

**The Human Rights Situation in Iran, 1979-2009**

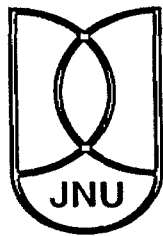
*Dissertation submitted to Jawaharlal Nehru University*

*in partial fulfilment of the requirements*

*for the award of the degree of*

**MASTER OF PHILOSOPHY**

**SUMANT KUMAR**



Centre for West Asian Studies

School of International Studies

**JAWAHARLAL NEHRU UNIVERSITY**

New Delhi 110067

2010



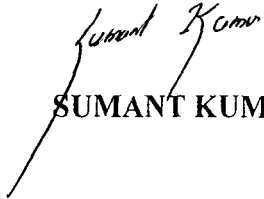
Centre for West Asian Studies  
School of International Studies  
**JAWAHARLAL NEHRU UNIVERSITY**  
New Delhi - 110067

Phone : +91-11-2670 4379  
Mobile : +91 98 18 77 83 15  
Email : cwas.jnu@gmail.com

Date: 27 July, 2010


**DECLARATION**

I declare that the dissertation entitled “**The Human Rights Situation in Iran, 1979-2009**” submitted by me in partial fulfilment of the requirements for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other University.

  
**SUMANT KUMAR**

**CERTIFICATE**

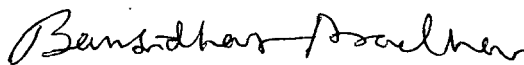
We recommend that this dissertation be placed before the examiners for evaluation.

  
**Prof. P.R. Kumaraswamy**

**Chairperson, CWAS**



**CHAIRPERSON**  
Centre for West Asian Studies  
School of International Studies  
Jawaharlal Nehru University  
New Delhi - 110 067, INDIA

  
**DR. Bansidhar Pradhan**

**Supervisor**



**Centre for West Asian Studies**  
**School of International Studies**  
**Jawaharlal Nehru University**  
**New Delhi - 110 067**

# Contents

<b>Acknowledgement</b>	i
<b>List of Abbreviations</b>	ii
<b>Chapter 1: Introduction</b>	1
I. Evolution of the concept of Human Rights	3
II. Human Rights in Islamic Societies	7
III. Universalism Vs Cultural Relativism Debate	11
<b>Chapter 2: The Islamic Republic Iran and Human Rights</b>	21
I. Political System in the Islamic Republic Iran	24
a. Executive Council	25
b. Judiciary	26
c. Legislature	28
II. Civil, Political, Economic, Social and Cultural Rights	28
a. Women's rights	35
b. Rights of minority	38
c. Freedom of religion in Iran	40
III. Freedom of Peaceful Assembly, Association and Freedom of Opinion and Expression	41
IV. Promotion of Human Rights at World Level	44
a. Universal Islamic Declaration of Human Rights	44
b. The Cairo Declaration on Human Rights in Islam	45
c. Cooperation with International Institutions	47
d. Cooperation with the Office of the United Nations High Commissioner for Human Rights	48

<b>Chapter 3: The Criticism Against Iran and its Response</b>	51
I. Minorities Issues	53
II. The Question of Political Dissent	58
III. Women Issue	61
IV. Freedom of Expression and Religion	64
V. Child Executions	69
VI. Torture, Flogging, Stoning, and Cruel Punishment	70
VII. Non Cooperation with International Bodies	72
VIII. Iran's Response	73
<b>Chapter 4: An Assessment of the Human Rights Situation in Iran</b>	80
I. Prevailing Realities	82
II. Internal and External Challenges	86
<b>Chapter 5: Conclusion</b>	94
<b>APPENDICES</b>	
<b>Appendix: 1 The Constitution of the Islamic Republic of Iran</b>	103
<b>Appendix: 2 Universal Declaration of Human Rights</b>	132
<b>Appendix: 3 Universal Islamic Declaration of Human Rights</b>	136
<b>Appendix: 4 Cairo Declaration on Human Rights in Islam</b>	145
<b>Appendix: 5 International Covenant on Civil and Political Rights</b>	151
<b>BIBLIOGRAPHY</b>	165

## Acknowledgement

I express my deep gratitude to my supervisor Dr. Bansidhar Pradhan for his encouragement, guidance, and support. He kindly reviewed several drafts of this dissertation and provided valuable comments and suggestions throughout my research. I am sincerely grateful for his help.

I am also thankful to all my Professors including, Prof. P.C Jain, Prof. Gulshan Dietl, Prof. A.K Pasha, A.K Ramakrishnan and Dr. A.K Mohapatra, in the Centre for West Asian Studies, School of International Studies, for their advice, help, guidance and support during my research work. I am extremely thankful to my Chairperson Prof. P. R. Kumaraswamy for his strong moral support.

I owe special debt to the Library Staffs of Jawaharlal Nehru University, Jamia Millia Islamia, IDSA and all the West Asian Centre staffs for their kind cooperation and for the collection of research material. Without their cooperation I would not have got such relevant data.

I am indebted to some of my friends and seniors, who helped me at crucial times. I most specially make the name of my friends including Alvite, Avinash, Ayoob, Deepak, Kapil, Lirar, Jack, Tanvi, Sommaya, Vineet, Khusbu, Saleem, Arbind, Kaushal, and my seniors Rakesh, Asif, Latika, last but not least.

Finally, I have no words to express for the support in the accomplishment of this dissertation, especially of my parents and my elder brother Mr. Santosh Kumar for their constant encouragement, patience, and moral and especially financial support throughout my studies. Their keen interest in this project, and their devotion and sacrifices made the completion of this work possible.

*Santosh Kumar*

## **List of Abbreviations**

AOIJ	Association of Iranian Journalist
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CDHRI	Cairo Declaration on Human Rights in Islam
CEDAW	Convention on the Elimination of All forms of Discrimination against Women
CIA	The Central Intelligence Agency
CRC	Child Rights Convention
DHRC	Defenders of Human Rights Center
EC	European Countries
ECOSOC	Committee on Economic, Social and Cultural Rights
EU	European Union
FGM	Female Genital Mutilation
HRW	Human Rights Watch
ICCPR	International covenant on civil and political Rights
ICESCR	International covenant on Economic Social and Cultural Rights
IHRDC	The Iran Human Rights Documentation Center
ILO	International Labour Organization
IPC	Iranian Penal Code
IRI	Islamic Republic of Iran
IRNA	Islamic Republic News Agency
KDPI	Kurdish Democratic Party of Iran
LMI	Liberation Movement of Iran

MDG	Millennium Development Goals
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organization of the Islamic Conference
SPRC	Society for Protecting the Rights of the Child
U.S.	United States
UDHR	Universal Declaration of Human Rights
UIDHR	Universal Islamic Declaration of Human Rights
UNCHR	United Nations Commission on Human Rights
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
WHO	World Health Organization

## **Chapter 1:**

### **Introduction**

The preamble to the Universal Declaration of Human Rights states that as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, shall strive by teaching and education to promote respect for rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states themselves and among the peoples of territories under their jurisdiction. As such, without rights, there could be no human dignity, but there are also other reasons, as history proves, there is a close relationship between respect for Human Rights and the peace of nations (Peter, 1988: 31). Human Rights are necessary for survival, protection and development of human society. The approval of and the agreement among the international community regarding the Human Rights is a major development in this regard. It has evolved over a long period of time and has its basis in different religious and metaphysical sources. Human Rights are rights inherent to all human beings, nationality and place of residence, sex, national or ethnic origin, color, religion, language, or any other status. These rights range from social, political, economic and cultural. All human beings are equally entitled to Human Rights without discrimination. Those rights considered to be universal and rightful to all are interrelated, interdependent and indivisible. “Universal Human Rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of International law. International Human Rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect Human Rights and fundamental freedoms of individuals or groups” (Online web: ONHCR: 2009) Human Rights are necessary for all human beings because the meaning of Human Rights should recognize why Human Rights are valuable to any society. These are not restricted to certain groups or individuals.

Human Rights are rights, which are inherent in our nature and without which we cannot live as human beings. These rights and fundamental freedoms allowed us to fully develop and use our



human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. (Online web, UN Report: 2009) Human Rights have great importance to everyone and every society. Its regulation is necessary else anyone can easily violate the rights of the vulnerable sections of the societies such as children, women, minorities, etc.

On 10 December 1948, the United Nations General Assembly adopted the Universal Declaration on Human Rights (UDHR). But the international political system has no mechanism to enforce them as each and every state is sovereign and independent. Ideally, hence, no other country can interfere in any other country's internal affairs. Though Human Rights are pertaining to all the citizens irrespective of their country there is no legitimate authority at the global level to punish the violators. However, the UN is the only legitimate international body to implement the Human Rights at a global level.

At the time of UDHR, the delegates from different countries clearly underlined that the Declaration was not a binding treaty; it was, rather, a statement of principles. Eleanor Roosevelt maintained that the Declaration "set up a common standard of achievement for all peoples and all nations" (Risse: 1999; 01). But there was stiff opposition from many corners and they accused the universal Human Rights of being too western culture oriented to fully implement in other parts of the world, which have different socio cultural background. Islamic countries in particular, were prominent in claiming that UDHR was Western culture oriented having its roots in the Judea Christian religious traditions. Religious fundamentalists argued that Muslims could not follow the UDHR as it was not compatible with Islamic value system and culture. Ayatollah Mohammad-Ali Taskhiri, chairman of the World Forum for the Proximity of Islamic Schools of Thought, instead proposed for the Muslims all over the world the Islamic Human Rights declaration, based on the Islamic value system and superior to the UDHR (Tehran Times; 24 Dec 2008).

Thus, there was a great deal of controversy regarding Human Rights regime between the Western and the Islamic perspectives. The universality of Human Rights is still being debatable intensely. Effective universality would require a world society ruled by a common government

capable of implementing Human Rights as a set of positive laws to be valid everywhere. But as of now, there is nothing of this sort and therefore states will continue to hold ultimate responsibility for the promotion and defense of Human Rights. They will necessarily have their own institutions, legal arrangements, and social policies for the protection of these norms (Doyle, 2003:137). Hence a brief discussion on Western and Islamic perspectives of Human Rights and their evolution is well in order in this context.

### **Evolution of the concept of Human Rights**

In the Western world, one can trace the beginning to an era from BC 1792 to 1750 B.C. During this period, the great King Hammurabi, first Babylonian dynasty, assembled, revised and expanded to the old Akkadian and Sumerian laws which his society inherited; and he wrote one of the first codes of law in human history, including laws concerning liability. The Code of Hammurabi defined acceptable behavior among Babylonians in their personal and business interactions, addressing such issues as family law, military service, land dealings, business interactions, wages, prices, taxes and debts (Ratay; 2009: 4.1).

Around 1200-300 B.C, while most ancient peoples worshiped many gods, the Israelites worshiped one universal God. They saw history as an interaction between God and Humanity, whose course depended on obedience to God's laws. The Hebrew Scriptures, containing 39 books by many authors, recorded the law the Israelites believed their God gave them. Christians and Muslims also founded their ethics on the Hebrew Scriptures. Christians referred to these books as the Old Testament and Muslims regarded the first five books, the Torah, as divine scripture. The Torah contains laws God is said to have given to the Hebrew prophets, beginning with the mosaic laws which commanded respect for life and the property of strangers as well as neighbors by establishing rights in terms of duties (the right to life, for example in the commandment not to kill). (Online web: Peace Resource Centre). Then came Confucius around 551-479 B.C. Confucius often had disagreements with his superiors when working in government. Confucius' teachings collected in his Analects, spread by three thousand disciples, became a code of conduct and the basis of a traditional way of life that made him the most

influential philosopher in Chinese history. After that in between 40-100 A.D, the followers of Jesus, scattered around the Roman Empire, wrote letters and records of his life, which were distributed among early Christian churches. Jesus maintained that the Spirit of the Lord was in him to preach good news to the poor and God had sent him to proclaim freedom for the prisoners and recovery of sight to the blind, to release the oppressed, and to invite all to God's kingdom (Reichert; 2006:28).

After major Contributions, were made on natural rights by Greeks, Romans, Socrates and Plato described human right as born from natural law. Natural law was a law that reflected the natural order of the universe, means there is only one God, who controlled nature. These laws at that time only present to prevention of arbitrary persecution.

Norman argues that, Plato had devoted the greater part of his thought to the justice, to protect the citizens and non-citizens of ancient Greece (De Witt, 1999:47). Deutsch persuade that, Aristotle maintains justice is associated with the common good's or 'common advantage' it will be necessary to consider carefully. And justice is the virtue that defines our relations with others. Aristotle discussed virtue, justice and rights for individuals in the contemporary Greek society (Deutsch, 2009: 49). However, Cicero "provided the philosophical foundations for later theories of natural law." Later, religious Universalists like Thomas Aquinas and based their religious thought on the fundamental value of human dignity and universality of natural law. This idea of natural rights also maintain in ancient Rome, where the Roman jurist Utopian accept that natural rights belonged to every person, whether they were a Roman citizen or not. Burke claimed that the "rights which we enjoy spring 'from within the nation,' so that neither natural law, nor divine command, nor any concept of mankind such as 'human race,' 'the sovereign of the earth,' are needed as a source of law" (Ishay, 2007: 374).

These writings, however, had oblique reference to Human Rights thinking rather than those find in the subsequent contributions. Despite the principle, there remained fundamental differences between Human Rights today and natural rights of the past. For example, it was seen as perfectly natural to keep slaves, and such a practice was counter to the ideas of freedom and equality that we associate with Human Rights today. (Online web, Dickens: An Investigation into the

Concept of Human Rights). In the Middle Ages and later during the renaissance, the decline in power of the church led society to place more emphasis on the individual, which in turn caused the shift away from feudal and monarchist societies, letting individual expression flourish.

Magna Carta comes in 1215 by King John influenced Human Rights documents in several, connected, ways. Like role in the limited power of the king and development of theories of natural rights (Mackay 2003:259). During the seventeenth century many philosophers expressed their views on different perspectives of Human Rights like Thomas Hobbes, John Locke and Jean-Jacques Rousseau, Marx, Kant, John Rawls argues on natural rights theory, rule of law, Ideal theory of Justice, Welfare theory of rights, Individual rights theory. Thomas Hobbes saw natural law as being very vague and hollow and too open to different interpretations. Hobbes wanted to make the Leviathan all-powerful to protect individuals from the anarchical state of nature through contract (Babgy, 2007:121).The individuals in the civil society acquired certain rights that were inalienable and inviolable and the ruler has to protect those rights. In case the ruler did not perform the task of protecting those rights he had to go (Hobbes, 2008: Vii). This was the essence of Hobbes contribution in empowering individuals against the Leviathan who might be all powerful. Locke's ideas laid the foundation for Human Rights. He believed that in the state of nature, humans were basically good, peaceful and mercantile. He felt that the need for the protection of right to life and property necessitated the creation of a state (Mc Hale, 1999: 52). Christopher insisted on having a ruler who might act as an arbiter to settle dispute that might arise over trade and property (Christopher, 1999).

Immanuel Kant made Human Rights distinct from other rights like civil rights, international rights, and cosmopolitan rights. He believed in the oneness of human race. To quote him, "all men are entitled to present themselves in the society of others by virtue of their right to communal possession of the earth's surface. Since the earth is a globe, they cannot disperse over an infinite area" (Kant, 1991: 106).Thomas Paine believed in the sovereignty of individual and argued for the minimal interference of the state. Like Locke, he was deeply committed to the inalienable rights of man, rights of mind and rights of happiness and freedom.

Marx rejected the notion of human or natural rights. Those rights claimed to be Human Rights are, he held, relative to capitalist society (Bob, 1999: 76). He argued that these rights were idealistic and historical. He indicate that, the society where the capitalist monopolies based on the power of property in the market, that means of production and distribution, ideas like individual rights were illusory. These rights are meant to cater to the interest of the ruling bourgeois class only. The working class would have nothing but their chains. This Marxist paradigm is considered to be one of the most formidable theoretical tools to analyse the Human Rights abuses. According to John Rawls' the theory of justice contains two principles: first is that "each person is to have an equal right to the most extensive total system of equal basic liberties compatible with similar system of liberty for all", this implies equality of political rights to all citizens in a democratic country. These rights are necessary for the development of individual liberty. And the second principle of Rawls' are based on "Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with a just saving principle and (b) attached to office and positions open to all under condition of fair equality of opportunity"( John, 2005: 250).

Abstract ideas regarding Human Rights and their relation to the will of nature have been transformed into concrete laws by various legal documents the English Bill of Rights (1688), French Declaration of the Rights of Man in 1789, American Bill of Rights in 1791, the Geneva Convention (1949), the Universal Declaration of Human Rights (1948) etc. that specifically described these rights in details. The English Bill of Rights made the King subject to the rule of law, like any citizen, instead of claiming to be the law's (divine) source. It protected some basic rights to justice and guaranteed juries, impartial courts and independent judges. The American Declaration of Independence in 1776 asserted that governments were established by the consent of the people to protect rights. And it expressed these rights in the terms that: "all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the pursuit of Happiness" (Bernstein; 2004: 48).

Every year many innocent civilian were killed by the enemy stated and some time by own state. Through this regard in 1945, leaders of the world's nations met in San Francisco to form the United Nations, to stop wars between countries, and to provide a peace platform with dialogue.

The Preamble of the Charter of the United Nations states that “we the peoples of the United Nations are determined to reaffirm faith in fundamental Human Rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small” (Singh; 1986: 147). UN charter Article 68 state that the UN Economic and Social Council have power to form any commissions for protection and promotion of Human Rights (Steiner, 2008: 135). Through Article 68 the Commission had form the Universal Declaration of Human Rights (UDHR). Which set universal standard of rights for all people everywhere whether male or female, black or white, communist or capitalist, victor or vanquished, rich or poor, and for members of a majority or a minority in the community. The UDHR contained 30 Articles of which 17 Articles could be regarded as relating to civil and political rights and 8 Articles relating to economic and social rights, rest articles mention in Appendix 2 (online: UDHR). On 10 December 1948, the General Assembly endorsed the text of the UDHR. The Declaration had not managed that time to achieve full recognition from the communist and certain West Asian countries, but at least they had not voted against it. The UDHR became a part of the fabric of the UN itself and emerged as an increasingly powerful instrument for the achievement of human dignity and peace. The 1993 Vienna World Conference on Human Rights, for example, noted that it was the duty of States to promote and protect all Human Rights and fundamental freedoms, regardless of their political, economic and cultural systems. After that many draft has been adopted by UN for the protection of Human Rights, like; International Covenant on Civil and Political rights (ICCPR), International Covenant on Economic Social and Cultural Rights (ICESCR), United Nations Educational Scientific and Cultural Organization (UNESCO), United Nations High Commissioner for Refugees (UNHCR) etc.

### **Human Rights in Islamic Societies**

Let us turn to the evolution of the Human Rights in the Islamic societies and trace major developments in this regard. As discussed in the later part of this chapter, the Islamic system is based on the revelation of the God as represented by *Sharia* which is based on *Quran* and *Hadith* (saying and stories about Prophet Mohammad’s behaviors told by his close followers). Human Rights has been growing and evolving in the Muslims Countries in the same manner as in

Western countries. We can trace a long standing history of the Islamic Human Rights. *Huqooq al-Insan* in Arabic is the contemporary rendering of “Human Rights.” However, they cannot be located as such in pre-modern Islamic literature. But *Huqooq* itself is a word derived from the root word *Haqq*- a word which can mean equally truth or right or rights over others, or share.( *Al-Haqq* or the Truth and reality is one of Allah’s attributes). It is in this form that the equivalent principle of Human Rights and duties in Islam is found in a huge array of original Islamic sources (Leaman, 2006: 247).

Human beings (*Insan*) and *Haqq* are mentioned in Quran over 70 and 250 times, respectively. However, the pre-modern reading and interpretation of the Quranic text was not done with the specific intent of developing a Human Rights doctrine. This only emerged in the 20<sup>th</sup> century mainly in response to the challenge of the modern Human Rights movement. The document regulated the relationship between the various components of the Medinan society and confirmed the principles of toleration, freedom of religion and rights granted to the tribes and to non-Muslims, in the context of building a civic order.

