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The Basic Rights and Personal Freedoms

Question No. 34

To what extent are the public rights and people's basic rights ensured in Islamic State?

In Islamic government, the basic rights of the people have been established in best accordance with religious high values and teachings. In IRI Constitution, the basic rights of the people have been stated in various chapters, including the followings:

1. Equality

“Iranian people from different races and tribes enjoy equal rights; and color, race, language, and the like are no criteria for priority.”^{[1](#)}

2. Enjoying legal support

“All members of society, men and women, are equally supported by law, and enjoy all human rights including political, economical, social, and cultural rights based on Islamic principles.”^{[2](#)}

3. Political rights

“Absolute dominance over the universe and human belongs to God, who has made human dominate his own social destiny; nobody can deprive human of this divinely conferred right or make it at the service of a special individual or group; and the people exert this divinely conferred right through devices stated in later articles.”^{[3](#)} In article 6, it is stated that “In Islamic Republic of Iran, the country's affairs must be managed based on people's votes; this is done through elections, electing the president, the MPs, the members of the City Councils, or through referendum.”

4. Social rights

a) The right to a suitable job (articles 43, clause 2; 28 and 29)

- b) The right to social security (article 31)
- c) Cultural rights (article 30)
- d) Economical rights (the right to ownership) (chapter 4, articles 46, 49, ...)
- e) Judicial rights (the right to litigation, choosing a lawyer for lawsuits) (article 34, 35 and 167)
- f) Another section of the basic rights is concerned with “people’s basic rights” to which we will deal with separately.[4](#)

Impunities

Another related subject is concerned with impunities including the followings:

1. Personal impunity or individual security (articles 21–3, 38)
2. The judge’s impunity (article 164)
3. Judicial security (clause 114 of article 3)
4. Judicial principles:
 - a) The principle of necessity of observing Islamic rules (articles 159 and 163)
 - b) The principle of exemption (article 37)
 - c) The principle of legal prosecution and punishments of crimes and enforcing them through legal authorities (article 169)
 - d) The principle of open trials (article 165)
 - e) The principle of no ex post facto criminal law (article 169)
 - f) The principle of the necessity of settling complaints and petitions (articles 158 and 167)
 - g) The principle of the necessity of restitution of material or spiritual harms inflicted due to judge’s mistake or fault (article 171)[5](#)

As for the question of whether the basic and public laws relating to the people are valid and respected, it should be noted that:

Firstly, an Islamic State and government is never formed without people’s will and consent.

Secondly, the religious society – in view of its deep commitment to religion and religious values – is seeking laws taken from the very context of religion or at least accepted and affirmed by religion and not

inconsistent with it. Such laws enjoy special validity and importance in Islamic State, and nobody has the right to oppose them. It is advisable here to refer to previous questions as well.

- [1.](#) Articles 1, 3.
- [2.](#) Article 23, clause 14; Article 21.
- [3.](#) Articles 56, 41 and 25.
- [4.](#) See Question No. 37.
- [5.](#) For further information, see Huquq-e asasi va sakhtar-e hukumat-e jumhuri-e Islami-e Iran, p. 93-124.

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