

Legal Analysis of Political-Social Groups' Freedom in Iran Constitution and International Documents

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ABSTRACT

In the investigation of legal dimensions and group freedoms, besides basic issues as determining the concepts, the emergence and its history, philosophical basics of these rights and freedoms, determining the civil and political group freedom rights and economic, social and cultural aspects and the investigation of each of the rights in legal literature of international and internal rights, it is required to investigate different types of legal contents regarding each of freedom rights. The present study investigates the content of group freedoms and rights. The rights and freedoms are divided into two groups. Group freedoms and rights dedicated to none of the groups and as all people in the society can enjoy it. These groups rights and freedoms are called public freedom and rights. Beside these freedom rights, we can call other freedom and rights including only specific groups and the aim is specific group can enjoy it due to their specific situation. This situation can be due to different life style or low social status. Thus, these rights and freedoms are predicted for the reason first to avoid their destruction or put them in a condition to have access to their rights in an equal situation to other classes of society. The former considered these rights and freedom as specific freedom as all members of society don't enjoy it.

KEYWORDS: groups freedom, Iran constitution, human right, international documents

INTRODUCTION

The freedoms that are recognized as international human rights system include a combination of civil and political rights, economic social and cultural aspects and their aim is that all people in society enjoy biological conditions reflecting all aspects of human dignity. Thus, each of the rights and freedoms as a part of next human rights supportive system consider them as process protecting human dignity. Many people believe that the rights and freedoms should consider individual aspects of human rights and real life regulations proved that only individual rights don't respond achieving this goal. The civil nature of human life requires that they provide various dimensions making the violation of the rights and freedoms possible.

It should be accepted that individual position of human being in society is not important that he be sure of enjoying the individual rights. Some other rights support individual rights and freedom and group freedoms and rights can complement individual rights and freedom to do this duty.

These rights and freedoms are divided into two groups. Some of the rights and freedoms are not dedicated to specific group and they follow the same human rights constitution including universality, inseparability and equality. For example, if the problem of these rights is that the rights of commercial associations or labor is only about workers, it seems right that these rights are at first specific for special groups but nobody is deprived of labor or trading that these rights are only related to specific number of people. On the other hand, any job can enjoy these group freedoms and rights and is not restricted to specific group. Specific group freedom and rights including minorities and local people are only applicable regarding these societies. The person who can not be a part of local population or cultural and linguistic minority and the rights and freedoms of them are not imaginable for others outside of these societies. To study the public group freedoms and rights, we can divide them based on society stability of the freedoms and rights into temporary and stable. In the first group, we can include the rights of gathering and demonstration and in the latter one the rights and freedoms of various associations including political, social, cultural, professional and etc.

First section, establishment of associations

The right to freedom of associations is one of the obvious cases of collective freedoms and rights. The associations can play by various methods in fulfilling basic freedom and rights of people and they include wide range of human rights.

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The right to freedom of associations is one of the obvious cases of collective freedoms and rights. The associations can play by various methods in fulfilling basic freedom and rights of people and they include wide range of human rights.

Thus, effective function of associations cause that the relevant rights have specific position. This right is not only considered as an individual right, but also it has group nature. In international domain article 22 of civil and political rights covenant and article 8 of economic, social and cultural treaty of global standards of associations' freedoms and rights are expressed. We can also refer to convention No. 87 of labor international organization regarding the freedom of association and supporting the organizing right called San Francisco convention. In this section, the dimensions of this right in Iran law are based on two articles. The most important collective dimensions of association's rights and freedoms are including the association, membership, activity and dissolution rights. On the other hand, association rights are not absolute and can be the subject of limitations. Regarding each of the freedoms and rights, it is attempted to investigate the applied limitations and compare Iran domestic law with international standards.

First section, right to establish the associations

Some articles of human rights conventions dedicated to freedom right of associations start the content of this right with "any person is entitled to have association with others". Although considering this right to "anyone" considers its individual aspect, the right to form these associations is another aspect. In other words, it can be said in article 2 of civil rights and political rights of treaty, the governments are obliged to do the required measurements to respect the associations and guaranteeing their creation. The associations and the investigation of the associations that should be permitted to be started and the establishment of the associations are the main framework of establishment of associations.