Imam Ali<sup>1</sup> argued that, the teachings of the Prophet and his rightly guided *Caliph* had much to do with the Human Rights. The basic teachings of Islam at that time was the best possible one in the Human Rights regime as many of the systems of exploitation and violations of basic Human Rights were abolished. The detailed letter written by the fourth *Khalifa* Imam Ali to *Malik al-Ashtar*, the governor of Egypt, was a documented proof of this claim. In this letter, Imam Ali sets out the rights and duties of the ruler and the ruled, and guidelines on the proper and appropriate conduct of the state towards its subjects (Imam Ali, 2005: online web). The discourses of Imam Ali that were collected in a compilation called *Nahj ul-Balagha* ( the Peaks of Eloquence), are an important source for the evolution of Shia Muslim ethical doctrines, some of which related to the idea of Human Rights and duties.

---

<sup>1</sup> Imam Ali: Imam Ali was the cousin and son-in-law of the Islamic prophet Muhammad, and ruled over the Islamic Caliphate from 656 to 66 AD.

Many Islamic political philosophers between the 10<sup>th</sup> to 14<sup>th</sup> century such as Al-'Amir, al-Ghazali, al-Tartoushi, Abi Asiba'a, Al-Taqtaqi, Ibn Jama'a, al-Zayani Al-Tartoushi wrote extensively on Human Rights. But the basic difference was that, Human Rights in today's world is enforced in a secular setting for ensuring a better cooperation among the people and smooth coordination between rights and duties where as in those days it was based on the religious values and the human being was asked to observe them in order to avert the embarrassment of being punished by God.(Online web: Evolution of Human Rights) Siraj al-Muluk (The Lamp of Kings) treatises included to discussion on the issues of equality before the law, and the rights of subjects not to be oppressed by state power in ways that approximated contemporary Human Rights discourse. Human Rights were also implicit in the writings of Islamic political philosophers such as al-Farabi in his Virtuous City; who upheld "a vision of a moral society in which all individuals were endowed with rights and lived in charity with their neighbors" (Afshari; 2007:29).

It is clear from the above discussion that the classical Islamic period did not treat Human Rights as a separate category of inquiry but included aspects of them in treatises on government, power and authority. In general, rights arose as a correlative of duties and obligations, and this was so expressed in the jurisprudential terms of the *Sharia*. It is the human being as an obligor (*Mukallaf*) rather than one with inherent rights that is the foundation of *Sharia* rulings that have a bearing on Human Rights and duties.

Let's come to the modern period and see how the issue of Human Rights is addressed in the Muslim world in general and in the Islamic Republic of Iran in particular modernity is a byproduct of colonialism and the subsequent interaction between the colonized and the colonizer is most parts of the Arab-Islamic world.

The impact of modernity in the 19<sup>th</sup> century affected intellectuals in the Arab Islamic world, in ways that undermined the familiar concepts and categories of Islamic thought and practice. The principles of the French Revolution, profoundly significant in the early construct of Human Rights doctrines in the West, seeped into Muslim lands and influenced a whole range of opinion



leaders. Rifa'a Tahtawi<sup>2</sup> wrote regarding the meaning of liberty and freedom. "In Islamic thought liberty was not an inherently desirable trait but merely one that stood in contrast to a state of slavery." Syed Ahmad Khan introduced reason and the scientific method in his Quranic hermeneutics. Muhammad Abduh discussed the importance of free expression and conscience as a fundamental human right. Ali Abd el-Razzik dismissed the ideal of the Caliphate as a significant and necessary institution in Islam, giving thereby legitimacy to the notion of the nation state. Qasim Amin and Jamil Zahawi sought to elevate the status of women in Islam.

The principles of limited and constitutional government were most profoundly expressed in the Iranian Constitutional Revolution of 1906. "The author of the most famous treatise on the necessity of constitutional government in Islam was Grand Ayatollah Muhammad Hussein al-Naini. It was his theoretical writings and pronouncements especially, *Tanbih al-Umma wa Tanzih al-Milla* that inspired the revolutionaries of the period and reconciled the ideals of Islamic government with the demands of a constitutional order that limited the powers of the ruler" (Ali, 2009: online web).

A discussion on the various events that, Iran made towards the evolution of a Human Rights regime is well in order here. The ideals of the Iranian constitutional Revolution of 1906 resurfaced in the 1979 Revolution, but key aspects of Naini's vision were distorted or overlooked in the constitutional arrangements of the Islamic republic. The Universal Islamic Declaration of Human Rights (UIDHR) became the main foundational document and support for all subsequent elaborations on Human Rights by Iran. The UIDHR in contrast based Human Rights in Islam on the basis of Quran. This helped to bring the recognition of social, economic and cultural rights in addition to political rights such as freedom of assembly, freedom to form associations, a right to nationality and finally group rights such as the right to self-determination, the right to resist the invader or foreign tutelage. The conferences of the late 1970s and 1980s were partly in response to the enormous challenge thrown at the Muslim world by the promulgation of a specifically

---

<sup>2</sup> Rifa'a al-Tahtawi was an Egyptian writer, teacher, translator, Egyptologist and renaissance intellectual. Tahtawi was among the first Egyptian scholars to write about Western cultures in an attempt to bring about a reconciliation and an understanding between Islamic and Western civilizations.

Islamic constitution in Iran. Many countries were moved to question the specifically Shiite aspects of the Iranian constitution, especially to the innovative and controversial idea of the Rule of the Jurisprudent (*wilayat al-faqih*). Partly in response to the increasing diversion of various Islam-inspired constitutions and declarations on Human Rights, the Iranian Revolutionary government organised a Pan Islamic conference on Human Rights in Tehran in 1987. The final communiqué of the Tehran conference on Human Rights detailed ten recommendations nearly all of which related to the legitimation of the new Iranian state and the privileged role of its ulema leaders; and the denunciation of imperial powers and the others enemies of the Iranian state. Only one recommendation specifically related to the issue of Human Rights in Islam (Online web: evolution of Human Rights).

As we have discussed in detail the evolution of Human Rights both in the West and in the Islamic world. It is appropriate to look into the reasons, apart from the historical and religious one, of the emergence of a different set of Human Rights followed by Iran. The discussion on universality, that claim that Human Rights are universal though and argument based on cultural relativism that each society and country should not be subjected to forced Human Rights implementation, because, it was not according to Islamic culture and tradition. To achieve this end we are looking to the universal debate on universality versus cultural relativism vis a vis Human Rights.

### **Universalism Vs Cultural Relativism Debate**

With the emergence of modernity and the resultant secularist outlook of the people there emerged something called universalized Human Rights. Modernity emerged in the West and penetrated into other parts of the world, resulting in individualized, atomistic, and competitive society. But there were some iron walls that rejected all this modern ideas and kept their culture and values close to their hearts. Nevertheless, modernity crept in to all most all the countries and there were strong opposition in some countries. Iran was one of the countries that always asserted its traditional cultural values and looked up to all the Western ideologies in suspicion. However, the basic idea of cultural relativism is that no one culture has absolute criteria for judging the activities of another culture. It is against any universalistic values or moral or

ideological systems. The right and wrong of any given society has to be evaluated in its own epistemological framework and every culture should apply such judgment to its own activities, because its members are actors as well as observers. Cultural relativism is not offensive of the existing value system for the benefit of the current socio political system by any government. It has its own positive and negative sides as much as the universal values have their own drawbacks as well as benefits. As Hofstede put it “Cultural relativism does not imply normlessness for oneself or for one’s own society. It does call for one to suspend judgment when dealing with groups or societies different from one’s own. One should think twice before applying the norms of a given person, group or society to another” (Hofstede: 2001: 15).

Scholars have projected different aspects of cultural relativism and have given in totality a good understanding of the various dimensions. Reichert stresses the importance of cultural relativism when analyzing how we interpret Human Rights. There are a number of issues at stake when and where we approve the stand of the cultural relativists. The issue of Human Rights that seems to be favorable to all across the spectrum is a good example to understand how complex the issue is. He further contends that “cultural relativism should be viewed critically and not be given an illegitimate priority over established principles of Human Rights” (Reichert: 2006: 111 *ibid*). Freeman has pointed out how desperately any cultural relativists would try to justify their way when its negative sides are exposed with reference to the universal Human Rights in some respects. But the whole discussion revolves around the question of how far the universal values, especially Human Rights, are embedded in the Western culture and civilization. While the proponents of the Human Rights would argue that the Human Rights are universal in itself and hence should be accepted by all irrespective of their cultural differences, the cultural relativists would assert that the evolution of Human Rights to the current form is the result of historical incidents in the West and hence it has no validity outside the West. When Human Rights and cultural relativism are moving together it would be easy to implement as well as make the people convinced of its value. However, it is true that universal Human Rights have some universal appeal as Freeman put it succinctly :“cultures that are incompatible with universal Human Rights in some respects may have some value, but cultural relativism fails to provide a general objection to Human Rights universalism”(Freeman 2002:109). The problem arises when there is a situation

where we are asked to support Human Rights and respect cultures that violate the Human Rights as there would be inconsistency. This in turn would mean that Human Rights supporter could and should be committed to not respecting some cultures, or certain elements of the some cultures.

There is more or less universal agreement that Human Rights are universal and that should be guaranteed to all irrespective of the differences among the people whatsoever. Lewis argues in this regard; that “there is general agreement that Human Rights are universal.” But the problem arises, he contends when “most parties to the Human Rights discussion would be willing to acknowledge some variability between societies. Thus disagreements over the universality or relativity of Human Rights have tended to be confined to debates over Human Rights that bear on a limited domain of specific cultural practices” (Lewis: 2001: 667).

Cultural relativism emerged in its modern form in reaction to cultural evolutionism. Based on Darwin’s evolutionary theory Cultural evolutionism propagates that human societies progressed from “primitive” or “savage” to “modern” as it happened in the case of species. Naturally, Western civilization ranked highest on the scale because the standard for judging was based on Western values. Nineteenth century anthropologists subscribed to the evolutionary theory were hardly aware of their Eurocentric and universalistic predilection. Cultural evolutionism in that sense had racist overtones. It believes that people who were considered to be the least cultured were also considered to be the least intelligent and the darkest in pigmentation. Cultural relativism was introduced in part to combat these racist, Eurocentric notions of progress (Renteln 1988: 56-57). It is important to note in this respect that cultural relativism germinated as a reaction to the Western attitudes towards other societies. Western anthropologists in the 1920s and 1930s put forth it as a counter-argument, to the belief that non-Western societies were inferior to Western societies and would gradually evolve along similar lines. The contradiction involved was very obvious as cultural relativism emerged as a reaction to evolutionism and imperialism and an ally of liberalism. In the latter periods it was considered a weapon in the hands of authoritarian governments to suppress Human Rights. Thus, cultural relativists were not

able to project themselves as the champions of Human Rights despite the fact that they opposed imperialism and cultural arrogance.

There are strong supporters for cultural relativists. These theorists argue that, “any sub-cultural values, attitudes and activities are just as good as any other they are different but equal.” However, claims of all human beings to dignity would be denied if Human Rights violations and discriminations based on cultural relativism are justified and would conflict with the idea that there are Human Rights as rights of all human beings, irrespective of their cultural and religious traditions, and race, gender etc. Though the conventions and the legal actions came very recently the idea of Human Rights is not new because all major religious and nonreligious traditions throughout history have stood for protecting human beings from inhuman or degrading treatment. The belief in the moral worth of the individual and its concomitant support of Human Rights allows us to break their historical links with Christian doctrine and examine how they have been or can be accommodated in other world-views. It is no more an exclusively Western idea and has become part of the collective heritage of humankind. (Lawton; 1975:28)

There are a number of issues related to the total implementation of Human Rights universally. But most of the time cultural relativism is used as a pretext to avoid any major change in the political system and retain power by some authoritarian governments. Some try to find out some patterns of Human Rights violations and the absence of other values and systems. For many of the states calling for preserving their traditional values on the basis of cultural relativism in Human Rights are undemocratic and repressive. Some further claims that:

*“in the Islamic context, regardless of whether or not they apply Shari'a law's Many Muslim governments use Islam as a pretext for denying rights, and appeal to Islamic culture only to justify deviations from international standards. The schemes for the Islamization of rights, proposed by Muslim governments, are also used to justify enormous violations of Human Rights in these countries.”*

The rejection of Human Rights by the so called Islamic countries is seen as a ploy. “It is in their political interest to resort to Islamic culture and civilization in order to find rationales for

asserting the non-applicability of international rights norms and to respond to the reports of Human Rights violations by international Human Rights organizations”, (Sornea: 2001: 27-28).

Ball and Gready have made an interesting argument saying that Human Rights as such is a new one to all traditions as there was no such thing as Human Rights in any religion or culture. It is also true that cultural relativism is an argument used by those who wield power and commit Human Rights abuses, against the powerless. This is a proof that the difficulty in judging universalism versus relativism lies in who is claiming to represent a particular culture (Ball and Gready 2007: 34). When it comes to the Islamic Republic of Iran it is one of the most powerful proponents of cultural relativism arguments against the universality of values like Human Rights. Iran holds a strong position of Islamic that reduces the scope of universal Human Rights is referred to always when the question of universalism versus relativism arises in any discussion regarding Human Rights.

Though there are different views regarding the definition of cultural relativism it could be in very simple terms said to the view that:

*“values are relative to circumstance, in this case culture, and that because it is only culture that validates values we can pass no judgment on them. We, therefore, arrive at the principle of toleration, not through respect for other people’s right to define themselves freely, but rather through our disbelief that any moral standard exists against which we can judge values. For the same reasons that were given when discussing post-modernism, such a position is antithetical to Human Rights it in fact renders any discussion of human rights meaningless” (Gensler, 1998 :23)*

Cultural relativity is a fact for all to see. The differences in moral rules and social institutions are evidence of cultural variability. The doctrine of cultural relativism maintains that it is not legitimate to criticize these variations by the outsiders as it is a result of their own cultural and social evolution. “The observation of any norms or values have to be embedded in the cultural milieu of the same society and no values imported and alien to or even contradictory to the indigenous one is very difficult to get roots. Sometimes our traditional practices truly are based

on and protect culturally accepted conceptions of human dignity, and then members of such a community will not have the desire or the need to claim such rights (Donnelly, 2003:57).”

Li describe two types of cultural relativism, one is descriptive cultural relativism and the other is normative or prescriptive cultural relativism. The former argues that morality’s relativity should be based on the moral agent’s culture. It maintains that different cultures hold different moral views and ethical standards. Thus some may justify the killing of a woman, if, she violates the code of conduct that violation is grave enough to invite the killing. But the opponents hold that it is morally wrong to kill anyone for violating the honor of a family. Normative cultural relativism demands that moral judgments and standards must be considered valid or invalid only relative to the moral agent’s own culture: his or her moral views or actions ought to be considered right if they are judged right according to the standards in his or her own culture (Li, 2006:55).

For the discussion as well as the global implementation of human rights or for that matter any normative values considered to be universal, cultural relativism is very important. Because cultural relativists are putting stiff resistance in the face of global waves of human rights implementations and protection. The question of cultural relativism sheds light on the issues of human nature within communities and the elaboration of different sets of moral priorities in social life.

Cultural relativism contends that good and bad are relative to culture and what is “good” for one society may not be necessarily good for another as what is “socially approved” in a given culture is their good and has to be based on moral principles which define social conventions (Leo, 1996: 11). According to cultural relativism, different societies form different standards for the satisfaction of their particular needs and there is no right way of behaving. The correct way to conduct oneself depends upon one’s culture. As a prominent sociologist wrote, “Immoral never means anything but contrary to the mores of the time and place. There is no permanent and universal standard by which right and truth in regard to these matters can be established and different folkways compared and criticized” (Newman; 2008: 11-68).

One has to approve the fact that there is no objective truths about right or wrong and hence no sense in asking which side here is “correct.” The moment one party rejects this fact it is just imposing its cultural taught attitudes as the objective truth neglecting the fact that their view is true relative to their culture (Lawton; 1975:12 *ibid*). The irony is that while the Western centrists are happy with their particular tradition as universally valid, the cultural relativist just celebrates their particular traditions for its own sake (Leo; 1996: 141 *ibid*). Cultural relativism is different from the concept of relativity of individual behavior, which would negate all social controls over conduct conformity to the code of the group is a requirement for any regularity in life (Newman; 2008: *ibid*).

The question of moral foundation for Human Rights that would be universally acceptable has been much debated. Sachedina asks “whether there is a single moral foundation for Human Rights that spans many cultures, or whether there are many culturally specific moral foundations, or none” (Sachedina: 2009: 57). Sachedina also has some doubts on the enforceability of universal Human Rights until and unless they are based on universal morality that appeals to

*“every person irrespective of their religious beliefs and other convictions. In order to ensure the all individual’s inalienable Human Rights, there has to be a mechanism that convinces the people around the world the unshakeable universal moral foundation of the Human Rights that is embodied in the Declaration. It should also be made appealing to peoples of different religions, traditions and cultures and all the while giving enough space to affirm as well to deny the universality in the name of religious or ideological doctrine. Protecting human beings against all kind of cruelty, oppression, and degradation has to be the corner stone of the Human Rights. Then the question of a divine or natural source of Human Rights vanishes”.*

If we are taking this argument certainly it would be acceptable to almost all the peoples around the world. This has to be read against the argument that the universal declaration of Human Rights is a mechanism to perpetuate the colonialist, hegemonic discourse that wanted to slap its will on other peoples in some name or the other, here the villain being the Human Rights regime.



So it is important for bringing about a change in the perception of the people to establish the reason why human beings have rights in the first place. One of the main arguments put forth by cultural relativism in Human Rights regime is that “human dignity or respect owed to human beings are viewed strictly within the larger social good and not independent of it” Talking about Islam and defending its stand as espoused by Islamist cultural relativists, Sachedina argues that Islamic doctrines speak about equal creation of human beings, sharing the parentage and endowed with honor and dignity as the “children of Adam” (Sachedina: 2009: *ibid*).

In other words, cultural practices that might conflict with Islamic cultural values are still considered valid because they reflect the values of that culture. Maintaining a culturally relativist position becomes especially difficult when the practice in question is considered brutal or oppressive. Relativism is often accepted by observing the fact that there are different and conflicting beliefs, values, and practices in various cultures and hence the conclusion that there is no valid, objective truth in religion or ethics that is universal.

There are logical problems to the question of what is believed by various groups as Harold maintains quoting Roger Trigg, “What they do in fact accept or reject ought to be a different question from what is worthy of acceptance or rejection.” Simply because people are in different religious beliefs, it does not necessarily follow that all of these beliefs are correct or equally valid (Netland; 1991:176). However, when debates start on Human Rights with regard to West Asia, it turns out to be less about Western vs. Islamic and more about modern vs. traditional values and practices within Islamic societies. Cultural relativists argue that “universal Human Rights are a Western concept”. Even if rights are a Western concept, it is absurd to say that others are not worth of them. Struggling for the universal means of Human Rights condemning and disrespecting reactionary beliefs. The struggle against dominant reactionary ideas is a struggle against the ideas of the ruling class. However it is easier said than done. In effect, the language of Human Rights, though of Western origin, has become transnational and trans-religious. Yet these very features create problems and tensions in countries like Iran, where the dominant discourse is one of religious community and not of secular individual rights.

Culture may properly enter into the implementation of Human Rights in a different way. Human Rights principles are abstract and general, but must always be implemented in complex, particular situations. These situations will always include local cultures. If the justification of Human Rights is the protection and promotion of human dignity, the implementation of Human Rights must take into account local cultures and the contribution that they may make to human dignity. The implementation of Human Rights, therefore, cannot be derived directly from international texts, but must be mediated by judgements about particular local circumstances, including local culture (Freeman, 2002: *ibid*). The dispute over relativism is the questions about the origins and universality of Human Rights and questions about its validity or authenticity. Goodhart argues that “the Western political philosophy upon which the [United Nations] Charter and the [Universal] Declaration [of Human Rights] are based provides only one particular interpretation of Human Rights, and that this Western notion may not be successfully applicable to non-Western areas” due to ideological and cultural differences (Goodhart: 2003: 935–964). According to Goodhart Human Rights are neither relative nor universal. The universal concept of Human Rights is the distinct conceptual dimensions of Human Rights; constructions like “relative universality” and “contingent and relative” universality are both confusing and unnecessary. In his view linking the legitimacy or the political efficacy of Human Rights to their universality is mistaken and dangerous. He rejects the universality of Human Rights (Goodhart: 2008: 183–193). On the other hand from an opposite point Donnelly argues, “Human Rights provide protection against domination and oppression, the arbitrary or unwarranted use of power to control or interfere in people’s lives. International Human Rights law is largely restricted to the misuse of state power against citizens, but in the political struggles for democracy, human dignity, and social justice where Human Rights play a crucial role, no such restriction obtains. Human Rights offer people a way to challenge power, to call power-holders to account, and in so doing to combat domination and oppression in their myriad forms” (Donnelly: 2008). These are two extremes of the controversial question of relativism. The two extreme positions on cultural relativism can be called radical cultural relativism and radical universalism. While radical cultural relativism opines that culture is the sole source of the validity of a moral right or rule radical universalism believes that culture is irrelevant to the validity of moral rights and rules, which are universally valid. (Donnelly 1984: 400).

