

**INTERNATIONAL JOURNAL OF LAW**  
**MANAGEMENT & HUMANITIES**

**[ISSN 2581-5369]**

---

**Volume 5 | Issue 3**

---

**2022**

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

---

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact [Gyan@vidhiaagaz.com](mailto:Gyan@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at [submission@ijlmh.com](mailto:submission@ijlmh.com).

---

# Right-based Welfare State in Iran

---

MORTEZA RAYATI BODI<sup>1</sup>, ALI AKBAR GORJI AZANDARYANI<sup>2</sup> AND POONEH TABIBZADEH<sup>3</sup>

## ABSTRACT

*The research purpose is to investigate the relationship between the right-based welfare state (RBWS) and those right-wing approaches and behaviors contributing to the gradual realization of the RBWS by addressing Issues of social, economic and cultural rights (SECG) as well as civil and political rights (CPG). In such matters, the government addresses the type of individual rights according to pre-determined policies using available national resources. Without the help of independent judicial and regulatory authorities, these proceedings will not implement justice and equality for the whole community in accord with the human rights framework. Therefore, analyzing and judging the SECG of people in society with different religions and languages, while imposing a series of special restrictions by higher authorities, can prevent achieving a RBWS (even during gradual realization). In this regard, the courts can legitimize views of the poor and deprivation in their human rights discourses from a non-political perspective, even in the face of limited financial resources and uncontrollable economic developments. By adopting a workable and different approach to interpreting legal issues, the judiciary can reduce the constraints imposed by the legislature and the executive to facilitate the adjudication of poverty and injustice in line with human rights obligations, paving the way for a gradual realization of the RBWS.*

**Keywords:** Human rights; Right-based welfare state (RBWS); Equality and poverty eradication; Right-based approaches.

## I. INTRODUCTION

From the perspective of Islam and the Constitution of the Islamic Republic of Iran (CIRI), the Iranian government does not originate from the circle of classes and domination of individuals or groups. The constitution in Iran, by adapting itself to the fundamental beliefs of the Islamic movement, has a mission to provide the conditions in which the universal values of Islam flourish. To this aim, the CIRI defines the cultural, social, political and economic institutions in accordance with Islamic norms in order to reflect the basic demands of the Islamic people of Iran. In addition, one of the characteristics of the current Iranian revolution is its religious

---

<sup>1</sup> Author is a Ph.D Student of General Law at Rafsanjan Branch, Islamic Azad University, Rafsanjan, Iran.

<sup>2</sup> Author is an Associate Professor at Faculty of Law, Shahid Beheshti University, Iran.

<sup>3</sup> Author is an Assistant Professor at Department of Law, Rafsanjan Branch, Islamic Azad University, Rafsanjan, Iran.

and Islamic nature, and its constitution fights against any kind of intellectual, social and economic tyranny in order to bring justice and equality of all kinds of rights to all sections of society. A right-based approach with the gradual realization of the implementation of social, economic and cultural rights (SECR) can be developed by the Iranian courts in a way that leads to a right-based welfare state (RBWS). Such an approach could review relevant policies and focus on improving access. The government must choose the appropriate paths for the gradual realization of these rights. Since the gradual realization of these goals by the government requires the fulfillment of various obligations with different dimensions, the evaluation of this work along with the courts can be done with more confidence. Because examining the right-based approaches and identifying the shortcomings can help the government to use all available resources in accord with human rights frameworks to meet all kinds of rights of individuals with revised procedures. In general, in recent years different models of the activities of the right-based state in Iran have been proposed, but less has been focused the strengths and weaknesses of these governments. In successive Iranian governments, active labor market programs as well as policies to support employment, income, insurance and especially housing (in recent years) have been researched and implemented, but more gradual realization of these programs is still needed in Iran, in line with right-based approaches.