Establishment of civil and political associations

First section article 22 of civil rights treaty without any limitation asks governments to permit any association. In other words, any association should be created. The second section of this article allows the governments to have some limitations in implementation of it. These limitations should have some conditions. First, they should be described by law and they should be necessary in a democratic society.

Thus, article 26 of Islamic republic constitution considers freedom principle of associations based on the freedom of associations depending upon some conditions. As:

Political parties, societies, political and craft associations, and Islamic or recognized

Minority religious associations may be freely brought into being, provided that no

Violation is involved of the principles of independence, freedom, national unity, Islamic

Standards and the foundations of the Islamic Republic.

Perhaps, regarding association establishment, there is doubt that can the government prevents its creation based on this right or not. At first we investigate the legal and illegal associations.

Legal associations

Freedom principle of right to establish associations requires that we consider the principle based on freedom of establishment of association. Thus, except the cases there is no logical reason to avoid association establishment, the governments can not create a barrier to establish them. The acceptable limitation of the governments on establishing such associations is that the governments should be aware of its establishment. Being aware of establishment of associations includes applying some limitations including the necessity of registering the associations and being aware of its establishment goals, its activity and structure.

The registration of associations

The governments are entitled to consider recognition of the associations depending upon their registration. Thus, they are obliged to observe some cases. First, rules of association registration shouldn't be as barriers to establish some associations in a democratic society. This barrier includes legal barrier or applying the limitations for establishment of some of them despite civil and political rights treaty or predicts a complex and illogical process that is a barrier to establish these associations. In other words, the latter law doesn't prohibit registration of any association, a process is considered for its registration and its registration is faced with some problems and it can be said that establishment right is violated. Human rights committee regarding Uzbekistan "besides concerns of legal

regulations and applying them as political parties and general associations are restricted by justice ministry¹” asks this country:

“In order that rules, regulations and state trends consider themselves regarding political parties registration in regulations of articles 19², 22 and 25³ of treaty.⁴

The law of activity of parties, populations, political and professional associations and Islamic or religious minorities recognized in 1981/6 predicted the registration of associations. According to article 8:” Ministry of interior is allowed to register groups and issue their license”.

“ The file of license issue being considered based on the executive regulation of this law, at most within one month, this law is dissolved by interior ministry to commission article 10 and after approving commission within 10 days, the license of groups with the signature of ministry of interior is issued⁵. Executive regulation of this law expresses the conditions for establishment of association. One of them is: Binding to constitution of Islamic Republic of Iran, ⁶ Iran nationality and the lack of penal background and the lack of deprivation of social rights ⁷. Thus, if some of the found members of such organizations don’t have Iranian nationality, they can not establish an association. On the other hand, the lack of penal background is another barrier to establish such association. As penal background concept can be as wide including political condemnation. Always, there is the risk that due to political condemnation risk, influence in associations namely political parties is open. Other criticism of this law is note 4 article 2. Based on this note, qualification of the associations principles is dedicated to commission article 10.

In addition, taking decision about issuing or not issuing license of applicants is for commission and after presenting the full file including the ministry of interior theories should be done⁸. This question is raised how much the view of ministry of interior is important in decision making of commission article 10.

To prevent dealing, the commission is obliged that within three times of procedure, deals with any request. Otherwise, if it doesn’t give view for any reason after three months, ministry of affair is obliged to issue the requested license⁹. Party’s law to cope up with the false decisions regarding the establishment of associations considered this right for the groups to complain about the commission decision. “The reference of dealing with the complaints of groups of commission article 10 of justice courts is based on observing article 168 of constitution ¹⁰ and the vote is definite¹¹. It seems that ministry of affair is not the only reference to establish the associations. The law of goals and duties of culture and Islamic guidance ministry “issuing establishment permission, development or dissolution of free institutions of artistic and cultural and cinema education and cultural and artistic associations and approving regulations and supervising their implementation in accordance to legal regulations are the responsibility of this ministry.¹²

The investigation of association’s regulation

Other regulations of the countries considering during approving the rules of associations rules and freedom are the necessity of awareness and article of association of these associations. Being aware of article of association of parties and associations is not only legal but also one of the rights or we can say it is one of the duties of governments. Thus, the governments are obliged to ask the leadership board of these institutions in associations’ registry rules to consider their article of association to be investigated to them.

