

## **ANNEX II**

### **A summary of the Islamic Consultative Assembly (Majlis) Legislations on Human Rights Standards**

#### **I. INTRODUCTION**

1. "Law" is a binding instrument with enforcing security wherein the rights and responsibilities of the individuals are defined. In other words law is approved to safeguard and protect the rights of human society. References to the responsibilities mean some kind of emphasis on such rights to secure their compliance as strongly as possible. In short, law can be regarded as an instrument securing legitimate rights of the individuals. Evidently, the sole existence of law under the patronage of a body namely "legislative power" does not mean safeguarding of the rights of individuals, as otherwise law deprived societies are considered uncivilized.
2. Under such strongly institutionalized mechanism in different ruling systems, why in light of the issue of law and lawmaking which have been principally constituted to safeguard legitimate rights of people of all walks of society, another branch i.e. "human rights" has come into fore which has extensively received the attention of theoreticians, researchers, politicians and citizens? This means that both law and lawmaking bodies have not given due weight to their duties and emergence of this new branch is intended to once again give official recognition to the legitimate rights of citizens, or other objectives should be taken into account?
3. Scrutinizing the facts that led to the emergence of the principles and concepts of "human rights" requires deeper and more extensive analysis. Regardless of the various theoretical and ideological reasons in support of human rights, one can briefly concludes from the issues raised under this theme that it seeks to

reiterate the values that are apt to be more obviously and seriously violated by national sovereignty in the course of their interaction with the people. Accordingly, the more sovereign governments have dissociated themselves from despotism and dictatorship, ruling under a democratically elected system, they have more respect for the values coming under the series entitled "*human rights standards*".

4. The Islamic Republic of Iran; a democratically elected system was founded to bring to an end the ruling of despotic and dictatorial regimes. Globally there are various ruling systems based on "*republicanism*", while the ruling system in Iran is distinctively differentiated from other systems, as it is founded on the sublime sacred divine tenets of Islam which has introduced a pattern of ruling system under "religious democracy". Under such a system the values associated with human rights is naturally expected to be highly respected, more particularly by the national sovereignty, because the sacred religion of Islam inundated with lofty tenets that, in turn, consider greater respect and status for the values accepted by human rights. Once such peculiarities associated with republicanism of the system, an unparalleled feature of respect to human rights values is manifested.

5. Consequently, sensitive and significant role of the legislative body in the Islamic Republic of Iran, i.e. Islamic Consultative Assembly becomes more evident in safeguarding human rights standards. Compliance of this body with religious Adoption of any decision by this body on human rights manifests basically its adherence to religious duties and tenets. In fact this body gives legality in its present sense to the relevant religious decrees, while allowing sanctions for violation thereof. Given this fact, as truly elected representative of people, lawmaker has thus complied with his/her duties for protection and safeguarding of the legitimate rights and freedom of the electors.

6. Series of the laws and enactments along with the bills or motions under examination briefly referred to here partly tend to display adherence of the Iranian lawmakers to the human rights standards that dates back to a couple of decades ago. ***Though "the law allowing accession of the Iranian government to the International Conventions on Civil, Political, Economic, Social and Cultural Rights"*** was approved by the Majlis on May 76, 2009 whereby an equal and non-transferable natural and legal credibility was recognized for all members of human family on the basis of global freedom, justice and peace, nevertheless this domain of legislation dates back to many years earlier dating back to 1921. Following are some examples attesting that our country inspired by a rich culture and sublime religion takes lead in safeguarding human rights standards in its modern conception. Undoubtedly one can scrutinize to find many other enactments of human rights nature. One should acknowledge that there is a long way ahead to achieve an ideal situation, which calls for harder efforts of lawmakers.