The welfare state is a set of interventions organized by the government that aims to ensure a minimum level of service to the people through the social protection system. The origins of this system of social protection can be traced back to the late 19th century in Germany (during the reign of Chancellor Bismarck). But this system was only generalized in Europe after World War II (Fenger, 2007). Segura-Ubiergo Alex (2007) writes about welfare states in Latin America: "Latin American countries can be explicitly divided into two groups depending on the level of 'welfare effort'." The first group, which we might easily call welfare states, includes Uruguay, Argentina, Chile, Costa Rica, and Brazil. In contrast, the second group of countries, which we call non-welfare states, has welfare-effort indices. In the second group, social expenditures were as a percentage of GDP and as a percentage of the budget. Across China, different local governments in each province face different institutional environments, cultural histories, and social relationships, which may have to come up with different strategies. This trend has revealed a possible way to bridge the gap between the needs of the people and the priorities of the central government, through which one can understand popular governance in China (Tomalin, 2018). Of course, it should be mentioned that social services include all kinds of assistance that covers the needs of certain less-favored groups, with a particular emphasis on the care of dependents. It has traditionally been distinguished between three different types

of welfare state in Europe (social democracy, conservative and liberal). However, the fall of the communist bloc and the process of its integration into the market economy have created a set of new types of welfare state in Central and Eastern Europe that are still at the definition stage (Fengar, 2007). We can also mention the popular rule in India, in which, thanks to the rule of law implemented in recent years, unity and integration as well as its potential in most areas in the world have grown significantly, but due to growing population in this subcontinent, the problems of poverty have not been solved. This may eventually lead to public dissatisfaction in some parts of India. Or in many African countries the system of a welfare state has not yet reached a measurable level, much weaker than in Europe, Latin America and Asia. Elsewhere in the world, governments have followed the same pattern, with little difference in implementation, for the well-being of the people to present themselves as a right-based state by compromising on human rights obligations enacted in their country.

#### **(A) Research structure**

The theoretical aspects of this issue are summarized in the introduction (section 1). In the section 3, after describing the welfare state, its ideas, principles and right-based approaches, on which the analysis of the right-based state focuses, the section 4 follows, in which regulatory policies are stated, and in the section 5, the evaluation strategies of a welfare state are examined. Finally, in the section 6, the results and limitations of the research are presented.

#### **(B) Research literature**

##### **1. Definition of the right-based welfare state**

As can be seen from the composition (right-based welfare state), as the main discussion of this research, the three terms right-based, state, welfare each separately require certain conditions for the ideal formation. In this study, if a welfare state or modern state is defined based on right-based approaches, is called the right-state welfare state. In the right-based welfare state, government or a group of social institutions are trying to provide economic, social and cultural security for their citizens in order to eliminate poverty and deprivation as well as developing justice and equality by relying on non-political issues and by gradually realizing "improving health, education, employment and social security". This research shows that in Iran, these benefits are intended for the general public, but if all economic assistance, unemployment benefits and insurance for the affected individuals and groups are not taken into account, the gradual fulfillment of the obligations of a right-based state will not be possible. Below are a series of definitions on this topic.

The welfare state is based on four main pillars: (1) compulsory and free primary education and

high-level subsidized education, (2) publicly and initially free health care, which in some regions of Europe is limited to certain groups, and other citizens should contribute to the cost, (3) social security and (4) fundamentally pensions, which are different depending on the payment to workers during their working life (Fengar, 2007).

Marshall (1950), as one sociologist, described the modern welfare state as a distinct combination of democracy, welfare, and capitalism. Like the government, officials take care of the social and economic security of the people through pensions, social security benefits, free health care and free education, and ensure people's access to basic resources such as housing, health care, insurance, education and employment (Boland et al., 2021; Scopole, 1991). Furthermore, in China, social welfare has undergone various changes throughout history, in which the welfare state in China has been associated with the Hoku system and the people have benefited from the above programs (Liu Yiran et al., 2019). Modern welfare states include Germany, France, the United Kingdom, and the Netherland, as well as Nordic countries such as Iceland, Sweden, Norway, Denmark, and Finland, which use a system called the Nordic model. The Danish sociologist Gosta Esping Andersen has classified the most advanced welfare state systems into three categories: social democratic, conservative, and liberal (discussed in more detail later). The modern welfare or right-based state includes the transfer of funds from the government to the services provided (for example, health care, education, etc.) as well as directly to individuals (benefits such as pensions). This tax is provided through redistributionist taxation. Proponents of this model argue that it helps reduce the income gap between rich and poor (Esping-Andersen, 1990). This tax method has been implemented on a larger scale than the 2011-2020 in the Iranian tax system in the sectors of housing, automobile, etc. Balancing agendas to reduce the gap between rich and poor requires the time, energy, and resources available to pave the way for the gradual realization of a right-based welfare state through socio-economic stability and the inclusion of the people's will in local government processes in Iran. Through legalism and human rights, the Iranian government has sought to achieve the principles of equal opportunities and equitable distribution of wealth among all ethnic groups, and promotes freedom of thought, freedom of expression and freedom of association under Iranian law. In line with this move, liberal ideas have intensified in this country as of 1997, which can help the development of right-based welfare laws.

