice and spirituality.

The human beings, today, are in desperate need of justice and spirituality more than any time before. Since the western liberal democracies have failed to properly address these two basic elements of the creation. Justice and spirituality are among the basic rights of the mankind, which the whole concept of `human rights` is far from perfection if it does not include them.

The Islamic Republic of Iran is making unprecedented strides into the new historical stage of democracy, prosperity and the rule of law. This is a conclusion that would be naturally drawn by any impartial observer. The government of the Islamic Republic of Iran has accorded priority to the promotion and protection of human rights and fundamental freedoms and has undertaken to ensure the enjoyment by Iranian people of all human rights

The process of reform and evolution In the Islamic Republic of Iran is in fact a genuine product of a dynamic society, and certainly not a product of politically motivated external pressures. It is obvious that no instrument in human rights barometers is stronger than a government's enthusiasm and commitment to promote and protect the human rights and fundamental freedoms of its entire people.