7. The series of instruments under this report appearing in 8 chapters as the core of this categorization is the Constitution of the Islamic Republic of Iran ( Chapter III: Rights of Nation) an instrument which described by the greater leader of the revolution as follows:

Constitution of the Islamic Republic of Iran is regarded as the manifestation of demands and ideals of the Iranian nation indicating the right direction and path to the people within an overall framework for codification of the general rules and policies of the system. Flexibility to adapt with the prevailing situation and finding solution to different problems is of peculiar significance of the Constitution which has introduced practical ways by seeking the

expertise opinions of the experts. It is hoped that this report can serve as an appropriate basis to respond to the legislations needed for protection of human rights standards within the framework of sacred religion of Islam and the Constitution.

## **II. RIGHTS OF WOMEN AND FAMILY**

8. Article 21 of the Constitution focuses on protection of the rights of women, though other also refers to some extent to some other protective rules. In general women are the core issue of three articles of the constitution, namely articles 3, 20 and 21. Also family is another issue that principally referred to in 4 Articles, namely 10, 21, 31 and 43. Certain other different cases of law have been approved for protection of women rights under series of ordinary laws which include as follows:

### **A. Family Protection Act, approved on June 15, 1967**

9. Approved before revolution, this law with certain amendments is still considered an applicable law. Under this law certain rules have been observed in the process of separation of spouses with grater tendency to exercise protective treatment toward women.

### **B. Law on maintenance of women and children with no guardianship**

10. Ratified in 1983, this law was later amended more comprehensively and approved by the Islamic Consultative Assembly in Nov. 2002 containing 10 Articles and 8 notes. It has provided for special financial, cultural, and social, job protection and work aid.

**C. Law on allocation of quota for women in engagement of specialized medical assistantship approved on Sept. 20, 1993**

11. This law provides that Ministry of Health, Treatment and Medical Education should allocate to women a minimum 25% quota of admissions to medical assistantship in the said fields and a minimum of 50% to other branches of studies.

**D. Law on encouragement of breastfeeding and protection of mothers in the course of lactation approved on March 13, 1996 and later amendments approved on March 13, 1996 and June 27, 2007**

12. This law focuses on various aspects of breastfeeding mothers, particularly working mothers who can enjoy certain privileges such as delivery leave.

**E. Law on addition of one paragraph and one note to Article 6 of Press Law, approved on Aug. 22, 1998**

13. According to this paragraph instrumental engagement of individuals (man or woman) in pictures, degrading and insulting treatment to female sex, indecent and illegal publicity is disallowed and the offenders shall be sentenced to punishments referred to in Article 698 of Law on Islamic Sanction.

**F. Law on cooperation agreement for the activities of women and family approved May 13, 2003**

14. This agreement was signed on the occasion of the official visit to Tunisia of advisor (in women affairs) to the President of the Islamic Republic of Iran and Head of the Center for Women Participation Affairs which took place from April 16-21, 2000 at the invitation of the Tunisian Minister of Women and Family.

This document contains 8 items which refers to mutual relations on qualitative promotion of women activities within family and related atmospheres.

**1. 1.7 Law on protection of the rights and responsibilities of women in the international and international arena, approved on Feb.4, 2007**

15. This legal motion prepared and approved on the basis of the reference document" *Charter on the rights and responsibilities of women in the Islamic Republic of Iran'* approved on Sept.22, 2004 by High Council of Cultural Revolution binds the government to facilitate practical attainment by women of the rights and responsibilities in the internal and international arena under Articles 20 and 21 of the Constitution and in light of the Forward-Looking Document.

**2. 1.8. Law on the incremental coverage rehabilitation and protection of disabled persons and bread earning women by State Welfare Organization approved on June 26, 2008**

16. According to this law the government is authorized to develop service coverage needed for protection and rehabilitation of 100,000 disabled persons and 30,000 of bread earning women.

**3. 1.9 Law on partial amendment of Civil Code, approved on Feb.5, 2008**

17. According to this law (Articles 946, 948) of the Civil Code were so amended that the wife is entitled to inherit, in addition to movable property, from immovable property including site and building.