## **2. Ideas of welfare state**

These ideas can be seen in the following four forms (Boland et al., 2021; Skocpol, 1991): 1. An ideal model. The welfare state often refers to an ideal model of procurement in which the government is responsible for ensuring the comprehensive and universal welfare of its citizens.

2. Government welfare. Some experts use it to mean something other than "welfare provided by the government." This model is common in [the United States]. 3. Social support. In many "welfare states", especially Western European and Scandinavian countries and in recent decades in Turkey, "social support" is provided not only by the government, but also by a combination of government services and the services of independent, voluntary and autonomous institutions. 4. Modern model of welfare state. Modern welfare programs differed from previous poverty alleviation schemes due to their relatively universal coverage. The development of social insurance (one of the basic features of the welfare state, common in most industrialized countries) was very influential in Germany under Bismarck. Some projects were based primarily on the development of independent and reciprocal benefits and others on government procurement. However, the term did not apply to all countries that provided social support. The sociologist, Marshall, described the welfare state as a distinct combination of democracy, welfare, and capitalism. Examples of early welfare states in the modern world are [Germany, all Nordic countries, the Netherlands, Uruguay, New Zealand, and Britain] in the 1930s. There is also another Turkish Islamic majority government that has virtually implemented all of the welfare state's mandatory policies. These programs have been expanding over the past decades. They have conducted so despite a host of powerful pressures such as globalization, economic crises, and successive structural adjustment programs. Despite all these opportunities and experiences, the Turkish welfare state seems to have been constantly expanding from 1980 to the present (Öktem et al., 2018). Moreover, in a country like China, rapid urbanization, marketing, information, and globalization have posed a number of major challenges for the government. These include how to regulate the relationship between government, market and society, how to bridge the gap between rich and poor, how to create and improve the social welfare system and how to reform and innovate in the system of government and governance (Liu Yiran et al., 2019). Regarding the right-based welfare laws, we can also refer to the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in India. According to the plan, the law took an important step and forced the government to spend 50 percent of the budget for rural councils. But this did not work well with the transfer of complementary roles and responsibilities. As a result, from the perspective of local observers, MGNREGA is not making good progress at present, and the biggest limitation of the legal framework has been that it has failed to address the issue of administrative capacity. Thus, serious progress is only possible if it puts its political power behind the bureaucratic reorganization project and results in effective administrative reform by strengthening a more localized approach (Yamini Aiyar and Michael Walton, 2014). The

comprehensive welfare system in Iran includes subsidized public health services, health insurance plans, pensions and other social security benefits. The idea of a welfare state is based more on the principles of equal opportunities, equitable distribution of wealth and public responsibility for those who have not been able to enjoy the minimum provisions of a good life. Despite these evolving programs, there is still a long way to get implemented these right-based programs.

### **3. Principles of Welfare State**

The welfare state is based on four principles (1. collective, 2. global, 3. comprehensive and 4. equal) (Boland et al., 2021): 1. Collective: the government will finance the required services. Funds are raised through NI grants. The Treasury determines the amount of pensions and benefits, and subsequent governments decide on investment levels. People on the right wing of the political spectrum prefer an individualistic approach, while people on the left wing of the political spectrum believe that the NHS does not provide enough assistance to vulnerable groups such as women and ethnic minorities, and prefer a collectivist approach. 2. Global: providing a wide range of free services to the entire population in dire need. However, it does not apply to all regulations - the costs of dental care, prescriptions, etc. vary (as in the UK). 3. Comprehensive: the government is committed to meeting all needs, such as health improvement, in which the NHS is responsible for all aspects of the country's healthcare. Tackling poverty, in which the current economic situation is being challenged. Therefore, these conditions are not comprehensive from the perspective of some economists (like Beveridge in the UK). This economist's report suggests that the government should find ways to address the five cases: demand, illness, ignorance, poverty, and unemployment. 4. Equal: the goal of the welfare state is to provide equal important demands for all people in all regions and neighborhoods.

In Iran, in recent decades, the government has tried to apply a scientific, modern and economic approach and also adapt the applied approaches to the specific needs of a certain region so as not to incite instability and dissatisfaction of local people. This leads to the realization of right-based approaches and facilitates the formation of a right-based welfare state.

