

Iran's Interactions with human rights assemblies and institutes as an influential step to reduce the challenges of human rights ahead of Islamic Republic of Iran

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Abstract

An increasing importance of human rights in national and international level as well as its centrality in international arena have made the social actors of human rights attempt to establish and promote the concepts and consolidate values and the shared concepts of humanity. Definitely, the principles of human rights can only have influential role when they are accepted in national and international levels and the common values and problems manifest as the form of enforceable regulations in the big family of humanity. The organized link of human rights with international peace and security, the problem of the international community regarding the observance of human rights and the suffering and agony caused by this non-compliance not only recovered the past approaches, procedures and structure but also took further steps to institutionalize the rights. However, western countries used human rights as a pretext to identify and legitimize the governments, the political and legal precondition of making international relations and treaties and in some cases to achieve their specific goals of human rights as a political, selective and promotional tool against some countries with which they had political challenges and turned a blind eye on the most obvious violations of human rights. This abuse and the dual procedure decreased the efficiency of human rights institutions and created many questions in the scholars' minds, however, these issues won't make the parties that tend to observe the primary human rights regardless of all the contingencies, draw a blank. With all the cynicism, it cannot be denied that there are some humanitarians and benevolent people along with these organizations that are trying to take due measurements to prevent violation of human rights and basic freedoms. They want to perform this important issue through this international organization because at first, all the governments must have an active role in explanation, compilation and fixing the principles of international human rights, not simply on the basis of values accepted by western countries but to improvise different schools of its executive mechanisms by maintaining cultural values. The Islamic Republic of Iran is involved with the challenges of human rights mentioned against itself for years, thus, some questions are always posed in this regard first of which is what are the allegations of human rights in the Islamic Republic of Iran? And the second one is, are the allegations political or they are resulted from considering the human rights' values absolute that are sometimes in a clear contrast with Islamic values? Or are there any drawbacks in this regard? The third question is, if the interactions, relations and accountabilities to the head of international institutions, that are sometimes legal duties, can reduce the human rights' challenges in Iran? Islamic republic of Iran is attempting more than before to mention the contribution of western countries' influence and motives against Iran and take corrective measures to deal with some violations that are based on its constitution assignments, in accordance with the principles of human rights through benefitting from the current capacities and influential diplomacy by attendance in the assemblies and intuitions of human rights as well as accountability to the mentioned allegations in terms of the violation of the right to live, the minorities' rights, non-equality of men and women's rights, the right of feel free and secure, the right of fair trial and so on by rejecting absolute universality of the human rights' values in the west. Some of these allegation are due to the difference between the basics and views of the west with Islam in terms of the principles of human rights. Definitely, this approach can minimize the challenges of the mentioned human rights, such that the influential measures and active diplomacy in Iran in 2002 caused the rejection of proposed resolution against Islamic Republic of Iran in the general assembly of the United Nations.

Key words: human rights, west, Islam, international institutions, interactions, universality, the United Nation, human rights council

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Introduction

Human rights in addition to the historical, religious, reflective and political aspects have practically become one of the most important issues of social life, in a way that at the present observing human rights has become one of the criteria of the legitimacy of the governments and it is the symbol of institutionalizing human values in the global level. The presence of domestic laws in the countries from the Constitution to the regular and civil laws to define and explain various human rights and attempting to promote, implement and support them as well as the establishment of state and popular national and international institutions are representative of the importance and necessity of observing human rights, such that, today the subject of human rights as one of the most significant issues, has an organized link with international peace and security and its importance made it the center of attention for the scholars, researchers, academic centers and responsible institutions to investigate its

various aspects. In this area, considering the values of human rights as absolute universal, western countries use such rights as a pretext to identify and legitimize the governments as well as a legal and political precondition to make international relations and treaties. In some cases they use human rights as a political, selective and promotional tool against some countries regardless of their cultural values. Since one of the issues ahead of Islamic Republic of Iran diplomacy is the challenge of human rights and the western countries' claim in this area and accusations at the part of these countries regarding the violation of human rights' principles recognized for Iran, the researcher in this article is stimulated to investigate international mechanisms of human rights to the challenges of such rights ahead of Islamic Republic of Iran. The questions crossing the mind in this regard are as following:

1. What are the accusations of human rights mentioned against Islamic Republic of Iran?
2. Are the accusations political or result from considering the values of human rights of the West absolute, that sometimes are in contradiction with the cultural values of Iran?
3. Can the interactions of Islamic Republic of Iran with the institutions of human rights reduce the mentioned accusations?

