



## **Civil Rights, Its Issues and Problems**

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### **Abstract:**

Civil rights in the past few years, a term that is very common in the literature of political rights in our country and in academic circles, among intellectuals and the writer and thought it has flourished. "Civil rights" are the rights of citizens in relation to public institutions, such as fundamental rights, the right to employment, the right to elect and is elected, the right to testify in the authorities, the judge and being certified, so the words is political rights. This pathology causes development of citizen's rights and the question of "obstacles and problems facing the government to develop a civil rights bill and to pass it by the relevant institutions is" replies in this paper, the concepts of citizenship and citizens' rights and the Fourth Development Plan, solutions implementation of the Bill of Rights has been expressed. The results of this study suggest that the realization of these rights will be limited power of arbitrary some institutions and tarnish the image of the Islamic Republic of Iran should be prevented. The long-term interests of the country emphasized through the provision 1404 outlook of training ground for citizens and the country.

**Keywords:** civil rights, pathology, Forth plan

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## **Introduction**

The history of human social life is one of the desirable aspects of equality and justice among people, and people have always suffered discrimination and injustice. On the other hand, god sent prophets; one of their goals is the establishment of justice enumerated. "Citizenship" of the emerging concepts that are particularly focused on equality and justice and social theory, politics has a special place.

## **Concept of "citizenship"**

The general concept of civil and political rights and obligations that all members of a society should not only formally, but it suggest as one of the realities of their lives. Citizenship is the realization of a society where all people enjoy all civil and political rights as well as opportunities for the economic and social life have easy access. While citizens are as members of a community partnership in different fields of activity and their equal rights, responsibilities and in order to take better governance and society.

Citizen status implies a sense of membership involvement in a wider community. This situation will help a person that society accepts and gives him independence. This independence is reflected in a series of rights although in terms of content but in different times and different places, always accept the placement and the rights of holders of political agency involved. Therefore, the key feature of the word "citizenship" that the "nationality" is a different matter there is a moral engagement. This is because the "citizenship" of human relations is a simple and static definition for all countries at all times used not tolerate. However, it can be said that the citizens' position that a person can have in a political community, and moral life based on



interdependence and based on standards and balance the rights and responsibilities of organizing.

" The concept of citizenship in Islam:

Although the concept of the Islamic Ummah, before the migration of the Prophet (PBUH) in Medina, belongs beyond any boundary, racial, ethnic and tribal realized, but with the migration of the Prophet (PBUH) in Medina and the accumulation of elements of the rule of the land and the population in the city, was the first Islamic state in the city (Danesh Pazhoih, 2002: 26).

Unlike citizenship rights today means adherence to the criteria, the criteria of Islam, following the creation of the Creator and religion is based. Islam is a citizen of two types:

1) Nationality or (Islamic) the link in the light of which only the believers and Muslims come together

and constitute a single nation. Nationality principle in Islam is the following and Islam have always tried to be faithful community of the "Citizens' Assembly". 2) Nationality citizenship that links national meeting of human beings with the same language, same race and that a nation's cultural formation that the secondary nationality and the interpretation of Boazar (Sous-nationalite) and can be anxiety (Khalilian: 62 and 141). Although the so-called citizenship, a new term, but the concept, ie how different people benefit in a society of rights, depending on the type of attachment and bonding with the government, is as old as history.

Nabi in Medina, criteria for membership in the Muslim community (citizenship in modern language) is one of two things; being Muslim or being a possible treaty. Thus, the Muslim community and the Jewish community in Medina, while maintaining the independence of their religious community, to create a single political community and the prophet of the religious unity of the followers of other religions to replace the unity of ethnic and political society creates the conditions to join the alliance. The revelation chapter describes repentance and treaty obligation,



contractual membership in the community, Medina Jews and other People of the Book have gone and in light of the adoption of the treaty obligation of the Islamic society nor can they join the Muslim Ummah (Danesh Pazhoih, 2002: 27).