Reza Afshari argues that, the Islamists on cultural relativism and Human Rights can be divided into two broad groups the old traditionalists and the new traditionalists. The old traditionalists culturally conservative, accommodate the discriminatory rules that emanate from *Sharia*, and incorporate them into their proposed Human Rights schemes, as an alternative to UDHR, for the Muslims to follow. The epistemological rupture between tradition and modernity is not recognized here. The imposition of Western standards on non individualist Islamic culture is opposed on the ground that the sphere of public authority was regulated through religious norms in a Muslim society which is pious, with an upright rule and just order. Old traditionalists often use a cultural discourse to justify their rejection of the UDHR standards. But the new traditionalists are educated, familiar with modernist discourses, and understand the complexities of national socio-economic development. They are in a better position to create, an indigenous (Islamic) cultural foundation for Human Rights, through a drastic reinterpretation of the Islamic tradition. They are less sympathetic towards the old Islamist concept “governance of God” as propagated by the old traditionalists. The new traditionalists think beyond the literal interpretations of the sacred texts and developed methodologies, which is based on various techniques of jihad, to overcome the narrow literalist interpretation. They believe the goal should be to reinterpret Islamic tradition and to make it consonant with the international norms (Afshari; 1994:267).

## Chapter 2

### The Islamic Republic Iran and Human Rights

7H-18911

Since the establishment of the Islamic Republic of Iran (IRI) in 1979, the issue of Human Rights has been a controversial one, attracting a great deal of academic attention. This was partly because of the Western preoccupation of the emergence of a new ideology and partly due to the extreme position that the Iranian government took. The U-turn that the country made in the field of its foreign policy with most of the Western countries and especially the US following the Revolution was observed with bitterness and utter unhappiness. On the other hand the country in its way to new set of new ideas in all fields of life ranging from politics to social institutions and family planning based on the Shiite Islamic tradition that were not in tune with and most of the time in utter opposition to the Western values made itself in the opposite camp of the Western ideas. The question of political freedom and Human Rights topped in the list of priorities that the West took to oppose. The whole idea of Iranian Republic is based on *Shariah* and hence the reference off and on to Islam and its relevance to the study of the subject. A detailed study of the Islamic texts is beyond the scope of this study but reference to some of its elements would be discussed herewith. In this backdrop we observe that in the 1970s and 1980s Human Rights got prominence in West Asia in all the fields including government, social movements, political activists, intellectuals and ordinary people. This development is not strange like in other part of the world. Muslim countries and societies have encountered with the notions of democracy and constitutionalism ever since they came in direct touch with the Western colonial powers. The new discussions came into prominence with reference to the Universal Declaration of Human Rights.

However before going further it would be in place to give the reason why there are different versions of Islam in different Muslim countries. There are, generally speaking, two broad divisions in current Islam; that of Shiite Islam and the Sunni version of Islam. Both are based on Quran and *Sunna* and a number of other sources which form the basis of *Shariah* that is roughly God's law with a number of subdivisions inside. Both Shiites and Sunnis are deriving their religious laws from these sources. However, our main concern here is the issues of Human



Rights and its interpretation and value according to *Shariah*. *Shariah* law is the divine law and God's command, not subject to the changing views of people. It contains all the necessary rules and regulations needed in every aspect of human life, rules which are granted by God and are applicable to all. *Sharia* laws are believed to manifest God's wisdom for the well-being of the mankind. In fact, it is this characteristic of *Sharia* as "whole duty of mankind" that makes it incompatible in its principles and concepts with modern Human Rights theory (Yildiz, 2007: 103).

Before going further it is important to see whether Islam approves the concept of Human Rights or not. But there is no uniform interpretation of Islam ever since it came into existence in the seventh centuries. The basic texts are open to interpretation in different ways and most of the time the state apparatus used the religious texts to confer legitimacy on their own rule.

The Arabic word for right, *haqq*, also means truth. Muslims agree that the ultimate expression of truth for Islam is found in its holy book, the Quran, and that God (allah) is the final arbiter of justice. Human Rights then are given to humanity and guaranteed by God. They are universal and for all time. The Quran discusses freedom of religion (Q 2:256), justice and equality (Q 5:8), the right to a basic standard of life (Q 51:19), the right to participate in governance (Q 42:38), and rights of inheritance (Q 4:7–9), among others. It should be noted that interpretations of these verses are not fixed. The public discussion of Human Rights in Islam has traditionally taken the form of legalistic debates between *ulama* as to the meaning of the Quran. While all these rights have continued in the 20th century; rights to education, equality before the law, marriage, ownership of property, work, freedom from unlawful arrest, and freedom to express one's opinions freely to the extent that these all fall within the *Sharia* through Universal Islamic Declaration of Human Rights issued in 1981 and the Cairo Declaration on Human Rights in Islam adopted in 1990 (Campo, 2009: 316).

Broadly speaking, *Shariah* interpretation could be divided into three prominent modes such as "the liberal *Shariah*", "the silent *Shariah*" and "the interpreted *Shariah*." According to the liberal *Shariah* interpretation Islam explicitly sanctions positions compatible with Human Rights norms and argues that Islam has ensured Human Rights as it is inherent in Islam and pre-dates by

centuries to Western liberalism (Mokhtari, 2004:479). According to the silent *Shariah* interpretation, that is the common and wide ranging one, one can take positions compatible with Human Rights in those areas where the *Shariah* has no say or leaves room to do so. This is because in areas not specifically addressed by the primary sources of Islamic law, Muslims must determine the public good. The problem with this mode is that it leaves little room for challenging the aspects of Islamic law explicitly mentioned in primary sources yet considered in violation of international norms. But as the position and the followers of this mode are not so conservative it does not lead to major controversies. The interpreted *Shariah* mode opines that despite being divinely inspired, the *Shariah* is open to multiple human interpretations, all of which are equally valid. Thus, interpretations of Islamic law that incorporated international Human Rights norms are just as authentic as traditional interpretation. In contemporary Iran, arguments falling in line with each of these modes and often in combination are being invoked by reformist Islamic intellectuals and jurists. (Mokhtari, 2004:472)

After the Islamic Revolution of 1979, the leaders of the Islamic Republic challenged the universal normative consensus around the Universal Declaration of Human Rights (UDHR) and started their own version of Human Rights as represented in the Universal Islamic Declaration of Human Rights and the Cairo Declaration of Human Rights in Islam later in 1990. Ayatollah Khomeini, the architect of the Revolution cum the Islamic religious leader of the Shiite version set the stage for an intense discourse on the issue. He asserted that Western-style freedom and values including Human Rights corrupt the Islamic society leading to immorality in younger generation and the subsequent societal disintegration. This led to the intellectual intervention from both the sides producing a huge amount of literature in a very short span of time. Questioning of the universality of Human Rights, the Islamic Republic argued for a different version of Human Rights that were beyond time and space based on Islam. Later, after the demise of the Supreme Leader, his successor also instructed to abandon the Western version of universal Human Rights as he asked the Iranian foreign affairs to reject “the Western notion of Human Rights” (Afshari: 2001). There are a number of major issues which beg detailed attention in this regard. However in this chapter we would be addressing how the Iranian Republic is engaging intellectually and trying to provide Human Rights through different set of

values based on Islam and the Muslims traditional values which determined the historical developments in the society.

### **Political System in the Islamic Republic of Iran**

Here in order to get the contextual view of the Human Rights implementation it is important to give an over view of the political system in Iran comprising legislative, executive and judicial systems. While the Constitution provides a separation of powers between the executive, legislative and judicial branches, there are a number of institutional constraints on their independent functioning and ability to protect Human Rights.

Article 57 of the Iranian Constitution states that Supreme Leader supervises the executive, legislative, judicial branches and other key institutions. This is reinforced by the system of advisory councils provided in the Constitution. The Guardian Council is composed of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary. It has the power to veto the bills passed by Parliament if it views them as being inconsistent with the Constitution and *Shariah* law. The Expediency Council serves as an advisory body for the Supreme Leader with an ultimate adjudicating power in disputes over legislation between Parliament and the Guardian Council. The Assembly of Experts, comprising clerics elected through a general election, has the power to appoint and remove the Supreme Leader (Gettleman; 2003: 260).

The IRI adopted two parallel sets of political institutions. The authority of the clerics was confirmed by the fact that the supreme leader would be a senior religious figure chosen by the so-called Assembly of Experts, an elected body reflecting clerical preferences. There is also a religiously dominated Council of Guardians to ensure that legislation conformed to Islamic law and that candidates for election (including to the Assembly of Experts) were good Muslims. At the same time, there are an elected parliament, the vote for all citizens (men and women) and an elected president. (Ramazani and Robert, 2009:163), Religion, State, and Society)

## *Executive Council*

Article 57 of the Iranian constitution deal with the powers of government in the Islamic Republic which are vested in the legislature, the judiciary, and the executive powers, functioning under the supervision of the absolute religious Leader and the Leadership of the Ummah, in accordance with the forthcoming articles of this Constitution (online IRI constitution). These powers are independent of each other and communication among them will be ensured by the President of the Republic. The Executive branch by virtue of the special importance that it possesses in relation to the enforcement of the Islamic rules and ordinances to maintain just relations in the society, prepare for the ground for attaining the ultimate goals of life and must open the way for the establishment of an Islamic society. Consequently any system that, because of its complexities, makes access to these goals difficult must be nullified. With this objective the bureaucratic system that is a product of the *taghuti* (authoritarian) rule will be strongly rejected so that executive system is able to fulfill its administration duties with as much speed as possible (Mahmood, 2006:131).

The Supreme Leader has power to appoint all members of the Expediency Council\*<sup>3</sup>. Expediency council is only responsible for breaking any stalemate between the *Majlis* and the Guardian Council, and it has power to give the advice to the Supreme Leader and proposing policy guidelines for the Islamic Republic. Ayatollah Khomeini established this body in 1988, a move that ultimately reduced the authority of the conservatives in the Guardian Council. The Expediency Council weakens the ability of the Guardian Council to reject laws passed by the *Majlis* at will. The Supreme Leader further strengthened the Expediency Council in 2005, giving it supervisory powers over all branches of government.

---

<sup>3</sup> \*The Expediency Council, which Ayatollah Khomeini created in 1988, wields influence through its role as national policy adviser to the supreme leader. The council also mediates legislative disputes between the parliament and the Guardian Council. Its members include heads of the three government branches, the clerical members of the Guardian Council and various other members appointed by the supreme leader for three-year terms. Cabinet members and parliamentary leaders also serve as temporary members when issues under their jurisdictions are under review.



Chapter IX of the Iran constitution specially deals with the Executive Power. After the Supreme leader, the President of the Republic is the highest official position in the country. He is responsible for implementing the Constitution, ordering relations among the three powers and heading the executive power except in matters pertaining directly to the leadership under the Article 113. And the Judges of courts are obliged to refrain from executing statutes and protocols of the government that are in conflict with the laws or the provisions of Islam or lie outside the competence of the executive power. Anyone has the right to demand the voiding of any such regulation from the Court of Administrative Justice with Article 170.

Under the article 90, whoever has a complaint concerning the work of the Assembly or the executive power, or the judicial power can forward his complaint in writing to the Assembly. The Assembly must investigate his complaint and give a satisfactory reply. In cases where the complaint relates to the executive or the judiciary, the Assembly must demand proper investigation in the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public

### ***Judiciary***

During the Pahlavi era, the judiciary was an important pillar of the state, which both manifested and perpetuated the state's secular nature. The Iranian judiciary was based on secular law after the French and Belgian legal systems. It had been designed during the Reza Shah period specifically to limit the influence of the *ulama* and Islamic law on the country's legal system. The image of the judiciary became that of a secular institution, although many of its leading figures were well versed in Islamic law and were willing to craft a synthesis between traditional Islamic law and modern secular law. After the overthrow of the Shah regime, the Supreme Leader became the highest authority for all political, religious, and military power to appoint the head of the judiciary. (Gheissari, 2009: 85)

In this century Iran has followed four different models of legal system i.e. "dualistic judicial system" under Qajar dynasty even after the first Constitutional Revolution of 1906 "state law system" of Pahlavi dynasty, overcoming "ideologized jurists' law" of the first decade after the

Islamic Revolution beside another kind of dual judicial system, i.e. dual courts, in lower levels in the chart of the judiciary, and “formal jurist law” of post-charismatic era after the death of Khomeini. (Mohammadi, 2008:3)

Now judiciary in Iran "is an independent power." The entire legal system “from the Supreme Court to regional courts, all the way down to local and revolutionary courts” is under the purview of the Ministry of Justice, but in addition to a Minister of Justice and head of the Supreme Court, there is also a separate appointed head of the judiciary. Parliamentary bills pertaining to the constitution are vetted by the Council of Guardians. Judiciary has to be "an independent power" and charges it with "investigating and passing judgment on grievances; supervising the proper enforcement of laws; reestablishing public rights and promoting justice and legitimate freedoms and supervising the correct enforcement of laws; uncovering crimes; prosecuting, punishing, and chastising criminals"; taking "suitable measures" to prevent crime and reform criminals, etc. The head of the judiciary is to be a "just *Mujtahid*" appointed by the Supreme Leader and serve for "a period of five years." He is responsible for the "establishment of the organizational structure" of the judicial system; "drafting judiciary bills" for parliament; hiring, firing promoting and assigning judges. Judges cannot be dismissed without a trial. The office of military prosecutor and the military courts form part of the judiciary and are subject to the same principles that regulate the entire judiciary. Judiciary too has the power to supervise the proper functioning of affairs and the correct implementation of laws by the administrative organs of the government ( Ramazani, 1980:181).

The Supreme Leader appoints the head of the judiciary who in turn appoints the head of the Supreme Court and the Chief Public Prosecutor. The Iranian judicial system has three tiers: regular civil and criminal courts are overseen by courts of appeal that are in turn supervised by the Supreme Court. There are specialized courts at different levels, such as the administrative court, family courts and juvenile courts. There are also special public and revolutionary courts that try certain categories of offences, including crimes against national security and narcotics smuggling. Decisions rendered in revolutionary courts can be appealed, except for sentences of less than three months' imprisonment and fines under 500,000 rials. Special courts handle cases involving military personnel and the clergy.

## ***Legislature***

There are three houses in the Iranian legislative branch: the Parliament, the Council of Guardians, and the Expediency Council. While they are all subject to the rulings of the Supreme Leader, they all have considerable power over policymaking, subject to his approval (Alexander, 2008: 16). The legislature comprises two powerful institutions: Parliament (*Majlis*) and the Guardian Council of the Constitution. Under the provisions of the constitution all legislations must first be approved by the *Majlis* and then be ratified by the Guardian Council. They are signed into laws by the president.

With Article 58 the exercise of the legislative power is by means of the National Consultative Assembly, consisting of the elected representatives of the people. Legislation approved by this body, after completion of the stages specified in the articles below, is communicated to the executive and the judiciary for implementation. The exercise of the executive power is by means of the President of the Republic, the Prime Minister and the ministers except for matters directly assigned to the leadership by this Constitution.

### **Civil, Political, Economic, Social and Cultural Rights**

The Iranian constitution secures the comprehensive rights for all citizens, ensuring equality of all before the law. Citizens of the nation, both women and men, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria. The IRI has made gains over the past decade or more in the area of economic, social and cultural rights, although significant disparities remain between urban centres and less-developed regions. Since the 1979 Revolution, the Government has pursued socio-economic policies centred on Islamic values, which focus very much on the redistribution of wealth and poverty reduction. While the IRI is a party to the International Covenant on Civil and Political Right as well as Economic, Social and Cultural Rights, the Human Rights Committee working under ECOSOC, raised concerns about the treatment of minority groups, discrimination between men and women and legislation and policies on cultural freedom.

The Iranian Constitution contains a comprehensive chapter on rights of the people encompassing civil and political rights as well as economic, social and cultural rights: non-discrimination (Art. 19), equality before the law (Art. 20), women’s rights (Art. 21), the right to human dignity (Art. 22), freedom of belief (Art. 23), freedom of the press (Art. 24), secrecy of communication (Art. 25), freedom of association (Art. 26), freedom of assembly (Art. 27), the right to work (Art. 28), welfare rights (Art. 29), the right to education (Art. 30), the right to housing (Art. 31), arbitrary arrest (Art. 32), the right to residence (Art. 33), the right to recourse to the courts (Art. 34), the right to counsel (Art. 35), sentencing in accordance with the law (Art. 36), the presumption of innocence (Art. 37), the prohibition of torture (Art. 38), the rights of arrested persons (Art. 39), limitation of rights based on public interest (Art. 40), the right to citizenship (Art. 41) and naturalization (Art. 42). Thus, one can argue that in terms of provisions the Iranian constitution provides most of the rights contained in the UDHR and other Declarations (see Table 1).

Table-1. A Comparison between Human Rights provisions in various Declarations and the Iranian Constitution.

S no	Rights	UDHR Articles	ICCPR Articles	Iranian constitution Articles	UIDHR Articles	CDHRI Articles
1	Rights To Equality	1	3	19	3*	1
2	Rights to Freedom	2	5	3 (political and social), 9*	2 but not religious	24*
3	Right To Life, Liberty And Security Of Person	3	6	22*, 3(n)	1,2,12 and 18	2,18
4	No one shall be held in slavery or servitude	4	8		Preamble	11
5	No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment	5	7	38*	7	2

6	Right to recognition everywhere as a person before the law	6	16	20*	Preamble*	
7	Equality before the law	7	16	3(n)	3*	19
8	Right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law	8	2		Preamble*	23
9	No one shall be subjected to arbitrary arrest, detention or exile.	9	9	32	4*	18,20
10	Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.	10	14	32	5*	19
11	Right to be presumed innocent until proved guilty according to law in a public trial	11	14		5*	19
12	No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence	12	17	11-21(d)*	22	18
13	Right to freedom of movement	13	12		23*	12

14	Right to seek asylum	14		155*	9	12
15	Right to a nationality and nor denied the right to change his nationality.	15	24 (Child)	41	Not granted	5*
16	Without any limitation due to race, nationality or religion, have the right to marry and to found a family	16	23	11 (family) and 12* (marry)	19	5
17	No one shall be arbitrarily deprived of his property	17	26	22	16	15
18	Right to freedom of thought, conscience and religion; including freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.	18	18	12*	12*	
19	Right to freedom of opinion and expression	19	19	23(forbidden)67* self purpose	12*	22
20	Right to freedom of peaceful assembly and association	20	21-22	26*	14*	
21	Right to take part in the government of his country, directly or through freely	21	25	28	11	23*

	chosen representatives.					
22	Everyone, as a member of society, has the right to economic, social and cultural rights	22		11	15,18 and 2*	
23	Right to work, to free choice of employment without any discrimination	23	8	28* and 43	3*	13
24	Right to rest and leisure	24			17	13 (holyday)
25	Right to a standard of living adequate	25		3(l), 43(a)	15	17
26	Everyone has the right to education	26	18 (religious and moral)	3, 12* and 30	21	9
27	Everyone has the right freely to participate in the cultural life of the community	27		3(h)	14*	
28	Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.	28				13
29	Everyone has duties to the community in which alone the free and full development of his personality is possible.	29			preamble	9 and 17

30	Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.	30				
(* indicate that article according to Sharia Law)						

As per Millennium Developments Goals reports on Iran, an extensive national network going from primary health and preventive care to sophisticated hospital care covers the entire population, both urban and rural. More than 16,000 “health houses” are the cornerstone of the health care system. They provide vaccines, preventive care, care for respiratory infections, diarrheal diseases, family planning and contraceptive information, and pre-natal care. And they also monitor children’s nutrition and general health. Since 1990, Iran has nearly halved the infant mortality rate and increased life expectancy by 10 years. Day by day the performance of Iran health report is improving than her neighbouring countries. A national family planning programme, delivered through the primary health care facilities and accompanied by a dramatic increase in contraceptive use, which is approved by Islamic law, has led to a world record demographic change in family size and maternal and child health. All forms of contraception are now available free of cost. The fertility rate between 1976 and 2000 declined from 8.1 births per woman to 2.4 births in rural areas and 1.8 births in urban areas.



