

Challenges and Solutions for Promoting the Protection of Civil Rights in Criminal Policy in Iran and the UK During the Investigation and Sentencing Stages

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Abstract

Today, with the growth and transformation of societies, the subject of jurisprudential and legal rulings related to electronic transactions has become one of the prominent issues, such that various aspects of this field can be examined. Despite the existence of relevant laws such as the Electronic Commerce Act, these regulations are not fully capable of covering all the rulings and consequences related to this type of transaction. Among the significant issues raised in this context is the permissibility or impermissibility of certain electronic transactions associated with digital currencies, such as the sale of cryptocurrencies and their multiple types, smart contracts in electronic and digital transactions, the manner of filing lawsuits related to such transactions, methods of proving validity and enforcing related rulings, as well as the study of the legal nature of these transactions. In addition, other issues in this area also hold considerable importance. Therefore, the aim of the present study is to investigate the jurisprudential and legal dimensions of electronic and digital transactions in Iranian law using a descriptive-analytical method. The findings indicate that electronic and digital transactions have different consequences in jurisprudence and law in Iran; some jurists have accepted them, while others have deemed such transactions ineffective. In this respect, if the technical, educational, behavioral, cognitive, judicial, and other infrastructures are provided in countries, these types of transactions can have a profound impact not only at the national level but also at the international level.

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1. Introduction

The protection of citizenship rights in the process of criminal proceedings, especially during the stage of trial and judgment, is regarded as one of the fundamental pillars of judicial justice and human rights. Rights such as the right to defense, access to chosen counsel, the presumption of innocence until proven guilty, public and independent trial, and guarantees of fair confrontation with evidence not only preserve human dignity but, as fundamental rights concepts, also play a decisive role in the legitimacy of the judicial system (Ashworth, 2022; Nosrati, 2017). International instruments and standards such as the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the Universal Declaration of Human Rights establish minimum criteria for the implementation of fair trial and bind member states to comply with them (Jackson, 2018; Jackson & Summers, 2012). However, despite the adoption of advanced laws and international commitments, the practical enforcement of these rights in various judicial systems, particularly in countries with different legal frameworks, still faces significant and diverse challenges (Simmons, 2020). The judicial systems of Iran and England, as two examples with distinct legal, cultural, and institutional foundations, have adopted different approaches in their criminal policy at the stage of trial and judgment. Iran, based on jurisprudential principles, the Constitution of the Islamic Republic, and the Criminal Procedure Code adopted in 2013, seeks to secure the rights of defendants; yet, shortcomings in the independence of the judiciary, the performance of law enforcement officers, and defense restrictions make full enforcement of citizenship rights difficult (Aghababayi Bakhshayesh, 2020; Khaleghi, 2014). By contrast, England, relying on the common law system and supplementary human rights legislation such as the Human Rights Act 1998, has established guarantees that go beyond international minimums and has anticipated comprehensive and independent supervisory mechanisms throughout all trial stages (Padfield, 2018; Sanders et al., 2021). In light of the importance of safeguarding citizenship rights, particularly in the most sensitive stage of criminal proceedings, this study conducts a comparative examination of the criminal policies of Iran and England to identify existing challenges and propose solutions for enhancing the protection of these rights. An analysis of supervisory mechanisms, the role of judicial and law enforcement institutions, and the effectiveness of enforcement guarantees provides the foundation for practical recommendations. Ultimately, it is hoped that this study can build a bridge between different legal frameworks and facilitate the development of rights-based criminal policies and comprehensive judicial justice (Zamani, 2020).

2. Universal and International Principles of Fair Trial

2.1. *The Concept of Fair Trial*

A fair trial, meaning that each individual enjoys essential guarantees before competent, independent, and impartial judicial authorities, constitutes the cornerstone of human rights in criminal proceedings. This concept is derived from fundamental instruments such as Articles 10 and 11 of the Universal Declaration of Human Rights (UDHR 1948), Article 14 of the International Covenant on Civil and Political Rights (ICCPR), and Article 6 of the European Convention on Human Rights (ECHR) (Nosrati, 2017).