The subject of human rights and the claim of its violation by Islamic Republic of Iran is the oldest issue in the country or possibly the oldest in the international policy after the revolution that has been continuing after Islamic Revolution of Iran. This process started one month after the consolidation of Islamic Republic of Iran. In early 1979, a speech was offered by the representative of France in the United Nations' Economic and Social Council expressing concern about the executions of the first days of revolution. After that the accusation of the violation of human rights was mentioned in the subcommittee of preventing discrimination and promoting the rights of minorities by the representatives of European countries under the pretext of defending Bhai's rights. (A report on the situation of human rights in Iran with an emphasis on the reports of Rapporteur of the Majlis research center, 6) in 1982 and 1983, this was mentioned more seriously in resolutions. In 1982 the process of issuing resolution was started and made the resolution of human rights' commission appoint special representative to investigate human rights in Iran and the current claims in terms of its violation in 1984. The report was offered to the general assembly by the special representative in 1985 and this led to the commence of resolutions against Iran in the third committee of general assembly and subsequently the General Assembly of the UN itself. Now, more than three decades have passed since Islamic Republic of Iran was established. This process keeps on and the western countries by considering their human rights' values as being absolute regardless of Islamic cultural values, mention some issues including homosexuals' rights, equality of men's and women's rights, the right to change religion, the marriage of homosexuals, claiming the violation of the right to live like extrajudicial punishments, high number of executions and torture in the prisons, the right of fair trial of freedom of thought and belief and ...and try to ratify human rights' resolutions against Islamic Republic by creating an atmosphere. In this study it is attempted to mention the challenges of Islamic Republic of Iran by exploring the principles of human rights in the UN. Definitely, the effective interaction and logical accountability to human rights institutions can clarify most of uncertainties, solve the problems and ultimately, reduce the mentioned accusations. In fact, in early seventies, after years of issuing harsh resolution on the violation of human rights against Islamic Republic of Iran and the government didn't pay attention to them and rejected the Special Representative of the human rights commission, who wanted to visit and provide a report from the country. Adopting new policy at that year, the special representative was invited to visit the country. The public assembly of the UN welcomed the government's new tendency and issued a mild resolution in which instead of expressing concern about the violation of human rights in Iran just extended the mission of special representative and mentioned a new stage of his mission created by the collaboration of Islamic Republic of Iran and declared its satisfaction with the government's decision of inviting the special representative to visit the country*. Regarding the challenges of human rights in Islamic Republic of Iran different books and articles have been printed so far, perhaps it can be said that the book of Dr. Hussein Mehrpoor on human rights published in 1995 and reprinted in 2007 is the reference. In this book some issues of human rights have been expressed, most of the international documents on human rights have been introduced, some of them have been elaborated, the situation of Islamic Republic of Iran was analyzed and some corrective ideas and propositions have been provided. In this research it has been attempted to explain the principles of human rights briefly, to mention some challenges facing Islamic Republic of Iran in this area and some scientific approaches have been proposed to reduce the challenges. The proposed approaches are realistic and one of a kind and can solve some of the problems, which is the distinctive feature of this article compared to similar works. 1. Generally, the new international system of human rights is a phenomenon after the Second World War. Except for the international documents of human rights like the charter of the United Nations, the international charter of human rights including declaration of human rights, the international consonant on economic, social and cultural rights, the international covenant on the civil and political rights and so on, the organization created some institutions to support human rights during the Cold War and attempted to develop its competence in this field. (Sharifian, 2001, 120) therefore, the trend of human rights in international level faces the concept of national benefits and the governments' sovereignty like the other similar issues. Reinforcing local and international conventions, the development of state and non-state organizations that are active in human rights, further activity of the UN especially the economic and social council, the process of globalization and the development of communications can be effective in strengthening the inherent norms and values in the idea of human rights in international level (Simbar, Reza, 2011, preface, B and G) here, some mechanisms of human rights are indicated briefly:

