

Review of the Role and Status of Ethnic Groups in the Charter on Citizens' Rights

By: Ali Salehi
Researcher on Political Science

Abstract

Presently there is the belief that the oldest document of Mankind which reiterates human rights is Cyrus the Great's Declaration. As well as Mankind's freedoms, freedom of belief for ethnic and tribal minorities had also been stressed. Now, today after the passage of 2500 years, Iranians have once again written a Charter on Citizens' Rights. In this study we are attempting to review the status of ethnic and religious minorities in Iran in this comprehensive document. Therefore, following a glancing review of the views of international human rights with regards to the importance of the Charter on Citizens' Rights, we will deal with the two economic and cultural dimensions which are very important for the minorities' community in Iran. These dimensions had been found in Iran before the preparation and publication of the said document, and our aim in this research is to review whether "the Charter on Citizens' Rights has managed to cover these weak points or not?" Our presumption is that the answer to this question will further stress on the importance and fundamental role of the Charter.

Introduction

Human rights thinks about the promotion of human dignity within the governmental sphere. Thus it continually tries to protect victims of violence. It is possible for a group of these victims be from the minorities of a society. It is natural that racial, linguistic and ethnic minorities in each society are distinguished from the majority of the population due to the differences. But human rights sees its duty to remove and or at least minimise these imaginary boundaries, visible distinctions and fake superiority.

The fact is that the Charter on Citizens' Rights of the Islamic Republic of Iran is a reflection of the Constitutional Law, through which it has brought within the national boundaries of the Iranian government the UN Universal Declaration of Human Rights in an executive legal way; so that through this law it can increase the further promotion of human status and dignity.



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Therefore in this research we tried more and better to analyse the aspects of the Charter on Citizens' Rights with regards to ethnic, tribal, racial, linguistic and religious minorities. This Charter which is made up of 22 chapters and 120 articles tries to pay attention to all aspects of the lives and needs of different Iranian groups regardless of their ethnicity religion and gender.¹ This document tries with smartness to not separate minorities from the text of society and treat them as other sectors of society and only in necessary cases and for the purpose of insistence on concepts which a high status has been given to them in the Constitution, international human rights documents and in their cultural mentality,

in a way double the value creation be considered in legislations.

In all human rights circles with thematic studies of Iranian minorities, cultural debates are always considered, but a subject that made us conduct this research was not just cultural issues, because just as human rights logic confirms that minorities' problems and issues cannot be reduced to cultural issues. This fact has been stated in Article 55 of the UN Charter. There economic welfare and development have been deemed vital as cultural issues for all Mankind. With regards to thematic study this research has shown that one of the main mental concerns of minorities in Iran is not only culture but also economic problems.² Thus, following review of cultural issues in Iranian Citizen's Charter, in the next step we tried to include economic issues in such way in this research document, through which to present a different text. But we should bear in mind that the wealth production and distribution cycle in Iran is faulty and minorities are not exempt from other groups of society and they just like other Iranians face economic problems too. Thus we decided in this research in a separate section and with an economic view at the Citizen's Charter to study the economic problems minorities more carefully.

Cultural Debates of the Citizen's Charter

The most important demands of minorities in Iran are cultural issues. Thus a separate Chapter has been allocated to this in the Charter. For this purpose, in Chapter XIX of this document not only the government deems itself officially committed to not pursue policies of omission and making everyone the same, but in step with the Constitution, the Charter states that with regards to the cultural rights of ethnic groups and minorities applies a policy of tolerance and conciliation and in instances support for them.

In this regard it can be said that the Charter stresses on the preservation of the cultural identity of ethnic groups, whereas in Chapter 15 the Constitution only mentions

freedom to learn and teach ethnic languages alongside the official language of the country, and deems the right to learn mother tongue as an individual right, the Charter stresses on the preservation of ethnic identity as a collective right. Thus we are witness to the development of cultural and ethnic rights in the Charter from an individual to a collective concept.³

The UN Committee on Economic and Social Rights (ECOSOC) reiterates that the right of participation in cultural life, like other rights stated in the International Covenant on Economic, Social and Cultural Rights, obliges countries to three levels of commitments: commitment to respect (restraint from direct or indirect interference in the enjoyment of cultural life), commitment to protection (adoption of measures to prevent third party interference in the enjoyment of the related right), and commitment to implement (adoption of judicial, administrative, legislative, financial, promotional and other needed measures with the aim of full identification of the right stated in Article 15(1)(a) of the Covenant.)⁴

It seems that those who drafted the Charter on Citizens' rights considered the following commitments, Article 96 of the Charter states that cultural diversities and differences of the people of Iran are to be respected, and Article 97 to 102 have set some commitments for the government to support and implement. It is worthy to mention that the drafting of the Charter and its implementation addendum in fact cover the three points mentioned in the previous paragraph of this narrative.

For example with regards to linguistic rights Article 101 of the Charter clearly stresses on the right to learn and use and teach Iranian ethnic minorities languages. There is no doubt that the learning of mother tongue plays an undeniable role in the preservation of the identities of ethnic minorities. Furthermore, the preservation of minorities' identities has been declared as a customary principle.

Thus, it seems that the Charter has managed to cover not only all the cultural demands of minorities in Iran, international human rights principles and all the human and

Islamic perspectives, but it has expanded them and increases the attention to detail of the authorities.

Economic Debates of the Charter on Citizens' Rights

With an economic glance at the Charter, in this section we review the legal concepts and foundations of the development and welfare for minorities.