**Islamic Republic of Iran and the rights of citizens:**

In any political system - the legal rights of citizens to explain the most basic measure of its constitution where government institutions define and limit the exercise of freedom given nation and the interaction between the rights of the nation and the state is drawn. The importance of individual rights or the rights of citizens which is essentially the framers of the constitution is a right inherent in democratic societies that represent our function the same basic principles of constitution and the rights of citizens to express their boundary around. Constitution of the Islamic Republic of Iran is not an exception and this feature. So the introduction of legal constitution of human identity recovery of outstanding goals and the Islamic system is considered essential. And the institution of judicial protection and safeguarding their fundamental rights declared a priority public. And basically the philosophy of the executive branch of the society is to achieve fair relations.

It can be one of the most progressive constitution of the Islamic Republic's laws however, since the interpretation of legal texts and the practice of law principles require optimization of culture in society clearly we can say that the most progressive institutions in societies that efficient institutions and correct culture will not succeed. In developed countries the civil society organizations, governmental or non-governmental organizations in the development of dynamic role and acts as good citizens in the field of education. Unfortunately, despite the legal principles advanced in the Islamic Republic of Iran and an emphasis on civil rights-governmental organizations had limited success. Apart from the constitution of Article 8 of Imam Khomeini's



statement it had an important role in civil rights. As well as statements and speeches by the Leader of the Islamic Revolution Ayatollah Ali Khamenei and the emphasis on rule of law and avoid political factions in dealing with citizens' rights play an important role in promoting the rights of citizens. But it must be noted that assertions of Iran's leadership and the founder of the Islamic Revolution has legal aspects and only a courtesy violation of these statements do not guarantee the ethical and legal enforcement. Islamic texts and religious human rights and human dignity were emphasized.

### **Variety of civil rights**

Definitions of civil rights, its types is well known. Turner said: "Citizenship is to achieve a set of rights and duties of each person to determine the social and economic resources." T. H. Marshall citizenship analyzes into three Civil and Political and social element. Citizenship status is granted to full members of society (Sheibani, 84: 165). In short, civil rights is divided into the following types:

#### **A) civil rights**

These rights include different factor, such as the right to freedom, inviolability, freedom of speech, religion, equality before the law, prohibition of discrimination based on sex, race, national origin or language supporting the government against unlawful acts such as imprisonment (illegal) or forced labor.

#### **B) Political rights**

It is rights that are necessary to participate actively in the process of open government and covers the following item. Voting right and the possibility of takes responsibility in the government, freedom of assembly and association, freedom of access to information and political activity.

#### **The socio-economic rights**



Socio-economic rights, which is "full membership in the society" is interpreted, covers the following: the right to property, right to work, equal employment opportunities, the right to benefit from social services, health, benefit from social security and living standards are tailored to the individual and the protection of persons in the event of unemployment, old age and disability.

### **Cultural Rights**

Protect the language and culture of minorities, the right of access to culture and language of the majority, having different traditions and ways of living, the right to cultural and international communication, respect for ethnic and cultural diversity and equality in education is the most important cultural rights (Goldozian, 85: 56 to 70.)

### **Judicial law**

Benefit from the presumption of innocence, the right to defense, a fair hearing, the right to protest against judicial decisions, deal openly and without discrimination, the right to judicial reasons, legal principle of crime and punishment, the right to compensation for damage caused by judicial errors, the right to choose a lawyer from the legal rights of citizenship is the most important.

### **Civil Rights**

The most important right of all, especially of foreigners and minorities should have the right to security. According to Article 22 of the constitution, "The dignity, life, and property rights of the individual are inviolate, except in cases where the law prescribes." The text of the Supreme Judicial Council asked the founder of the Islamic Republic of Iran, and their answers, 1993 is related to the importance of the need for security for non-Muslims, even non-book show in the country.



Q: Eminence, Grand Ayatollah Imam Khomeini and answer the following questions, please apply upon him. Are non-Muslims who live in the country of Iran, the People of the Book or not they if they commit a crime, or chastising limit, such as theft and adultery, espionage or corruption or war or insurrection against the government and like this, do as Muslims should be punished or penalty in undertaking such as spying on the need to leave or because they are like a hostile spy to deal with them is not like the disbelievers that the obligation to act, the return to the refuge or governing the murder or ransom or great Prophet wrote C 2, p. 503 8 issue of rejected forms said. Imam replied, said the name of God, the heathens are under the protection of Islam and Islamic laws, like other Muslims about their current and blood and rub respected (Mehrpour, 192: 168-169.)

