

## **Introduction**

Unveiling of the Islamic Republic of Iran's Charter on Citizens' Rights in December 2016 and notification of the Iranian President Hassan Rouhani's circular to all state bodies to remind them of their general and specific duties in this regard, prompted all state organs to present annual reports on executive, administrative and educational steps taken for implementation of the Charter on Citizens' Rights. Those reports were supposed to be presented to the Iranian president's assistant on citizenship rights.

After ten state-run bodies and administrative organs presented accounts on their performance, it was necessary to offer an overall report with the goal of discussing the concepts embedded in the Charter on Citizens' Rights and presenting its achievements in various administrative and executive fields. This report aims to discuss the position of nongovernmental organizations with regard to the Charter, on the one hand, while, on the other hand, expound the most important efforts made to promote human rights in the Islamic Republic of Iran with an eye to the position of human rights principles in the Charter on Citizens' Rights.

## **Explanation of concepts**

The concept of "citizen" is among new concepts and phenomena, which is especially about equality and justice and enjoys a special position in all social, political and legal theories. This concept is realized when all people in a society enjoy the same civil and political rights and have easy access to equal economic and social opportunities. At the same time, citizens, as members of a society, take part in various fields of activity and not only have rights, but also shoulder responsibilities for better management of the society and establishment of order. Therefore, recognition of these rights and responsibilities plays an effective and axial role in promoting the concept of citizenship and creating a society founded on the basis of order and justice. In order for "citizenship" to have its real meaning and essence, citizens must be judged on the basis of objective and transparent criteria.

The concept of citizenship implies the feeling of belonging to a society as a member of that society. This concept puts a specific individual in a position to help the society and gives him some sense of independence. This independence, in turn, is reflected in a collection of rights, which although they are different in terms of content at various times and places, they always play a role in helping the active role of people with rights be accepted.

One can, however, say that citizenship is a “state in which a person can conduct his/her political and moral life on the basis of mutual interdependencies and according to principles and the balance between social rights and responsibilities.”

In fact, citizenship rights are a concept arising from human rights and basic rights and are among natural rights of humans. They can be defined as a collection of rights, which people have because of their citizenship status in their society, and include all privileges related to citizens as well as a collection of rules that govern their position in the society.

In the Islamic Republic of Iran, being a Muslim is not a precondition for availing oneself of citizenship rights. In fact, citizenship rights depend on one’s nationality. Therefore, “citizenship rights” constitute a relatively vast concept, which covers all political and nonpolitical rights and includes all three generations of human rights, including legal and political rights, economic and social rights, and solidarity rights.

### **Division of citizenship rights in the Islamic Republic of Iran**

Three groups of laws support citizenship rights in the Islamic Republic of Iran:

- Preventive (inhibitory) laws and regulation: These laws are formulated to prevent offenses and crimes and ban certain types of activities. An example is Article 19 of the Islamic Republic of Iran’s Constitution, which says, “All Iranian people, from any ethnic group and tribe, enjoy equal rights.”

- Supportive laws: These are laws, which are formulated in order to support the rights of people. An example is Paragraph 3, Article 3 of the Iranian Constitution, which has supported everybody’s right to cost-free education and physical education, and also stresses the necessity to facilitate higher education.

- Punitive laws: These are laws, which are about punishments and administration of those punishments in case of an offense and when the country’s laws are violated. An example is the Islamic Punitive Code, which has meted out punishments for those who disturb national security or create panic and fear in the society.

### **A glance at the Islamic Republic of Iran’s Charter on Citizens’ Rights**

The Charter on Citizens’ Rights is a list of the most important laws related to the rights of a country’s citizens. The issue of the citizenship rights and the charter that has been drawn up in the Islamic Republic of Iran under this name were both among promises given by President Hassan

Rouhani during his election campaign. He ordered the draft charter to be prepared during his first 100 days in office, but it actually took about three years and was finalized on December 19, 2016. It is noteworthy that this document is going to be used to build a suitable culture through a ten-year process and there is no haste or political attitude toward implementing it.

“The Charter on Citizens’ Rights” includes 22 rights and 120 articles and has been drawn up with the goal of promoting citizens’ rights and helping formulate “administration’s agenda and policy” as per Article 134 of the Constitution. It covers a plethora of citizenship rights, which have been either recognized by Iran’s legal authorities, or the administration has taken a serious measure to recognize and implement them through making reforms to the legal system and well as formulating and following up on legal bills.

Therefore, it must be noted that the most important approach adopted by the Iranian administration to realization of this goal, especially on the basis of religious teachings, is to recognize citizens as agents of the administration and noting that being a citizen is not just a status or a title for enjoyment of certain rights and responsibilities. In this way, a citizen is not simply a stakeholder to receive a series of services, but he/she can take part in all affairs and must be so empowered that his/her social impact would reach its climax. Before being a basis for enjoying rights, citizenship is a ground for demanding rights and taking actions in this regard. In this approach, citizens are not passive and are able through a two-way interaction with the government and other institutions, and also through support from the legal system and reliance on cultural norms, to play an essential role in both their individual growth and all-out development of their society.