1-1. the High Commissioner of human rights

In 1993, the public assembly of human rights created the post of High Commissioner of the UN for human rights to improve the mechanisms of this organization. This commissioner, whose mission is to organize all the schedules

of human rights in the UN and to enhance their general influence and efficiency, is the first leader of pursuing human rights. Called the High Commissioner which is under surveillance and the guide of Secretary General of the UN that acts as their representative in human rights provides its reports to the general assembly of economic and social council as well as the commission of human rights. The office of the High Commissioner of the human rights for the UN (OHCHR)¹ acts as a secretariat of the human rights commission, the foundations of treaties and the other foundations in terms of human rights of the UN. It is also the center of all the activities of human rights in the UN (Musavifar, 2003, 52 and 53). The overall mission of High Commissioner is to support the tasks of human rights commission and the institutions based on the treaties. Regardless of the other considerations, it highlights the issues like promotion of women's and children's rights, struggling against racial discrimination in all forms and supporting vulnerable groups and minorities such as the indignant, the migrant and the disabled. In addition, it has been able to provide endorsement of human rights from the UN schedules and organizations through developing its technical cooperation (Musavifar, 2003, 54).

1-2. the commission and the council of human rights

The UN policy regarding human rights is led by some intergovernmental foundations that also provide some guidelines to the High Commissioner of the UN for human rights. The most important element of making decision regarding human rights was the commission of human rights. This commission was established by the economic and social council in 1946 and was responsible for offering guidelines related to general policy, studying the issues of human rights, developing the new international norms and monitoring the observance of human rights all around the world. The human rights' commission tried to create specific methods to conduct research on the cases of possible violation of human rights in the last two decades of its activity (by 2005) and kept sending fact-finding boards to the countries (Musavifar, 2003, 55). Following the widespread transformation occurred in international system, the General Assembly of the UN expressed concern about the organization's isolation, tried to explore its structural weaknesses and respond to the global challenges and threats in order to promote the efficiency and the function of the organization in a report entitled "the more efficient UN for 21st century" that was prepared by the elected 16-member board put propositions to improve the General Assembly's structure, the Security Council, Economic-Social Council, human rights' commission, secretariat and the charter of UN. In this report it was mentioned that the commission of human rights' legitimacy is declined, as a result, the good reputation of the UN was questioned. Standardization for improving human rights cannot be carried out by the governments that don't adhere the promotion and support of human rights themselves. In addition, this report expressed concern about the governments that wanted to gain the seats of the human rights' commission in the recent years, as it mentioned they did it so as to keep themselves away from criticisms or in order to criticize others in this path. The report also expressed concern about the dual standards in confronting with violation of human rights, consequently, it considered the reform of this institute along with the promotion of its efficiency necessary (the report of the elected board of the UN secretary quoted by: Kharazi, 2007, 37). Eventually, Kofi Annan, the secretary of UN in 2005 proposed the General Assembly to create a new institute called human rights' council as an alternative for the human rights' Commission to be along with the Economic-Social Council and the Security Council as one of the institutes of the charter, such that it can reflect the importance of human rights along with the economic and securing issues written in the Charter. Finally, in March 15th, 2006 the resolution of human rights' Council was passed with 170 votes in favor, 4 votes against and 3 abstentions of the members of General Assembly. 4 votes against were related to the U.S, Israel, Marshall Islands and Palau and the 3 abstentions were related to Belarus, Venezuela and the Islamic Republic of Iran (Kharazi, 2007). According to article 6 of the executive part of the resolution establishing human rights' Council, General Assembly of the UN forced the human rights' Council to review the ex-commission of human rights' authorities, activities and mechanisms for one year and report on them. Subsequently, with the creation of human rights Council and different groups, the discussions and activities of institution-building was started in the newly established council. A year after the first convention of human rights Council in January 18th, 2007, the human rights Council adopted a series of measures including the establishment of procedures, mechanisms and structures that formed a basis for the future activities of the Council. The result of such activities was discussed as an independent document in the fifth meeting of human rights Council and ultimately, was adopted in July 18th, 2007 with consensus among the members of human rights Council. According to the anticipations all of the new mechanisms of human rights in the UN are organized such that they are clear, predictable, disinterested, according to the real conversations and the evaluating on the basis of reaching the goals. Some of the mechanisms of human rights' Council include: "universal mechanism of periodical investigation of human rights", (mechanisms of special procedures", "the consulting committee of human rights Council" and "the procedures of lawsuit" (the article of getting familiar with the mechanism of global periodical investigation (UPR), Majlis research center, 1-2).

1-3. conventional mechanisms

The monitoring conventional mechanisms are related to a certain committee established officially under international agreements in the field of human rights. Such organizations monitor the implementation of each convention by the contracting governments that include: human rights Committee (HRC), Committee on Economic, Social and Cultural Rights (CESCR), Committee on Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women (CEDAW), Committee against Torture (CAT) and Committee on rights of the child (CRC). (Musavifar, *ibid*, 56-58).