Having broken free of the U.S. corporate domination and control of its resources, Iran was able to develop education, industry and infrastructure with unprecedented speed. By 2004 the number of university students had increased by six times over 1979. There are currently 2.2 million college students. The largest and most prestigious programmes encompass 54 state universities and 42 state medical schools where tuition, room and board are totally free. In addition, 289 major private universities also receive substantial funding. Millions of scientists, engineers, technicians, administrators, military officers, teachers, civil servants and doctors have been trained by Iranian government for internal development. Today Iran boasts of modern cities, a large auto industry, and miles of new roads, railroads and subways. Currently 55 Iranian pharmaceutical companies produce 96 percent of the medicines in the market in Iran. This allows a national insurance system to reimburse drug expenses (Online web, Flounders).

In addition, promoting women's education, (Article 30), the government must provide all citizens (men and women) with free education from primary school. In addition, the government is required to provide free higher education and employment, while extending social security and retirement benefits has alleviated the pressure to have many children to protect security as parents grow older.

Local Human Rights activists have continued to engage in strong advocacy on Human Rights issues, increasing public awareness and influencing the decision-making process in various State institutions such as the Parliament. During past years, a public platform has been created for debates on Human Rights issues in the Islamic Republic of Iran, including the context of general elections. The Iranian authorities have also taken positive steps that suggest responsiveness to local and international concerns on such issues as the death penalty for juveniles, stoning and public executions, although these have not been fully addressed. Steps have also been taken in Parliament to review legislative provisions that discriminate against women (Online web, UN secretary General Report).

The Iranian people do not have a welfare system funded through taxation like the Western model, but the government of the Islamic Republic intervenes through a system of subsidies. Different insurance programs and support services provide welfare payments and pension. There

is tradition of cooperative action in Iran, any farmer can get loan easily for large farming, and Islam forbids interest payments on loan, and informal credit organizations, supported by mosque, offer interest free loans on goodwill. Loans are also available for education, for marriage contracts, and to relieve hardship. Islam also has a tradition of lending money to the poor people without charge (Cavendish, 2006: 554).

### *Women's rights*

During the Islamic Revolution Iranian women worked with men on an equal footing. But immediately after the Revolution, Iranian authorities sought to redefine the roles and status of women and the family. Reshaping society according to Shiite principles was a key project of the Islamic government in Iran. However, economic and other factors forced the government to modify its policies. Khomeini first abolished the 1967 and 1974 Family Protection Law. After that, changed the minimum age of marriage for girls and boys were 15 and 18 respectively, and now the minimum age of marriage for girls and boys is 13 and 15, respectively, the *Hijab* (veil) became compulsory for every woman; they were required to wear the *chador* and a special form of dress in public areas and offices. In education, primary, secondary and high schools were segregated for boys and girls. Due to discouragement of women offices, employment opportunities for women became more restricted (Abbasi-Shavazi, 2009: 36).

However, on the whole the Iranian constitution many steps to improve women status in all sectors. In 1993, the Iranian government passed a national family planning law that encouraged couples to have fewer children. In the same year, the ban on contraceptives was lifted. According to latest report half of the university students in Iran were women or more than a third of the doctors, 60 percent of civil servants and 80 percent of all teachers in Iran are women. Between 1976 and 1996, the female literacy rate rose from 17 to 62 percent, while for urban women it rose from 56 to 82 percent. During 1994–2000, infant mortality and under-5 mortality fell fastest in the poorest provinces (Online web, World Development Report: 2009). Iran has made the most progress in eliminating gender disparities in education. Large numbers of increasingly well-educated women have entered the work force. In 1997 the percentage of female employees in the

government sector was about 74 percent who worked in the Ministry of Education. These employees accounted for close to 46 percent of that ministry's total workforce. 1.26 percent of women working for the government were employed by the Ministry of Culture and Higher Education 20.17 percent of all employed by that Ministry. The next highest concentration of women was in the Ministry of Health and Medical Education in which 16 to 42.55 percent were employed by this ministry. Next to this the Ministry of Economy and Finance followed with 2.47 percent. The other 6.7 percent of female employees were scattered among other government institutions (Iran Statistical Center 1999:94). According to the 1996 Census women in social work (39.3 percent), women's share of employment is quite meager in construction (less than 1 percent), mining (4.2 percent), restaurant and hotel business (3.5 percent), wholesale and retail trade (2.1 percent), and transportation (1.84 percent) (Shahidian, 2002:242). Women are also increasingly pursuing higher education. In 1978–1979, out of 175,000 university students, 54,000 (or 31 per cent) were women and the percentage went up to 62 percent in 2002–2003. In urban areas, 76.7 per cent of women were active in the services sector, 21.2 per cent in industry and 2.1 per cent in agriculture. In rural areas, 53 per cent of women were active in industry, 36 per cent in agriculture and 11 per cent in the service sector. Of these women, 55.5 per cent worked in the private sector, 40 per cent in the public sector and 4.5 per cent in the cooperative sector (Katouzian, 2008:88).

Islam respects women more in house hold sectors; Islamic government regards women as the unifying factor of the family unit. They are the major factor in bringing the family out of the service of propagating consumerism and exploitation and renewing the vital and valuable duty of motherhood in raising educated human beings to take their part in the various fields of active life. As a result, motherhood is accepted as a most profound responsibility in the Muslim viewpoint and will, therefore, be accorded the highest value and generosity (Ramazani, 1980: 181-204).

The constitution of Iran gives full right to women for acquiring education so that they could be educated and opt for careers of their choice on the basis that Islam never prohibits women from learning and acquiring knowledge. Many institutions have been established by the government to

improve the economic and social conditions of women. The social and cultural council of women in 1988 and the office of women's affairs in 1992 were established to detect problems and shortcomings and to propose solutions to improve the status of women. The divorce act was passed in 1989 to curb men's unchecked divorce right. Another law passed in 1999 extends women's rights to request divorce on the valid ground. (Rahman, 2002:65-66). As of February 2002, divorced mothers have the right to keep their sons until they are seven years old. Prior to this date, women could only keep their sons until the age of two. When the son turns seven he is turned over to his father. In addition, a woman who remarries must give custody of her children to her ex-husband. If a court finds that the ex-husband is an unfit parent, custody will be granted to the mother (Country Reports on Human Rights Practices, 2003, Iran, U.S. Department of State). Women have made themselves an integral part of the reform process: there are now 14 female parliament members out of 290, working on health, foreign policy, social development, industry and trade and culture. In non government sector, Azadeh Kian-Thiebaut explains that the number NGOs working on women has increased from 54 in 1995 to over 600 today (MEI, the Iranian Revolution at 30, <http://www.mideasti.org>).

The government must assure the rights of women in all respects, in conformity with Islamic criteria; the protection of mothers, particularly during pregnancy and child rearing, and the protection of children without guardians; the creation of a competent court to protect and preserve the family, etc. The Iranian constitution have special provision of insurance for widows and aged and destitute women; the granting of guardianship of children to their mothers whenever suitable in order to protect the interests of the children, in the absence of a legal guardian. (Ghanea, 2002: 364). Hammed Shahidian has argued that, "*Hejab* gives women **personality** and would prevent them from regression to the pre-revolutionary time. Islamic *Hejab* means cover for dignity, cover for character. This is the direct order (*nass-e sarih*) of the Koran. What the Koran has specified cannot be deviated from" (Shahidian, 2002:133).

Women are increasingly seeing their role involving more outside the home. Around 73 percent of women aged 15–49 preferred their daughters to continue their education rather than marrying early and this was associated with the view that daughters would need education to find a job in the future (Abbasi-Shavazi, 2009:36 *ibid*). The minimum age of marriage has been another area

of concern for women's rights. Until very recently, the Civil Code set the minimum age of majority for girls at 9 lunar years, and specified that girls even younger than that could be given in marriage "with the consent of the {male} guardian." This did not, mean that early child marriage was rampant. In fact the average age of marriage in Iran today is 26 year. The Family planning program of IRI has proved very successful and it was cited in the 1994 Cairo Conference on Population and Development as one of the best in the developing world. Iran without using coercion managed to reduce the rate of birth rate from 4.9 percent population growth to 1.7 percent. (Ramazani: 2004; 174-176). In case of divorce, the constitution was amended in 1986 to recognise a divorced woman's rights to a share of the couple's property as well as increased alimony rights in 1986. In 1992, after a prolonged struggle among lawmakers, a change was enacted in the divorce laws that allowed a woman who was divorced "unjustly and unfairly" to collect payment from her former husband for services rendered during the marriage. In 1997, the Civil Code was amended to allow both men and women to go to court to seek divorce in the event of irreconcilable differences, so that the divorce laws were more equitable and it appeared it would be easier for women to obtain a divorce.

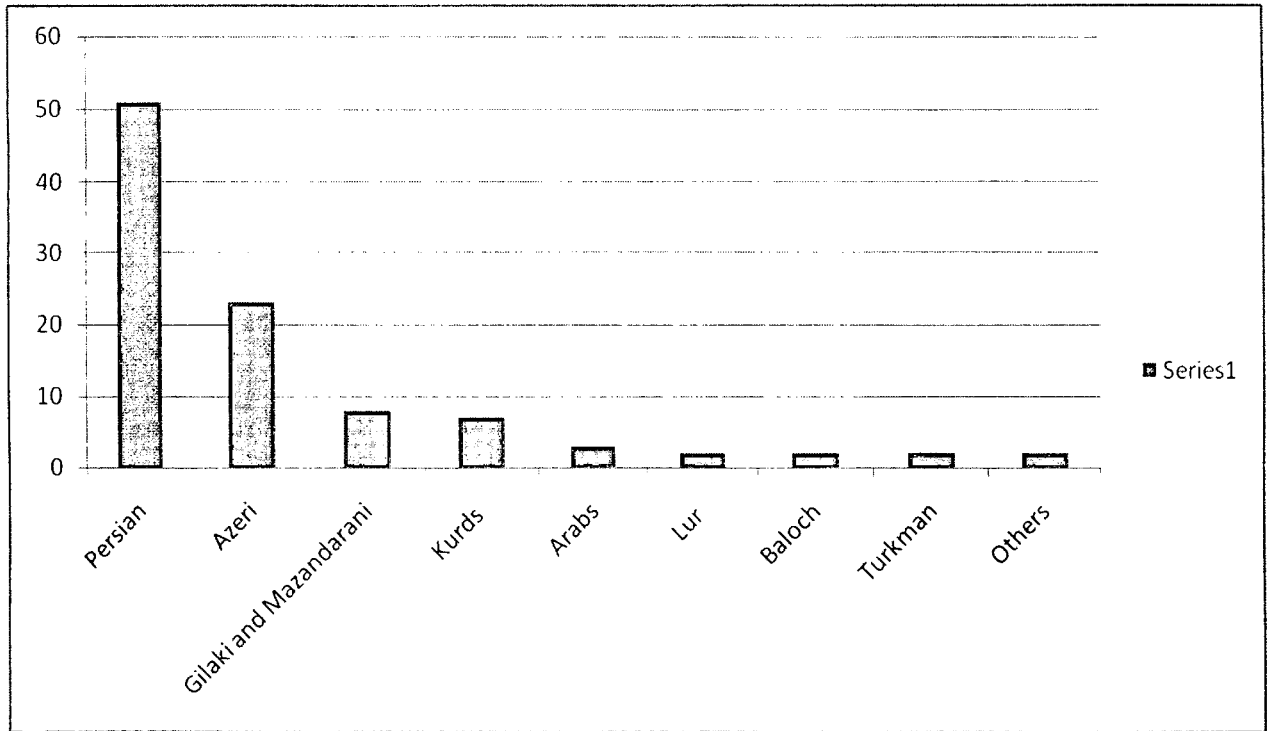
### ***Rights of minority***

The religious minorities have five representatives in the Islamic Consultative Assembly (parliament) of Iran, two representatives from Armenians, one representative from Assyrians, one representative from the Jews, and one from the Zoroastrian. In spite of the fact that Iran has a population of around 70 million and that there are only 290 MPs, we will find that religious minorities with populations of only 200 thousand have five representatives altogether in the Islamic Consultative Assembly.

The total population of Iran was estimated to be 67,037,517 million as per the CIA report of July 2010. This is made up of Muslims 98 percent (Shia 89 percent, Sunni 9 percent) and others (includes Zoroastrian, Jewish, Christian, and Baha'i, Armenians and Assyrians) 2 percent. Non-Muslim religious groups are a clear numerical minority (about 1 percent of the population,), yet socio politically, economically, and culturally they make up a significant portion of Iran's society. As regards the various ethnic groups in Iran are including Persian 51 percent, Azeri 23

percent, Gilaki and Mazandarani 8 percent, Kurd 7 percent, Arab 3 percent, Lur 2 percent, Baloch 2 percent, Turkmen 2, and others 2 percent composed of Christians (Armenians, Assyrians, Chaldeans, Iranian Christian converts), Jews, Zoroastrians, and Bahais as below mention in the graph.

Graph: 1



Source: Graph compiled by myself as per CIA reopr 2010,

The Islamic Republic guarantees the freedom of worship and religious rites and rituals, security of temples and places of worship and holy sites, dignity of religious figures, freedom of choosing one’s house, juridical independence, freedom of economic activities, and freedom in social affairs. The religious minorities are not considered aliens in the country, rather they are among official communities of the country and according to Article 19 of the Constitution, “The Iranian people from any ethnic community or tribe enjoy equal rights; and colour, race, language and other such factors are not the base for any privilege.” As mentioned above, the minorities of Iran are basically the Armenians, Assyrians, and other Persian-speaking and non-Persian-speaking

ethnic communities and tribes who are all known as Iranian citizens and all enjoy equal rights. According to article 10 of the Commission of the Parties of the Ministry of Interior, all the religious minorities' organizations and groups can have the permission to perform their activities (most of the associations, organizations, and cultural-social groups of the minorities are officially active in Iran).

Article 13 states that Zoroastrian, Jewish and Christian Iranians are the only recognized religious minorities who are free to perform their religious rites and ceremonies, within the limits of the law, and to act according to their own canon in matters of personal affairs and religious education. (Sanasarian, 2000: 65) Article 14 also provides protection for non-Muslims, provided they refrain from conspiracy or activity against Islam and the Islamic Republic of Iran. Article 15 States that Persian is the official language of the Islamic Republic of Iran but stipulates that “the use of regional and tribal language in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian” (Ibrahimi, 2009: 34) National Consultative Assembly describes that under the Article 64 after every ten years, if the population of the country has increased, representatives will be added to each electoral district at the rate of one representative per every 150,000 additional persons. The Zoroastrians and Jews will each elect one representative; Assyrian and Chaldean Christians will jointly elect one representative; and Armenian Christians in the north and those in the south of the country will each elect one representative. If the population of these minorities increases, they will be given additional representatives at the rate of one per 150,000. Regulations concerning elections will be established by law.

### ***Freedom of Religion in Iran***

The Constitution of the Islamic Republic of Iran mandates that the official religion of Iran is Islam and the Twelver Ja'fari school, though it also mandates that other Islamic schools are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites and recognizes Zoroastrian, Jewish, and Christian Iranians as religious minorities.

Amid Zanjani, the Vice-Chancellor of University of Tehran argues that before the victory of the Islamic Revolution, the Christians were not allowed to use their religious, ethnic language and literature, but after the Revolution, they could use their own language in their associations as well as religious, cultural gatherings. But now under Article 15 local, ethnic languages are allowed to be used in the press and public media and the teaching of their literature is allowed in the schools along with the Persian language.

### **Freedom of Peaceful Assembly, Association, Freedom of Opinion and Expression**

Iran guarantees freedom of opinion and association within the boundaries of Islam (Article 26). In effect the freedoms normally recognized by a democratic constitution are present, but, as Khomeini has declared, it has some limitation in Iran. National sovereignty is affirmed under that of God, and acknowledged in the whole edifice of the state as well as in such terms as 'borders' and 'defence'. In Articles 15 to 18 the language, script, history and flag of Iran (presumably as a nation-state) are specified. These points must be highlighted because the constitution also contains in its preamble elements of the vision of a wider Muslim community. Its mission is said to be 'to prepare the ground for the continuation of the Revolution', particularly in the development of international relations with other Islamic and popular movements to prepare the way for the advent of a unified world community (Martin, 2007:164).

Article 2 of the Iranian constitution elevates the dignity and value of man, and his freedom, joined to responsibilities, before God; which secures equity, justice, political, economic, social, and cultural independence, and national solidarity, by recourse to: continuous *ijtihad* of the *fuqaha* possessing the necessary qualifications, exercised on the basis of the "Book of God" and the *Sunna* of the *Ma'sumin*, upon all of whom be peace; recourse to arts and sciences and the most advanced results of human experience, together with the effort to carry them still farther forward; rejection of all forms of oppression, both the infliction and the endurance of it, and of dominance, both its imposition and its acceptance, and the securing of political and social freedoms within the limits of the law.



In the Islamic Republic of Iran, the freedom, independence, unity, and territorial integrity of the country are inseparable from each other, and their preservation is the duty of the government and of all individual citizens. No individual, group, or authority has the right to infringe in the slightest way upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom. Similarly, no authority has the right to withdraw legitimate freedoms, even by establishing laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country. The formation of political and professional parties, associations, and societies, as well as religious societies, whether they be Islamic or pertain to one of the recognized religious minorities, is freely permitted on condition that they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them. (Online web, IRI constitution)

The Islamic Republic of Iran has as its ideal human happiness throughout human society, and considers the attainment of independence, freedom, and just government to be the right of all people in the world. While scrupulously refraining from all forms of aggressive intervention in the internal affairs of other nations, it therefore protects the just struggles of the oppressed and deprived in every corner of the globe. The Constitution also guarantees the right to association and assembly, section 6 of the Labour Law, for instance, is vaguely worded in terms of workers forming free trade unions. It is reported that attempts to create a number of workers' associations and strike actions over wages have been met by arbitrary arrests and violence by the security forces.

Scholars like Dalacoura has expressed that democracy negates the concept of the legal and political sovereignty of human beings which brings about the unity of God and creation. Democracy in Islam begins at the point where the concept of *Khalifa* comes in which refers to man as the representative of God on earth. According to this concept no individual or dynasty or class can be *Khalifa* but that the authority of *Khalifa* is bestowed on the people, the community as a whole, which is ready to fulfill the conditions of representation after subscribing to the principles of *Tawhid* and *Risala* (prophethood). The political system of Islam, from the point of

view of the author is a perfect form of democracy as every person in an Islamic society enjoys the rights and powers of the caliphate of God and in this respect all individuals are equal. She claims on the views of right to life and freedom “all citizens have the same rights, be they believers or unbelievers.” On the views of freedom of conscience and religion, she states that “only Muslims can hold public office and that apostasy is unacceptable”, freedom is acceptable in political but not in religious thought. She concludes by arguing forward that although every clause of the UDHR is of utmost importance for the welfare of the human society it has not promulgated anything new and that such laws already existed in better and more perfect form in Islam. (Dalacoura; 2003: 50-52).

Public relations vis-a-vis media (say radio and television) should be used for perfecting the Islamic Revolution and in serving to propagate Islamic culture. In this matter they should promote healthy exchanges of various ideas and strictly refrain from propagating and spreading harmful and antirevolutionary notions. In light of the legal principles that regard freedom and human dignity as the main points of their aims, and which posit the road of development and perfection of the individual as the responsibility of all, it is necessary that the Islamic community elect wise and pious man-agers with firm views. They will serve actively to build the Islamic society with the hope that in building the ideal Islamic society they will be able to show the example of martyrdom and self-sacrifice to the people of the world (Ramazani, 1980: 181).

The free diffusion of information and views, in accordance with Islamic criteria, must be assured in the mass media (radio and television). The media are to be administered under the joint supervision of the three powers- the judiciary (Supreme Judicial Council), the legislative, and the executive in a manner to be determined by law. In matters of the power to appoint and dismiss the head of the Iranian radio and television, executive power directly concerned with the Leadership” were expanded, giving him under Article 175 (Arjomand, 2009: 39).