### **4. Models of the welfare state**

Various models in this regard have been experienced in recent decades around the world. The following are details of the various models and main features of the welfare state in Central and Eastern Europe from Fenger's perspective (Fenger, 2007): 1. The model of social democracy or social/Nordic democracy and its features: high taxes, high degree of income

redistribution, high participation level of women in the labor market, high standard of living and citizens with a high level of trust in their public system (such as Denmark, Norway, Iceland, Finland and Sweden). 2. Conservative/corporate model: in this category there is a small subgroup formed by southern European countries and they have certain common features, although these features are not important enough for them to be considered as an independent group. The main features of this model are: low level of women's participation in the labor market, dependence on social contributions instead of taxes, average income redistribution and higher levels of unemployment, especially in southern European countries (Austria, Belgium, Germany, Greece, Italy, Malta, Cyprus, Turkey, Luxembourg, the Netherlands, Spain and Portugal). This model has recently undergone more dramatic developments in some of these countries (Germany, Italy, Turkey and Spain). 3. Anglo-Saxon/Liberal model and main features: low level of total government spending, high level of inequality and low level of social support spending (e.g., Switzerland, Ireland, and the UK).

### **Definition-stage models of the welfare state in Central and Eastern Europe**

These models are: 1. the model of the former Soviet Union and the main features. It is similar to the conservative model in terms of total government spending. The biggest differences are in the quality of life and the level of trust in the public system (such as Belarus, Estonia, Latvia, Lithuania, Russia and Ukraine). 2. The model of post-communist Europe. The quality of life is higher than the previous group and the system is equalitarian or egalitarian. On the other hand, they indicate moderate levels of economic growth and inflation compared to countries related to the previous model (such as Bulgaria, Croatia, the Czech Republic, Hungary, Poland and Slovakia). 3. Welfare state models in the development process. This applies to countries that are still in the maturity stage of their welfare state. Government aid programs and their quality of life indicators are lower than the previously mentioned groups. The high infant mortality rate and low life expectancy reflect the difficult social conditions that exist in these countries (such as Georgia, Romania and Moldova). However, by describing the distinctive features of the post-communist type and its differences with other European types, a measure of discrimination between the types of welfare state under study can be obtained (Fenger, 2007).

### **Religious roots of poverty in the right-based welfare state**

A theoretical addition entitled "The religious roots of modern politics: a comparison of reformed Catholic, Lutheran, and Protestant traditions" was published by Kahl in 2005. This theory argues that the policies of the welfare state of several European countries and the United States can be traced to their religious roots. The source of this process is in the "poor relief"

systems and social norms in Christian countries. Sample countries are classified as follows: Catholic— Spain, Italy and France; Lutheran— Denmark, Sweden and Germany; Reformed Protestantism— the Netherlands, Britain and the United States. The late acceptance of welfare and social assistance in Catholic countries, which has recently faded and is scarce, becomes due to numerous religious and social factors. Charity was an important part of Catholic society where the rich could actually atone for their sins through participation. In this manner, poverty was equal to the prayer of grace, and there was no responsibility to be conducted by the poor people. The gathered aids for each needed group was gradually increased (Kahl, 2005). Some religious actors (i.e., religious minorities in India) see the Sustainable Development Goals (SDGs) as a tool for civic empowerment. They hold society and government accountable for providing fair services and protecting the rights of marginalized individuals, while others criticize the fact that their religious identities are marginalized in their interaction with the goals of sustainable development in international forums (Tomalin et al., 2017, 2018). In addition, there are many environments where religion has not disappeared for years. For example, Pentecost and the Bible play an important role for religion in Latin America and Africa in increasing economic success and reducing poverty (Tomalin, 2018). In Iran, religious traditions have encouraged individuals and society to reduce inequality and poverty in society by providing services, reforming structures, and providing spiritual resources. Religious values at the state level have been efficient and are more widely used in public and private life. These approaches have led to businesses or foundations benefited from those businesses in Iran, to play a broad role in the development of poverty alleviation and help the government in creating security and stability and ultimately the realization of a right-based government. These foundations are similar to the secular institutions (following scientific and rational logic and governance approaches) that were first formed in separate governments (e.g. USAID in USA and DFID in UK) for humanitarian aids. Religion in Iran, instead of disappearing, continues to live alongside the modern processes of the century.