1-4. special procedures

Some special procedures of the UN on human rights include:

¹ Office of High Commissioner for human rights

1-4-1. special reporter

In this method, there are experts as a reporter individually or in a group who examine and monitor violation human rights and a certain global phenomenon in the countries and special areas, these experts, under the title of special reporter, are independent expert or representative, if they are more than one, they will be responsible for providing report on the case of their mission to the human rights Council. Special reporters investigate series of issues on human rights that are important all around the world including: the right of living, obligatory vanishings, violence against women, executions outside judicial procedure and so on. To prepare report, they can use all the reliable sources available. A major part of their researches are conducted in the form of interviewing the authorities, non-state organizations, victims and if possible they collect evidence in the site of the mission. The reporters offer practical pieces of advice along with their annual report to the human rights Commission. The outcome of their reports is used by the contractual fundaments to evaluate the governments' reports' authenticity (ibid).

1-4-2. Universal Periodic Review (UPR)

The human rights Council in its fifth meeting in July 18th, 2007 and with the consensus of the members established a permanent procedure called "Universal and Periodic Review of Human Rights (UPR) in framework of which the human rights will be reviewed one after another in certain periods. At present, the mechanism of reviewing human rights in the countries is composed of three reports being reviewed by the working group of the Council that consist of the representatives of 47 members of the Council. Among the three, first text is entitled "national report" and prepared by the country in the study and will be maximum of twenty pages. It often gets through the progresses and activities of the target country in the developing and promoting human rights there. The second one is the summary of views, criticisms and propositions of all the agencies, the programs and institutions related to the UN regarding human rights in that country collected by the High Commissioner of human rights and written in ten pages. In this report often the compliance of the country with contractual commitments such as reporting, observing the provisions of the conventions and the accepted treaties, cooperation with the contractual mechanisms and so on are gotten through. The third report is also ten pages and made by the High Commissioner of human rights. It includes viewpoints, criticisms, the propositions of non-state organizations, the national institutes of human rights or the people in the society. This report is the abstract of transmitted views from mentioned institutes all over the world to the office of High Commissioner of Human rights. The final report is prepared by a group of three-member (troika) reporters in the Council after the review of national report and considering the views of the other members of the UN and non-state organizations. It is explored separately once again, counted as the universal reaction to human rights in the relevant country and will be a basis for the subsequent investigations (Gulshan project, 2009, a 26-27).

1-5. reinforcement of human rights in national level

The UN resorted to the universal policy of localizing human rights and focused its attempts on reinforcing the trend of promotion and supporting human rights in national and local levels because integration of the international norms and criteria of human rights with national regulations can be influential. To reach this goal "the program of technical cooperation" was established in the field of human rights. This program is under the surveillance of the High Commissioner of the UN for human rights and includes general technical helps to promote international norms and criteria of human rights through influencing the national laws and policies helping to build supportive national institutes of human rights, democracy and the rule of law, examples include:

- Helping to hold free and fair elections
- Educational help to reform judiciary management
- Helping and encouraging the establishment of national institutes on human rights
- Establishing operating offices of human rights
- The development and promotion of human rights instruction in three levels of local, national and international (Musavifar, ibid: 61-62).

2. Challenges of human rights facing Islamic Republic of Iran

Human rights refers to the abilities of human beings to protect life, property and freedom against the oppression of others, in other words, if the citizens of a country can get their rights without resorting to aggressive approaches and using formal courts of law. If this happens, the human rights are respected in that country. Islamic Republic of Iran, whether in general or from the perspective of a political system, after Islamic revolution in 1978 inherited some international commitments on human rights including international treaties of civil, political, economic, social and cultural rights. After the revolution, the Islamic Republic didn't resort to any of the ways for not accepting an international commitment of the ex-state, introduced itself as being bound to them and reported the supervisory institute of each the aforementioned documents (Ziaeefar, 2005). Moreover, Islamic Republic of Iran in addition to the UN charter, some cases of which are devoted to the issue of human rights, signed and ratified many international treaties on human rights. Among the 25 international treaties on human rights, Iran signed two of them and signed and ratified the other ten ones. Two of them had accepted condition (the convention related to the refugees and the convention of the child's right 1989) and the rest were ratified unconditionally (Habibzadeh, 2005:12). However, Islamic Republic of Iran has faced lots of challenging issues on human rights for years and they go on. It should be noted that from 1985 to 2002 almost 17-18 resolutions were issued and passed in the Human Rights Commission. In 2002, Iran could stop issuing resolution in this institute with diplomatic attempts and benefitting from specific international conditions. Since 2004, the Commission was dissolved and gave way to the current Human Rights Council two years later. Along with the mechanism of Human Rights Council, 28 resolutions have been issued in the General Assembly against Islamic Republic of Iran since 1985. On this basis, the first resolution of Iran was passed in the General Assembly in December 1985 with 53