## Promotion of Human Rights at World Level

### *Universal Islamic Declaration of Human Rights*

At a time when Human Rights is being abused and expressed vociferously throughout the World and Muslims, who suffer humiliation through this abuse, are being accused by Western media of violating them, it becomes necessary to illustrate to the world at large, that Islam champions the cause of Human Rights both in the Holy Quran and in the traditions of the Prophet Mohamed. (Ahmed, 2005:268) They declare two most important international declarations on Human Rights. The Universal Islamic Declaration of Human Rights (UIDHR) was prepared in 1981 under the auspices of the Islamic Council, which is affiliated with the Moslem World League headquartered in Saudi Arabia (Hunsinger 2008:185)

This UIDHR has the second fundamental document proclaimed by the Islamic Council to mark the beginning of the 15th Century of the Islamic era. This was the first time in London in 1980 when International Conference was held emphasizing the message of Prophet Muhammad. This Declaration of Human Rights will gives a powerful impetus to the Muslim believers to stand firm and defend resolutely and courageously the rights conferred on them by God. It is based on the Qur'an and the *Sunnah* and that has been compiled by eminent Muslim scholars, jurists and representatives of Islamic movements and thought (UNHCR, 2007: 1155).

Analysing the UIDHR and the Draft of the Islamic Constitution (1979) Price concludes that Human Rights in these documents are really obligations. The conclusion of the analysis is preceded by the fact that Islam has a strong communitarian ethic due to which Muslims do not face God as individuals but rather as a community (the *Umma*) and a Muslim can at best lead a truly Islamic life only in a state governed by *Sharia*. It is believed that the perfection of mankind could be reached by a society which obeys the *Sharia* law facilitated by its government. In this way the whole society could benefit from obeying the *Sharia* law more than from having certain rights against the government protected by the law (Price, 1999: 162).

Commenting on the UIDHR, another scholar points out: “Human Rights in Islam are an integral part of the overall Islamic order and it is obligatory on all Muslim governments and organs of society to implement them in letter and in spirit within the framework of that order. It is unfortunate that Human Rights are being trampled upon with impunity in many countries in the world, including some Muslim countries. Such violations are a matter of serious concern and arousing the conscience of more and more people throughout the world (Sait, 2006:90).

### ***The Cairo Declaration on Human Rights in Islam***

The Cairo Declaration on Human Rights provides in Islam was endorsed in 1990 by the foreign ministers of the Organization of the Islamic Conference (OIC), after that it was presented to the 1993 World Conference on Human Rights in Vienna as representing a consensus of the world’s Muslims. It Hunsinger asserted that, fourteen centuries ago Islam gave mankind an ideal code for Human Rights. These rights aim at injustice, conferring honor and dignity on mankind and eliminating exploitation and oppression. “Human Rights in Islam are firmly rooted in the belief that God, and their divine origin, no ruler, government, assembly, or authority can curtail or violate in any way the Human Rights concerned by God, nor can these rights be surrendered” (Hunsinger 2008:185 *ibid*).

The Cairo Declaration on Human Rights in Islam guarantees a wide range of Human Rights. Under this declaration, every right has strong religious hold under the *Sharia* law, so that no one’s rights could be violated by any one. Cairo Declaration reaffirming the civilizing and historical role of the Islamic *Ummah* which God made the best nation that has given mankind a universal and well-balanced civilization in which harmony is established between this life and the hereafter and knowledge is combined with faith; and the role of *Ummah* should play to guide humanity.

The Cairo Declaration on Human Rights provides all those rights which are already there in the UDIHR and the Iran Constitution. However, specific mention must be made about Articles 24 and 25 which declare "All the rights and freedoms stipulated in this Declaration are subject to the

Islamic *Shari'ah*." and "The Islamic *Shari'ah* is the only source of reference for the explanation or clarification of any of the articles of this Declaration."

The Declaration starts by forbidding "any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations." It continues on to proclaim the sanctity of life, and declares the "preservation of human life" as "a duty prescribed by the *Shariah*." In addition the CDHRI guarantees "non-belligerents such as old men, women and children", "wounded and the sick" and "prisoners of war", the right to be fed, sheltered and access to safety and medical treatment in times of war.

The CDHRI gives men and women the "right to marriage" regardless of their race, colour or nationality, (but not religion). In addition women are given "equal human dignity", "own rights to enjoy", "duties to perform", "own civil entity", "financial independence", and the "right to retain her name and lineage", though not equal rights in general. The Declaration makes the husband responsible for the social and financial protection of the family. The Declaration gives both parents the rights over their children, and makes it incumbent upon both of them to protect the child, before and after birth. The Declaration also entitles every family the "right to privacy." It also forbids the demolition, confiscation and eviction of any family from their residence. Furthermore, should the family get separated in times of war; it is the responsibility of the State to "arrange visits or reunions of families."

The Declaration prohibits to force anybody "to change his religion to another religion or to atheism", but it gives the individual no freedom to change his religion or belief. The Declaration protects each individual from arbitrary arrest, torture, maltreatment and indignity. Furthermore, no individual is to be used for medical or scientific experiments. It also prohibits the taking of hostages of any individual "for any purpose" whatsoever. Moreover, the CDHRI guarantees the presumption of innocence; guilt is only to be proven through a trial in "which he [the defendant] shall be given all the guarantees of defence." The Declaration also forbids the promulgation of "emergency laws that would provide executive authority for such actions."

The Declaration also emphasizes the “full right to freedom and self-determination”, and its opposition to enslavement, oppression, exploitation and colonialism. The CDHRI declares the rule of law, establishing equality and justice for all. The CDHRI also guarantees all individuals the “right to participate, directly or indirectly in the administration of his country's public affairs.” The CDHRI also forbids any abuse of authority.

The Declaration grants individuals the right to express their opinion freely. It encourages them to propagate that which is right and good. However, it forbids the misuse of this right in order to “violate sanctities and the dignity of Prophets”, “undermine moral and ethical values or disintegrate”, “arouse nationalistic or doctrinal hatred” or commit an “incitement to any form of racial discrimination.” The CDHRI concludes that all rights and freedoms mentioned are subject to the Islamic *Shariah*, which is the declaration's sole source.

The CDHRI declares "true religion" to be the "guarantee for enhancing such dignity along the path to human integrity." It also places the responsibility for defending those rights upon the entire *Ummah*.

### ***Cooperation with International Institutions***

In 1996 the United Nation Human Rights Commission (UNHRC) published a report regarding the Human Rights situation in Iran. Soon after its publication the Islamic republic declared that no more visits by the UN Special Representative would be allowed. In July, 2002 however, the government agreed to re-admit United Nations Human Rights experts, prompting the high commissioner for Human Rights, Mary Robinson, to express the hope that Iran's move would lead to long-term cooperation with the UNHRC. The European Union has put forward the improvement of Human Rights situation in Iran as a precondition for successful trade talks with the IRI. This has proved to be greater in practice than those of Human Rights Watch and Amnesty International, whose delegates were denied permission to attend the EU–Iran Human Rights dialogue in December 2002. Nevertheless, these organizations recognized the importance of such interaction between Iran and the EU for increasing greater awareness of Human Rights issues in general and with respect to the status of women in particular. Ramazani stated that,

“Islam did not have hostility with democracy or Human Rights” and also Shirin Ebadi told that “Islam accepts democracy.” Ebadi had also mentioned that there is no conflict between Human Rights and Islam and that the renowned philosopher Abdul Karim Soroush and intellectually oriented President Mohammad Khatami essentially claimed the same, although their conceptions of “democracy” and “Islam” are quite different (Ramazani, 2004:186)

### *Cooperation with the Office of the United Nations High Commissioner for Human Rights*

In 2007, The Office of the United Nations High Commissioner for Human Rights (OHCHR) visited Iran and discussed a series of issues including death penalty (especially for juveniles) and women’s rights. In 2008 the Iranian judiciary invited OHCHR technical assessment mission to explore possible areas of cooperation. As an initial step, OHCHR suggested to the authorities that the IRI accept a visit by the Special Rapporteur on the independence of judges and lawyers before the end of 2009.

There are several other institutional mechanisms that provide opportunities for citizens to seek redress. Article 174 of the Constitution provides for a National neutral Inspectorate under the supervision of the head of the judiciary that supervises the proper conduct of affairs, correct implementation of laws and received individual complaints by the administrative organs of the Government. Under article 90 of the Constitution, the Parliament investigates all complaints by the public against its own work and the work of the executive and judicial branches. In addition, there are quasi-judicial institutions, including arbitration and dispute settlement councils, which settle large volumes of cases of a non-judicial or less complicated nature and increase the public’s participation in and contribution to the proceedings. Moreover, the Islamic Human Rights Commission, established in 1996, is a consultative body composed of representatives of the Government and the judiciary that monitors the Human Rights situation in the country. It has not been recognized by the International Coordinating Committee of National Human Rights Institutions as complying with the Principles relating to the status of national institutions for the promotion and protection of Human Rights (the Paris Principles). In addition, the IRI has

established a Human Rights headquarters to facilitate international cooperation and to coordinate Government bodies in Human Rights-related matters.

It is also to be kept in mind that the state has approved a number of Human Rights instrument that it consider to be fitting and not violating the Islamic *Sharia*. The IRI is a party to four major United Nations Human Rights treaties: the Convention on the Rights of the Child (ratified on 13 July 1994), the Convention on the Elimination of Racial Discrimination (ratified on 29 August 1968), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (both ratified on 24 June 1975). It has ratified some other Human Rights-related treaties, including the Convention Relating to the Status of Refugees (1951) and the Protocol thereto (both ratified on 28 July 1976), the Convention on the Prevention and Punishment of the Crime of Genocide (1948) (ratified on 14 August 1956), the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) (ratified on 17 April 1985), and the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) (ratified in May 2002; the IRI has ratified 13 international labour conventions). The following table shows a comparison between Iran, along with other West Asian States, on the one hand, and the US on the other, with regards to the ratification of Primary international Human Rights instruments.

Table-2. Ratification of Primary International Human Rights Instruments

States	1	2	3	4	5	6	7
Iran	Yes	Yes	Yes	No	No	Yes	Yes
United States	No	Yes	Yes	Yes	Yes	No	Yes
Yemen	Yes	Yes	Yes	Yes	Yes	Yes	Yes
U. A. E	No	No	No	No	No	No	Yes
Syria	Yes	Yes	Yes	No	No	Yes	Yes
Saudi Arabia	No	No	Yes	No	No	Yes	No
Qatar	No	No	No	No	No	Yes	Yes
Oman	No	No	No	No	No	Yes	No



Lebanon	Yes	Yes	Yes	No	Yes	Yes	Yes
Kuwait	Yes	Yes	Yes	Yes	No	Yes	Yes
Jordan	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Israel	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Iraq	Yes	Yes	Yes	No	No	Yes	Yes
Bahrain	No	No	Yes	No	No	Yes	Yes

List of Corresponding to Numbered Columns

1. International covenant on economic, social and cultural rights.
2. International covenant on civil and political rights.
3. Convention on the prevention and punishment of the crime of genocide.
4. Convention against torture and other cruel, inhuman or degrading treatment or punishment.
5. Convention on political rights of women.
6. Convention of the rights of the child.
7. International convention on the elimination of all forms of racial discrimination.

Source: Data cited in *International Instruments Relating to Human Rights: Classification and Status of Ratification as of January 1997* in the Human Rights Law Journal, Vol. 18, No 1-4 (1997) compiled from Magnarella, Paul J (1999), *Middle East and North Africa Governance, Democratization, Human Rights*, England: Ashgate Publishing Ltd.

## **Chapter 3**

### **The Criticism Against Iran and its Response**

The Islamic Revolution of 1979 was supposed to create an Islamic Republic; where all aspects of life, including socio political and economic, of the people would be governed by the rules derived from Shiite version of Islam. The leadership was expecting the full support of the majority of the population. But as soon as the Republic came into being it was widely evaluated as a failure. Even after the thirty year of the Revolution, which led to establishment of the Islamic Republic of Iran, the government is still trying to cope with a number of internal challenges that have much to do with reconciling an Islamic ideology with the pressing demands of its citizens.

The Islamic Revolution has brought a theocratic government in Iran and it is dominated by a small group of clerics belonging to Shiite version of Islam, which is marked by its conservative interpretation of Islam. As a result, all groups who are not fitting into the strict textual interpretations would be facing problem in all walks of life. It is exemplified in persecutions of the Members of Baha'i Faith, the largest non-Muslim religious minority in Iran, are considered heretics or apostates by these clerics and therefore denied access to higher education and state employment, among other basic rights outlined in constitution. Security forces have recently been instructed to identify and monitor Baha'is, Baha'is Women, are required to observe rigid standards of 'modesty' in public, which are enforced with verbal and physical abuse, and sometimes imprisonment. Most Kurds are members of the Sunni sect of Islam, and the state actively blocks their religious practices including the building of Sunni mosques. While both clerics and citizens have advanced alternative interpretations of Islam, that endorse civil rights for these groups, they have been marginalized or ignored by the regime. Before going to address the individual cases where the country is facing challenges it would be proper to mention some broad features that make the country unique and different from others.

The Islamic Republic of Iran's constitution mandates and sanctions some punishments that are considered inhuman and violating the rights of human beings. Though article 38 of the

Constitution prohibits torture, due to lack of clear definition of torture in Iranian Penal Code for any specific criminal offence, it was practiced taking advantage of confusion. Citing the conflicting nature of the Convention against Torture and Other Cruel inhuman or Degrading Treatment or Punishment to the Islamic rules and principles of Guardian Council, reject even though it was approved by sixth Parliament in 2002. This is an example how any progressive step would be inhibited in the country due to complex political system where the final say is to the Guardian Council which is controlled by religious heads.

Although the authorities in Iran justify amputation and corporal punishment as Islamic punishments on the pretext of the cultural relativism, they remain a serious cause for concern to Human Rights activists and the international community. Even though the Human Rights Committee of the UN exposed during its periodic report of the Iran under the International Covenant on Civil and Political Rights (ICCPR) in 1993, that the application of severe punishment, like flogging, stoning and amputation, was not compatible with the ICCPR. The question of corporal punishment as well as various types of torture or other cruel, inhuman or degrading treatment or punishment on juvenile children is still a matter of concern to the United Nations Committee on the Rights of the Child.

The Iranian Penal Code has five categories of crimes which can be punished. These are *hudud*, *qisas*, *diyah*, *ta'zir* and preventive punishments. *Hudud* comes in those cases which are considered against divine will, the punishments for which ranges from death penalty, to exile. *Qisas* is “an eye for an eye” policy in the retribution form. Proceedings against the life or physical integrity of the person are subjected to the decision of the victim. Here there are two options depending upon the decision of the victim: either to suffer the same treatment or give financial compensation (*diyah*). *Ta'zir* crimes is usually corporal, that can be administered at the discretion of the judge, this punishments applied by the State. Here it has nothing to do with *sharia* law. All these issues were taken up by the UN bodies as well as Human Rights activists to attack Iran. The Human Rights Committee expressed grave concern over the extremely high number of death sentences despite the fact that Iran is a party to the ICCPR which limits the death penalty to the most serious crimes. Just like the corporal punishment stoning to death has also invited sharp criticism from many corners. The United Nations officials for Human Rights

have time and again aired grave concern over the question of stoning. Now let us look at some specific questions with regard to which Iran is being attacked for not observing the rights of its own people.

### **Minorities Issues**

Religion is a major factor in Iran and the state business is bottom up under the control of the conservative clerics. Here the discussion of religious minorities in a bit detail would be in place as it is one of the major areas of discrimination as well as criticism from both within and outside.

As claimed by International actors in Iran, non-Muslim minorities do not enjoying equal rights to those of the Muslim majority. An Naim argues that, Some apologist Muslim writers have tended to misrepresent *Shari'ah* in order to minimize the seriousness of discrimination against non-Muslims. A cultural relativist argument for Islamic fundamentalism would start with the assumption that if the status of non-Muslims under *Shari'ah* is inferior, then this is the way it should be. It would be heretical for a Muslim who believes that *Shari'ah* is the final and ultimate formulation of the law of God, to maintain that any aspect of law is open to revision and reformulation by mere mortal and fallible human beings. To do so is to allow human beings to correct what God has decreed (Naim, 1984: 10).

Now a detailed discussion of all the major issues would be in order. We will deal with the Baha'is first as it still remains the most oppressed group in Iran. Members of the Baha'i Faith have been subjected to systematic discrimination across the country ever since the Islamic Revolution. Baha'is are basically a group which has been considered heretics or apostates by most of the Muslims and especially the Iranian clerics. It is estimated that there are 5 million Bahais worldwide with about 300,000 living in Iran, but their religion has never been officially recognized. Though the Bahais were not seen favourably in Iran even before the 1979 Revolution, the Islamic Revolution resulted in a new surge in persecution of the Bahais. Iranian government compelled the Iranian Bahais to dissolve their administration and flee the country. This was followed by widespread arrest and executions of innocent Bahais for not disassociating from their religion. In the process of prosecution, Bahai administrative institutions were banned;

they were sacked from government jobs, and denied access to education and all other government welfare policies in addition to the demolition of their holy places. The Baha'i Faith was publicly denounced as a "false religion" and orders were given to attack its adherents. Following Iranian Parliament's banning of the "Bahai Sect" severe campaign of persecution of Bahais were unleashed, leading to the destruction of the dome of the Baha'i National Center in Tehran. The House of the Bab in Shiraz, a holy site of Bahai's, was also damaged (Kamrava, 2008:63). Following the demolition of House of the Bab in Shiraz on 24 March 1980, it was turned into a public thoroughfare later with the help and full support of the local government, and a new mosque was built on the site. In addition to this, many other holy places of Bahais including the gravesite of early Babi leader Quddus in Babol, the house of Mirza Buzurg Nuri, father of Bahauallah were bulldozed. Across Iran similar activities took place the recent demolition of cemetery in Najafabad is an example. As Sanasarian and Daniel observes, though there was a lull in persecution as international pressure mounted on Iranian officials it is recurring time and again now, Bahais in Iran continue to face restrictions on official's employment and university admissions. In the 1990s, due to international pressure, Bahai students were allowed to enter primary and secondary schools. However, a ban against entering Bahais higher education continued into the late 1990s (Daniel, 2006: 59). Bahai marriage, divorce, and inheritance rights were not recognized, and they were denied entrance to the institutions of higher education (Sanasarian, 2000:121). Even recently limited numbers of Bahai students were given admission and were later expelled.

There have been numerous bloody clashes between Iranian security forces and followers of Abdumalek Rigi, a Sunni Baluch leader. In 2009, the U.N Human Rights rapporteur, Maurice Copithorne, claimed that "the social climate in Iran had become intolerable and that the regime harassed and violated the rights of Bahais as a religious minorities and continued to assassinate dissidents living abroad." Due to the government pressure even the media have continued to deny the fact that Baha'is are under pressure because of their religion. In addition to systematic persecution, harassment, and discrimination, more than two hundred Baha'is, mostly in positions of leadership, have been killed since 1979 (Afshari, 2001: 122). All most all basic rights outlined in the constitution are denied to Bahais. The Islamic republic has given strict command to the security forces to identify and monitor Baha'is Women, and impose rigid standards of 'modesty'

in public places. There are instances of both verbal and physical abuse to enforce these discriminatory laws on Bahai women.

Other minority religious groups are Zoroastrians, Christians, and Jews. The constitution of the Islamic Republic spells out very clearly in Articles 12, 13, 14, and 64 that the rights and duties of these religious minorities Zoroastrianism, Christianity, and Judaism. According to the constitution these religious minorities are free to perform their religious rites and ceremonies and to act according to their own canon in matters of personal affair and religious education (Kamrava, 2008: 263 *ibid*). The position of Christian and Jewish minorities, compared to others, is different; they are better treated than the ‘unbelievers’. As they are considered to be the ‘People of the Book’ within Muslim society they are ensured certain rights, such as security of person and property, freedom of worship and a degree of communal autonomy. But they are also restricted in many ways. Citizens of these faiths are guaranteed the freedom to practice their religious rites and ceremonies, to receive religious instruction, to follow certain aspects of their religious law in personal affairs, and as per Article 64, the Zoroastrians and Jews will each have one representative in the Islamic Consultative Assembly (*Majlis*) of 290 members. The Assyrian and Chaldean Christians will together have one representative, and the Armenian Christians of the south and the north will each elect one representative (Price, 1999: 303). The government is obliged to treat them justly and to respect their Human Rights so long as they “refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran” (Article 14). In practice, however, a number of subtle forms of discrimination make it difficult for non-Muslims to be fully integrated into Iranian society, and certain political offices are reserved for Muslims only (Daniel, 2006: 58 *ibid*).