The 22 rights, which have been mentioned in the Charter on Citizens’ Rights include: the right to life; the right to health and quality of life; the right to human dignity and equality; the right to freedom and personal security; the right to self-determination; the right to good administration and governance; the right to freedom of thought and expression; the right of free access to information; the right of free access to cyberspace; the right to privacy, the right of association, assembly and demonstration; the right to nationality, residence and freedom of movement; the right to family life; the right to a fair trial; the right to a transparent and competitive economy; the right to housing; the right to property; the right to employment and decent job; the right to welfare and social security; the right of access to and participation in cultural life; the right to education; the right to a healthy environment and sustainable development; and the right to peace, security and national power.

## **Implementation of the Charter on Citizens' Rights**

“Implementation of the Charter and Supervision Mechanism” comes at the end of the Charter and following the 22 rights.

It says:

1. The President shall appoint a Special Assistant for supervising, coordinating and pursuing appropriate implementation of the Government's obligations under this Charter. The Special Assistant will be responsible for, amongst others, proposing plans and guidelines for the full implementation of the Charter on Citizens' Rights.
2. Executive bodies under the Executive Branch, in coordination with the Special Assistant and within the scope of their legal competence and by attracting participation of the people, societies, nongovernmental organizations and the private sector, and by summing up and codifying the laws and freedoms set forth in the Constitution and in statutes, shall take legal measures and actions required for realization of these rights, particularly by preparing and implementing a plan for reforming and developing the legal system; providing information to the public; embarking on capacity building; and enhancing mutual understanding, dialogue and interaction in the public arena.
3. The bodies under the Executive Branch shall be required to prepare their plan for reforming and developing the legal system within six months from the date of the publication of this Charter and submit the same to the Special Assistant of the President, and shall present an annual report on their progress, challenges, barriers, and proposed solutions for the promotion and realization of citizens' rights within the scope of their responsibility, and shall take measures for realization of the citizens' rights set forth in this Charter through institutional and structural reforms.
4. Ministries of Education; Science, Research and Technology; and Health and Medical Education shall make necessary arrangements to best familiarize school and university students with citizens' rights concepts.
5. The President reports to the people annually on the progress and approaches to overcome challenges for realization of citizens' rights, and shall update the Charter as required.

## **Measures taken by state bodies to realize the ideals of the Charter**

One of the main strides taken by humanity to protect human dignity has been establishment of social systems to safeguard citizenship rights and keep those systems in place on the basis of

people's votes. Therefore, according to the Constitution, people enjoy a special and prominent position in Iran and this approach to people is being followed by the eleventh Iranian administration. The Iranian administration believes that citizens must be aware of their natural and basic rights, because being aware of these rights is the requisite for the realization of those rights. More than a year has passed since unveiling of the Charter on Citizens' Rights on December 19, 2016, which underlines such principles as human dignity, protection of those rights and freedoms of which no human being can be stripped, the rule of people, everybody's right to avail themselves of equal human rights, prohibition of discrimination and equal support of law for all people of the nation. The president, who is responsible for the implementation and safeguard of this Charter, has taken the first step toward realization of the basic rights and freedoms of the Iranian nation through notification and proclamation of this Charter.

Notification of the Charter on Citizens' Rights under the eleventh administration was an important and groundbreaking step, because for the first time, the nation's citizenship rights were announced by the administration as part of its agenda and policy with the goal of promoting the basic rights of the Iranian nation. Of course, the main goal of the Charter has been to increase citizens' awareness of their basic rights and freedoms in order to take advantage of them, realize them, and promote them. However, the statement added to the Charter, which is an indispensable part of the Charter, has not only stressed the need to build necessary discourse about the citizenship rights, but has announced that the administration will take practical steps toward the realization of those rights.

At the present time, we see across the country that the Charter on Citizens' Rights has increased coordination among various branches of the government and public organs of the Islamic Republic of Iran. A sign of this was seen in the first "National Conference on Advances and Solutions for Removing Obstacles to Realization of Citizenship Rights," which was held on December 19, 2016, and was attended by President Hassan Rouhani.

According to the Charter, the President is obligated to present annual reports to the nation on advances in implementing the Charter as well as solutions for overcoming obstacles to realization of citizenship rights and, if need be, update the Charter. He also has to present a detailed report on the implementation of the Charter on Citizens' Rights and performance of various state organs in this regard through objective and understandable examples.

A glance at the performance of various state-run bodies in the year that has passed since the implementation of the Charter on Citizens' Rights began will show that various achievements have been gained so far, which can be summarized as follows:

**- Promoting the position of women and children and answering to demands of ethnic and religious minorities:** A special approach has been taken to the issue of women according to which efforts have been made to implement more than 230 national and educational plans in addition to formulation of legal bills to support and ensure security of women and children;

**- Implementing the law on the right for free access to information:** More than one hundred state-run bodies have been already connected to a system, which ensures free access to information;

**- Approving a bill on citizenship rights within the administrative system:** The "bill on citizenship rights within the administrative system" has been approved and enforced to do away with discrimination and establish an accountable and efficient administrative system. It is also aimed at improving and promoting citizenship rights; allowing citizens to take advantage of new capacities;

and facilitating realization of the goals enshrined in the general policies related to the administrative system.