2.2. *Elements of Fair Trial*

Among the key elements are equality of arms, presumption of innocence, prompt and clear information regarding charges, the possibility of effective defense, the right to silence, public hearings, and the right to appeal. These elements have been elaborated at the regulatory level and in the jurisprudence of the European Court of Human Rights, with precise distinctions made between rights and enforcement guarantees (Jackson, 2018). Public hearings, transparency, and citizen oversight of the judiciary realize the principle of openness. According to UDHR Article 10 and ECHR Article 6, trials must be conducted publicly except in exceptional cases involving security or morality; this principle prevents violations of rights and ensures due process (Padfield, 2018). Judicial independence is a precondition for the realization of a fair trial. International instruments and the practice of the European Court of Human Rights agree that any executive interference, political pressure, or unlawful influence undermines judicial legitimacy (Mohammad Alizadeh Eshkelak & Rashidi, 2020). The right to defense and

access to chosen counsel, consistent with Article 14 of the ICCPR and Article 35 of the Constitution of Iran, is inalienable, and courts are obliged to provide real opportunities for defense; the possibility of appeal and retrial is also a pillar of ensuring justice (Mohammadi, 2023).

3. The Place of Citizenship Rights in Domestic Laws of Iran and England

3.1. *Citizenship Rights in the Domestic Laws of Iran*

In Iran, the foundations of citizenship rights are embedded in Articles 32, 34, 35, 37, 38, and 39 of the Constitution, which criminalize violations of such rights (such as torture and arbitrary detention) and guarantee them under Articles 4 and 190 of the 2013 Criminal Procedure Code (Khaleghi, 2014). In addition to the Constitution, the “Law on Respect for Legitimate Freedoms” of 2004 and the “Charter of Citizenship Rights” of 2016 emphasize respect for the dignity of defendants, the right of access to counsel, the right to appeal, and the right to public hearings (Padfield, 2018).

3.2. *Citizenship Rights in the Domestic Laws of England*

In England, the principles of fair trial are primarily institutionalized in the Human Rights Act 1998 (with reference to the ECHR), PACE 1984, and judicial precedents (Jackson & Summers, 2012; Sanders et al., 2021). Judicial impartiality, jury independence, and full access to appeals and counsel are considered the foundations of defending citizenship rights (Ashworth, 2022).

In Iran, the full implementation of these rights is sometimes affected by legal or procedural limitations, such as Note to Article 48 of the Criminal Procedure Code. By contrast, courts in England, through judicial oversight and the publication of judgments, demonstrate greater accountability for violations during proceedings (Krishnan & Raj Kumar, 2015).

In both countries, supreme courts and courts of appeal play a significant role in ensuring correct procedures and remedying judgments that have violated citizenship rights; in Iran, this role is assumed by the Supreme Court and the Administrative Court of Justice, while in England it is exercised by the Supreme Court (Ministry of Justice, 2023; Shavell, 2007).

4. Challenges of Violations of Citizenship Rights at the Stage of Trial and Judgment

4.1. *Challenges of Violations of Citizenship Rights in Iran*

In certain security or political cases, restrictions on publication and the holding of closed sessions under the pretext of maintaining public order or state secrets have challenged the principle of transparency and undermined public trust. The lack of mastery by some judges over defense principles, insufficient allocation of time, and restrictions on free access to lawyers—especially in sensitive cases—constitute the most significant obstacles to the effective implementation of the right to defense in Iranian courts. The list of attorneys approved by the judiciary reduces the possibility of independent defense, and the persistence of this regulation remains a point of serious contention in comparative debates (Khaleghi, 2014). Bureaucratic structures, informal pressures, or external interventions, along with disagreements over the definition of evidentiary standards (beyond reasonable doubt), have resulted in judgments sometimes being issued based on unjustified evidence. Although the possibility of appeal is anticipated, the heavy structure and lack of transparency in publishing rulings and granting access to documents practically diminish the effectiveness of appeals. A review of Supreme Court practice and specific cases reveals that weak documentation and inconsistent approaches to public hearings and effective defense have led to violations of defendants’ rights and reduced judicial credibility (Nosrati, 2017).