## **II. RIGHT-BASED WELFARE STATE EVALUATION WITH RIGHT-BASED APPROACHES**

Our meaning of monitoring is to achieve the goals of the right-based state by overseeing the gradual realization of economic, social and cultural rights, while being important the courts in dealing with individuals' claims regarding the violation of economic, social and cultural rights. Furthermore, it is critical to ensure that the Iranian government's policy as a whole is to achieve the gradual realization of these rights.

**(A) The approaches to evaluate the right-based welfare state**

Three types of conservative, institutional, and costly approaches are used to measure the characteristics of the welfare state. Of the three main types (conservative, institutional, and costly), the conservative approach is by far the most common. Institutional and costly approaches (with higher social costs and more generous social rights with better and more transparent results) give us a variable approach, and the institutional approach has largely been developed as a critique of the costly approach. That is, we can allow countries to differ in their policies in different areas of interest (social protection, family policies, health care policies, labor market policies, etc.). However, while the basic approach to these studies becomes the same, there are many variations on theoretical foundations as well as countries and types of systems. Despite these differences, the more general problem of these governments' systems becomes apparent when consequences such as health and health care inequalities are observed by different criteria in their government. For example, the importance and complexity of health in former communist countries, the relevance of health to social and political factors in Central and Eastern European countries, and the freeness of a generous health system to support planned national income in a country like the United Kingdom (Kersti Bergqvist et al., 2013). Countries gain different experiences over time, and a country may make changes in policies, disqualifications, structures, or funding during this period. Social assistance in Nordic countries is not very different from 20 years ago. For example, a recent OECD report on income inequality shows that in Sweden, often referred to as a ancient country known as the Nordic model, relative poverty rates have risen the most over the past 20 years, especially among children and young people. In other words, Sweden's capacity to protect vulnerable groups against poverty has been weakened due to inability to coordinate with increasing public revenues (OECD, 2019). If this trend continues, Nordic countries may experience a similar poverty rate in several liberal and conservative welfare states, meaning that one of the most important features of the Nordic welfare states will disappear (Kuivalainen and Nelson, 2012). Experience often shows that in the face of great challenges, it is difficult for the local government to build a model of social governance that can both assess central government and meet the needs of local residents (Liu Yiran et al., 2019). In the discussion of social citizenship and social rights, there have also been doubts that high costs are nothing but widespread social problems. Thus, the level of spending may tell us a lot about the characteristics of welfare state social or health programs. The institutional approach with a focus on legal-social rights has also shortcomings. Hence, there are strengths and weaknesses for both approaches (Kersti Bergqvist et al., 2013). In addition, a study of the various levels and sections of government

and the emergence of new forms of government in China has shown that, from an international perspective, the flexibility of the compounded system (administrative subcontract and net subcontract) has enabled to make the China's bureaucratic system "unique" and "effective" to meet the social needs of all people. Liu welcomes this kind of system for Chinese local authorities and important sources of China's future development (Liu Yiran et al., 2019). In general, field configurations are not the objective features of a particular legal field, but are part of the cognitive system through which we order and understand law. This is why judges are often able to reshape the field and as a result resist methods that by which inequality, exclusion and violence are, by law, sanctioned and then normalized (Botha et al., 2005). In recent years, various methods have been used by the National Human Rights Associations (NHRI), intergovernmental organizations, experts, and civil society organizations to measure the realization of ESCR of various governments in Iran. These measurements have mostly emphasized the analysis of applicable laws on different strata and national policies as well as budgets. All analyzes have been in order to assess the quality of eliminating discrimination and creating equality among Iranian citizens (with the same capabilities at the same time) in the nearest to the farthest border points of the country, to reveal the progress level of the right-based welfare state in Iran.

### **Good governance in a right-based welfare state**

According to the UN definition, good governance is: "management of public affairs based on the rule of law, an efficient and fair judiciary and broad public participation in the governance process" (Maidari, 2006). This type of governance focuses on cooperation between the state, civil institutions and the private sector, which can lead to the optimization of public issues and the realization of good governance in economic, political and administrative dimensions (Sharifzadeh and Gholipour, 2003). The issue of good governance is raised with the aim of achieving sustainable development, which emphasizes poverty reduction, job creation, sustainable welfare, protection and revitalization of the environment, and the growth and development of women, all of which can be achieved through good governance (Majd, 2011). Good governance is an approach to government that is committed to building a system based on justice and peace that protects human rights and civil liberties. According to the World Bank's definition of the rule of law, good governance is measured by the eight factors of participation, rule of law, transparency, accountability, consensus, equality and inclusiveness, effectiveness and efficiency, and accountability. These factors are described below.