## **G. Children and adolescents**

18. In addition to various Articles of the Constitution( including Article 30 on the necessity of education to children up to the secondary school together other rules on family underscoring the rights of this group as the founder of future, numerous other protective law and rules have been ratified by the Islamic Consultative Assembly. For Example:

### **1. 2.1. Law granting guardianship of minor or incapacitated children to their mothers, approved on Dec.29, 1981**

19. According to this law, guardianship of minor or incapacitated children whose fathers have attained the sublime status of martyrdom or died shall be granted to their mothers. The conventional living subsistence of such children either to be met from the inherited property or paid by the government or any of the revolutionary bodies shall be put at the disposal of their mothers, unless a competent court rules out competency of the mother. The Islamic Consultative Assembly amended this law in August 1985.

### **2. 2.2. Law on the accession of the Islamic Republic of Iran to the Convention on the Rights of Child, approved on Feb.20, 1993**

20. Approved on the basis of the relevant Rules of the UN Charter to recognize the integral rights of equality and status of all members of human family in order to lay the foundations of freedom, justice and peace in the world, this Convention considers child as the most vulnerable member of this family on whom the future of the world is based. This instrument with a preamble and 54 Articles emphasizes on various aspects of protection needed by children.

21. The Islamic Consultative Assembly approved this Convention in 1993.

**3. 2.3. Law on acceptance of amendment to the Convention on Child Rights approved on July 10, 2001**

22. Pursuant to the UN Resolution A50/155 –Dec.21, 1995, amendments to the Convention were approved by the Islamic Consultative Assembly.

**4. 2.4 Law for ratification of Convention on Prohibition and Immediate action for eliminating worst forms of child labor and the additional note Oct.30,2001**

23. This Convention which was introduced in the General Conference of International Labor Organization to the member states for adoption on June 17, 1999, was submitted to the Islamic Consultative Assembly in October 2001. Having ratified, the Islamic Consultative Assembly required, under the threefold Notes thereof, the concerned Ministries such as Ministry of Mine and Industries, Ministry of Health and Ministry of Labor and Social Affairs to enforce the applicable rules.

**5. 2.5. Law on Protection of Children and Adolescents, approved on Aug. 20, 2002**

24. Focused on fight against harassments, physical and mental injuries against teenagers less than full 18 years of age, this law was approved by the Islamic Consultative Assembly ensuring certain punishments for the perpetrators of such offences.

**6. 2.6. Law determining citizenship of the issues resulted from the marriage of Iranian women to Non-Iranian men, approved on Sept.24, 2006**

25. According to this law, the issues born in Iran as a result of the marriage Iranian women with non-Iranian men, or born in Iran not later than one year after adoption of this law may apply for Iranian citizenship when they reach full 18 years of age. In absence of any penal or security records and their rejection of non-Iranian citizenship, such applicants are admitted to have Iranian citizenship.

**7. 2.7.Law on accession of the Islamic Republic of Iran to the Optional Protocol to the Convention on Child Labor concerning sale, prostitution and pornography of children, approved on July 31,2007**

26. This Protocol was adopted by UN General Assembly on May 25, 2000. It is noteworthy that certain provisions of this Protocol have received greater attention of the Majlis in later enactments. A clear example of such case refers to the law on Cybernetic offences which extensively focuses on penal aspects of child abuses. More significantly this law considers universal competence for cybernetic offences abusing individuals less than 18 year of age.( Para" d" of Article 28).

**8. 2.8.Law on payment of stipend to the children of deceased mothers covered by Social Security Act and other Pension funds , approved on Dec.27, 2007**

27. According to this law, pension of mothers, in the case of their death, likewise the deceased fathers/men, shall be payable to their children. This law ensures noticeable protective privileges for children who might suffer much in absence of their guardian.

### **9. 2.9. Legal bill on protection of children and adolescents with no guardian, introduced on Feb.24, 2009**

28. In order to adapt "*the Law on Protection of Children and Adolescents with no guardian (adoption)*" approved in 1974 with the latest prevailing circumstances and further to prepare a better and sufficient ground for protection of this vulnerable category and preservation of the sacred status of family in light of Islamic norms, this legal bill has been submitted. The present bill prepared within the framework of Article 29 of the Constitution has provided a more extensive spectrum for entrusting guardianship of qualified children and adolescents to the competent families, while encouraging better enforcement of care strategies by the guardians and promoting relations with guardian parents and mentioned children to ensure a mentally, physically stable atmosphere for the growth of their personalities. The former act had certain shortcomings in this respect. This bill is now in the agenda of the parliament.