4.1.1. *Executive Challenges of Violations of Citizenship Rights in Iran*

In the Iranian legal system, despite the progressive provisions in the Constitution (particularly Articles 32, 35, 36, and 37) and the multiple articles of the 2013 Criminal Procedure Code (Articles 5, 6, 7, 9, 190, 191, 195, 197, 198, and others) recognizing the right to defense, the presumption of innocence, prohibition of arbitrary detention, access to counsel, and ban

on coerced confessions, the main challenge in practice stems from weak oversight institutions, insufficient independence of law enforcement officers, concentration of power in the prosecutor, and vulnerability to misconduct by officials. The Commission for Monitoring Citizenship Rights and the Prosecutorial Disciplinary Court, though envisaged as supervisory tools, often take a formalistic approach; due to lengthy procedures, lack of transparency, and in many cases ineffective accountability for violations of defendants' rights, they lack real deterrent or compensatory efficacy (Mohammad Alizadeh Eshkelak & Rashidi, 2020). Furthermore, the principle of judicial immunity under Article 290 and the severe restrictions on accepting civil or criminal liability claims against judicial authorities practically weaken enforcement guarantees and allow violations of citizenship rights to persist.

The role of law enforcement officers in preliminary investigations and arrests, despite formal reforms such as the obligation to inform defendants of their rights and the audiovisual recording of certain stages, often continues to result in violations of fair trial standards because of insufficient practical training, conflicts of interest, and pressure from security-judicial structures. Victims of such violations, in their attempts to prove misconduct and seek compensation, face barriers such as lack of access to files, prohibition on disclosing documents, fear of retaliatory prosecution, and absence of supportive mechanisms (Zamani, 2020). Moreover, although Article 14 of the 2004 Bylaw on Monitoring Citizenship Rights and related provisions in the 2013 Criminal Procedure Code foresee compensation, reparation for defendants is limited to specific cases and a small number of individuals, and in practice defendants rarely succeed in obtaining their rights (Aghababayi Bakhshayesh, 2020).

4.1.2. Legislative Challenges of Violations of Citizenship Rights in Iran

The main legislative challenge in Iran's criminal system is the absence of a comprehensive, explicit, and unified definition of the citizenship rights of defendants in criminal proceedings. Although the Constitution (Articles 32–39) and the 2013 Criminal Procedure Code, in numerous articles such as 5, 7, 9, 190, 195, and 197, provide for certain fundamental rights (such as the right to defense, access to counsel, presumption of innocence, and prohibition of torture and coerced confessions), enforcement guarantees are often vague, multiple, and scattered (Khaleghi, 2014). In addition, the lack of specific provisions on compensation for violations of fundamental rights such as solitary confinement, unlawful interrogation, or prolonged deprivation of counsel has left victims without effective remedies. Legal provisions on statutes of limitations for prosecuting officers or judicial authorities (Article 290 of the Criminal Procedure Code) and the recognition of judicial immunity as a general rule limit practical accountability (Sanders et al., 2021). Although Iran is a party to the ICCPR and bound to implement its Articles 9 and 14 regarding the right to a fair trial and effective remedies, a significant portion of these obligations has either not been incorporated into domestic criminal legislation or has been narrowly interpreted by lawmakers (Jackson, 2018). For example, instead of defining objective criteria and standards for cases such as “arbitrary detention” or “unlawful interrogation,” the Criminal Procedure Code focuses more on formal loopholes and security exceptions. Furthermore, the absence of clear regulations regarding compensation for moral damages, protection of vulnerable groups such as women, children, and foreign nationals, and insufficient guarantees of the independence of oversight bodies present practical challenges to implementing international standards (Simmons, 2020).

4.1.3. Judicial Challenges of Violations of Citizenship Rights in Iran

Although the principle of separation of powers and the appointment of judges based on Article 156 of the Constitution and Articles 164 and 165 are intended to guarantee judicial independence, in practice the centralized structure of the judiciary and the administrative and occupational dependencies of criminal judges (particularly to the judiciary's administrative organization and the head of the judiciary) create opportunities for extrajudicial interventions, organizational pressures on judges, and lack of independent judicial practice (Jackson & Summers, 2012). A clear example is the issuance of temporary detention orders and other coercive measures without continuous and transparent oversight of compliance with the principles of proportionality, necessity, and legitimate reasons, even though such measures should be based on objective criteria and the principle of individual criminal responsibility (Krishnan & Raj Kumar, 2015). In addition, the process of hearing appeals by detained defendants and addressing the misconduct of law enforcement officers and judicial officials in disciplinary prosecutors' offices

has generally amounted to mere formality, failing to provide effective remedies for violated rights. The prevailing judicial practice of narrowly interpreting concepts such as the “right to silence,” “right to be informed of charges,” and “right of access to counsel in the initial stages” has also weakened the practical realization of a fair trial (Nosrati, 2017).