### **The role and position of nongovernmental organizations in realization of citizenship rights**

As the concept of people's participation in public spheres continues to develop, progress in various social fields becomes more dependent on rationality, public participation and promotion of teamwork spirit. All developed countries have admitted that encouraging suitable participation of their citizens in running the social affairs and people's presence in voluntary activities has been the key to their success.

A prominent example of people's participation in social affairs is establishment of well-organized and voluntary groups that pursue their special goals and are known as nongovernmental organizations.

From the viewpoint of global organizations and international laws (including the Charter of the United Nations), presence of people and their participation in establishment and development of nongovernmental organizations (as natural and legal persons) is very important. At the present time, especially during the past two decades, people's participation in social activities through nongovernmental organizations has greatly increased in Iran. As a result, one can claim that

realization of citizenship rights will not be possible without cooperation of nongovernmental organizations.

Promoting social welfare of citizens; making efforts to develop and teach citizenship rights and remove existing obstacles to their implementation; interaction with officials with the goal of promoting sustainable social development; reminding officials of social problems and conveying people's demands to officials in addition to identification of the elite and powerful people are just a few examples of functions of nongovernmental organizations.

The Iranian administration, for its part, has taken various measures to encourage the activities of the nongovernmental organizations in order to promote people's participation in social affairs. Among those steps was a statement by the president on the eve of the anniversary of unveiling the Charter on Citizens' Rights to which was attached a note by minister of justice both underlining support for public supervision, especially through nongovernmental and popular institutions, in order to prevent violation of citizenship rights.

In line with the administration's determination to encourage participation of people and nongovernmental organizations, the Ministry of Justice has issued a call for nongovernmental organizations active in the fields of human rights and citizenship rights to cooperate and share their viewpoints and ideas for the better implementation of the Charter on Citizens' Rights.

### **Citizenship rights, a path to promotion of human rights**

Attachment of citizens to their rights and freedoms and efforts made to counter pressures from government are effective factors that ensure sustainability and safeguard of human rights and citizenship rights. Therefore, for this reason, national institutions have been established under such titles as human rights commission or mediation boards, which possess supervisory and advisory powers with regard to human rights and citizenship rights at national and international levels. Basically speaking, these institutions fulfill their duties through such mechanisms as giving warning and recommendation, or taking legal action and acting upon complaints received from various concerned people and groups.

Iran's parliament, the Islamic Consultative Assembly, has followed up on the issue of establishing a commission on human rights and citizenship rights in cooperation with the Judiciary. The commission is to act as an independent body for the safeguard of human and citizenship rights in accordance with Iran's domestic laws and international principles, and the general outlines of its duties have been already formulated. In fact, the commission will at on the basis of Islamic law,

but this does not mean that there is any ban on its activities in the field of international law. The commission is going to rely on the main point emphasized by the Universal Declaration of Human Rights, which is to protect human dignity. It will fulfill its legal and religious duties in line with articles 8 and 19-43 of the Islamic Republic of Iran's Constitution for the promotion of personal and social rights of citizens by facilitating public supervision and strengthening citizenship rights. The commission will also have a scientific committee, a committee in charge of domestic and foreign follow-ups, a women's affairs committee and a committee on people's participation.

## **Conclusion**

Civil, political and social rights, or in other words, citizenship rights, cover a vast expanse of various fields of citizens' social and personal life. Realization of these rights needs preconditions without which there can be no hope in realization of citizenship rights and promotion of human rights situation of our country at international level. On the other hand, citizenship rights cannot be conferred upon people by the government, but are unchanging and natural rights of citizens, which must be observed and respected and supported by governments. As a result, governments must provide all necessary grounds for realization of those rights and increasing public awareness of them through, among other things, promoting rights education across societies. This report represents an effort to study citizenship rights from various angles and also explain efforts made by the Iranian government to provide more services to citizens under the contents of the Charter on Citizens' Rights and to realize all components of human rights in the Iranian society. There is still a long way to go and we are just at the beginning, but we have already achieved a lot with regard to formulation of legal and executive frameworks while the Iranian government has also broken many new grounds in this regard during this short period of time.

On the whole, it seems that existing laws in the Islamic Republic of Iran are to a great extent conformant to standards of citizenship rights and human rights. However, there are still two basic challenges in the Iranian society, which are causing problems for the full realization of human ideals in this regard. The first, and of course the most important, of those challenges is cultural problems and conflicts, while the second problem is lack of awareness of citizenship rights and duties among people. These two problems can be only solved through close cooperation between the government and the nation. As said before, these two important institutions have already achieved a good degree of unity and empathy in this regard and have had acceptable achievements in this field. At the end, the Charter on Citizens' Rights should be considered as an important step



toward revival of the ignored rights of people, clarification of the real status of citizens, strengthening social relations, and encouraging more interaction between the government and the nation. All told, the Charter can be considered as an essential move in direction of building a suitable culture with regard to citizenship rights.

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