As a right, we can say it is possible in accordance to article of association, the goals or methods to achieve the goals are made as are in contradiction to the allowable cases of limitation (national security, general security, health and public morality and etc.). And the government can avoid registry of the association. As a duty, the government is obliged to provide rights and freedom of others and when the association article is contrary to the freedom of others rights, the governments are obliged to take required measurements to prevent their formation. The example of

¹ CCPR: Concluding observations of the Human Rights Committee, UZBEKISTAN, UNDOC: CCPR/CO/83/UZB, 26 April 2005,Para.21.

² Freedom of speech right

³ Participation right in public life, elections and access to public services

⁴ Ibid. and, Concluding observations of the Human Rights Committee, MOROCCO. UNDOC: CCPR/CO/82/MAR, 1 December 2004,Para.25.

⁵ The law of parties, populations and political and professional associations and Islamic associations or religious minorities, article 9

⁶ The groups asking for license should express their binding to Islamic republic constitution of Iran in article of association (article 14).

⁷ Executive regulation of parties, population, political, professional associations and Islamic associations or religious recognized minorities, article 2, sections c to f

⁸ Executive regulation of parties law, article 19

⁹ Parties law, article 12

¹⁰ Based on principle 168, dealing with political crimes and press is open and it is done based on the presence of jury in courts. The selection, conditions, jury power and definition of political crime are determined by Islamic regulations.

¹¹ Parties law, article 13

¹² Article 1, section 17

the associations is the organizations promoting racial discrimination and racial hate. The executive regulations of party's law are necessary for registration as: Article of association and financial-discipline regulation of group¹³.

The aim of article of association is awareness of their activities and goals and the government ask them to mention the information providing this goal in article of association. Note 2 article 3 of parties law regulation states:

The article of association should indicate the points:

- a. Ideals. The attitude to formal religions, cultural, economic, political, social, military, administrative, legal and law making system.
- b. The aim of formation of group
- c. The policy selected to achieve the aim

Thus, the government by knowing the binding of presenting the information can be aware of legality of goal and association method to register it and if the goals are not consistent with the international standards, it is prevented.

Illegal associations

Despite the fact that article 22 expressed civil and political law treaty of establishment right as absolutely, it can be said that this right in the second section of this article and general obligations of governments can be done by respecting people for human rights. Thus, the governments are obliged to apply the limitations regarding these associations. According to the freedom of establishment and activity of associations as there is no logical reason for the lack of registry of associations, applying these limitations includes regulations to make registry obligatory and present article of association and its goals. This is possible if the governments prevent its formation and establishment.

It should be considered that such limitation can be interpreted as no damage is inflicted on rights and freedoms of people. When there is logical reason that an association is created to promote anti-human rights ideals or damaging the others freedom or the activity is done as such is perceived.

The committee of racial discrimination elimination in general interpretation 15 showed that:

It is prohibition of publishing all ideas regarding the superiority and racial enmity in accordance to freedom of speech... the citizens using this right has specific duty in which the commitment of not publishing anti-racial ideas is of great importance.¹⁴

The committee stated in another general interpretation:

As private institutions have influence on legal components and access to opportunities, the governments should guarantee and its aim or effect has no racial discrimination or doesn't commit it¹⁵.

Iran law predicted some limitations regarding parties and associations registry. Article 7 of parties law of political associations establishment by all Savak members, freemasonry, those taking power during 28 Mordad, 1953 to 22 Bahman 1978 or they were members in Senate or national council, previous regime actors and resurrection party and those who deprived social rights in accordance to the Islamic regulations were all prohibited.

Unfortunately, party's law had political view to establishment of parties and associations and it refers only to the prohibition of parties and political association's establishment by mentioned people and it should be said this law has many problems. As complementary to this article, we can refer to duties of culture and Islamic guidance ministry issuing the permit to establish free institutions of artistic, cultural and cinema training and cultural and artistic associations. This article causes that except prohibition of creation of political associations, we can investigate other associations.