Iranian courts, typically relying on the restrictive interpretation of Article 171 of the Constitution and Articles 255 and following of the Criminal Procedure Code, have limited the scope of compensation to cases of acquittal or final dismissal of charges. This approach deprives those defendants whose citizenship rights have been clearly violated (such as through unlawful detention, denial of immediate access to counsel, or violent interrogations) but who are ultimately convicted or subject to reconciliation, from obtaining real redress (Aghababayi Bakhshayesh, 2020). Moreover, the process of rehabilitation and expungement of criminal records does not function as effective protection due to the lack of suitable infrastructure and explicit provisions in criminal procedure and administrative systems. Consequently, victims of violations of citizenship rights generally remain socially and reputationally harmed without adequate compensation (Shavell, 2007).

4.2. *Challenges of Violations of Citizenship Rights in England*

Although the legal structure of England, based on common law and important instruments such as the Human Rights Act 1998 and PACE, is considered among the leading systems in safeguarding the citizenship rights of defendants, in practice fundamental and emerging challenges appear that may reveal violations of defendants’ rights. The first major challenge is the difficult balance between individual freedoms and collective security requirements, particularly in the field of anti-terrorism legislation. For instance, the Terrorism Act 2000 and the Investigatory Powers Act 2016 grant broad powers to law enforcement and security authorities, which at times result in restricting fundamental rights of defendants, including the right to silence, immediate access to counsel, and being informed of the reasons for detention. Prolonged preventive detention, postponement of access to legal advice under special circumstances, and the use of evidence obtained through surveillance or extensive monitoring weaken the principle of fair trial and the presumption of innocence. Although courts and oversight bodies such as the IOPC, JCIO, and the European Court of Human Rights play moderating and supervisory roles, the very breadth of executive powers raises fundamental questions about the sufficiency of remedial procedures and the effectiveness of current oversight in preventing arbitrariness and violations of the right to defense (Ministry of Justice, 2023).

Another tangible challenge in English criminal law concerns the admission or exclusion of evidence obtained illegally or in violation of defendants’ fundamental rights. Although Section 78 of PACE grants courts sufficient discretion to exclude unlawful evidence and requires compliance with Articles 6 and 8 of the ECHR, concerns remain about the transparency and consistency of applying these rules. Certain judicial practices and interpretations, particularly in emergencies or security-related cases, permit flexibility and exceptions for the police or security agencies, thereby threatening defendants’ rights at the stage of preliminary investigation (Padfield, 2018). Moreover, with the advancement of surveillance technologies and the widespread use of digital evidence, new challenges have arisen regarding defendants’ privacy, the legitimacy of wiretapping, and access to personal data, which at times subject traditional evidentiary rules to serious tests (Sanders et al., 2021).

In sum, although there is a strong legal and institutional framework, the English legal system is constantly at risk of allowing security, political, and technological developments to restrict the fundamental principles of fair trial and the citizenship rights of defendants, particularly in exceptional cases and sensitive proceedings. Continuous evaluation and critical review remain necessary (Simmons, 2020).

4.2.1. *Executive Challenges of Violations of Citizenship Rights in England*

In the English legal system, despite the entrenched position of the principle of fair trial and the protection provided by key laws such as the Human Rights Act 1998, PACE, and Articles 6 and 14 of the ECHR, challenges remain in practice. The most pressing concerns involve the expansion of police powers in initial detention, searches, and interrogations without the presence of counsel, especially under anti-terrorism laws such as the Terrorism Act 2000 and emergency legislation enacted after security incidents (Ashworth, 2022). Although independent oversight institutions such as the IOPC and the High Administrative Courts provide some safeguards, the pursuit of misconduct by police and investigating officers faces barriers such as lack of adequate victim support, high litigation costs, and restrictions of civil procedure. In addition, despite the theoretical guarantees of equality

of arms and the right to challenge evidence, certain administrative practices or resignations of offending officials restrict practical accountability (Jackson, 2018).