### **Political Rights**

The right to freedom of speech and belief and freedom practice religious minorities, the most important rights of citizens. Prophet (PBUH) and representatives of non-Muslim scholars and relatives Clergymen came to Medina, I had great respect and allow freedom of criticism and tell their problems and they spoke through argument and reasoning (Amid Zanjani, 1991: 157-158.) During the five-year reign of Imam Ali (AS), the best freedom of expression and respect for the legitimate freedoms and way of dealing with the most fanatic and the logic of the government's opposition group, the Kharijites, the evidence for this claim (Mehrpour, 1993: 155). Non-searching, preserving individual freedom and privacy of individuals, although it can be part of a civil rights group, but in addition to aspects of civil rights is an aspect of political rights. In Iranian law, in accordance with the twenty-third constitution, the inquisition is prohibited and no one may be molested or reprimanded the mere belief.



Article 20: "inspections and failure to deliver letters, recording and disclosure of telephone conversations, the disclosure of telegraphic and telex communications, censorship, or the willful failure to transmit them, eavesdropping and any covert investigation are forbidden, except as provided by law. " Also, according to the twenty-six "parties, societies, political or professional associations and societies, whether Islamic or recognized minority religious groups are free, provided that the principles of independence, freedom, national unity, Islamic standards and not on the Islamic republic. No one can be prohibited from participating or forced to participate in one of them. "

### **Economic and Social Rights**

Among the most important socio-economic rights is the right to work and earn a living for Iran's rights, according to the forty-sixth constitution: "Everyone has their own legitimate business results and no one can take ownership of their business away from the other's business". Including social rights, which is one of the basic human needs to live in society, the right to housing?

Iranian law and Article I of the constitution provide:

"Having affordable housing needs is the right of every Iranian individual and family." Article 31, it is purely for the Persians and it is recognized to the extent needed. Foreigners to own housing, the regulations are numerous limitations (Seljuk, 1991: 346).

### **Cultural rights**

In the third paragraph of Article III of rights in the constitution, "Education and Physical Education is free for all and all levels and facilitate the decision of higher education "is predicted. Including cultural rights, the right to practice religious teachings and religious minorities and limit their own places of worship. Iran's rights under articles 12 and 13 of the





constitution, other Islamic sects, except the parsley, duodenal and other Sunni schools, including the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi and Persian Zoroastrian, Jewish and Christian religious ceremonies are free and affair and religious education according to their faith act. Also, according to Article 15, "The use of regional and tribal languages in the press and media and the teaching of their literature in schools are allowed in addition to Persian." In the nineteenth stated that: "The people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; color, race, language, and so not bestow any privilege".

### **Legal Rights**

One of the essential rights of citizenship is the rights of judicial justice. These rights including the justice, equality of persons before the court is the right to defense, a judicial justice lawyer and other industries. Iran's rights in Article 34 of the constitution, the indisputable right of all persons listed. According to article 156, the judiciary and social support of individual rights and responsibility to realize justice and restoring public rights and promoting justice and legitimate freedoms placed. Act respecting the legitimate freedoms and protecting civil rights 83/2/15 been approved by Parliament. However, as the law (civil rights) overall, but its provisions to protect the legal rights of citizens and the material that comes in between the Iranian and the non-discrimination rule and includes all individuals, such as the need to respect the presumption of innocence, the right to defense of the accused, the opportunity to use a lawyer and an expert, The prohibition on arrest and detention, torture and harassment of the accused.

### **Civil rights in the Fourth Development Plan Law**

The development plan is of strategic planning. This type of government is in the process of planning and forecasting with issues and economic trends and the country and the world, develop and improve the decisions in terms of policies and programs are for 4 to 5 years. In the past, this



type of planning model for development, but with the development of new knowledge, such as the future of journalism, in the course of identifying possible future, optimal learning processes and interactions, different scenarios facing governments and decision-makers were higher to coordinate efforts and decisions to build vision of their desired future. This perspective is usually horizon of 20 to 50 years and a road map for the medium-term program or development programs.