But Islamic guidance and culture ministry can deal with this issue only in these duties. Thus, there are many problems in Iran law. The member countries should guarantee the study of their rules lead to full respect of article 22 rules of treaty¹⁶.

The establishment of commercial unions

Professional and commercial unions are those that are considered in international standards. Article 22 of civil and political law of treaty considered joining them for supporting their benefits as one of the rights and freedoms of associations and economic, social and cultural rights treaty also considered this issue. Section one of articles 8 of economic, social and cultural rights treaty obliges the governments to guarantee the right to establish commercial unions. In addition to the law content and freedoms of professional associations in second treaty, the first treaty in third section article 22 explains about superiority of rights and freedoms in convention of freedom of associations

¹³ Article 3, section c

¹⁴ CERD: General Recommendation No. 15: Organized violence based on ethnic origin, 23 June 1993, Para.4.

¹⁵ CERD: General Recommendation No.20: Non-discriminatory implementation of rights and freedoms, 15 June 1996, Para.5.

¹⁶ CCPR: Concluding observations of the Human Rights Committee, MAURITIUS, UNDOC: CCPR/CO/83/MUS, 27 April 2005, Para.19

and supporting the organizing right approved 1948 (convention 87) in this article. In items convention 87 of international organization of labor creates more freedom and rights to treaty for professional associations, the priority is with this convention. To investigate the rights and freedoms of professional associations, economic, social and cultural law and convention 87 of labor international organization are the foundations and the rules in Iran law are compared with each other.

According to article 8 of economic, social and cultural rights treaty:

The state members of this convention obliged to guarantee the following items:

a. Recognize the right of any person to create commercial union..to support and improve economic and social benefits.

No limitation in this right should be applied in this right as described by law and is necessary for national security benefits or general order or supporting the rights and freedom of others in a democratic society.

Like the establishment of association in accordance to article 22 of civil and political rights, the freedom of commercial unions association and professional unions in this convention are a principle with the difference that establishment limitations of their establishment are shown in the continuance. It doesn't seem prohibition of commercial associations to follow the goals including racism and etc. are imagined. In other words, the prohibitions of establishment or joining the professional associations based on national benefits or public order should supervise specific jobs of people.

Convention 87 of labor international organization states the establishment of labor institutions. Thus, this convention: workers and employers without any distinction should enjoy establishment of organizations based on their selection without any influence¹⁷. Thus, the governments can not have any influence or deviation in policy of these organizations. Labor and employer organizations are entitled to make their own article of association and regulations.¹⁸ The right of professional associations in Iran law is recognized. The condition of associations and professional associations in Iran law are observed in labor law. According to article 131 of this law:

According to 26 article of Islamic Republic constitution of Iran and to protect the legal law and benefits and improvement of economic condition of workers and employers considering the benefits of society, the workers in labor law and employers of a profession or industry can form job associations.

According to this law, professional association formation is recognized, the workers of a unit can only have one of three cases of labor Islamic council, professional association or workers agent.¹⁹ Despite other association their registry was done by commission article 10 and ministry of interior, professional associations are exception. According to note 2, article 131 of labor law:" All professional associations and centers for association are obliged to make the article of association by observing rules and its approving in general assembly and giving to labor ministry and social affairs for registry".

Second 2) the right of free activity of associations

Right to the free activity of associations besides freedom of their establishment considers another aspect of general group freedoms and rights. Using basic freedom and rights individual and group requires that these institutions can act according to their goal namely supporting human rights freely. This doesn't mean the governments can not ban their activities under any condition. Thus, the right to free activity of these institutions is acceptable as it is not in contradiction to the duties and power of governments.