4.2.2. *Legislative Challenges of Violations of Citizenship Rights in England*

In English law, the enactment of the Human Rights Act and the incorporation of ECHR provisions were essentially aimed at enhancing the status of defendants' citizenship rights. Nevertheless, part of the legislative challenges in England arises from the conflict between common law traditions and statutory law with modern human rights obligations. For example, PACE provisions granting police broad powers in detention, search, and interrogation, despite repeated reforms, continue to be criticized by the European Court of Human Rights for lack of transparency in standards and failure to minimize intrusions into individual rights. Legislative measures in counter-terrorism or provisions allowing police and administrative authorities discretion in matters such as "delayed access to counsel" or "preventive detention" illustrate gaps between human rights guarantees and traditional legal rules (Krishnan & Raj Kumar, 2015).

Another legislative challenge is the lack of coherence and stability in law-making, particularly regarding new trial procedures (such as processing digital evidence and virtual hearings) and the multiplicity of criminal procedure regulations expressed through codes of fair trial, institutional regulations, and numerous judicial decisions. This fragmentation has resulted in conflicting practices, repeated demands for reform of fundamental laws (PACE, HRA), and challenges in ensuring consistent enforcement guarantees nationwide (Jackson & Summers, 2012). In addition, the absence of explicit legislation on compensation for moral damages arising from violations of the right to fair trial or police discrimination remains a significant gap (Simmons, 2020).

Overall, weak comprehensive and flexible legislation, lack of effective enforcement guarantees, fragmentation or ambiguity in rules, and conflicts between legal traditions and contemporary human rights standards constitute shared challenges. In Iran, the emphasis is more on the lack of legislative guarantees, whereas in England, the tension between tradition and modernity and the fragmentation of regulations are mainly criticized (Zamani, 2020).

4.2.3. *Judicial Challenges of Violations of Citizenship Rights in England*

In the English system, judicial independence and impartial court models are recognized (Jackson, 2018). However, issues such as media pressures, the inclination of some judges toward conservative practices, and the influence of national security considerations on judicial decisions (particularly in anti-terrorism courts) create notable challenges for full impartiality (Ashworth, 2022). Furthermore, limitations on courts in addressing claims of police misconduct and confessions obtained under abnormal conditions do not conform with ECHR standards, since the burden of proving misconduct often rests on the defendant and support mechanisms for victims of rights violations (such as free legal aid or psychological assistance) remain underdeveloped (Sanders et al., 2021).

Restrictions on compensatory judgments, due to courts' narrow interpretation of concepts such as "manifest innocence" or "specific harm," have prevented many victims of rights violations from receiving real and adequate redress (Shavell, 2007). Another major weakness in the English system is the absence of a unified internal monitoring framework and effective coordination among institutions responsible for addressing violations, such as the IOPC, higher courts, and compensation commissions. This overlap and fragmentation cause victims' complaints of rights violations to remain unresolved for long periods or get lost between institutions (Simmons, 2020). In practice, the ineffectiveness of mediation mechanisms and of financial and moral compensation procedures means that, except in rare cases, victims often resort to the costly and lengthy path of civil litigation, which itself becomes a deterrent to pursuing rights violations (Mohammadi, 2023).

5. Preventive Solutions for Violations of Citizenship Rights in Criminal Proceedings

5.1. Preventive Solutions in Iran

5.1.1. Legislative Solutions in Iran

One of the most fundamental legislative solutions for reducing violations of citizenship rights in Iran's system is the adoption of a comprehensive, explicit, and binding charter entitled "Charter of the Rights of Defendants and Witnesses in Criminal Proceedings." Such a charter, alongside the Constitution and the Criminal Procedure Code, should clearly and effectively guarantee all fundamental rights with enforceable sanctions, such as the right to counsel from the first moment of custody (Article 9(h) and Articles 190 and 195 of the CPC), prohibition of torture and coerced confession (Article 38 of the Constitution), presumption of innocence (Article 37), requirement of notification, equality of parties, and the right to access case materials (Aghababayi Bakhshayesh, 2020). Furthermore, legislators should explicitly determine both material and moral compensations for violations of these rights, ensuring that complaints, remedies, and state compensation are not limited merely to acquittals or dismissals, but cover all cases of citizenship rights violations, even where the defendant is convicted (Khaleghi, 2014).