votes in favor, 30 votes against and 45 abstentions. However, in the above-mentioned resolution, the resolutions of 1982, 1983 and 1984 of the Commission were also cited. From 1985 to 2002 eight reports were also released by the appointed representatives of the Commission. Four reports have been published by Ahmad Shahid since two years ago. Since 2008, seven reports have especially been published by Secretary General of the UN on human rights and some claims have been put forward in this regard in Iran. This report ought to be prepared for Human Rights Council since 2011 as well (a report on the situation of human rights in Iran with an emphasis on reports of the especial rapporteur in the Majlis Report Center, 6-7).

2-1. the conflict of the triple rights of life, property and freedom in human rights

One of the challenging issues of human rights is that on the one hand, means of protecting the triple rights (life, property and freedom) are multiple and contradictory and on the other hand, compliance or non-compliance with the human rights standards assure legitimacy or non-legitimacy of the regime. There is no doubt that in each of the situations, national security influences the political unit and affects the power of authorities' presentation in domestic and international arena. To analyze this matter the objective parameters and indexes that are based on the countries' ranking in the field of human rights should be investigated. Variables and factors like the freedom of political activities (including freedom of association, freedom of political parties, freedom of being nominee for positions in the government, freedom of the electorate in free and conscious election of the representatives, freedom of speech, resolution of political crimes in the courts based on the jury's office, lack of prosecution and punishment of political activists), human rights including (the right of divorce, the right to inherit equally, equal right of having baby and having the custody, the right of being in charge of all legal and political positions) and the right of minorities including (having the same right as the other citizens in privileges like education and health, freedom in holding rituals, the right of speech, writing and connection to the ethnic language, lack of prosecution and the possibility of having positions in the government) for Islamic Republic of Iran have always been claimed by the human rights of western countries (Nasri, 2003, 24).

2-2. ethnic and religious diversity in the country

It should be noted that the intransigence of the central government with ethnic and religious minorities has always been an international threat in these countries in the field of national policy and caused the abuse of foreign countries from identity gap. Because, since Islamic Revolution, unfortunately, the international Assemblies of human rights changed against Iran as a result of the oppositions' and western countries' propaganda and there were allegation to the non-compliance with the principles of human rights in Iran. This process took a more acute form in the multiple assemblies of the UN human rights such as sub-commission of preventing discrimination and supporting the minorities, the Commission of supporting women's rights, etc. and there were allegations to the Islamic Republic of Iran policy against ethnic and religious minorities. Such that the Special rapporteur indicates the rights of minorities like Kurdish, Arabs and Baloches that face social and economic discrimination as well as pressures including lack of employment. They also face social, cultural and language limitations that manifest violation of the international Convention of removing all forms of discrimination and international treaties of cultural, social and economic rights. By rejecting another report, it gets through the issues of the Baha'i and concludes that the international treaties are violated and continues its report on religious minorities under four titles of Baha'i, Christianity, and Dervishes as well as the other religious groups and expressed concern about religious minorities in Iran. The Secretary General also indicated in his report that discrimination in law and practice of formal and informal minorities have been reported. Indicating article 18 of the International Treaties of Civil and Political rights in terms of religious freedom and its effects as well as Iran's commitment to implement the treaty, he wanted to remove limitations against Baha'i (A report on human rights in Iran with an emphasis on the reports of the special rapporteur, Majlis Research Center, 34-38). Definitely, the allegation of an increase in discrimination based on ethnic and religion with the intensity of the mentioned unity is not accurate, for according to the Constitution all Iranians irrespective of ethnic or religion enjoy civil rights. Race, religion, ethnic, language and the similar cases won't give anyone any privilege or discrimination and in the legal system of Iran the issues like religion, ethnic and race are not taken into account in judiciary attending.