Party's law also mentioned some examples and the groups, associations of this law are obliged to avoid it. According to this law:

- a. Committing the acts violating the autonomy of country
- b. Any kind of relation, information exchange, collaboration with embassy, agency, state organizations and parties of foreign countries as it is harmful to the freedom, autonomy, national unity and benefits of Islamic Republic of Iran.
- c. Receiving any financial help from foreigners
- d. Violating legal freedom of others
- e. Accusing, gossip
- f. Violating national unity and committing some acts as planning for disintegration of country
- g. The attempt to create conflict between nations by various cultural, religious and racial backgrounds in Iran society
- h. Violating Islamic regulations and basis of Islamic Republic of Iran
- i. Anti-Islamic advertisement and publishing harmful journals

¹⁷ ILO Convention 87 Freedom of association and protection of the right to organize, Art.2

¹⁸ Ibid., Art.3.

¹⁹ Labor law, article 131, note 4

j. Maintaining and carry illegal weapons

As international standards regarding article 22 of civil and political rights treaty and professional associations are different, this is investigated differently.

The associations of civil and political rights treaty

Article 22 doesn't refer to the civil and political rights treaty directly to the allowed activities. Some cases are stated by which the governments can prohibit rights and freedom of association's activity. Thus, the principle is freedom of the activity of associations. Thus, human rights committee asks the members states that member states should take immediate states to reform the rules limiting the activities of the organizations. Namely the emergency rules that shouldn't be used to avoid the support and encouragement of human rights²⁰. Human rights committee stated in another place:

The rules of country don't include human rights organization and should be reformed. Thus, it concerns that some of the associations of lawyers of Gena country are prohibited for this reason.²¹ One of the most important activities their freedom is considered by committee of human rights is human rights activities. The associations can be criticized as the agent of civil society in following the human rights of governments and the freedom of their activity plays important role in enjoying basic freedom and rights. According to committee:

The state member should reform its rules as it can permit registry of non-state human rights organization and lawyer center without any barrier.²²

Professional associations

Article 21 of civil and political rights treaty predicted associations activities generally and human rights committee by presenting the views clarified the dimensions of the rights and freedoms. As professional associations are in this article, in this group, professional associations are included. The different position of these institutions caused that in economic, social and cultural rights, we can consider commercial unions and predict the freedom and rights of their function. The subject of professional association's activities is stated in section 1 of article 8 of second treaty. The rights include:

b. The right of commercial unions to create federations or national conferences and the right of the latter cases to join to the international commercial unions organization.

c. The right of commercial unions to free activity without limitations more described based on law and is necessary in democratic society for national security and public order benefits or supporting basic freedoms and rights of others.

d. Right to strike, on condition that it is in accordance to the rule of the particular country and should be recognized.

According to this article, we can divide the activities of these institutions in three groups of right to create federation or conferences, including national and international, right to strike and other activities. The latter group is similar to other associations and we only consider two first and second cases.

Creation of national federations and conferences

Professional associations and commercial unions are entitled to take similar politics to achieve the goals and support the rights and benefits of the members. As formation of these associations can be used to promote the supportive mechanisms of people rights, the gathering of these associations can be effective for their unity and increasing efficiency to protect the rights. These institutions should enjoy the right of associations or conferences to coordinate their activities. The latter subject is not only predicted in socio-economic treaty, convention 87 of labor international organization referred to it. According to this convention:

Labor and employer organizations should have the right to join the federations and conferences and each of the organizations, federations or conferences should have the right to participate in international labor and employer organizations.²³ Article 6 of this convention recognizes all the rights in previous articles regarding labor and employer associations for these federations and conferences.

The state countries should take the necessary measurements to guarantee free execution of right to form federations and worker and employer unions.²⁴ Thus, governments should approve not only the suitable rules to

²⁰ CCPR: Concluding observations of the Human Rights Committee, SYRIAN ARAB REPUBLIC, UNDOC: CCPR/CO/84/SYR, 9 August 2005, Para.12.

²¹ CCPR: Concluding observations of on the situation of civil and political rights in Equatorial Guinea, UNDOC: CCPR/CO/79/GNQ, 13 August 2004, Para.11.

²² Ibid

²³ Art.5.

²⁴ Art.13.

guarantee the rights, but also they should do the supports including giving loan and protect the associations to others.