### **H. Persons with disability**

29. In addition to disabilities related to genetic abnormalities i.e. congenital abnormalities as well as disabilities resulting from natural or other incidents, our society is facing a large number of disabled persons in the course of 8 year sacred defense, who need appropriate protection under the applicable laws. The Islamic Consultative Assembly has greatly emphasized on this important issue during the years after the sacred defense while safeguarding the rights of persons with disability. Among the laws passed in this respect:

**1. 3.1. Comprehensive law on protection of the rights of persons with disability (May 7, 2004)**

30. According to this law the government is obligated to attentively prepare the grounds for the activities of persons with disability in the society eliminating any unfair discrimination. This law also applies to the guardians of the persons with disability as they also receive certain facilities. Furthermore it has been ensured that the disabled can be also employed with due consideration of their abilities.

**2. 3.2. Law on adoption of Convention for the rights of persons with disability (Dec. 4, 2008)**

31. This Convention, as the first Convention on human rights in 21<sup>st</sup> century was adopted by the UN Security Council in Dec. 2006 to which 80 states joined. According to this instrument States are obliged to guarantee rights of the disabled by adopting necessary laws to eliminate any discrimination against them. With regard to the human, moral, national and religious history of our country, the legal bill for accession to this Convention was passed by the Islamic Consultative Assembly Dec.25, 2008 and confirmed by the Council of Guardians.

**3. 3.3. Law requiring the government to recover rights of the disabled and victims of chemical war against the Islamic Republic of Iran passed (Jan.26, 09)**

32. The victims of the Iraqi Imposed War which include over 50,000 disabled chemically and families of tens of thousands martyrs of bio-chemical war suffices to prove the oppression rendered to the Islamic country of Iran. Though Iranians are regards as the greatest living witness of the history of such tragedy, nevertheless no serious action has been take to collect

compensations, and the countries supplied such lethal weapons have not been called into account on the basis of legal standards. Therefore a Single Article Act containing 5 notes has been passed requiring the government and the Judiciary to take necessary legal and judicial actions, in addition to resorting to such prerequisite as creation of a comprehensive data bank of these crimes. This Act was served to the government on Feb. 3, 2009.

### **I. Labor, Welfare and Social Security:**

33. There are several articles in the Constitution that call on the government to give due attention to various aspects of labor, welfare and social security of the citizens. Article 3(particularly Para 12), 28 and 29 are of great importance in this respect.

34. Similarly several laws have been passed with an appropriately broader coverage, particularly as a medium to respond to the shortcomings and to meet the needs of the modern society. This is the outcome of legislative experiences gained in the past decades. Following are examples of the recent enactments:

#### **1. 4.1 Labor Law:**

35. The Principal Law relating to this domain, i.e. labor law was passed by the then National Consultative Assembly in 1957. It was later underwent certain basic amendments in 1990. Many other laws have been passed on related subsidiary issues which mainly include:

- Apprenticeship Law (1970), Agricultural Labor Law (1974), Law on granting the workers under Labor Law the privileges for devotions and working in the war-stricken regions (Dec.21, 1997), Law on labor agreement and development of labor force between the Islamic Republic of Iran and Kuwait ( Oct. 2,2001), Law on agreement for

social, labor and working cooperation between the Islamic Republic of Iran and Qatar( June 26,1994), and Law on transferring government owned shares to the devoted and workers ( Aug. 3, 1994)

## **2. 4.2 Social Security Law**

36. Passed by the National Consultative Assembly in 1975, Social Security Law was extensively amended after the Islamic Revolution to provide a broader coverage in order to respond the demands of the society. Among such amendments approved recently the law has provided broader health coverage for male children of the pensioners of civil servants, military service and social security funds as well as other pensioners, which received approval of the Islamic Consultative Assembly in July 2008. Similarly, the law on the comprehensive structure of Social Security System was passed by the Islamic Consultative Assembly on May 12, 2004, to provide an integrated system promoting services to be rendered by the government to people in social security field.