From a legislative perspective, effective and explicit intervention by the legislature in reforming the structure and jurisdiction of oversight bodies such as the Commission for Monitoring Citizenship Rights (Article 9 CPC), the Prosecutorial and Judicial Disciplinary Courts, and in providing financial and administrative independence with the obligation to publish detailed annual reports on rights violations and institutional responses is another essential step. In addition, criminalizing explicit violations of rights enshrined in the charter, establishing deterrent sanctions, granting standing to NGOs and public bodies to bring claims, and distinguishing clearly between "judicial immunity" and "non-accountability" of judicial officials can reform accountability and prevention mechanisms (Khaleghi, 2014).

Moreover, clarifying standards and procedures for reviewing compensatory claims (Shavell, 2007) and facilitating victims' access to these processes are of great importance. To prevent rights violations, the full and effective incorporation of ICCPR provisions (Articles 9 and 14), the Convention against Torture, and basic fair trial principles into domestic mandatory law through the adoption of implementing legislation is essential. Legislators must stipulate that in cases of conflict between domestic law and international obligations regarding fair trial and prohibition of arbitrary detention or inhuman treatment, the rule most favorable to the defendant or victim shall prevail (Zamani, 2020). Independent supervisory bodies must also be envisaged to monitor and report to international institutions within the domestic legal framework.

5.1.2. Judicial Solutions in Iran

In Iran's system, the effective realization of the principles of judicial independence and impartiality (Khaleghi, 2014) requires serious reconsideration of the structure of appointments, oversight, and job security for judges. Current conditions, due to administrative centralization, higher-level institutional influence, and multiple professional dependencies, threaten genuine judicial independence.

Formulating transparent judicial guidelines on adherence to the principle of *interpretation in favor of the accused*, prohibition of arbitrary discretion, and the obligation of courts to respect fair trial guarantees—such as the right to silence (Article 197 CPC), the right of access to counsel from the beginning of prosecution (Articles 190 and 195), and presumption of innocence (Article 37 of the Constitution)—at all stages of proceedings is a cornerstone of judicial solutions (Zamani, 2020). In England too, although the principle of judicial independence has long been emphasized and the Constitutional Reform Act 2005 provides for complex selection and appointment mechanisms, only through regular review of practice codes, mandatory transparent reporting by judges in cases of rights violations, and protection of their procedural independence against external pressures (especially in political or security-related cases) can violations of citizenship rights be effectively prevented (Ashworth, 2022).

Another essential judicial solution in both systems is an active judicial role in interpreting and expansively applying provisions on citizenship rights, as well as effective intervention against unlawful or arbitrary behavior by prosecutors or law

enforcement officers. In Iran, strengthening the role of the Supreme Court and appellate courts in annulling decisions and judgments that violate citizenship rights, obligating trial judges to comply with the requirement of *full written recording of proceedings* (Articles 197, 198, 226 CPC), and providing practical guarantees for challenging failures to record oral defenses or for coerced confessions is essential (Aghababayi Bakhshayesh, 2020). In England, courts through procedural tools such as the exclusionary rule and the doctrine of abuse of process may annul evidence or even terminate proceedings when evidence is obtained in violation of rights or when police investigations lack legitimacy (Jackson & Summers, 2012; Padfield, 2018).

In Iranian law, courts have in practice limited compensation for violations of citizenship rights to specific cases (acquittal or final dismissal: Articles 255 et seq. CPC). This, even under fundamental principles (Nosrati, 2017), denies the right to effective compensation. Courts must, with a broader interpretation and dynamic practice, recognize all cases of unlawful detention or rights-violating conduct (whether ending in conviction or dismissal) as compensable and, using Article 105 CPC and their inherent judicial powers, issue judgments for rehabilitation, expungement, and material as well as moral reparation (Aghababayi Bakhshayesh, 2020). In England as well, notwithstanding the narrow interpretive approach under Section 133 of the Criminal Justice Act 1988, courts should, guided by ECHR principles, extend the possibility of compensation for a broader range of harms and rehabilitation measures and avoid restricting remedies solely to cases of “manifest innocence” (Simmons, 2020).

Both systems require efficient, impartial internal judicial structures. In Iran, expanding the jurisdiction of administrative and disciplinary courts beyond traditional limits, obligating the heads of the judiciary and higher courts to review and publicly announce complaints regarding rights violations, accepting collective or organizational complaints (such as from NGOs), and developing processes of *annual reporting and transparency* are effective solutions (Zamani, 2020).