Labor law recognized the right. Note 1 of article 131 stated: To coordinate the duties and professional associations' law, we can form professional associations in province and high center of professional associations in entire country.

Right to strike

One of the rights and freedoms of professional associations, we refer to strike right. This right is accepted in treaty as it is in accordance to the rules of countries and economic, social and cultural rights committee states some view in the content of rules of countries. Regarding Tanzania, the interpretation of public services that strike right is prohibited:

The committee stated that public social services list for which strike is prohibited, it is extensive and strike in other sectors is prohibited temporarily or permanently after the investigation by public services committee. The committee asks the state country to take some steps to limit the definition of public services for which strike is prohibited. Only basic services are considered in this prohibition²⁵. The committee in other cases regarding the limitations on strike right for special groups of country agents stated that: this right should be used for all staffs.²⁶

Section 3: Supporting associations

Enjoying the freedom of associations not only requires respecting such rights but also the governments are obliged to do the suitable measurements to support the associations. This commitment is including wide measurements to enjoy the rights and freedoms. The governments should take all the measurements supporting the associations rights violation to others. The economic, social and cultural rights committee referred to this issue. Regarding Ethiopia as the right of formation and joining the unions is not guaranteed completely in law and practice and the arrest order is considered for strike of the employees as:

The member state in law and practice can form and join namely for the staffs as teachers, judges and staffs of information service.²⁷ They should be protected against any damage to them or members and the leaders of associations. The human rights committee stated as:

The member states should systematically investigate all the reports of damage and attack to associations.²⁸ According to article 13 convention 87 of labor international organization "the member states should take the required measurements to guarantee the free execution of right to formation of labor and employer federations and conferences.

Second section, peaceful gathering

The right to peaceful gathering is one of the most important samples of group freedoms and rights. This right manifests group freedom of speech namely in the cases people and groups are disagree with the governments politics and performance. This right is limited form some aspects. First, only the gatherings are accepted that are peaceful. Constitution of Islamic Republic of Iran considered this issue. The beginning of article 27 of constitution stated: the gathering and demonstrations without weapon is free".

The peaceful nature of gathering doesn't show this right is accepted absolutely and the governments can consider some limitations to this right under the conditions in first chapter. These limitations are some cases as the previous information, allowance for society or the society goal investigation.

First section) The necessity of previous information or permit

The governments know information in this regard for recognizing this right. It can be said the information and permit should lead to deprivation of this right. Human rights committee considers this in Hong Kong as:

"Regarding society freedom, the committee knows there is general explanations and considers the explanations of the agent of this country and this right is not ignored. However, the committee stated its concern regarding the fact that general order can limit this right²⁹. In such cases, it can be said the logical conditions and time limit should be between the times informed of the gathering intention to the time doing it. The stated time distance in domestic

²⁵ Economic and Social Council: Concluding observations on the initial to third reports of the United Republic of Tanzania, adopted by the Committee, UNDOC: E/C.12/TZA/CO/1-3, 13 December 2012, Para.11.

²⁶ Economic and Social Council: Concluding observations on the combined fourth and fifth reports of Bulgaria, E/C.12/BGR/CO/4-5, 11 December 2012, Para.13. and Concluding observations of the Committee on Economic, Social and Cultural Rights, Slovakia E/C.12/SVK/CO/2, 8 June 2012, Para.17.

²⁷ Economic and Social Council, Concluding observations of the Committee on Economic, Social and Cultural Rights, Ethiopia, E/C.12/ETH/CO/1-3, 31 May 2012, Para.12.

²⁸ CCPR: Concluding observations of the Human Rights Committee. THAILAND, UNDOC: CCPR/CO/84/THA, 8 July 2005, Para.19.

²⁹ CCPR: Concluding observations of the Human Rights Committee, Hong Kong Special Administrative Region, UNDOC: CCPR/C/79/Add.117, 15 November 1999, Para.19.

law shouldn't be as enjoying this right is problematic. In cases where the governments consider previous permission for holding such gathering should consider the required time to get such permission. In addition, it is possible such request is rejected and in this case the revision to the initial decision should be considered.