Good governance is a form of governance in which politicians and institutions must respect human rights, the principles of democracy, and the rule of law. Under these conditions, all

governmental and non-governmental institutions in Iran can provide the ground for the gradual realization of the goals of the right-based welfare state by improving the effectiveness and accountability of the public sector and eliminating corruption for economic development and equality.

### **(B) The need to eliminate racial discrimination decisively in Iran**

The Committee on the Elimination of Racial Discrimination (CERD) was established in 1970 under the terms of Article 8 of the Convention on the Elimination of the Racial Discrimination. The committee's task was to examine whether it was appropriate to allocate one session of the meeting or part of it on the general discussion of situations or aspects of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the implementation of the Durban Declaration and Action Plan of the World Conference against "racism, racial discrimination, xenophobia and intolerance of related matters." According to this Universal Declaration, in order to facilitate the work of the Committee, member states are required to ensure that reports are drafted in accordance with the Committee's guidelines. These reports are submitted for a minimum of 30 minutes so that committee's review judges can analyze their work within 10 minutes. In this Universal Declaration was decided that the review sessions of the reports would be privately reviewed by the members of the Committee and referred to the relevant country by the Secretariat (Committee on the Elimination of Racial Discrimination and Human Rights, 2022).

In Iran, a strong committee to monitor different classes and races are considered very essential to eliminate racial discrimination in order to provide welfare for all the entire people of society through the right-based procedures. In this mission, the international and regional treaties ratified in Iran must comply with human rights-based planning. Because otherwise it has not implemented the right-based procedures to gradually achieve the goals of the right-based government. Hence, in such a society one should not expect a welfare state to be able to provide equal opportunities for people with similar abilities in a period. Governments in Iran in recent decades have followed one after another pre-drafted instructions, in most cases the important provisions of these drafts have been implemented without the slightest change. In some cases, perhaps the slightest change in the decision-making process and implementation of these directives could have led to greater satisfaction of different classes and groups in a welfare society. During this period, in many reforms, women and men have entered the labor market under the same conditions in most situations. In contrast, many men, especially in the decades after the Islamic Revolution of Iran, have placed in a more economically vulnerable position, getting a job and getting married has been more difficult for these men and working women have

faced at greater social risk. Therefore, it is not possible to say which government has adopted major criteria and decisions for the welfare of all sections of society in order to facilitate the forming of a right-based welfare state in Iran and to ban, prevent and eliminate all forms of discrimination. In any case, we will have to wait and see how the new government of Mr. Raeisi (2020-2024), which is in the beginning of his work, will act. As such, whether the various policies or mechanisms for monitoring human rights in a comprehensive, systematic and institutional manner in accordance with human rights standards will be implemented or not.

### **(C) Preparation of a report on the Iranian human rights case**

Reports on the ratified treaties on human rights obligations in Iran may be occasionally submitted by the UN Human Rights Committees, which can be very effective in the gradual realization of the right-based approaches in a right-based welfare state (in Iran and any country). Following these reports by preparing revised drafts can help regulators in Iran reduce the problems of deprivation, poverty, discrimination, and unwarranted politicized issues among individuals or groups in society through more equitable and rational planning.

## **III. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION**

In Iran, a strong committee to monitor different classes and races are considered essential to eliminate racial discrimination so that with a right-based procedure, a welfare state can provide a right-based basis for all individuals of society. In this mission, the international and regional treaties ratified in Iran must comply with human rights-based planning. Otherwise, it has not followed the right-based procedures to gradually achieve the goals of the right-based government, and should not expect a welfare state to provide equal opportunities for people with similar abilities in a given period. Governments in Iran in recent decades have each tried in some way to play an effective role in the development of the welfare state and the reduction of injustice.