In the Islamic Republic of Iran, after the three five-year development it requires long-term goals and the prospect made the Leader in consultation with the Expediency Council in 1404 the country's 20-year vision in 2003, notified the three branches. As a leader in the notice of visions and goals should be stated and it is achieved in four national development plans, the development plan is the first of four programs. Accordingly Development Plan is the first step to achieve that vision document was prepared by the government and was approved by Parliament. One of the key programs of the government's civil rights during the Article 100 and 130 and requires the judiciary to the civil rights measures. It is certainly the introduction and training field for the year 1404 will provide Iranian citizens. In the introduction to the Fourth Development Plan states that "the program in order to achieve the objectives of the 20-year-old Islamic Republic of Iran and in compliance with the general policies of awarded Leader Development Plan has been prepared. Development Plan for Economic, Social and Cultural Rights c. A. Iran's most important stages of the country's development is the realization of the ideal landscape, following the consolidation of the foundations and platforms to better manage growth opportunities of tomorrow and the provisions needed to create the foundations of Iran's new development will provided. It relies on long-term vision and general policies approved by



the Supreme Leader and obligations within the framework of the overall landscape are developed. "(Theoretical and Development Forth Plan Documents, p. 799)

Article 100 of the Fourth Development Plan Law, the government mandated that citizens' rights based on the topics listed in the law are formulated as follows:

"The government has the duty to promote human rights, the establishment of areas of growth and excellence and a sense of personal security and social and train a generation of active, responsible, self-sacrificing, faithful, satisfied, endowed with consciousness, discipline, a spirit of cooperation and social harmony, committed to the revolution and the Islamic republic and prosperity and proud of being Iranian, "Bill of Rights" includes the following topics regulated and approved by the relevant authorities to bring:

- A) Public Education rule of law and order and respect for the law and ritual culture of citizenship;
- B) Ensure the freedom and protection of the people's vote and freedom, the right is elected and to elect;
- C) The leading political, social and legal processes to protect and ensure the safety and legal activities;
- D) Ensure freedom and security necessary for the development of social organizations in protecting the rights of children and women;
- E) Promoting the concepts of unity and respect entrepreneurs to community groups and various ethnic groups in the national culture;
- C) To preserve and protect the privacy of individuals;
- G) To promote a sense of social security in the community. "



The law's Article 130 states that the judiciary is required to provide the following bills and the approval of the authorities is one of the bill's clauses of the bill "to protect and promote the rights of citizens and the protection of privacy, in order to implement Article 20 of Iran's constitution ". The content of this law, it was understood that the ministry of interior, ministry of education, ministry of culture and Islamic guidance, ministry of information, cultural heritage and the police will assume responsibility for implementing the bill of rights.

### **Barriers and challenges to civil rights in Iran:**

Implement equitable civil rights are closely related to the culture of the rule of law. The higher degree of democracy and the rule of law society is the society that suffers from authoritarian culture of illegality is better than the realization of citizens' rights. Since society is a society in transition and the realization of these rights faces obstacles, including obstacles include:

### **Legal barriers:**

Because civil rights is a product of modernity, bringing the concept of fundamental rights of the constitution was also a conceptual barriers; that is our understanding of civil rights because of conflicts with other modern concepts is not perfect and the concept of civil rights and the constitution is flawed and is considered special circumstances. So it is one of the major obstacles to the definition and interpretation of the constitution and civil rights of citizens and human rights. Probation civil rights as a modern phenomenon and practices and legal instructions about the rules there are differences in views and some of them are rooted in religious traditions, such obstacles can be outlined in the constitution to advance the concept of civil rights occurred. For example, the principles of the constitution provided legal for citizens, such as freedom of



expression, freedom of assembly and ... but such are subject to an interpretation of the universal principles of Islam. In such circumstances the ordinary legislator to impose laws is based on the constitution will create more restrictions. In the twentieth constitution states that all citizens, both men and women have equal protection of the law and all human rights, political, economic, social and cultural rights, in conformity with Islamic criteria are minimal.