Human rights committee considered this issue and was concerned about the 15 days (in Moldavi republic rules) to be aware of proposed society to the authorities and stated:

Such long time can limit the legal forms of associations illegally. Thus, the member state should review the rules with the aim of guaranteeing the required time for informing to the authorities regarding the associations and regulation for this request and protesting the initial decision by appropriate use of this right.³⁰ In another case, the committee abused the necessity of informing of society due to binding to receive receipt for society and it led into the practical limitations to society right in article 21.³¹ The governments consider the peaceful association and permit necessary as the right to complaining of government decision in the lack of association registry, the mechanism of revision of good institution decision should be considered. In this regard, the time to deal should be very important in using or deprivation of peace society right.

Second section: The limitations of peaceful association

Although freedom right of peaceful can be limited by some conditions, these conditions can be evaluated based on the standards of a democratic society. The first and the most important aspect of a democratic society is that the people should give their views to government decisions and they should challenge the government policies. Thus, applying any limitation on peaceful association should be as this right is not influenced. Thus, the human rights committee stated that:

All governments should guarantee the practical use of peaceful association right and limit the right as the final method³². On the other hand, there should be no distinction to enjoy this right. Thus:

The member states should guarantee that the distinctions that can justify the different behavior based on objective behaviors are not discriminatory³³. The criteria that can be used form the governments to apply limitation on associations freedom should be limited and in accordance to the civil and political rights treaty. Islamic Republic constitution of Iran stated that demonstrations and associations are possible on condition that they don't damage Islamic basics.³⁴ Using such general terms is criticized. First, according to civil and political rights treaty, there are definite examples to apply limitation and the necessity criterion in a democratic society in accordance to the criteria should define the limitations and don't misuse this authority. In parties' law, these cases are not considered. Thus, necessity in democratic society and limitations in law are ignored. On the other hand, the term "not damaging Islam" is ambiguous as there are different interpretations. Thus, it is necessary that instead of using constitution we mention the examples to clarify the issue.

Unfortunately, party's law is not effective. Note 2 articles 6 of this law by repeating this criterion introduced the only reference of inconsistency with Islam basics and made permission of ministry of interior necessary. According to article 16, the examples that are prohibited by law we consider some of the associations issue in limitations of peaceful conference. Some of them are:

a. Committing the acts leading to violation of autonomy

...Violating the legal freedoms of others

...national unity violation and doing some acts as planning for disintegration

..the attempt to create conflict between the nations by various cultural, religious and racial grounds in Iran society.

..Violation of Islamic regulations and basis of Islamic republic

..Anti-Islam advertisement and publishing harmful journals

As it is observed, the rules and limitations of peaceful society freedom in Iran rules are away from the civil and political rights treaty and human rights committee.

Nothing is said about legality necessity, criteria of a democratic society and some examples in treaty of public health or public order. Some criteria are considered in contradiction to autonomy, national unity and Islam regulations.

Although most of the criteria in Iran law are included in one of section 2, article 21 of treaty, this term difference creates some contradictions among the international human rights standards and Iran legal system.

Some of the groups take a position from cultural aspects or is selected for them and it is in a different position of other classes of society. These classes can enjoy all group rights and freedoms for equality with others in society and group freedom and rights in accordance to the needs and goals are used. Some of them have other freedoms and rights.

³⁰ CCPR: Concluding observations of the Human Rights Committee, REPUBLIC OF MOLDOVA, UNDOC: CCPR/CO/75/MDA, 5 August 2002,Para.15.

³¹ CCPR: Concluding observations of the Human Rights Committee, Morocco, UNDOC: CCPR/C/79/Add.113, 1 November 1999, Para.27.

³² CCPR: Concluding observations of the Human Rights Committee, TOGO,UNDOC: CCPR/CO/76/TGO, 28 November 2002,Para.18.

³³ CCPR: Concluding observations of the Human Rights Committee, Initial report of the Principality of Monaco ,UNDOC: CCPR/CO/72/MCO, 28 August 2001,Para.17.