2-3. distinction in the basics of Western human rights and Islamic human rights

Catching a glimpse of Declaration of human rights in 1948 and the other relevant conventions reveal that the foundation of such rights come from the inherent and natural rights' school (the school of one's originality) and are caught from the views of non-Islamic Western scholars (Parvin, 2003, 57) thus, the contradiction of some of Islamic Republic of Iran regulations with the regulations of the international charter of human rights, especially the international Treaty of Civil and Political rights such as the equality of men's and women's rights as well as the right of inheritance are the most challenging issues in the field of human rights for Islamic Republic of Iran. Despite the change of system in terms of international principles, Islamic Republic of Iran, due to the approval of international treaty of civil and political rights in the ex-regime is forced to implement the treaty. On the other hand, Islamic Republic of Iran is administered based on Islamic principles and the Constitutions that was ratified unanimously makes the government ratify and enforce the laws based on the Islamic principles (fourth principle of the Constitution and the other relevant principles) (Sharifian, 2001, 349-350). On the other hand, it is clear that there are challenges between the resolution of the mentioned human rights system and the practical approaches in most of the Islamic countries including Islamic Republic of Iran that caused issuing lots of resolutions, declarations and statements by the Assemblies of Human Rights inside and outside the UN.

2-4. more relation of the national human rights institutes and civil organizations with international assemblies

Today, the role of non-state organizations of human rights is such that they are recognized as the effective and undeniable elements at the part of international governments and organizations, the UN in particular.

Contribution of non-state organizations with the development of the International Organization during the last two centuries reinforced the development of international system and its components and made itself known as the means of putting forward the principles and subjects of human rights in this system. On the other hand, the effective contribution due to the inefficiency of the interactions and intergovernmental relations as well as the organizational structures resulting from that, is counted as the complement of the governments' and international organizations' function in terms of human rights (Shahi and Jalali, 2012: 122). With oppose to the ex-commission of human rights that made connections with the governments, in the Human Rights Council, (according to the clause H in article 5 of resolution of the formation of the Council), in addition to the governments, national human rights institutions, non-state organizations, professional agencies and the other civil institutions also are in continuous relationship with the Council. Therefore, in the current international system, absolute sovereignty of the governments is weakened and the position of government as a leading role in this arena turned into one of the elements of international rights along with the international organizations, civil institutions and even people (Kharazi, 2007:60).

2-5. the influence of universal powers in the Council's decisions

One of the examples of the influence of universal powers can be observed in the membership of Islamic Republic of Iran in the UN human rights Council. On April 4th, 2006, Iran announced its candidacy for participation in the election and the membership in the Human Rights Council, but considering the competition among 18 Asian countries and 13 seats allocated to this continent, it couldn't win enough votes from General Assembly and failed to be the member of the Council along with Iraq, Georgia, Lebanon and Thailand. The main focus of the country's foreign policy on nucleus energy along with the membership in the Human Rights Council on the one hand and the attempt of the U.S in making Iran not to win enough votes and negative media repercussions around the world launched by the publication of negative reports against Iran and some countries by " Amnesty Organization", "Human Rights Watch" on the other hand caused Iran's failure in winning enough votes for membership of the UN human rights Council. On the other hand, some mechanisms in the human rights Council also make the intervention of big powers possible. For example, according to article 9 of the Human Rights Council resolution, the selected member of the Council must have the highest standards to promote and support human rights, collaborate with the Council and be under the surveillance of the Universal Periodic review mechanism during the membership. For this matter executive guarantee has also been anticipated in article 8 in case one of the members of the Council violates human rights. The General Assembly can suspend the membership of the country in the Council with the majority of two third of the members (Kharazi, 2007: 60-61).

3. The strategies of Islamic Republic of Iran in interaction with international institutions of human rights

Today's reality is that the issue of human rights is one of the main spheres and fundamentals of national and international directions and activities. In international level, human rights go beyond its concept and make national and international arrangements and structures. In national level also a wide range of basic rules of the countries suffered from the international norms of human rights, it is also evaluated as a determining axis in foreign policy and national interests, however the point to be taken into consideration is that in Iran there isn't any similar thinking approach for the international principles and it encompasses the wide range from absolute negation to absolute acceptance of the rules which is detrimental at home and international arena. In this section, it is attempted to draw series of outlines with a realistic approach to interact the country's diplomacy with the international mechanisms of human rights.