## **IV. CONCLUSION**

Conclusion of the research is based on previous studies and our own efforts to analyze the reasons for the growing research findings on the characteristics of a right-based state (a welfare state with right-based approaches) as well as my experiences while judging in different courts of the country. In studying these important approaches and the gradual realization of the government to achieve a right-based government, I came to the conclusion that there was good and continuous support from the Iranian governments came to power for the effective implementation of social, economic and cultural rights through gradual realization of relevant

issues. Nevertheless, the following legal problems remain:

1. In order not to violate the provisions of human rights while the gradual realization of the minimum basic rights, the Constitutional Court should take a bold step to continuously review the policies in order to focus more on the concept of equality and respect for the deprived people. The complexity of the problems regarding the basic rights of each individual is so great that the government can not alone claim to have solutions for all of them. Therefore, it is better to take steps for the sustainable development of society for the benefit of the poor people and the planning for the gradual realization of human rights, with the participation of those who benefit from these problems. Because this action of government can be considered as a right based welfare state from the perspective of the observers and give legitimacy to the forming grounds of right based welfare state by creating competition between civil society and the state.

2. The courts can, as a set of tools, contribute to the establishment of a society and a right based state based on their positive work by creating a positive change in the process of fulfilling the obligations of economic, social and cultural rights. In this mission, the courts need to focus on the processes and methods of performance, the way they reason and the method of working smaller bodies and institutions, in order to prevent any deliberate deprivation, inequality and social exclusion. Most importantly, they provide simultaneously access to housing, health, insurance, education, social assistance, and the promotion of equality or human dignity for individuals in society [without any political, racial, linguistic purpose]. This should be conducted by the Iranian courts with caution and without compromising the integrity of other branches of government (legislature and executive) to analyze the commitments carried out by the government and decide on a variety of legal issues.

3. In Iran, homelessness, illness, poverty, inequality and social and political exclusion (exclusion from home and hometown or exclusion from work environments commensurate with the dignity and literacy of the individual) may be among the problems that require immediate solutions by the three branches of legislature, judiciary and executive. Otherwise, the consequences of this can increase the anger of the people of the society and prevent the gradual realization of the right-based approaches in the country. The solutions offered by judges, lawyers and interpreters should be much more flexible than the legal provisions of traditional legal thinkers. They should be aware that the leading constraints of a right-based state are not usually permanent, and that their legal interpretation with new possibilities and their implementation with other powers may be fraught with tension. But the gradual

realization of their legal provisions in accordance with human rights obligations will be generally accepted by the people of society.

4. Studies show that the Iranian courts, as a liaison between "poor groups and individuals" and the "government", play an important role in dealing with economic, social, cultural, as well as civil and political rights. In this manner, they can contribute to democratic development for the benefit of the deprived people "provided there is civil and political equality and guaranteed individual access to the minimum basic rights [housing, health, insurance, education and minimum income] and a dignified life" and development processes for the benefit of a society's economy.

5. Numerous analyzes have been carried out on the government's commitment to the economic, social, and cultural rights of individuals in society, as well as social costs, inequalities, various policy-making processes, and how they relate to deprivation and poverty. Their results show further studies of current approaches to solving many of our problems does not promote injustice and inequality between individuals in society. In return, those governments and the main authorities in these states must lead to the consolidation of right-based approaches to the gradual realization of human rights-based obligations in order to achieve a right-based state. In addition, we need to closely analyze economic and social resources among affected individuals, families, or groups. Because it can help the government to faster and better identify people who have been harmed by discrimination, lack of funding, and so on. It should be noted, however, that very minor and periodic benefits (such as subsidies, first for most classes of society (middle and poor) and then for the poor) may conflict with long-term strategies of social policies. Therefore, relying on the primary and basic needs of individuals in these identified poor families (through housing, employment, education and insurance) can prevent the loss of national capital. As such, it can grow the life expectancy of some people in need of employment, house, and marriage in these families to pave the way for justice and equality. Thus, in an overview of the above results, we see that the right-based welfare state focuses on the elimination of corruption and poverty, economic progress and justice or non-discrimination (in providing the minimum basic needs, such as housing, employment, insurance).

## **V. RESTRICTIONS**

This review is based on pre-published empirical studies and our experiences in the courts to help our overview of the right-based welfare state (a welfare state with right-wing approaches). The number of previous studies on costly (somewhat institutional) approaches was small, making it more difficult to evaluate their results (than the third approach (i.e., conservative)).