³⁴ Article 27, 1

Conclusion

As it was said, there is different between human rights documents as predicted index and domestic law. If we consider this issue generally, all the rights of group freedoms arising from human rights are recognized in domestic law of Iran. When we consider the content of the rights, there are obvious differences among them. Due to the lack of absoluteness of the rights and freedom, international standards in international documents and regional documents, some similar indices are introduced for legality of limitations. The criteria in domestic law not only are different with these indices they are ambiguous also and the example is in the support of minorities law.

REFERENCES

- Executive regulation of parties law
- The statement of parliament negotiations of final review of Islamic Republic constitution of Iran, Culture affairs and public relations of Islamic council parliament. 1989.
- Qazi Shariat Panahi, Seyed Abolfazl. The rules of constitution. Teran. Mizan. 39th edition. 2010.
- Non-profit schools establishment law
- The general policy law and the principles of TV and Radio organization of Islamic Republic of Iran. Approved 1982.
- The parties activity law and political associations and Islamic associations or recognized religious minorities.
- The law of the activity of political and professional associations and populations and Islamic associations or recognized religious minorities approved by Islamic council parliament.
- Labor law
- Legal bill of high council of education, approved 1978/11/27.
- Hashemi, Seyed Mohammad. Human rights and basic freedom. Tehran. Mizan. First edition. 2005.
- Constitution of Islamic Republic of Iran
- CCPR: Concluding observations of the Human Rights Committee, UZBEKISTAN, UNDOC: CCPR/CO/83/UZB, 26 April 2005, Para. 21.
- Concluding observations of the Human Rights Committee, MOROCCO. UNDOC: CCPR/CO/82/MAR, 1 December 2004, Para. 25.
- CERD: General Recommendation No. 15: Organized violence based on ethnic origin, 23 June 1993, Para.4.
- CERD: General Recommendation No.20: Non-discriminatory implementation of rights and freedoms, 15 June 1996, Para.5.
- CCPR: Concluding observations of the Human Rights Committee, MAURITIUS, UNDOC: CCPR/CO/83/MUS, 27 April 2005, Para.19
- ILO Convention 87 Freedom of association and protection of the right to organize, Art.2 .
- CCPR: Concluding observations of the Human Rights Committee, SYRIAN ARAB REPUBLIC, UNDOC: CCPR/CO/84/SYR, 9 August 2005, Para.12.
- CCPR: Concluding observations of on the situation of civil and political rights in Equatorial Guinea, UNDOC: CCPR/CO/79/GNQ, 13 August 2004, Para.11.
- Economic and Social Council: Concluding observations on the initial to third reports of the United Republic of Tanzania, adopted by the Committee, UNDOC: E/C.12/TZA/CO/1-3, 13 December 2012, Para.11.
- Economic and Social Council: Concluding observations on the combined fourth and fifth reports of Bulgaria, E/C.12/BGR/CO/4-5, 11 December 2012, Para.13. and Concluding observations of the Committee on Economic, Social and Cultural Rights, Slovakia E/C.12/SVK/CO/2, 8 June 2012, Para.17.
- Economic and Social Council, Concluding observations of the Committee on Economic, Social and Cultural Rights, Ethiopia, E/C.12/ETH/CO/1-3, 31 May 2012, Para.12.
- CCPR: Concluding observations of the Human Rights Committee. THAILAND, UNDOC: CCPR/CO/84/THA, 8 July 2005, Para.19.
- CCPR: Concluding observations of the Human Rights Committee, Hong Kong Special Administrative Region, UNDOC: CCPR/C/79/Add.117, 15 November 1999, Para.19.
- CCPR: Concluding observations of the Human Rights Committee, REPUBLIC OF MOLDOVA, UNDOC: CCPR/CO/75/MDA, 5 August 2002, Para.15.
- CCPR: Concluding observations of the Human Rights Committee, Morocco, UNDOC: CCPR/C/79/Add.113, 1 November 1999, Para.27.
- CCPR: Concluding observations of the Human Rights Committee, TOGO, UNDOC: CCPR/CO/76/TGO, 28 November 2002, Para.18.
- CCPR: Concluding observations of the Human Rights Committee, Initial report of the Principality of Monaco, UNDO: CCPR/CO/72/MCO, 28 August 2001, Para.17.