3-1. the international charter of human rights

In this field shared regulations of Islamic Republic of Iran and the international charter of human rights, especially the international treaty of civil and political rights in terms of shared resources, basics and legal materials, must be specified. In addition, the contradictions of regulations with the charter must be determined. For example, if there are differences in resources, basics or legal materials such as equality of men's and women's rights in Islam (the right of inheritance, having some jobs like judging and leading as well as the right of divorce), they must exactly be specified and the materials of international charter of human rights that are not in conformity with those materials, in general or in particular, must be determined. Then, all the commonalities and contradictions between the statute book of Iran and the charter should be declared to the Secretary General of the UN through a note by Islamic Republic of Iran. Lack of commitment to the contradictory materials of the charter should also be declared (Sharifian, 365, 1989-2001).

3-2. Universal periodic review UPR

UPR is a process during which the country in the study is given the opportunity to provide all its actions in the field of human rights in the society using all its power and expertise, conversely, the other actors like countries and civil institution are given opportunity to criticize or encourage the country without any limitation and present there propositions to improve the quality of human rights (Gulshan, 2009, B: 123). In fact, one of the features of UPR system is the possibility to comment, recommend or criticize at the part of all the monitoring countries in terms of the UPR content in a country in a specific time. In this system the countries are given some propositions including: propositions related to admission, ratifying and implementing the commitments resulting from international treaties, their optional protocols and recommendations of the institutions based on the treaty, the propositions related to the programs, legal framework, measures, procedures, institutions and national mechanisms of human rights, the propositions related to the way of cooperation with the institutions of the UN human rights, especially the Special reporters of Human Rights Council as well as the procedures of the high Commissioner of the UN Commissioner, the propositions related to the local institutions of human rights and the implementing the commitments resulting from them. On the other hand, in this method most of the countries, especially the ones that have been scolded by international community in the field of observing the provisions of

the international treaty of civil and political rights, attempted to emphasize the importance of observing the provisions of international treaty of economic, social and cultural rights in their national report and provided interesting images of their progresses in the fields of fighting with poverty, enhancing literacy and higher education, reducing crime, social security services, increasing the level of health, improving the indexes like life expectancy or decreasing the rate of infants' death, producing and supplying cultural products and so on. In addition, to provide further information, some countries added more information in the form of comprehensive and statistical tables and graphs to their national reports as an annex. The other approaches in the process of providing UPR include accepting voluntary commitments, expressing the level of participation and interaction of government with non-state organizations and national institutions of human rights and paying attention to especial issues considered by organizations of human rights and the international community (Sharifian, 2001, 114-120). The considerable point is that the final report of UPR in a country is the most important resource of the countries, international institutions and mechanisms, non-state organizations and the national institutions of human rights, referring to that, the real state of human rights in a country, dealing with the deficiencies and acting on the propositions will be monitored. Therefore, providing national report and even the method of presence in UPR professionally have a determining role in reducing future tensions for a country (Sharifian, 2001, 124).

3-3. membership in the Human Rights Council

Instead of always being magnified, Iran can appear as a plaintiff in terms of widespread violations of human rights in the claimant countries. In fact, considering the fact that no country in the world can be found with no violation of human rights today, on the other hand, there are differences and contradictions between speech and behavior of the claimants of human rights, Islamic Republic of Iran along with other countries can object to the dual behaviors of the countries and promote the power of its diplomatic maneuvers in all fields of human rights and international relations.

3-4. cooperation with member states of UN

Although western countries are the most outstanding apposite party and sponsors of the resolution, due to the current condition of international relations and the necessity to find peaceful solutions, finding the ways to cooperate such as negotiation with these countries is essential. On the other hand, developing cooperation with the countries outside this field, adopting common positions with them in international assemblies, benefitting from bi-lateral relationship with these countries and cooperation with their inter-parliamentary Union are very important. Another level is cooperation with Islamic countries, establishing Islamic Commission of human rights in the framework of Islamic Conference Organization, adopting common position by these countries, collecting different treaties and conventions.

3-5. cooperation with non-state organizations and national institutions of human rights