5.1.3. Executive Solutions in Iran

In the Iranian legal system, the most effective executive solution is the expansion and empowerment of independent supervisory and disciplinary bodies, such as the Commission for Monitoring Citizenship Rights (Article 9 CPC), the Prosecutorial Disciplinary Court, and the Government Employees’ Disciplinary Court. It is necessary to clearly distinguish between “judicial immunity” and the principle of accountability, creating conditions for disciplinary and even criminal prosecution of those who violate citizenship rights, especially in cases of arbitrary detention, physical abuse, restrictions on counsel, and coerced confessions (Khaleghi, 2014). Moreover, the directives of the Head of the Judiciary concerning supervisory authority over prosecutors and law enforcement officers should be periodically updated and implemented with independent evaluations and feedback (Zamani, 2020). In England, oversight of police and law enforcement is structurally established within the IOPC and JCIO, which have the authority not only to investigate and suspend officers but also to refer cases to prosecutors and courts.

Another executive solution is the creation of integrated electronic systems for registering, tracking, and announcing results of complaints regarding violations of citizenship rights, enabling all individuals—especially defendants and their lawyers—to easily file complaints, upload evidence, and monitor case status without excessive formalities and with full guarantees of security and privacy (Mohammadi, 2023).

In Iran, compensation mechanisms must be transformed from bureaucratic procedures into simplified and accessible processes. Provincial and national bodies (commissions under Article 255 CPC and the 2016 executive bylaw) should be granted real powers and independent budgets to provide material and moral compensation in the shortest possible time. Measures such as in-person hearings of complainants and witnesses, free legal support for victims, recognition of moral damages, and the possibility of appealing commission decisions (to the Supreme Court or the Administrative Court of Justice) are essential reforms (Aghababayi Bakhshayesh, 2020). In England, in addition to administrative compensation mechanisms (Shavell, 2007), victims should also be encouraged and informed of the possibility of filing civil suits for unlawful detention or malicious prosecution to ensure full compensation for both material and reputational damages (Ashworth, 2022).

Another essential executive solution is the training of law enforcement officers and judicial officials in citizenship rights and human rights. Such training should go beyond technical, case-oriented instruction and include understanding the

philosophy of human rights, boundaries of authority, communication skills with defendants and witnesses, and managing conflicts of interest. Periodic evaluations and the issuance of professional certificates for officers, development of a code of ethics, quality improvement programs, field supervision, and conducting mock trial simulations to observe practical compliance with citizenship rights are among the required measures. In both systems, the role of NGOs in monitoring, reporting, and even filing collective actions concerning violations of citizenship rights must be recognized. In Iran, reforms to criminal procedure and supportive laws enabling these organizations to represent victims or vulnerable groups in complaints, oversight, and compensation processes would increase the system's executive capacity (Simmons, 2020).

5.2. *Reforms and Developments in England as Models*

5.2.1. *Legislative Solutions in England*

In English law, the experience of drafting and implementing the Human Rights Act (HRA) and requiring courts to interpret laws consistently with the ECHR (particularly Articles 6 and 14) has been a successful model for coherence and continuous legislative transformation. A key legislative solution is the ongoing review of PACE and its codes of practice in line with judicial and doctrinal developments, ensuring that guarantees of fundamental rights—especially the right to counsel, non-discrimination, presumption of innocence, protection against self-incrimination, and the right to trial within a reasonable time—are explicitly reflected in statutory provisions and effectively enforced (Ashworth, 2022). Clarifying sanctions for violations by officials, strengthening the right of individual complaints to the IOPC, creating independent compensation funds, and providing continuous human rights training to all criminal justice actors are further legislative measures that could be localized in Iran.

5.2.2. *Judicial Solutions in England*

In England, the successful experience of institutions such as the IOPC and JCIO, with their clearly defined supervisory authority over disciplinary and judicial misconduct, can serve as a model to reduce fragmentation, enhance coordination, and accelerate responses to citizens' complaints. For example, the JCIO investigates judicial misconduct independently, ranging from reprimands to removal of judges, with annual statistical reports published publicly to ensure transparency and deterrence (Sanders et al., 2021). Complementary roles are played by the Human Rights Commission and parliamentary oversight.