Despite these constitutionally guaranteed rights, they are facing problems as *Sharia* defines that non-Muslims are second-class citizens in Islamic political systems. Jews and Christians (people of the book) are given status as *dhimminis*. They are allowed to practice their religion and to regulate their own internal affairs if they pay a tributary tax (*jizya*). They are not entitled to hold political office, serve in the military, or to convert Muslims and proselytise and are forbidden from holding the highest political offices (Price, 1999: 161). “Being a non-Muslim in an Islamic state entails the status of a second class citizen. Minorities enjoy religious tolerance rather than

religious freedom. Yet it must be noted that in the history of Islamic empire these minorities have enjoyed relative security during long periods” (Dalacoura, 2003: 46).

Due to these discriminative practices, many international bodies and Human Rights groups have criticized the Islamic Republic of Iran and campaigns are on to make changes in these fields. However, no substantial changes have been made so far. The criticism has been taken by the authority in Iran as an attempt to vilify the Islamic republic by its enemies and it has defended itself saying that religious minorities are better positioned in the country than most of the Western countries and still negotiations are made for further betterment.

The regime violently puts down demonstrations by ethnic minorities such as the Kurds, Azeris, and Arabs, to the point that the prisons in some provinces are packed to four times their capacity (Jafarzadeh, 2007: 33). Katouzian observe that, the Ethnic minorities are facing discrimination in the country despite the call made by Ayatollah Khomeini following the ratification of the Islamic Republic’s Constitution. The leader of the Revolution once maintained: “Sometimes the word minority is used to refer to people such as the Kurds, Lurs, Turks, Persians, Baluchis, and such. These people should not be called minorities, because this term assumes that there is a difference between these brothers. In Islam, such a difference has no place at all. There is no difference between Muslims who speak different languages, for instance, Arabs or Persians. It is very probable that such problems have been created by those who do not wish the Muslim countries to be united. They create the issues of nationalism, of pan-Iranism, pan-Turkism, and such isms, which are contrary to Islamic doctrines. Their plan is to destroy Islam and the Islamic philosophy” (Katouzian, 2008: 54). But ever since, there has been large number of cases of discrimination and systematic marginalization.

An important minority group facing problem is the Kurds who form the largest ethnic minorities in Iran. The Kurds, living primarily in the West and northwest of the country are about 6.5 million constituting between 7-9% of the total population of Iran. The predicaments of the Kurds as a minority population come from two major reasons: some Kurds, mostly Sunni Muslims, have a long history of struggle for national autonomy in Iran. The most important political

formation of the Kurds, the Kurdish Democratic Party of Iran (KDPI), supported the overthrow of the Shah and many Kurds participated in the 1979 Revolution. However, as many of the participants including women were marginalized they also got sidelined by the new regime as they boycotted or voted against an Islamic Republic in the popular referendum that was held following the Revolution. The reason for their boycott was based on the draft constitution, which did not mention the Kurds or make provision for regional autonomy. Following this, the KDPI stir-up and helped to organise a rebellion in the Kurdish majority region of Iran only to be met with brutal violence. Human Rights Watch reported that “more than 271 Iranian Kurdish villages were destroyed and depopulated between 1980 and 1992.” An estimated 10,000 Kurds were killed in the two years after the Revolution. In September 2008, about 200 Kurdish “prisoners of conscience” in Iran went on a hunger strike to protest the use of death penalty and prevalence of torture in detention centres across the country (Cameron, 2008:14-18). The Arab minority in Khuzestan and the ethnic Baluchis in Sistan-Baluchestan also engaged in armed oppositions. The government’s activities in these regions often included harsh punitive military actions, resulting in the loss of lives. Therefore, most of the victims of political executions belonged to national minorities, particularly Kurds and Baluchis. Human Rights Watch observed: “In the course of combating armed opposition groups, the Iranian military has reportedly destroyed villages, expelled village populations, and mined broad areas(Online web HRW: 2009). ” The number of Kurdish villages destroyed in the armed conflicts reached 271 between 1980 and 1992, and many of KDPI leaders were killed by the Iranian government (Afshari, 2001: 39). As most Kurds are of Sunni sect of Islam, the state purposively blocks their religious practices including the building of mosques. While both clerics and citizens have advanced alternative interpretations of Islam that endorse civil rights for these groups, they have been marginalised or ignored by the regime.

Groups such as the Baluchi, who live in the border regions of south-east Iran, are predominantly Sunni, experienced serious political oppression based on their status as a double minority. Baluchistan, remains one of Iran’s poorest provinces and it is believed that the government has left it deliberately underdeveloped. Baluchis experience cultural, economic, religious and political discrimination. A number of Sunni Baluchi religious leaders have been imprisoned and



killed, and Human Rights organisations strongly suspect the state to be involved in their deaths (Yildiz , 2007: 50).

The Armenians are the largest Christian minority and probably the largest non-Muslim community in Iran. During the 1980s and 1990s, their numbers were estimated to be around 200,000. The bulk of the population belongs to the Apostolic Church, which has archdioceses in the cities of Tehran, Tabriz, and Isfahan. Armenians are Catholics and Protestants. The population is urban, with some in villages around the cities of Isfahan and Tabriz, and between Arak and Hamadan (Sanasarian, 2000: 40 *ibid*). This ethnic minority has also been discriminated like the Kurds and Baluchs in all the fields.

### **The Question of Political Dissent**

After the Islamic Republic came into being most important religious political formations were banned including the Islamic Republican Party (*Hezb-e Jomhuri-ye Eslami*) and the Organisation of the Mojahedin of the Islamic Revolution (*Sazman-e Mojahedin-e Enqelab-e Eslamic*). Iran has been held responsible for its blind suppression of the political dissent. It has survived on killing, kidnapping and putting behind the bars all those who have raised their voice against the state policy. The Islamic Republic has attracted much media attention ever since the Revolution for the brutal suppression of the political dissent. It has many enemies within the region, like the predominantly Sunni majority nations like Saudi Arabia and Israel, and outside the region like the US and many other Western countries. Any kind of major political dissent would be stamped as treasonous crime and the voice would no more be heard. This has started just following the popular referendum as many supported the Revolution against the corrupt Shah but opposed the substitution of Shah's regime with a theocracy. Many women activists and religious minorities were in the forefront of the fight against the Islamic Republic during and following the formation as many of the promises made were not kept. As we have seen during the last presidential election the genuine opposition to the policies of the incumbent was interpreted as Western ploy. Against these backdrops we have to see the whole question of political dissent in the Islamic republic of Iran. But before that it is important to examine the constitutional provisions for political dissent and opposition (Cameron, 2008: 15 *ibid*).

Article 16 defines offences provide justifications for requesting that a party be dissolved. These include activities ‘which exploit the existing religious, racial and cultural diversity in Iranian society in order to stir up or intensify conflict within the ranks of the Iranian nation, which harm the Islamic principles and foundations of the Islamic Republic and promote anti-Islamic propaganda’, as well as those which involve ‘the distribution of books and other publications that lead people astray’, or undermine the independence of the country. Article 28 states: ‘Parties, societies, political and corporate associations, as well as Islamic organizations and organizations of the recognized religious minorities, as long as they do not harm ‘the foundation of the country’s independence, freedom, national unity’, or ‘Islamic principles and the foundations of the Islamic Republic’ also guarantee the right to choose employment and government has duty to maintain the needs of society for different kinds of work, to provide every citizen with the opportunity to work, and to create equal conditions for obtaining it (Schirazi, 1997: 125).

As the opposition parties were dissolved during the first month after the Revolution, there was no legally viable option for political dissent. The *Heyat-e Mo'talefeh-e Eslami* (Islamic Coalition Q Association), JAMA, the *Feda'iyān e Eslām* stopped their activities at different times after the law banning parties was passed. Three of the Islamic parties deserve special consideration: the Hojjatiyeh Association, the group around Mehdi Hashemi and the Liberation Movement (*Nehzat-e Azadi*) led by Mehdi Bazargan (Schirazi, 1997: *ibid*). Marshall observe that, the Execution and violence against political dissent became the order of the day. Iranian laws do not define a political crime *per se*. the judicial process and the judges’ views have not been based on any requirement to protect the rights of political dissenters. Judges believe that since the government is Islamic, those who dissent or criticize it are enemies of Islam and can be categorized as dangerous criminals such as “combatants” or “those who do evil on the Earth” and whose death is justified and whose rights are of no concern. This position produces horrendous violence against dissenters. The laws governing political parties grant the government a free hand in declaring independent and dissident groups illegal. The laws that regulate the press provide the judiciary with broad powers to arrest authors and journalists and prohibit the publications of any journal under the guise of violating the law and *shari'a* (Marshall, 2005: 58).

Apart from banning the parties, there were many executions and killing of opponents during the early years of the Islamic Republic. It is estimated that between January 1980 and the when overthrow of President Abolhassan Banisadr in June 1981, more than 906 opponents of the regime were executed. Again from June 1981 to June 1985, almost more than 8000 were executed. Critics complained of brief trials lacking defense attorneys, juries, transparency or opportunity for the accused to defend themselves. In 1988 again several thousand political prisoners were executed, estimates ranging somewhere between 8000 and 30,000 (Fathi, 2003: onlineweb). In this context, Akbar Ganji exposes, "In Iran liars claim: we have no political prisoners and no solitary cells, there are no hunger strikes in our prisons, our prisons are like hotels. This Orwellian use of language does not change reality. Prison means deprivation of freedom, and a political prisoner is one who is imprisoned for expressing dissenting views. In recent year, as all global Human Rights organizations have confirmed, Iran has jailed hundreds of dissidents"(Ganji, 2008: xvii- xviii).

Since 1987, Amnesty International has reported on the extrajudicial executions of a number of Iranians, mostly opponents of the regime who paid with their lives for continuing their political activities abroad. Among the most prominent Iranians assassinated during the second period were Shahpur Bakhtiar, a nationalist leader and former prime minister; Abdolrahman Qassemli, the genuinely democratic Kurdish leader, and Kazem Rajavi, brother of the Mojahedin leader. Since the death of Ayatollah Ruhollah Khomeini there have been far fewer government sanctioned killings in Iran. Relying on "the judicial, political or administrative authorities in the countries" in which the assassinations took place, Galindo Pohl reported in 1994 about 59 assassination attempts on Iranian opposition leaders in exile (online: AIR 2009).

The regime's assassination machine made a major blunder, in the Mykonos restaurant assassinations of 17 September 1992, Iranian-Kurdish opposition leaders Sadegh Sharafkandi, Fattah Abdoli, Homayoun Ardalan and their translator Nouri Dehkordi were assassinated at the Mykonos Greek restaurant in Berlin, Germany. All these leaders are party of the Democratic Party of Iranian Kurdistan. Convicting these assassins, the German court found that the order for the killing had the sanction of Tehran's top leadership, including the Supreme Leader (Afshari, 2001: 42 *ibid*).

## Women Issue

Iran has faced criticism from all over the world for treating women as second grade citizens even in the 21<sup>st</sup> century. The criticism comes from a point of view of a man based on different knowledge and notions of rights and wrong. Development of women is seen as a symbol of progress in any country. In all progressive countries we have seen, women playing major role in determining political outcomes. In the case of Iran, despite the bold and assertive nature of women they are not treated equal to men. The contribution that the Iranian women made during the Revolution is unique and unparalleled and has played decisive roles in state building both in the post-revolutionary and pre-revolutionary phases. Pahlavi dynasty has imposed several measures aimed at modernization quite forcefully. The Family Protection Act of 1967 and 1973 are examples.

When the Islamic Revolution in 1979 was moving head on, women's participation was very crucial. After the Revolution, the Family Protection Act was scrapped and the new civil code based on Islamic Law was slapped to the detriment of women. The officials of the Islamic Republic clearly delineated that women might participate in a Revolution, but their first duty was to be good wives and mothers. The Revolution introduced a new chapter of struggle in women's history in Iran. The forced Islamization policies after the Islamic Revolution was made with a systematic and heavy attack on women's rights, as the *shari'a* became the main source of law less than a month after the Revolution. Central to this policy was the reversal of all policies of gender equality, introduced earlier by the Shah. Shahidian claims that, Verse 34 of the sura *Women* of the Koran makes men heads of households and advises them on how to exercise their power:

*"Men have authority over women because Allah has made the one superior to the other, and because they spend their wealth to maintain them. Good women are obedient. They guard their unseen parts because Allah has guarded them. As for those from whom you fear disobedience, admonish them and send them to beds apart and beat them. Then if they obey you, take no further action against them"* (Shahidian, 2002: 53-54).

In the new constitution, there was no major role for women. Out of the 175 articles four were devoted to women focusing and constraining the role of women in the family, and within the

context of Islamic law and traditions (Mafinezam, 2008: 122). *Sharia* law, interpreted in a rigid conservative way regarding women, assign inferior role and status to women and often is misused to perpetrate violence against them. Veiled women were considered as powerful revolutionaries, while secular women were reduced to Westernized, monarchical (*Taquti*), and indecent. Both “Death to the Shah and Imperialism” and “Woman Represents the Chastity of the Society” were chanted in same voice in a go. The abolition of the Family Protection Laws on February 26, 1979, and removing women’s rights to serve as judges on March 3, 1979 by Ayatollah Khomeini made this message a reality. The announcement of the gender segregation in all spheres of life including the recreational ones like the beaches and sports activities on March 29, 1979, was another blow to be followed by the imposition of Islamic *hejab* at work ( Sedghi, 2007: 201) . Judicial profession was banned for women. Many women in professional and governmental positions were set free or excluded from employment in these jobs. In the first ten years after the Islamic Revolution, the IRI effectively reversed every single right that was achieved through struggle under the Pahlavi regime. Iranian state and its religious supervisory bodies regulated women’s sexuality, marital and reproductive rights, education, employment, mobility, citizenship, and clothing (Najmabadi, 2005: 109).

The legality of women’s marriage is dependent on the father’s or the paternal grandfather’s approval. The right to divorce is also generally men’s prerogative and only in exceptional cases woman obtain a divorce from a court. A woman cannot leave the country without her husband. A man may prohibit his wife from employment. The management and supervision of the affairs of children below the age of eighteen is with the father of paternal grandfather and, the mother has no legal say. A daughter’s inheritance is only half that of a son. Departure from the country of children below the age of eighteen is possible only with the approval of the father and the mother has no legal say. Should the father pass away, the responsibility to rear the children lies with the paternal grandfather, not with mother. The portion of the wife from inheritance is very limited. In legal penalties men and women are not equal. In cases where *hudud* and *qyasas*’ punishments are due woman's testimony is not accepted. In other cases and civil subjects, the testimony of two women is equal to that of a man.' In *diyah* (monetary compensation paid to surviving blood relatives of a victim), the general rule of *Shari'a* is that the *diyah* of a woman is half that of a man (Mehrpour, 1996-97: 753). Ramazani argues that, for many women, polygyny

continues to be a matter of concern. Because the UIDHR not declare related to polygyny, Article 19 (a) specifies every person's right "to marry, to found a family and to bring up children in conformity with his religion, traditions and culture." But according to Iranian Civil Code, polygyny allows for men up to as many as four wives, and any number of "temporary wives," while a woman is permission to only one husband and may not remarry unless she is divorced. The Civil Code also abrogated the 1975 Family Protection Act that which had some limits on polygyny (Ramazani, 2004:176). In 1997, the Civil Code was amended to allow both men and women to go to court to seek divorce. But, just because of the traditional, patriarchal attitude of the judges it is still not easy for women to obtaining a divorce.

Women's rights to the sanctity of their bodies are freely violated in Iran. Women are, on a large scale, victims of rape, coerced sexual relations with their husbands, domestic violence, and all manner of insults and sexual violations in the public domain. In the arena of employment women cannot serve as judges issuing the final verdict on a legal matter. Women cannot become president. While the position is supposedly gender neutral, the Fundamental Laws require one to be a jurist or "Source of Emulation" so that, in practice, women cannot participate in political practice. Article 8 has been used to control the choice of women's clothing and veiling, rights of assembly, public gathering, restaurants, cinemas, private parties and wedding (Marshall, 2005: 61 *ibid*). The traditional culture had taken for granted that a female's sexuality was a concern to all her male relatives. Thus, the new law also empowers male relatives to "protect" women's chastity. It sanctions the outraged husband who kill his wife if she offends his honour by engaging in a relationship with another man. Article 21 of the Iranian constitution states, that "the government shall guarantee the rights of women in all areas according to Islamic Standards" (Monshipouri, 1998: 184). There has been a rapid increase in social evils like prostitution, divorce, and addiction which are signs of protest against forced values (Marshall, 2005 *ibid*). These also expose the failure of the government to control crimes through the violent application of the *Shari'a* and the rise of a passive resistance among the people.

In the opinion of Shirin Ebadi, the well known Human Rights activist in Iran, that the value of a woman's life was now half that of a man's (if a couple were hit by a car on the street, the cash

compensation due to the woman's family was half that due to the man's). A woman from then on would have to ask her husband's permission for a divorce, and if she testified in court about a crime she had witnessed, her testimony counted only half as much as a man's. Even more, women were to be veiled, and if they disobeyed, they would be lashed (Ebadi, 2007:39-40).

### **Freedom of Expression and Religion**

State has duty to facilitate the full enjoyment in practice of its citizens' right to freedom of religion, and also duty to prevent attacks on religion. But Iran is far from all these concerns to fulfil state responsibility to provide freedom of religion. According to Art 18 of the Universal Declaration of Human Rights provides that: 'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom in public or private to manifest his religion or belief in teaching, practice, worship and observance.' Both the International Covenant on Civil and Political Rights (Art 18) and the European Convention (Art 9) contain very similar provisions. (Donnelly; 2007: 301). The Islamic Republic is a system of government based on belief in God. Iran opinion on that, the God will not accept polytheism and disbelief nor forgive polytheist; "Surely Allah does not forgive that anything should be associated with Him..." Qur'an 4:116; "And he does not like ungratefulness in His servants..." Qur'an 39:7 (Mehrpour, 1996-97: 746 *ibid*). For this sentiment, the Koran orders Muslims to battle against those "who do not believe in Allah and those who follow their own faith, even those who have (their own) books until they convert to Islam or agree to pay a poll tax" (Taheri, 2009: 68).

Kamrava described that, during the Pahlavi era, the print media experienced a free press and, therefore, did not hesitate to publish reports about an array of issues particularly political matters. The ministry of culture and Islamic Guidance, which operates the Islamic Republic News Agency (IRNA), is the regulatory body for all media outlets and cultural products, including music, newspaper, video, movies, books, and the Internet (Kamrava, 2008: 396). When Ayatollah Khomeini tried to bring Islamic Revolution in Iran, he used Iranian media to raise his voice in Iran against the Shah. But when he entered in Iran, first he controlled the Iranian media and suppressed all reformist news papers and tightened curbs on the media. The crackdown

affected print media, weblogs and websites, and journalists have been imprisoned. The opposition press had already been the target of government and Hezbollah attacks. The first such attack was against the newspaper *Ayandegan*, which was shut down on 8 August 1979. Twelve days later, 22 other organs of the press suffered the same fate. When in July 1981 the newspaper published by Liberation Movement of Iran (LMI), the National Front and by Banisadr (*Mizan*, *Jebbeh-e Melli* and *Enqelab-e Eslami*) were obliged to close, the opposition press ceased to exist. Around 444 newspapers and magazines that had appeared during the first year after the Revolution, less than a half remained a few years later. In 1981 alone, 175 newspapers and periodicals published in Iran was no more than 121. These were without exception loyal to the regime, this triumph over the opposition press was commented on in a book about the foreign controlled press, published by the Military of Islamic Guidance in the following terms: 'At the beginning of the Revolution the Islamic state was confronted by hundreds of multifarious organs of the press, amongst which, of course, an Islamic press was not represented'. However, 'the tumultuous Islamic movement smashed the unlawful press. Since then there is truly no longer any danger emanating from that quarter, 'which could pose a serious threat to the Islamic ruling order'( Schirazi, 1997: 135-136).