## **3. 4.3. Insurance Law**

37. In respect of insurance as an important issue, Majlis has passed major laws before and after the Islamic Revolution in order to bring a broader coverage in quantitative and qualitative aspects for protection of citizens. Certain important laws passed after the revolution is as follows:

- Unemployment insurance (passed on June 15, 1987), Pre-mature retirement of the insured under Security ( May 19, 1988), Public insurance of Sate Health Service( Oct.25, 1994), Retirement, Death and disability Insurance of Carpet and Rug Weavers( Dec.2,1997), Exemption of

Medical Service Insurance Organization from payment of Taxes on the receipt of premium ( Jan.4, 1997), Social Insurance of Taxi and Truck Drivers ( May 9, 2000), Establishment of Private Insurance Institutes ( Aug. 28,2001), and Social Security Insurance of Construction Workers ( Oct.31, 2001).

38. As regards the recent law which dates back to the pre-revolution era, the compulsory insurance of construction workers passed in 1973 by the National Consultative Assembly. At this stage other protections have been also provided for the working group. It is to be noted that working nature of this group had not been so far covered by Social Security Laws, though they have always exposed to serious risk as a vulnerable working category. As result the Islamic Consultative Assembly realized the necessity of putting this issue in its agenda. It is noteworthy, that this law does not merely restricted to the insurance of the Construction Workers, but has paid due attention to their training and skillfulness.

## **J. Just and Fair Proceedings:**

39. In the Constitution of the Islamic Republic of Iran there are different articles that strongly emphasis on protection of all citizens vis-à-vis the judicial system ensuring their dignity and status in the process of proceeding, particularly criminal proceedings as required under Articles 332,34 to 39.

### **1. 5.1. Code of Criminal Procedure:**

40. This code dates back to nearly one century ago; a series entitled" provisional Codes of criminal trials (Code of Criminal Procedure) containing 506 Rules which was ratified by the then National Consultative Assembly on Aug 21, 1912. Since then this

code has been in force, as amended. The latest binding amendments is called Rules proceedings of Public and Revolutionary Courts in Criminal Affairs approved on Sep. 19, 1999. This series of laws focuses on various aspects of protection of the rights of the accused and criminal convicts. The legal bill underway for ratification explicitly refers to the principles of fair proceedings as a sign of the compliance of Iranian lawmakers to such norms.

## **2. 5.2. Law of attorneyship:**

41. This law dates back to Sept. 1935 when the then National Consultative Assembly ratified it with 55 Articles. The long precedence of this law clearly shows that the Iranian lawmakers are duly bound to the evident principles of just and fair proceedings in their legal system. More particularly that the legal bill granting independence to the Bar Association was approved by the then National Consultative Assembly in 1954. This measure is considered as a principal step intended to secure rights of citizens in the course of either civil or criminal proceedings.

## **3. 5.3. Law on respect for legitimate freedoms and promotion of citizenship rights, passed on May 6, 2003**

42. This law which includes one single act and 15 items refers to various aspects of just and fair proceedings.

## **4. Legal Bill on Penal Procedure, submitted on Jan.26, 2009**

43. This legal bill that is in its final stage of ratification focuses on compliance with the principles of just and fair proceedings which include:

- Innocence as a principal, obligation of the prosecuting authority to adduce evidence against the accused, no compulsion on the accused to prove innocence, granting opportunity to the accused for defense, narrow interpretation of penal decree in favor of the accused, equal treatment in respect of principles of acquittal toward the convicts with clean record or bad record, interim detention as an exceptional case, necessarily for interference of the judicial authority at any stage of proceedings if the convict's freedom is neglected, granting sufficient means to the convict to object to his/her detention, release of the convict immediately after acquittal, right to have attorney at any stage of proceedings, prohibition of torture and deception of the convict by raising ambiguous questions.

-----