In the twenty-one read: government must guarantee the rights of women in all respects with the Islamic criteria. Or Article 24 states: Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of its length specified by law. Also, there are different interpretations of the concept of civil rights and its fundamental principles, the interpretation of the different interpretations of civil rights in mind. Traditional and modern interpretation of civil rights, the interaction of different schools of Islamic and non-Islamic realism to idealistic and withdrawal of citizenship rights creates various interpretations.

**Cultural barriers:**

Dare said said that the rights of citizenship without cultural background and strong cultural foundations will have meaning. This is important because that culture plays an important role in sustainable development and the realization of civil rights and the rule of law are the foundations of democracy. The first house was close to the ball constitutionalist's achievement, spiritual death constitutional Allameh Sheikh Fazlullah Nuri and thousands of other events in the progress or lack of progress in civil rights has had a significant impact.



**Administrative obstacles:**

Neglecting the responsibility of the executive branch of the civil rights, the lack of effective monitoring of implementation of civil rights in the executive agencies, although it is stressed a major impediment to the realization of rights of citizens.

**Political obstacles:**

The overall concept of the rule of law, political parties, civil society and citizens' rights will be affected by political issues. The civil rights and political barriers must be noted on the type of governance structure. Factors such as one-party or multiple parties or the government is based on democracy, individual thoughts or attention. Because of the multiplicity of parties and the parties affected by political considerations rather than legal in Iran, the major political challenges facing civil rights. The democratic space is more suitable for the realization of citizens' rights to an undemocratic atmosphere. The political structure of the government of Iran to encounter some kind of interconnectedness that combines democratic and non-democratic is its interconnectedness with the rights of citizens to have a lot of complexity.

**Critics Review:**

Since the discussion was the development of the civil rights of the Charter of the opponents. As we can see from the writings and words of opposition to this bill are one of the reasons for their opposition to this bill is that they believe existing laws are sufficient and the need for legislation in this area is not new. But another reason for our opposition to this bill is to say, in the current situation on the defense of the inalienable rights of nuclear, economic and security problems and economic concerns in the context of election promises should be placed at the head of affairs and development of the Charter is not necessary. But there is another concern, concern that in spite of



the tolerance of the government, do you like the conservative Seventh department conservative ninth in the Charter does not set the agenda. Another point that was raised arguments opponents of reform in the government, now the scheme has found.

The document begins with an introduction of civil rights that the reader comes to mind international treaties. If the drafters of this document assume the instrument of ratification of treaties on the rights of citizens in the difficult and contradictory tense international. But the problems do not end so easily. Despite the introduction of the Charter as the "Bill of citizenship", no definition of "citizen rights, civil rights, civil rights and differentiation features and elements of the civil rights and human rights, etc. "There is an interview, the difference between "civil rights, and human rights" to the drafters of the bill has not been understood and office! And this distinction with non-repeated use of the rights and legal concepts interchangeably, regardless of the differences and the substantive differences between them, apparently, is unknown to them? Many of the principles set forth in the Charter and, in addition to the violation of the constitution and laws, in conflict with the principles of jus cogens of international law and human rights and, especially, Iran's international obligations under the International Convention of the United Nations Charter, human rights, convention on the Rights of the Child and the lack of study and nobility.... that the drafters of the bill is far above!

Legal their ambiguous legal status and citizenship Bill and lack of attention to this important authors, another issue is mentioned in this regard. The authors of the charter in paragraph 2 of Article 1 of the Charter, the goal of drafting it has been stated in paragraph 1.2 that "... The Charter aims to gather, identify and articulate set of civil rights ... "Indeed, the purpose of the creator of civil rights can be executed and realized in the current situation of the society? But the question is whether the act of the president is able to create new rights and obligations? The



