



AOA Fact Sheet *Ombudsman of IRAN*

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INSTITUTIONAL OVERVIEW NUMBER 1

Legal Framework

Before the Islamic Revolution, there have existed in Iran two organizations for inspecting and controlling the public affairs, one for courts, the other for administrative organs. The head of organization was appointed by the king. After the victory of the glorious Revolution in Feb 1979, supervising the whole administrative system of the country obtained its special place in law. Exponent in the principle no. 174 of the constitutional law of the Islamic Republic of Iran. The principle mentioned above is worded so: "On the basis of the right of supervision by the judiciary on the good conduct of affairs and proper implementation of laws by the administrative departments, an organization known as the state chief Inspectorate shall be established under the supervision of the Head of the Judiciary". Regarding fulfillment of the aforesaid principle, the due rules for constituting the General Inspection organization of the Islamic Republic of Iran were passed and ratified in 1982 by the Islamic Consultative Assembly. Since then, through the activities of the experienced judges and efficient experts, the organization has been exerting its duties. It has already had great achievements removing the administrative, executive and judicial inconveniences. As a result, it has been known as an active organization of high significance and dignity.

Jurisdiction

The scope of jurisdiction of the general inspectorate organizations been so assigned.

- A- Constant controlling and supervising all the ministries, administration, military forces police state run institutions and companies, municipalities and the offices associated with them, public notary department, the institutional whose financial resources totally or partially belong to the government .
- B- Extra ordinary inspections would be implemented upon the order of the head of the judiciary or required by the commission of the article 90 of the constitution of the Islamic consultative Assembly or requested by a minister or by the highest rank official of any executive organ or also any other instances which the head of inspectorate organization discerns as necessary to be inspected.
- C- Hearing the complaints and investigating the notifications, Real and legal persons can notify their complaints against the organizations and institutions covered under the section above, to the general inspectorate

organization. The notifications and complaints may be relating to the governmental sanctioned orders, regulations, circulars, orders by executive officials or the contingent violated private rights of the complaints.

LEGAL POWERS

In order to ensure the proper conducting of affairs and the correct implementation of laws by the administrative organs of the government and based upon the Article 174 of the constitution of the Islamic Republic of Iran, the General Inspection Organization has been established. The law determines the powers and duties of this Organization.

The duties of the Organization are:

Regular controlling and supervising all the administrations, military and disciplinary forces, state run institutions and companies, municipalities and the offices associating with them, public notary offices, foundations of public utility, revolutionary organs, institutions whose financial resources totally or partially belong to the government or the state in one way or another presides them or financially supports them.

Extraordinary inspections which would be implemented by the command of the dignified Leader or upon the order of the head of the Judiciary power or ordered by the president or by commission of the Articles 88 and 90 of the constitution of the Islamic Consultative Assembly or requested by a Minister or the Islamic Consultative Assembly or requested by a Minister or the highest ranking official of any executive organ or any other instances which the head of the organization or Judiciary views as necessary to be inspected.

Investigating the public complaints and proclamations

Any legal or real entity can lodge his or her complaint against the administrative organs with the organization. The complaints can be regarded as violation, irregularity or improper decision.

In case of receiving any complaint or report, the experts must review them. Justified cases will be sent to the related departments of the organization for further investigation. The complainant will be informed of the investigation process. All the complaints should be in writing but the reports made by people may be submitted through telephone or other means of communications

Reports Made by the Organization and their effectiveness

After completing the process of inspection and investigation, the violation of laws, administrative grievances and financial abuses pertaining to the Ministries, revolutionary organs and foundations would be reported to the president of the Islamic Republic. And in respect of institutions and state run companies and also those relating to the government would be reported to the related Minister. Grievances Pertaining to the municipalities and the related departments would be reported to the Ministry of Interior. As regards the administration and associated offices subject to the Ministry of Justice, reports are submitted to the Judiciary. Finally, in respect of those non-governmental institutions which receive financial help from the government, the grievances and shortcomings would be reported to the Ministry of Economics Affairs & Finance.

Administrative and financial abuses of the Judicial organs and offices related to the Ministry of Justice should be reported to the head of the Judiciary, and the cases reported by commission of Articles 88 and 90 of the Constitution ,the final result of investigation would be transmitted to that commission.

Head of Organization submits a copy of the report together with the evidences and documents to the competent authorities for prosecution and punishment.

Judicial organs and councils for investigating administrative grievances shall investigate the Organization?s reports out of ordinary time.

Head of Judiciary shall be informed of the inspection process all the time. Verdicts issued by the judiciary organs with the request of the organization and agreement of General attorney and verdicts issued by the councils for investigating administrative grievances with the request of related organ shall be reviewed within 20 days after the announcement out of ordinary time.

The report of inspection concerning the governmental regulations, decrees, circulars and the decisions, and the complaints of the non-governmental real or legal parsons pertaining to the above mentioned violations, should be reported to the court of administrative justice for investigation and taking judicial decision. Such cases would be considered out of ordinary times.

The head of Organization and his deputies

The head of Organization shall be assigned from among the Islamic religion judges (Islamic religious men) or the judges who are in judicial grade 10 or 11. The head of the Organization can elect from among the qualified judges a vice

president to be appointed by the head of the judiciary. And he can also appoint a necessary number of efficient persons as his deputies.

Accessibility

For facilitating the access of the public to the organization's services and providing easy communication following measures have been taken:

- Setting up a 3 digit hot line(136) and putting boxes in some major administrative organs to receive the public reports and proclamations
- Establishing 22 local offices in different provinces
- Launching the web site for providing information and receiving public reports, proclamations and complaints electronically. Complainant all over the country and overseas can lodge their complaints through this web site and follow the process of investigating.

*Implementation
Arrangements*

*Research &
Analysis Wing*