Although the role of non-state organizations has had a developing trend in all international fields in the last three decades, it has become more consolidate in the field of human rights in the midst of 90s and after passing the resolution number 96/31 of Economic and Social Council. During years of providing oral and written reports and statements in the process of human rights Commission and the attempt to increase international attention to the state of human rights in the country, by publishing case reports or annals of human rights, were among influential measures of non-state organizations in monitoring international human rights that had deeper effect and more concrete manifestation with passing the aforementioned resolution and ranking non-state organizations based on their consulting status. Whereas, after the formation of Human Rights Council and the collection of UPR, the manner of non-state organizations' influence in human rights issues confronted a big leap (Gulshan project, 2009, A: 27). Identifying non-state organizations and planning to make connection with them through their central offices in European and American countries, in addition to enhancing the power of maneuver in international assemblies, increase the capacity to control the atmosphere of such assemblies and the prevention of offering deviate content. In addition, with regard to the presence of active non-state organizations in the field of human rights and their need to attain international credit, identifying such organizations and cooperating with them seem useful. However, cooperation with such organizations must be carried out with planned and purposeful pursuit of the matters related to neutralizing and disclosing the nature of apposite groups. Since the hypocrite group is the most outstanding source of disseminating false information against Islamic Republic of Iran, thereby, revealing the nature of this group is of especial priority (Shariian, 2001, 588). In this field the activity of non-state organizations' supporting from terrorist victims can be indicated. On the other hand, Islamic Republic of Iran can establish Islamic non-state organizations or national institutions of human rights with the help of some Islamic countries so that they can mention their Islamic and humanitarian thoughts on the behalf of them in international assemblies and make connection with the other relevant organizations. Since one of the aspects of Human Rights Council activity is making wide relation with non-state organizations of human rights, especially the ones that are worldwide, Iran's membership in Human Rights Council can help to develop useful relations with such influential institutions, at least it can lead to magnifying wrong claims against Iran.

3-6. proposition of the formation of a professional commission in the Human Rights Council

Islamic Republic of Iran can propose the formation of a professional commission in the Council's framework with the presence of the Islamic countries of the Council so that they can find a solution for the common problems of the Islamic countries with the principles of human rights that result from non-conformity of legal takes on Islam with the aforementioned principles. In addition, the formation of such a commission can pave the way for the development of Islamic principles in the field of human rights that is all Islamic countries duty. With an old civilization and a culture rich in unparalleled contents regarding human dignity, Iran deserves a high position among defenders of human rights. Unfortunately, what is released in terms of repetitive resolutions against us on the violation of human rights, does not corresponds with reality which is due to the difference between Islamic

values and the western ones. This fact is so aggrandized due to political biases that as if our difference with human rights' laws and the claimant countries is too much. They do not know or have forgotten that we have "we revere Adam's offspring so much" ² or "O' people we created you in the form of men and women and turned you into groups and denominations to know each other"³. "The most respected of you to God is the most pious" ⁴ or "do not be others' servants, for God has created you free"³. There are dozens of other Signs of the Quran and quotations that include respecting human and his free will and the negation of any discrimination. The civilization that is honored by having the first Charter of Human Rights and the nation in whom such things are internalized in their weft and warp cannot violate such rights. The proof to such a fact is the existence of popular foundations with a humanistic nature and the establishment of thousands of domestic and foreign charities to help mankind without any financial expectation. Perhaps, in such a situation we ourselves are at fault because of not having been able to present this culture with suitable transactions and cooperation and to be present in human rights assemblies and inform others exactly to remove challenges in the way that, after presence and informing them in some of these resolutions, the positive attainments in human rights were referred to. Even, in 2002, due to effective diplomacy, the resolution against Iran did not win any vote. Anyhow, nowadays human rights have a direct effect on countries' positions as one of the principles of international system. On the other hand, it works as a forcing instrument for other countries. Hence, Iran's position regarding changes should be adopted with precision, intricacy to be multidimensional and a mixture of idealism and objectivity. It should make a balance between opportunity and menace. In this regard, it should bring into its foreign policy the human rights paradigm, with attention to the country's strategic benefits pertaining to responding to international events, keeping the framework of Islamic laws and cultural values and taking advantage of potential; opportunities, to ameliorate its transactions and commitments. Also, it must engage in theoretical and practical human rights' challenges by conducting applied research constantly to find suitable answers to unsolved problems as a model for Islamic countries. It should play an outstanding role regarding explanation, advertisement and implementation of human rights principles. Organizations related to the country's diplomacy can also provide more initiative for Iran with suitable and systematic action to neutralize western aggrandizement against Iran, endeavor to reveal two-sided encounters with human rights in the world, planning and acting to develop rapprochement with non-state foundations. Effective diplomacy and purposeful cooperation are powerful drives in the international system to elevate and protect human rights. Considering the role of non-state organizations in international assemblies, especially the Council of Human Rights, a definite framework for cooperation with such organizations, domestic and foreign, must be devised and implemented.

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² Isra' Surah, verse 70

³ Baghara' Surah, verse 256

⁴ Hajarat Surah, verse 13