The pressure on the press was also manifested in two laws passed at different times. The first went back to the early months after the Revolution and was approved by the Revolutionary Council on 14 August 1979. The second was approved by parliament and the Guardian Council on 17 March 86. This Press law, allowed the Ministry of Culture and Islamic Guidance to ban any publication that insults leading religious elites (Monshipouri, 1998: 185). Although the first law restricted the freedom of the press, it was far less drastic than the second. Whereas the first law, for instance, made it necessary for a publication to obtain a permit from a specially created government commission, the second endowed the same commission with the additional function of exercising constant supervision over the press. This law contains three novel sections. The first stipulates that the press has a mission which includes, amongst other things, promoting the goals of the Islamic republic, combating the artificial and divisive demarcations between the various social classes, counteracting the manifestations of imperialistic culture, furthering and propagating Islamic culture, and supporting government policies which are aimed at rejecting the West and the East (Soviet Union). In the second section, a number of measures are listed under



the rubric 'Rights of the Press' which journalists must follow and which for the most part simply serve to restrict the rights of the press. These include: 'Taking account of Islamic principles' and 'the avoidance of insulting, Belittling or sabotaging (the Islamic Republic).' The third section bears the title: 'Limits of the Press'. It declares that everything which can be subsumed under the concept of 'heresy' (*elhad*) is forbidden. Included under this rubric are the following: contradicting Islamic principles; violation of the fundamental principles of the Islamic republic; spreading prostitution; behavior forbidden by religion; propagating excessive consumption; extravagance, and stirring up conflicts amongst the population (Schirazi, 1997: *ibid*).

Serious concern has been expressed by the international community regarding the violation of the right to freedom of peaceful assembly and association and freedom of opinion and expression in Iran. The Human Rights Committee expressed concern over the extent of limitations to the freedom of expression, assembly and association exemplified by Articles 6 and 24 of the Constitution and Article 16 of the Law pertaining to Activities of Parties, Societies and Political and Professional Associations. It noted that contrary to the provisions of Articles 18 and 19 of the International Covenant on Civil and Political Rights, members of certain political parties who did not agree with what the authorities believed to be Islamic thinking or who expressed opinions in opposition to official positions had been discriminated against. The censorship of books was tightened, affecting negatively the environment for the publishing industry and writers and severe limitations were placed upon the exercise of freedom of assembly and of association. The Iranian Government probably encouraged self censorship openly, as the Islamic Culture and Guidance Minister was quoted in the media as saying that if book publishers were to do some self-censorship, they wouldn't have to complain so much. Human Rights activist in Iran complained that, in period from 2007 to 2008, approximately 30 newspapers and magazines had been suspended in the country, including *Sharq* and *Hammihan* dailies as well as *Madrese*, *Zanan* and *Donyaye Tasvir*, *Sobh-e Zendegi*, *Talash* and *Haft*.

In July 1999, seeking freedom of expression and the press, respect, and the right to live a free life, the students and their supporters poured into the streets, turned their energy into nationwide street actions, and demanded an end to the rule of the *faghih*. They left the voting stations for the streets. Their fists in the air, chanting defiant words, marching for rights, they demanded an end

to the old order. They voted with their feet. January 2000 was the month of the final preparation for the voting stations. Writers, journalists, intellectuals, artists, and the leading reformers announced their candidacies for Parliament. They were all declared disqualified by the Guardian Council (Yaghmaian, 2002: 22). After that the ministry blocked the activities of nongovernmental associations as well as newspapers those who 'attack' on religious values. Ministry attack started at wide range on reformist newspapers and the campaign was also tightening the internet by contracting the Iranian company Delta Global; through these activities by government result the arrest of writers, lawyers, and other defenders group (Moghaddam, 2000: 159). Around 85 newspapers, including 41 dailies, were shut down from 2000 to the end of 2002 following the adoption of the "April 2000 press law.

During the spring of 2003, more journalists were arrested or attacked by the police and plainclothes agents while covering student's protests. At the time of the tenth Press Festival in August, several hundred journalist took part in a sit in at the office of the Association of Iranian Journalist (AOIJ) to protest against the treatment of the Iranian press had received and to commemorate the Iranian Canadian journalist, Zahra Kazemi, who had died on 10 July because of head injury, and later it came to be known that she was brutally raped and succumbed due to internal injuries (Shahidi, 2006: 18). As further, government control of film and video was restricted to domestic programming. Selector box and receiver equipment for satellite television became a lucrative business, and satellite dishes and other items related to satellite television piracy became rare commodities. (Mohammadi, 2003: 31)

Many Western thinkers and contemporary Muslim intellectuals argue that Islam 1,400 years ago presented some of the best possible Human Rights at that point of time. Islam's allows man to express and discuss his opinions openly. The Holy Quran extolling the virtues of good servants states that they are those who listen to different opinions and choose the best (Mehrpour, 1998-99: 466 *ibid*). But the evolving of society as well as the discourse over a number of issues in such a way that the Islamist conservative Mullah interprets many times and made it restricts and impedes the many areas of Human Rights sentiment and now all verses are not suitable like earlier times. Most of the schools of Islamic law in Iran are deny the scholarship for abroad study (Donnelly, 2007: 301). Abdullahi Ahmed An-Naim stated that, "it can easily be shown that

certain aspects of *Shari'a*, traditional Islamic law, are inconsistent with some universal Human Rights” (Naim, 1984: 75).

Article 23 of Iranian constitution state that, no citizen can be molest simply for his belief. And yet few politicians or clerics in Iran see any contradiction between a law mandating the death penalty for changing religion and Iran's constitution. There has been no public protest in Iran against it (Price: 1999; 160). Regarding the views of religion, Shahidian cites that, the argument of Khomeini: “The individual is not important. In Islam the law is important. Everybody is subjected to the law and the law is God’s. It is based on the Koran, based on the intention of the Prophet. We are all his followers (Shahidian, 2002: 116).” Dalacoura argues that, the freedom of religious finally denied by Islamic doctrine. Apostasy is punishable by death, and is in fact a double crime, against God and against political authority. But what about the Koranic verse ‘there is no compulsion in religion’? But she observes that it is ‘inconceivable’ that God would prescribe death in matters which pertain to the human conscience and that the tradition that apostates must be killed originated in the wars of tribal rebellion after Muhammad’s death. Thus, Islamic religious doctrine and the *Sharia* law, in their traditional understandings, do not contain or uphold the concept of Human Rights. The notion of right is not at the centre of Islamic justice. Rather, submission to God and duty are emphasized (Dalacoura, 2003:48).

Price maintains that, the Article 14 of the Iranian constitution is a sacred verse (“God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes” [60:8]), the government of the Islamic Republic of Iran and all Muslims are obliged to treat non- Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their Human Rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran. The constitution does not specifically mention any ethnic minority. However, it guarantees freedom to use and publish in minority languages alongside Persian. The school texts remain in Persian (Article 15). Article 19 guarantees equality for all citizens, despite their ethnic origins. However, in practice such provisions have not been observed (Price, 2005: 310-311).

Monshipouri argued that, large number of opposition group in the country was started the Freedom movement against Iran. But through International instruments, Iranian courts ceased all movement and banned all opposition groups. Constantly Human Rights violation was a major cause for which large numbers of Iranian intelligentsia and managers left the country (Monshipouri, 1998: 183). Regarding freedom of expression, Soroush stated that “there is freedom of expression in Iran, but there is still no guarantee of freedom after expression” (Mokhtari, 2004:475).

### **Child Executions**

Iranian carpet and Kaviar fruits are famous in the whole world as is child executions in the country. Article 49 of the Islamic Penal Code exempts children from criminal responsibility. However, the article’s accompanying note defines a child as someone who has not reached the age of puberty (*bulugh*) as stipulated by the *Sharia* and as specified in the 1991 Civil Code as the age of adulthood and criminal responsibility at 9 lunar years for girls and 15 lunar years for boys. Iran is party to the ICCPR and CRC, which forbid the execution of below 18 offenders. Juvenile draft has been sent to the Guardian council many times, but it has not been ratified by the Guardian Council. In July 2006, the Iranian parliament gave an initial to draft Juvenile Crimes Investigation Act that officials have said would end executions for juvenile offenders, but which was rejected by Guardian Council and juvenile executions still leaves on judges with discretion to sentence juvenile offenders, to death. Article 31 (3) of the proposed law would allow to convert death sentence to life imprisonment but it was not implemented (Bencomo, 2008: 5). After many pressure on the head of Iranian judiciary by the United Nations, European Union and non-governmental organisations to refrain from sentencing juveniles to death. (The Foreign Policy Centre, 2009: 57) . On this matter President Mahmoud Ahmadinejad replied that “the legal age in Iran is different from yours. It’s not eighteen ... it’s different in different countries” (Online web: Democracy Now: 25 Sept 2008).

For the last few years the Iranians are trying to take interpretation in the law in a new direction, so as to put a ban on juvenile execution. For example, the draft of Juvenile Crimes Investigation Act has already been approved by the Parliament. If it’s accepted by the Islamic Council of

Guardians, this limited bill will prevent certain *hodoud* and *ta'zir* crimes but will not put an end to *qesas* crimes, which currently account for 90% of juvenile executions in Iran.

Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC). Article 6.5 of the International Covenant on Civil and Political Rights (ICCPR) declares: "Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age" and the article 37(a) of the Convention on the Rights of the Child (CRC) provides that: "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age."

### **Torture, Flogging, Stoning, and Cruel Punishment**

Article 38 of the Constitution prohibits torture in the Islamic Republic of Iran, but the regime's interrogators cavalierly resorts to the most familiar forms of torture, mainly for the purpose of extracting confessions. Prison wardens also continue to inflict pain on the captives for disciplinary punishment or just out of sadism. Islamic punishments like flogging and amputation of limbs and fingers revive ancient forms of torture and provide them judicial standings within the nation-state (Afshari, 2001: *ibid*). Article 190 of the Iranian Penal Code (IPC) Procedure requires that defence lawyers be given full access to prosecution documents and time to review them. However, some provisions fall short of international Human Rights standards. For instance, article 33 of the Code of Criminal Procedure allows for a suspect to be detained without charge for one month, which may then be renewed.

Article 63 of IPC indicates: "Adultery is the act of intercourse, including anal intercourse, between a man and a woman who are forbidden to each other, unless the act is committed unwittingly." It does not include premarital sex, although that too is forbidden. Both adultery and fornication, although the penalties differ, are classified together in Islamic law as *Zina*. Adultery is punishable by death by stoning. In cases of fornication *Shari'ah* prescribes that a condemned are be punished with 100 lashes, if unmarried or with death by stoning, if married, since this would then constitute adultery (IPC of Iran, Articles 68, 74, 75). "If the individual is sentenced to

flogging and stoning, flogging is carried out first and stoning is carried out consequently.” (Article 89, Islamic Penal Code of Iran). “The stones are then hurled one by one until the accused is killed. The Iran Penal Code explicitly outlines proper stones usage. Article 104 states, with reference to the penalty for adultery: ”the stones should not be too large so that the person dies on being hit by one or two of them; they should not be so small either that they could not be defined as stones”. Under the law, the stones must be big enough to injure but not kill with just a few blows.” By comparing the size of the stones and the way it is done, one can say that in Islam the aim of this punishment is to be more painful. In Islam, there are no clear instructions about stoning in Quran, but there are some implications in *Hadiths*, but it has been mentioned in Torah.

Stoning is a kind of punishment that no matter for what reasons or charges is executed; it contradicts the International human right agreements such as Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, and the Convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In Muslim world statistics shows, they still execute stoning as a punishment (sometimes in public). Therefore, considering the contemporary standards of societies we can deliberate various evidentiary, procedural, and barriers to imposition of the stoning (Alasti, 2007: Online web). After stoning, flogging is a bigger problem in Iran. Following traditional *Sharia* punishment for thieves, courts in Iran have sometimes sentenced offenders to amputation of both “the right hand and left foot cut off, making it difficult, if not impossible, for the condemned to walk, and even with a cane or crutches.” The Human Rights Committee concluded that the application of extremely severe punishment, such as flogging, stoning and amputation, was not compatible with the provisions of article 7 of the International Covenant on Civil and Political Rights, to which the IRI is a party.

The major setback in Iran, that the government has never provided any information on the executions because it never wanted to acknowledge the existence on Human Rights. Mokhtari argues that, Shiite practice of Islam is far from the core Islam. There is rigid and abusive code has been shaped by traditional conservative mullah and they claim that the Quran talks about the Human Rights but they could not explain the reasons for torturing, flogging, stoning, cruel

punishment and lashing. These are not the ways of treating people in name of Islam. Thus they have no respect for Human Rights and without respect of Human Rights there is no Islam (Mokhtari, 2004: 479). Several bills have been passed by the Iranian Parliament that would have had Iran joining the international convention on banning torture in 2003 as reformists took control over the Parliament, bills were rejected by the Guardian Council. The civil society has to face many obstacles to enforce Human Rights in Iran; one of them is judiciary because it is largely controlled by the leader who appoints the head of the judiciary. The judiciary is used as a weapon to stop any reform initiated by the Iranian civil society.

### **Non Cooperation with International Bodies**

As per United Nations, the IRI has had a poor record of cooperation with treaty bodies. It has not reported to the Committee on Economic, Social and Cultural Rights or the Human Rights Committee for more than a decade. The concluding observations of each of those bodies adopted in 1993 remain largely unimplemented. However, on the positive side, the more recent country reports were examined by the Committee on the Rights of the Child in 2000 and 2005 respectively and by the Committee on the Elimination of All Forms of Racial Discrimination in 2003, enabling an in-depth analysis of the various forms of discrimination and of the situation of the rights of the child. The IRI has a practice of entering general reservations upon signature or ratification, which has repeatedly been cited by treaty bodies as one of the main factors impeding the enjoyment of some Human Rights protected under the conventions (Online web, UN: 2009 ).

The IRI issued a standing invitation to all thematic special procedures<sup>4</sup> mandate holders in June 2002, which coincided with the discontinuation of the mandate of the Special Representative on

---

<sup>4</sup> The Commission on Human Rights established a number of mechanisms to examine, monitor, and publicly report on Human Rights situations in specific countries, or on specific Human Rights and issues. These procedures are all together referred to as the 'special procedures'. Special procedures are normally entrusted to individuals who are independent Human Rights experts or occasionally to a group of independent Human Rights experts. The special procedures were assumed by the Human Rights Council in 2006. Special procedures are broadly divided into mechanisms that focus on country-specific situations (referred to as country mandates or mechanisms) and those that focus on thematic Human Rights issues (referred to as thematic mandates or mechanisms). There are currently 38 special procedures, 29 thematic mandates and nine country-specific mandates.

the Human Rights situation in the IRI established by the Commission on Human Rights in 1984. The special procedures mandate holders have also sent a large number of individual communications on a wide range of Human Rights issues vis-a-vis the Islamic Republic of Iran. A total of 56 communications were sent in 2007, 42 of which were joint communications. The Iranian authorities responded in 10 cases.

### **Iran's Response**

The general meeting in Iran, especially among the ruling elite, is that the westerners do not understand non- Western culture and arrogantly impose their own culture on others on ground of superiority of ideas (culture imperialism). Ali Akbar Velayati, contrasted Islam's respect for rights with the Western equation of Human Rights with 'unbound freedom'. He claims that 'Westerners endeavour to impose their own beliefs and Western values on the world' whereas Human Rights are variously implemented in different countries. The Islamic Republic is quite aggressive in propounding 'Islamic' Human Rights against the West (Dalacoura; 2003: 54-55). Iran states that "we are not violating any Human Rights, only we are continuing to follow our old tradition which is related to the *Sharia*." It does not want to bring about changes in this case merely due to the accusations of other states. But due to pressurization from the Western countries it has brought about many changes in the Human Rights situation. These changes have not been able to satisfy the Western countries. Ayatollah Khomeini claimed that, "if more changes in its traditional law then it would be disastrous to the society and Islamic cultural norms would become corrupt by Western-style freedom" (Afshari, 2001: *ibid*). Ganji argues that, in every country violation of Human Rights is inevitable but this does not lead to accusations from Iran's side. We are aware that today the fundamentalism and adventurism of Iran's regime is creating tensions in Iran's relationship with the world. It may lead Iran to the brink of catastrophe, to economic embargo and global isolation and even to war. "War against the regime by external forces might be a cover for expansionist designs on the region: that powerful nation might use their campaign to inflict all manner of injustice on the Iranian people, and paint an inaccurate image of us for the world. Therefore, we do not welcome military intervention from the West" (Ganji, 2008:37). Mayer argues that Muslims are concerned about the sufferings that



Western military interventions have inflicted on their coreligionists in countries like Iraq and Afghanistan (Mayer, 1999: 521-561).

The question of democracy is one of the important areas as it covers much of the debate on Human Rights. They argue that the common needs of humanity to democracy and Human Rights are universal and, therefore, say Muslims should not be misled by the claim that Islam is incompatible with democracy and must choose between accepting democracy or the tradition of our ancestors. They also argue that large and powerful countries should not attack the weaker ones on the pretext of bringing democracy and Human Rights. Benjamin and Evans assert: "You cannot export democracy with weapons. You cannot pour Human Rights on people's heads with cluster bombs, military attacks, even with good intentions, do not create democracy. They only harm democracy as society degenerates into violence." (Benjamin, 2005:99) Alexander explained that:

*"The bitter and venomous taste of Western liberal democracy, which the United States has hypocritically been trying to portray through its propaganda as a healing remedy, has hurt the body and soul of the Islamic Ummah and burned the hearts of Muslims. Iraq and Afghanistan and Lebanon, Guantanamo and Abu Ghuraib and other secret dungeons and, above all, the cities in the Gaza Strip and the West Bank have shown to our nations the real meaning of 'liberty' and 'Western Human Rights,' the most shameless and impudent propagator of which is the American regime. Today, Western liberal democracy is as disgraced and detested in the Islamic world as was the East's socialism and communism yesterday." (Alexander, 2008: 29)*

Iran claims that before the fall of Soviet Union, West used Human Rights as a weapon against the 'Communist Bloc' and against all the states that had policies and orientations incompatible with the interests of the West. The Western media have remained silent over other states which repeatedly, intentionally and blatantly violate Human Rights to a degree that has made such violation a fixed policy of those states. Major examples are seen in the Human Rights violations in occupied Palestine by both military and civil authorities in Israel. Other examples have been seen in South Africa, in Third World dictatorships allied to the West; in Bosnia and Herzegovina; and in the European states themselves, where foreign minorities, especially those from the countries of the 'South', are constantly subjected to various forms of harassment.

Ghanea argues that the UDHR, which is basically, based on Western cultural norms, does not mention concepts like euthanasia and abortion which are believed to be in violation of Human Rights in many countries particularly Islamic ones. Some Islamic states make apostasy, adultery, sodomy, drinking liquor, and sex between a Muslim and non-Muslim capital offences. But all these are not included in the UDHR which violate Human Rights. Consistent with the U.S. Constitution, some US states make juveniles execution and they allow huge numbers of death penalty who is under 18. The U.S. has ratified the International Covenant on Civil and Political Rights to safeguard this position in view of Article 6(5). Apart from capital punishment, there are a number of other thorny issues linked to the right to life. There is nothing in the covenant, indeed in the entirety of international Human Rights law, to identify the point of creation and expiration of human life; abortion and euthanasia, though pre-eminently critical areas, remain conspicuous due to the absence of consensus. The subjects of abortion and euthanasia are shrouded in legal, moral and societal ambiguities. Article 4 of the American Convention on Human Rights (1969) provides, 'every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.' "This provision, no doubt inspired by the Catholic religious ethos of the American continent, has nevertheless failed to resolve the ambiguities over the subject of abortion the question as to whether abortion is a violation of the Convention has been considered by the Inter-American Commission on Human Rights in a case arising from the United States". After considering the travaux preparatoires of the American Declaration, the Commission concluded that abortion of a fetus did not lead to a violation of the Declaration. The Commission also held obiter that the term 'in general' allowed States the discretion to determine the validity of their respective abortion laws. In the context of European constitutional systems there remain considerable differences. There are outstanding controversies surrounding the subject of abortion over the conflicting rights of the unborn child, the mother and in some cases the father. International Covenant on Civil and Political Rights (1966) and the European Convention on Human Rights (1950) is manifest through the retention of capital punishment and through a disregard for collective group rights. The American Convention on Human Rights, notwithstanding caveats and restrictions, does not expressly prohibit capital punishment. Similarly there are no explicit provisions abolishing the death penalty under the African Charter

on Human and Peoples Rights, the Universal Islamic Declaration on Human Rights (1981) and the more recent Arab Charter of Human Rights (Ghanea , 2007:73).