creation of a new right and duty, only the competent legislative authority, but the 3-40 at once theory of "legitimate expectations" from the schools of law leads to the Cabinet resolutions. At the beginning of this article "public officials are required to meet the expectations that have created it." There is no doubt the necessity and legitimacy of such a theory, but such a task on the basis of what is law? Interpretation of existing laws may not be indicative of such a task. In economic terms to the problem of the renter oil economy such centralization has been mentioned. Also, nowhere in the Charter of the duty of the legislature to recent moves by the government in this regard will be submitted to parliament is not mentioned. The authors answer may be that we have only seen the government functions; the answer is that it can fulfill the duties of other civil rights laws ignored. In this case there needs approved by parliament. It seems that the authors have represented their duties solely in the context of routine bills and are aware of the issue. The final point is that, as the authors have said, firstly, this document within the framework of existing laws has been confirmed if existing laws are what does the new document, and secondly, that many of the documents adopted by the Islamic Republic in the form of 5-year plan and general policies of the system in more detail many of these items are discussed.

### **Conclusions:**

Given the importance of evaluating the implementation of the Development Plan as the first program and the first step to achieving the goals of Vision in 1404, in the wake of some of the barriers to implementation of the Bill of Rights, which also emphasized the concept of the Vision 1404, is a reference to two fundamental points:





1. It must be admitted among institutions in policy, legislation, programs and their implementation in the Islamic Republic of Iran, like other developed and developing countries, there are differences in view. No differences in the time that the source of strategies and programs and more fruitful part is reflected by the country move forward day by day. However, may be the most important issues and fundamental issues and strategic countries at different levels of policy-making and implementation, different views of the project, but the authorities must reach consensus to move forward in the process and extend the executive management. But unfortunately we are witnessing the phenomenon of factional clashes and differences of opinion led to different factions in many cases, the criticism of parties criticized the laws and programs and their implementation and finally to undermine the structures and deviations from plans and goals and objectives and ideals of the Islamic Republic's delay in reaching a result. The implementation of a five-country development program (medium-term strategic plan) behind, it is necessary with these barriers in the development of solutions is able to take steps.

2. Review the rules and regulations to monitor and control the relevant authorities in the country is based on the opinions of experts, it seems some of the general policies in the context of monitoring the country's development strategies and programs has been somewhat neglected. However, Article 110 of the constitution, supervising the implementation of general policies with the Leader, but so far applied to the monitoring mechanisms that are responsible for the Expediency Council, has not yet been activated and the imbalances across the relevant executive power and other barriers is the Bill of Rights. There are differences in the intellectual foundation and no Bill of Rights is one of the main reasons for its non-performance by which, even with legislation in the House, consensus on content and topics of citizenship rights among policy makers and implementers to come and implementation of this important law were not fulfilled.



The realization of these rights will be limited by the arbitrary action of some institutions and undermine the image of the Islamic Republic of Iran should be prevented. Also, by providing long-term interests of the citizens and emphasizes training ground for 1404 outlook country. Therefore, developing, articulating and providing civil rights are a matter of consensus and cooperation on political, executive, judicial and legislative demand. It seems in the present circumstances to realize the strategic issues in the area of civil rights, including social, cultural and legal for the country.

### **Suggestion**

The first strategy on the rights of citizens is to recognize it. Separation of the field and the civil rights of the people of the important steps are to appear and the new government is taking special effort and the second approach is to determine the legal scope of the rights of citizens to be named. The third building strong and effective sanctions, it can play a leading role in the realization of this important which guarantees a strong run in cooperation with the legislative, the executive and the judiciary needs. The fourth strategy is to increase public awareness of the rights of citizenship; an increase in the level of legitimate claims, and thereby increasing standards has a considerable impact. The fifth strategy is to provide the necessary support, especially in the legal field and to create and the activities of civil society organizations, groups, organizations, associations and citizens' rights. The sixth strategy is to raise the standard of civil rights in a society requires cooperation among the three branches of the legislature, the executive and the judiciary. Some experts create a compromise solution in the seventh level of interaction between state and nations from the most important step in respecting the rights and duties of citizens and the government knows it. Despite the help of the general guidelines of that, should



be experts in every field, especially in the planning stages, legislation, implementation and monitoring accurately identify vulnerabilities and challenges and practical solutions, and dedicated to the realization of the rights of citizens in that area were discussed.

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