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minorities and unemployment in Iran. And these two factors have a direct link with each other.⁵

According to this research which has been published by the Iranian Census Centre, we can clearly compare the unemployment growth rate and economic participation in central and surround regions in the summer for the two 2016 and 17 consecutive years.⁶ This research shows that although the economic participation index in ethnic provinces where minorities live, increases and there is a drop in unemployment among them. Similar surveys have also taken place in non-ethnic provinces.

Furthermore, these stats and figures warns us that the ethnic and minorities centres of Iran do not have a unison and comprehensive trend in increase and or decrease in the economic participation rates or unemployment rate. Meaning that the said regions are not in a separate dimension from the overall economic situation of Iran and are developing alongside the whole of Iranian society, although in an institutionalised way they are lesser developed than the centre.

Considering the last report of the Iranian Census Centre in the spring of 2018 most of the unemployed were in the Chaharmahal and Bakhtiari, Sistan and Baluchistan, and Lorestan Provinces, and also Zanzan, Hamadan, Ardebil and Semnan Provinces had the lowest unemployment rates.⁷ In other words, although Sistan and Baluchistan, and LOrestan Provinces have ethnic Baluch and Lor minorities and have the highest unemployment rate in the country, but during a similar period that this study was conducted, the Azeri ethnic minorities in Iran (Zanzan, Hamadan and Ardebil Provinces) had the lowest unemployment rate in the country. The conclusion can be reached that it is not the power structure in Iran which causes poverty and unemployment among ethnic minorities, and the cause must be sought elsewhere.

Also from the comparison of the aforementioned figures, it can be found that the job creation factor and subsequently investment, eradication of poverty and wealth creation do not have a discriminatory and structural in the ruling body of Iran and minorities are not deemed as second class citizens, because in the event of existence of the omission policy either the figures and stats should be uniform in the rise in poverty indexes and drop in economic participation among all minorities, and or in the event of the existence of a superiority of one ethnic group over others policy, it would have shown a steady and increasing trend for one ethnic group and decline for other ethnic groups, none of which can be seen in the abovementioned figures. With a little scrutiny of the development plans of the recent decades we will easily discover that one of the main reasons for lack of development in the marginal regions of Iran is due to the preferential and short-sighted approach of the relevant authorities. Iran, just like other developing countries, without having any discriminatory views towards ethnic minorities, has not made any plans for job creation and strengthening of the economy in the marginalised regions of the country. In turn, this lack of attention for the ethnic-regional structure of Iran has been problematic, because in the recent years we have witnessed an increase in migration from the marginal regions towards the centre, which this population

movement in itself has created new problems and headaches for the Iranian government. Thus, we have seen a change of attitude among the Iranian government leaders in setting the budget for 2018 in the minorities and marginal regions which can help in improvement of the local economy of ethnic groups and minorities. Reviewing the aforementioned ups and downs we can conclude that although there the legislator does not have discriminatory views towards ethnic groups and minorities within the Constitution and other laws and guidelines, and on the contrary they have development and welfare in the marginal regions in their working agenda, but preferential approaches, bad performances, and free hand of some of the authorities, have caused marginal regions to fall behind. According to researchers, the compilers of the Charter on Citizens' Rights have in total worthiness with consideration of



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the economic problems of minorities, have included Chapters XVII and XVIII in this document. In both of these Chapters the legislator obligates the authorities to provide services or necessary supports to create welfare and employment for all minorities without any ethnic, racial and even gender discrimination. The legislator has even gone further and in Articles 89 and 90, there are instances exclusively for women and their rights to enjoy welfare. Also the authors of the Charter clearly state in Article 82 that arbitrary, discriminatory and biased approaches are prohibited.

Conclusion

Perhaps it can be claimed that the Charter on Citizens' rights of Iran is an ideal example of Article 55 of the UN Charter, because it states:

“With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”

In this research we clearly showed that the points in Article 55 of the UN Charter (be they cultural, economic and welfare dimensions) have been exactly reflected in the Iranian Charter on Citizens' rights. Furthermore one of the strong points

of the charter is that alongside stating the laws and humanitarian ideals of the Iranian government and nation, the application and supervision mechanism on the implementation of the Charter have also been immediately presented. Thus, we see a strong, uniform and comprehensive text, which according to researchers it is a great example of the implementation and application of UN Charter's ideals, because by signing this document governments commit themselves in its implementation. Although in its text we see great Mankind ideals, but the Iranian government has succeeded put to practice these ideals in the framework of the Charter on Citizens' Rights.

Finally, if we want to think bigger and compare the Charter on Citizens' Rights with the UN Charter, we'll see that in the body of the UN Charter the authors deem all human beings as fully equal, but the Charter on Citizens' Rights takes a step further and not been content with just an idealistic look, and alongside the equality of all people it also considers their diversities and stresses on the rights of ethnic groups and minorities in having cultural, economic and etc. rights, and tries to put an order into this points and implement it so that it can be monitored and evaluated.

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۱- This point has clearly been mentioned in the preamble of the Charter on Citizens' Rights

۲- Bozorgavari Faranak, "A Look at the Subject of Nationalism in Iran", Defenders, Autumn 2016-winter 2017, pp16-19

۳- This is exactly according to Article 2 of the UN Committee on Economic and Social Rights

4- Sooresrafil electronic weekly newsletter, No. 100, 2017

۵- Bozorgavari Faranak, "A Look at the Subject of Nationalism in Iran", Defenders, Autumn 2016-winter 2017, pp16-19

۶- There are different variables for reviewing the economic and income situation which we noted two variables which are discrimination and poverty factor and economic boom and dynamicity.

۷- <https://www.tasnimnews.com/fa/news/1396/07/27/1549657>