The principle of independence of judges has been guaranteed by the Constitutional Reform Act 2005, which emphasizes that judges must perform their duties free from political or unlawful interference while remaining accountable for serious misconduct (Jackson & Summers, 2012). Judicial immunity protects them from civil or criminal liability for decisions made within their legal authority, but misuse of power or gross misconduct is treated as exceeding legal authority and subject to disciplinary review. The JCIO, operating under parliamentary oversight, handles complaints of misconduct such as inappropriate behavior, undue delay, conflicts of interest, or abuse of power. Its recommendations may lead to reprimands, suspension, or even dismissal, and the transparency of its processes builds public trust in the judiciary. In addition, the availability of judicial review provides an avenue for correcting judgments issued in violation of fundamental rights (Krishnan & Raj Kumar, 2015).

This English model of independent oversight, full transparency, and timely response to violations by judges embodies accountability and integrity in the judiciary. Borrowing principles from these structures highlights the need to strengthen oversight and accountability culture in Iran's legal system.

5.2.3. *Executive Solutions in England*

Other executive measures include the publication of annual public reports by citizenship rights oversight commissions, open access to disciplinary decisions affecting judicial officers and law enforcement, and the creation of open and searchable databases for the legal community and researchers. In the English system, the HRA and IOPC procedures require that all citizen complaints and case outcomes be made publicly available, with annual data-driven audits of law enforcement and judicial behavior (Shavell, 2007).

Despite legislative advances and the institutionalization of human rights practices, challenges such as delays in proceedings, high costs of judicial services, and occasional media influence on trials hinder full realization of justice and citizenship rights. These difficulties demonstrate that even in common law systems with entrenched judicial independence, the practical realization of citizenship rights faces operational and financial obstacles that can undermine systemic efficiency (Mohammadi, 2023).

By contrast, Iran's criminal system, due to the strong influence of security institutions, institutional dependencies, and weak judicial independence, experiences widespread and sometimes structural violations of defendants' rights and lacks effective enforcement guarantees. The structured oversight of institutions like the IOPC and mechanisms of judicial review in England strengthen independent evaluation of evidence legitimacy and permit exclusion of tainted or unlawful evidence, providing a deterrent effect for police and law enforcement. In English law, compliance with defendants' fundamental rights during evidence collection and preliminary investigations is a core principle of criminal justice, and violations of such rights can lead to inadmissibility of evidence at trial. The general principles of English courts are applied through the guarantee of "fair trial" in Article 6 of the ECHR, which, under the HRA, is directly enforceable domestically. This article explicitly affirms the right of every individual to a fair, public, and independent trial within a reasonable time (Sanders et al., 2021).

6. Conclusion

The English legal system, due to its human-rights-based framework and independent supervisory institutions, has managed to guarantee a significant level of protection for citizenship rights during trial and judgment. The Human Rights Act 1998 and the incorporation of the European Convention on Human Rights into domestic law form the foundation for safeguarding defense rights, including free access to counsel, public hearings, the presumption of innocence, and the principle of equality of arms throughout all stages of proceedings. The existence of oversight bodies such as the Independent Office for Police Conduct and transparent complaint-handling mechanisms has strengthened accountability and enhanced public trust. Moreover, the human-rights-oriented culture of the judiciary and the continuous training of judges and law enforcement officers are recognized as key factors in achieving criminal justice.

In Iran's legal system, although the Constitution and the 2013 Criminal Procedure Code provide for citizenship rights at the stage of trial and judgment, structural and operational weaknesses remain evident. Restrictions on the right to independent counsel, overlaps of duties and weak judicial independence, inadequate mechanisms for monitoring law enforcement officers, and the absence of impartial and effective institutions to handle complaints all contribute to violations of defendants' rights. Furthermore, lack of transparency and the absence of requirements for audio or video recording of proceedings create opportunities for abuse and the erosion of procedural rights, undermining the legitimacy of the judicial system.

Based on comparative analysis, addressing these shortcomings in Iran requires structural and institutional reforms, including strengthening the independence and impartiality of judges, ensuring the practical realization of the right to freely choose counsel, and establishing independent and accountable supervisory bodies outside the judiciary. Additionally, mandating the recording of proceedings and increasing procedural transparency can significantly contribute to protecting defense rights. Ultimately, the continuous training of judges and judicial officers in human rights and fair trial principles, coupled with broader legal awareness in society, forms the foundation for genuine protection of citizenship rights and paves the way for Iran's criminal policy to progress in line with international standards.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

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