**VI. RESOURCES**

1. Aiyar, Y. and Walton, M. (2014). The challenge for the next government will be to implement Congress party's rights-based welfare laws in a better way. Mint Newsletters.
2. Botha H (2004). 'Freedom and constraint in constitutional adjudication'. 20 South African Journal on Human Rights, 249 .
3. Botha H (2005). Rights, limitations and the (im) possibility of self-government; Botha H, Van der Walt AJ & Van der Walt JWG (eds) (2005). Rights and democracy in a transformative constitution (2005). Stellenbosch: Sun Press 13.
4. Béland, D., Morgan, Kimberly J., Obinger, H., Pierson, Ch., Béland, D.; Leibfried, S., Morgan, Kimberly J., Obinger, H. (eds.) (2021). Introduction- The Oxford Handbook of the Welfare State. Oxford University Press, pp. xxx–20, doi:10.1093/oxfordhb/9780198828389.013.1, ISBN 978-0-19-882838-9.
5. Emma Tomalin (2018). Religions, poverty reduction and global development institutions. J of humanities and social sciences communications, vol.4, no.3.
6. Esping-Andersen, Gøsta (1990). The Three Worlds of Welfare Capitalism. Princeton NJ: Princeton University Press. ISBN 9780069028573.
7. Esping-Andersen, Gøsta (1996). Welfare States in Transition: National Adaptations in Global Economy. London: Sage Publications.
8. Kahl, Sigrun (2005). The religious roots of modern poverty policy: Catholic, Lutheran and Reformed Protestant traditions compared. European Journal of Sociology, Vol. 46, No. 1, Religion and Society, pp. 91-126.
9. Kersti Bergqvist, Monica Åberg Yngwe & Olle Lundberg (2013). Understanding the role of welfare state characteristics for health and inequalities– an analytical review. BMC Public Health, no. 1234 .
10. Kuivalainen and Nelson (2013). Eroding minimum income protection in the Nordic countries? Reassessing the Nordic model of social assistance. in book: Changing Social Equality (pp.69-88).
11. Kerr, D. (2015). Civil Society and China's Governance Dilemmas in the Era of National Rejuvenation. Chapter 3 (pp. 35-64) in Kerr, D. (ed.) China's Many Dreams: Comparative perspectives on China's search for national rejuvenation. NY: Springer <https://link.springer.com/book/10.1057/9781137478979>.

12. Marshall, Thomas Humphrey (1950). *Citizenship and Social Class: And Other Essays*. Cambridge: University Press.
13. Midri, A. (2006). An introduction to theory of good governance. *Quarterly Journal of Social Welfare*, vol.5, No. 22, pp. 287-261.
14. Majd. Peyman M. (2011). *Examination of good governance in the constitution of the Islamic Republic of Iran [Dissertation]*. Tehran: Islamic Azad University Central Tehran Branch;
15. Olivier De Schutter (2018). *The rights-based welfare state: Public budgets and economic and social rights*. ISBN 978-3-96250-243-0, FES Geneva.
16. OECD (2019). *Social Expenditure - Aggregated data*. <https://stats.oecd.org>.
17. Segura-Ubiergo, A. (2007). *The Political Economy of the Welfare State in Latin America: Globalization, Democracy and Development*. New York: Cambridge University Press, pp. 29–31.
18. Sharifzadeh, Fattah and Gholipour, Rahmatullah. Good governance and the role of government. *Journal of Organizational Culture Management*, Volume 1, Number 4, 2003, p.18.
19. Tomalin, E., Haustein J, Kidy S. (2017). *Keeping Faith in 2030: religions and the Sustainable Development Goals*. FBO Workshop on Religions and the Sustainable Development Goals. Islamic Relief Academy, Birmingham, <https://religions-and-development.leeds.ac.uk>.
20. Tomalin, E. (2018). Religions, poverty reduction and global development institutions. *J of humanities and social sciences communications*, vol.4, no.3.
21. Öktem, Kerem G., H. Tolga Bölükbaşı and Gabriel Öktem, K. (2018). *Turkey's Welfare State: "Welfare Laggard" "Catching Up"?* The European Consortium for Political Research. ECPR Conference, Hamburg.
22. <https://www.un.org/ruleoflaw/thematic-areas/governance/good-governance>.
23. Yiran, L., Shi Yuntong, Xiang Jinglin, Liang Ch. (2019). *New-perspectives-on-welfare-and-governance-in-contemporary-china*. Wales Institute of Social and Economic Research, Data and Methods (WISERD) Cardiff University. [www.wiserd.ac.uk/working-paper](http://www.wiserd.ac.uk/working-paper).

\*\*\*\*\*