



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 7 March 2014

STATEMENT

IRANIAN DRAFT CHARTER OF CITIZENS' RIGHTS

The Bar Human Rights Committee (BHRC) urges The President of the Islamic Republic of Iran, President Hassan Rouhani, to ensure that the new Iranian Charter for Citizens' Rights ('the Charter') unambiguously guarantees access to fundamental rights to all living within the country and acts as a roadmap for legal reform with human rights at its heart.

The BHRC has reviewed the draft Charter, the relevant provisions of the Iranian Constitution and Iran's International Human Rights Treaties obligations and set out its views in its report on Human Rights in Iran and the Draft Citizenship Rights Charter (March 2014). The BHRC is concerned that the Charter fails to meaningfully protect the rights it purports to affirm, and further amendments to the Charter need to be made, to ensure that it protects the rights of all who live within the country, without discrimination, and to ensure that members of minority, ethnic and religious groups and women enjoy full access to rights set out in the Charter, and the full and equal protection of the law.

The Charter states that it will not have an effect on existing rights, laws, and obligations or on international conventions (article 1.1) and that it does not intend to create new rights or obligations (article 1.6). The Charter is, in BHRC's view, at the same time to be considered as significant for its declaration of what the Iranian government deems to be the most important among citizens' rights and establishes priorities in its human rights policy. The BHRC hopes that the Charter is not used by Iran to avoid its binding international human rights obligations, deflect attention during its next reporting at the Universal Periodic Review in October/ November 2014, or ignore its responsibilities under the mandate of the UN Special Rapporteur on the human rights situation in the Islamic Republic of Iran.

It is a concern that most rights set out in the Charter are capable of being restricted, limited or completely erased by vague and open-ended conditionalities stating that the declared rights are to be understood "within the framework of the law" or "with due consideration to Islam". By its effect, as currently drafted, ethnic minorities, Bahá'ís, other unrecognised religious minorities and non-Iranian citizens would be explicitly disenfranchised from most rights in the Charter. The Charter also contains a wide range of other exclusions affecting the foundational rights and freedoms of a cross section of Iranian citizens and non-nationals.

The BHRC is concerned that the Charter could be used by the government of Iran to convey the impression that it is now committed to upholding the rights of its country's citizens, while in practice continuing to treat particular segments of the population as being outside the framework of constitutional protection and the various international covenants on human rights to which Iran is party. To be credible, the Charter must grant substantive legal rights to all, citizen and non-citizen, and to members of all groups within society, including women, and members of all ethnic, minority and religious groups. The BHRC calls on the Iranian government to carefully revise the Charter and related provisions of the Constitution, to ensure that it is fully in compliance with its binding international human rights obligations, and to unequivocally guarantee fundamental, internationally recognised rights to all in Iran. The BHRC further calls upon the government of Iran to implement an effective legal reform programme.

END.

Note to editors:

1. The draft Charter was released by President Rouhani on 26 November 2013 and is currently under review. It sets out the policy and plan for Iran's legal reform project which it states will be compliant with the human rights set out in the Charter. The BHRC has prepared a report on the basis of the priorities set out in the Charter. The BHRC report considers human rights issues which it regards as requiring particular attention by Iran. These include the rights of women, freedom of expression, non-discrimination and equality, freedom of expression, torture, death penalty and the rights of children. The Report is available in the BHRC website www.barhumanrights.org.uk
2. The Bar Human Rights Committee of England and Wales ("BHRC") is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with protecting the rights of advocates, judges and human rights defenders around the world. The Committee is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. The remit of BHRC extends to all countries of the world, apart from its own jurisdiction of England & Wales. This reflects the Committee's need to maintain its role as an independent but legally qualified observer, critic and advisor, with internationally accepted rule of law principles at the heart of its agenda.