Jocelyne mentioned that, generally Western countries extremely hate Muslims countries because of many reasons like terrorism, Human Rights, orthodox culture, etc. But after the 11 September 2001 attack, European and American researchers are closer to Islam. Today, however, intellectuals, journalist, writers, and artists express their aversion to Islam. After the September 11 issue of the magazine *Lire*, the writer Michel Houellebecq stated: “Islam is definitely the most f..p of all the religion.” Oriana Fallaci's *La rage et l'orgueil* (Rage and Pride), which sold more than million copies in Italy and France, is a collection of insults aimed at Islam and Muslims that resulted in the author being prosecuted for inciting racial hatred in October 2003, that same year, the founder of the *Le Point* declared himself an Islamolophobe, calling the Islamic religion on “inanity of various archaicisms.” Similarly, in United States, insults against Muslims or against Islam continue to pour forth, even if the term “Islamophobia” is itself never spoken. On April 23, 2004, a Boston radio announcer even called for all Muslims to be killed (Jocelyne, 2006: 4).

This obsession with political Islam, taken in the context of the decline of Islamic civilization at the expense of Europe, colonialism and U.S. cultural domination, gives Muslims reasons to believe that America is now the leader of a long-standing Western campaign against their religion (Price, 1999:185). Spencer argues that, Westerns scholars blame that, “Islam is a religion of violence, and the Muslims are wreaking vengeance on modern civilization and it has no respect on Human Rights, do not guarantee minority rights, do not believe in the values of democracy and tolerance, and do not respect women. Whereas Islamic countries feel that the major reasons of criticising the Muslims by the Western world because Muslims being the minority and the Christians are more powerful than Muslims (Spencer, 2002: 76).”

In 2008 the European Union and the British Foreign Secretary, David Miliband, put pressure on Iran to adopt the bill regarding religious minorities, especially to Baha'is and Christians. They are cautioned that if the legislation violated the right to freedom of religion, “they will cancel all

trade related and nuclear enrichment agreement” (Cameron, 2008:46). After this conversation, Iran agreed with France, Germany, and Great Britain to suspend all "enrichment related and reprocessing activities" while the two sides embarked on negotiations about a lasting agreement that would also cover regional security issues, specifically, terrorism. As those discussions began in 2004, the two sides remained far apart, with the European Union insisting on all the issues it had raised before the 2003 suspension of talks about a Trade Cooperation Agreement namely, terrorism, Human Rights, the Arab-Israeli conflict, and the full range of weapons of mass destruction (Gheissari, 2006:142). The European Commission has expended much effort into increasing relations with Iran, and hopes that ties with Iran will develop gradually, subject to continued monitoring of Iranian progress in the fields of political, economic and social reform (Yildiz, 2007: 98-99). EU officials in Tehran for trade talks are insisting on progress on such Human Rights concerns. European governments also have engaged the Iranian regime in ways to encourage the Iranian people's pro-democracy movement and to improve Human Rights conditions in Iran (Ramazani, 2004:171).

The Iranian officials used the opportunity and opened the debates over universality vs. relativism in Human Rights to challenge the universal normative consensus that has been formed around the UDHR. They challenged the Commission on Human Rights, which expects all states to adhere to international Human Rights laws. A self serving fidelity to "Islamic cultural tradition" conveniently cast aside several of the universal Human Rights ( Afshari, 2001:3 *ibid*).

Bassam Tibi argues that, the Western countries after the Islamic Revolution always look Iran through evil eye. So they can never see any promotion in Iran which has already been done. The West in its US component is no less missionary than pre-modern Christianity or Islam. The rhetoric of the universalism of free markets and Human Rights replaces that of religion in US foreign policy. Aside from these claims to a world mission, the Islamic and the Western European civilisation have always been neighbours on the shores of the Mediterranean, the hub of world history. It is not a geocentric bias to state that other civilisations outside the Mediterranean were restricted to a regional status. Confucianism, for instance, lays no claims to universality. It is necessary to mention both aspects, the positive and the negative, but for the

sake of peace and a better future we need to focus on the positive heritage and learn how to overcome the negative legacies (Tibi, 2001:220). Now the European Union Human Rights resolution has become a part of the ongoing scenario to increase pressure on Iran over the nuclear issue. Unfortunately, today Human Rights are used as a political lever by the West to put pressure on independent states (Alexander, 2008: 45 *ibid*).

Iran claims that if there are any Human Rights violation happens in Iran, the U.S. and European Countries suddenly become active, but if these violations take place in others countries like Saudi Arabia, African Countries and China, they cannot raise their voice easily. For example, China has always abided by the UN Human Rights charter, The U.S. report released that the Chinese government continued to commit widespread and well-documented Human Rights abuses ... (including) torture and mistreatment of prisoners, forced confessions, and arbitrary arrest and lengthy incommunicado detention, besides repression in Tibet. U.S. State Department report on Human Rights in China distorts facts and interfered in its internal affairs, a Chinese government's spokesman said that the report distorts facts while pointing a finger at the Chinese government, the official Xinhua news agency quoting Foreign Ministry spokesman Zhu Bangzao "The U.S. government should respect facts and stop using Human Rights as an excuse to interfere in China's internal affairs." America, Democratic Republic of Congo and Iran all are famous for juvenile executions but only Congo and Iran are always hitting the news headlines because United States provide huge amount of money to UN as a fund every year (Martin, 2006:346). Foreign Minister Kamal Kharrazi said that, Western powers use Human Rights as a political tool. He added that Iran has become a victim of the double standard policies of the West. He told that some European countries have unfortunately targeted Iran with specific political motives (online web: Tehran times).

Today Western media does not concentrate on spreading injustice with Afghanistan and Iraqi people where every day innocent people die due to American intervention, In Iraq alone, death rate rose up to more than one lakh in seven year, who is responsible for all innocent civilian death in Iraq and Afghanistan? Why does Media not highlight the problem of poverty and unemployment which is growing in Western countries? Only Western media and International

NGOs are focusing on Islamic countries those who do not violate any rights. According to the Amnesty International and Human Rights Watch reports show that China and Saudi Arabia violates more human right than Iran but due to good foreign relation with Western Countries, all these organization targeting only Iran. To illustrate this more subtle kind of social enforcement, consider the practice of foot binding in China or the practice of female genital cutting in China, Female genital mutilation in Africa, honor killing in Pakistan, (UNPF estimates that at least 1000 honor killings took place in Pakistan in 1999). All of these are shocking practices in different countries, which have been endorsed by the norms of some cultures, to undermine the claim that no culture's norms can be morally criticized except Iran (Talbot, 2005:95).

The most important reason for the failure of the Universal declaration is diversity of culture. It is difficult for one culture to dictate morality to another. According to Islam, Only God has rights, not peoples; Only God has absolute freedom, human freedom consisting in the complete surrender to divine will. In the Koran submission to God is repeatedly stressed as a cardinal value (Plantilla, 1997: 43). Iran representative to the United Nations, Sai Rajai Khorassami, declared that the UDHR represented the “secular understanding of the Judea-Christian traditions”, which does not comply with the Islamic values recognized by the Islamic republic of Iran. Therefore the nation would not hesitate to violate its provisions (The Cairo declaration of Human Right in Islam).

## Chapter 4

### An assessment of the Human Rights Situation in Iran

West Asia is a region with diverse cultures. This is coupled with the fact that political, social and economic situations of people in the region are equally varied. This situation raises a question: what is the relation of the international recognized Human Rights can to the cultural values of the region. In recent years, a few state governments argue over the Islamic concept of Human Rights. One major justification of this view is the cultural factor. Universal Human Rights describes equal rights and freedom for everybody by the fact of being human and no distinction on the basis of race, color, sex, language, religion, political or other opinions. However, people have always suffered due to the lack of such rights throughout history. In fact, the absence of Human Rights has a lot of effects on the lives of people. The Universal Declaration does not affirm the institutions Westerners often equate with Human Rights, such as parliaments or supreme courts, but rather allows for various cultural forms by simply setting forth those political, social, and economic rights that contribute to the dignity of the individual person (Traer 1991:158). Svensson argue that the very concept of Human Rights concept “actually evolved” in the West. But this “does not mean that Human Rights are not universal”. (Svensson, 2002: 51)

Undoubtedly, Universal Human Rights are incompatible with some Islamic traditional practices such as child marriage, the persecution of religious dissenters, and the social ostracism of political dissidents. Plantilla argues that culture is one of the most significant factors that shape human thinking and behavior to a great extent, and its influence on human beings affects their basic attribute: Human Rights (Plantilla, 1997: 9). Some argue that how can, the Universal Declaration of Human Rights written by the United Nations, claims to be the “common standard of achievement for all peoples and all nations.” While we agree with most of the points made in the declaration, we simply do not believe that the human race is homogenous enough for a single piece of paper to encompass Human Rights issues for all cultures and types of people, and we find this very assumption to be problematic and believe that Human Rights are relative to every

culture and or nation, and should be left to the people to decide. We think that on the issue of Human Rights.

Iran has experienced one of the most dynamic periods of its recent history. After the Islamic Revolution, change is occurring in all spheres of life. A powerful movement for reform has emerged. The most important strategic aim of the Islamic Revolution is the globalisation of Islam as well as the Revolution in all Muslim countries (Panah, 2007:132). Today the Iranians, faced with strict Islamic cultural values and a world increasingly shaped by the new technological and information Revolution, seek the modernisation of Iran's economic and political structures and the adaptation of the Islamic Republic to the new order. But the Iranian government has neglected the demand for all rights which are enjoyed by citizens in Western countries.

Islam does not believe in development through modernisation of society which destroys greatest Islamic values are traditions. According to the sublime teachings of Islam, "the God Almighty has created all humans equal, and only by having divine virtue and human perfection, they can have superiority over each other."<sup>5</sup> Thus, discriminative perception cannot be effective in the current laws, by laws and policies of the Islamic Republic of Iran, which are based on Islamic *Sharia*: Similarly, we cannot find any kind of discrimination among different groups or individuals in any part of our laws (either in our Constitution or related laws). In this regard, as has already been pointed out, the Holy Koran says, "God forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for God love those who are just" (Al Mumtahina Verse: 8). The Iranian society is a good and successful example of friendly and brotherly coexistence among different religious and ethnic groups. One of the most important principles of the government is to further promote and strengthen such favorable conditions and, in this regard, various measures have been adopted (Online web: Botschaft).

---

<sup>5</sup> [www.iranembassy.de/ger/minorities.htm](http://www.iranembassy.de/ger/minorities.htm)



Muslims are regularly and forcefully enjoined to treat their fellow men with respect and dignity, but the bases of these injunctions are the divine commands that establish only duties, not Human Rights (Vincent 1986: 43). The social and political precepts of Islam do reflect a strong concern for human good and human dignity. Each state has its own culture, traditions, beliefs and one you cannot impose one's culture on others on the basis of superiority.

### **Prevailing Realities**

Today, people think that women were liberated in the West and that the women's liberation movement began in the 20th Century. Actually, Islam preceded all the existing systems in introducing women's rights more than fourteen centuries ago. The women's liberation movement was revealed by God to Prophet Muhammad in the seventh century. A whole package of new rights was given at once to women by their creator without their having to strive to get them. The Qur'an and the Prophet traditions (*Hadith* and *Sunnah*)<sup>6</sup> guarantee every Muslim woman certain rights and duties. The rights granted to women in the Quran and by prophet Muhammad were an improvement to the rights prior to the birth of Islam. In fact, the Quran states that "God treats men and women as spiritual equals." The Quran also states the dress code for the believers but does not support or advocate it. It was innovations and fabrications that introduced the *Hijab* (veil) to the Islamic religion. The *Hijab* is a veil that is a traditional, not religious, head cover that dates back to the ancient civilizations. In Iran, the law is that all women must wear a *Hijab* in all public places, regardless of citizenship, religion or choice. The Islamic Republic advocates "women's *Hijab*, so that men's strong sexual urges will not be aroused by women's exposure of their beauty. Otherwise, the government argues, society will become corrupt, and women will not be able to protect their chastity (Bodman, 1998: 88)." In Islam, "women and men are equal in terms of their relationship with Allah. It can be clearly seen that Allah has created men and women differently; this is so that they may fulfill different purposes in life. It is not a question of

---

<sup>6</sup> *Hadith* are narrations concerning the words and deeds of the Islamic prophet Muhammad.

*Sunnah*: habit or usual practice

the superiority of one gender over another; rather it is a matter of role differentiation.”<sup>7</sup> Islam teaches that men and women complement one another and are both equally important. These rights are equal to those of a man but they are not necessarily identical. Equality and sameness are two different things. This difference is understandable because man and woman are not identical but they are created equals. The distinction between equality and sameness is of paramount importance. With this distinction in mind, there is no room to imagine that woman is inferior to man, just because her rights are not identical (Ahmed, 2005: 278).

The Westernized life-styles that were available to some Iranian women were lost with the Islamic Revolution of 1979. But even the most radical realized that’s Iran’s culture would not stand the strictures imposed in such countries as Saudi Arabia. One commentator has observed: ‘Iranian women reoccupy much better positions in public spaces than any Muslim countries. Even as wives and mothers, they work, vote, drive, shop and hold professional positions as doctors, lawyers, corporate executives, and deputies in Parliament they can vote at 16 and that makes them a threat to the power of the clerics who had promoted the anti-contraception policy in the first place.’ Women have transformed Iran since the Revolution. A third of all doctors, 60 per cent of civil servants and 80 per cent of all teachers in Iran are women (Mahdavi, 2009: 1-22).

According to the United Nations Development Programme Human Development Report for 2007/2008, Iran has one of the highest urban growth rates in the world. The human development index of the Islamic Republic of Iran rose from 0.649 in 1991 to 0.759 in 2005. This largely reflected increases in per capita income and the allocation of a large proportion of the public budget to social activities. A review of the country’s performance in meeting the Millennium Development Goals found that the percentage of the population living on less than \$1 a day had decreased from 0.9 per cent in 1999 to 0.2 per cent in 2005; the percentage living on less than \$2 a day had also declined, from 7.3 per cent in 1999 to 3.1 per cent in 2005. Those trends have reportedly slowed during recent years owing to high inflation and increases in consumer prices,

---

<sup>7</sup> [www.churchofgodalfred.com/index.php?p=1\\_20\\_Men-Mood](http://www.churchofgodalfred.com/index.php?p=1_20_Men-Mood)

but those factors have been offset to some degree by State support. The proportion of underweight children decreased from 15.8 per cent in 1991 to 5 per cent in 2004.

The Islamic Republic of Iran has also greatly improved results in the education sector, while challenges include a significant rise in the school-age population and the inadequate provision of facilities in rural areas. Net enrolment in primary education steadily increased, from 85 per cent in 1990 to 98 per cent in 2005. In the same period, primary school dropout rates decreased from 13 per cent to 6.6 per cent. Literacy rates among 15 to 24 year-old men and women also increased and progressively equalized, rising from 92.2 and 81.1 per cent respectively in 1990 to 98.1 and 96.7 per cent in 2005.

Providing employment is an important challenge for the Government, with an annual demand for about 800,000 jobs among the younger generation. Unemployment among women is especially acute and, with increased female university enrolment, raised from 26.8 per cent in 1996 to 40.6 per cent in 2001. In the field of health, the expansion of health facilities, particularly for primary health care, has led to significant improvement in life expectancy, which rose from 64.8 years for men and 65.8 years for women in 1991 to 70.5 and 72.8 years respectively in 2004. Mention about 2005, 2006 and 2007 Life expectancy and healthcare reports are shown below in Table 1. Under 5 mortality rate also decreased, from 44 per 1,000 births in 1991 to 36 per 1,000 births in 2001. Maternal mortality due to complications in delivery was also reduced, from 54 to 37 per 100,000 live births during the same period. The proportion of births attended by skilled health personnel increased to about 97.3 per cent.

According to UNICEF, in 1975, the estimated literacy rate in Iran was 57 percent for men and 32 percent for women, whereas in 2004 it was 84 percent for men and 70 percent for women. According to official estimates, in 2006, the number of government licensed newspaper and magazines published reached 3,367, which is the highest in the history of print media in Iran (Kamrava, 2008: 397). After the continuous sanction imposed by the U.S. on Iran, Iran spending on healthcare in Iran is expected to rise to US\$50.0 billion by 2013, reflecting the increasing demand on medical services. Total health spending was equivalent to 4.2 percent of GDP in Iran in 2005 and 73 percent of Iranians have health care coverage. The World Health Organization in

the 2009 report on health systems ranks Iran's performance on health level 58th and its overall health system performance 93rd among the world's nations. The health status of Iranians has improved over the last two decades. Iran has been able to extend public health preventive services through the establishment of an extensive Primary Health Care Network. (Online web: WHO Report)

Table. 1

Average life expectancy and Health Care in Iran

Iran: Healthcare	2005	2006	2007
Life expectancy, average (years)	70.0	70.3	70.6
Healthcare spending ( percent of GDP)	4.2	4.2	4.2
Healthcare spending (US\$ per head)	113	132	150

Source: Iran: Healthcare and Pharmaceuticals Forecast", *Economist Intelligence Unit*, August 18, 2008

Coming to the question of minorities, as per the constitution, the religious minorities can freely practice their customs and rites and follow the laws of their faiths and personal affairs. Article 12 stipulates that the official religion of Iran is Islam and the Twelver Ja'fari School [in usual *al-Dine* and *figh*], and this principle will remain eternally immutable. Other Islamic schools, including the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi, are to be accorded full respect and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance and wills) and related litigation in courts of law. In regions of the country where Muslims following any of these schools of *figh*<sup>8</sup>

<sup>8</sup> *Figh* is Islamic jurisprudence. It is an expansion of the *Sharia* Islamic law based directly on the Koran and *Sunna* that complements *Sharia* with evolving rulings/interpretations of Islamic jurist. *Figh* deals with the observance of rituals and social legislation.

constitutes the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school of *fiqh*, without infringing upon rights of the followers of other schools. (Online web: Iranembassy.org)

### **Internal and External Challenges**

Human right violation in the developing countries is one of the most debated topics in the contemporary academic and policy fields. Today just because of globalization and the interdependence of the whole world any domestic issue could come up for the debate and discussion in wider perspective. In the twenty-first century, Iranian society faced old traditional punishment like stoning, amputation, flogging, and prolonged imprisonment but with various forms of physical torment and violent death, because of *Sharia law*. A legal system based on Islamic law was introduced in Iran following the adoption of a new constitution in 1979 in the wake of the Islamic Revolution. The primary objective of the new legal system was to return Iran to traditional Islamic values. In the context of returning a society and a religion to the essential and traditional values as those values are understood, interpreted, and enunciated by one faction within a society, patriarchal society in Muslims countries are still putting a stiff resistance to the universality of the Human Rights and justify their practices saying that the Human Rights that the West has promoted is an extension of the Western culture and is a weapon to make inroad into the cultural sphere of the traditional societies. Apart from this issue there are people who are still arguing that the so called 'human right violations' are part and parcel of their society and the changes in this regard would lead to the erosion of their cultural roots. As the most important area of activity of any human being is society the Human Rights violations in the social area acquire much more importance. Islamic patriarchal nature of the society is part of Islamic *Sharia* as the basis of the day to day life overarching all areas of life including flogging amputation, stoning to death, child excutation, and marriage. *Sharia* (religious) as well as *urf* (state) courts inflicted an array of corporal punishments some of which were prescribed by the Koran and the *sunna* (religious traditions). After the Islamic Revolution, the First Islamic Majlis and the Guardian Council promptly codified important features of the *sharia* by passing two landmark bills: the *Qanon-e Ta'zir* (Discretionary Punishment Law) and

the *Qanon-e Qesas* (Retribution Law). The *Ta'zir* Law gives judges the authority to execute and imprison those found guilty of “declaring war on God” and “plotting with foreign powers.” It also gives them the power to mete out as many as seventy-four lashes to those who “insult government officials,” “convene unlawful meetings,” sell alcoholic beverages, fix prices, hoard goods, kiss illicitly, fail to wear the proper *hijab* (headgear), and, last but not least, “lie to the authorities.” (Ervand, 1999: 131)

Islam believes that each person is born pure. The Holy Quran tells us that God has given human beings a choice between good and evil and to seek God’s pleasure through faith, prayer and charity. In both cases, one would assume that the country should and would do all that it could, but then again, we have to look at things from a cultural relative point of view. Some cultures violate the UN Declaration of Human Rights because of the simple fact urges what the UN views as a violation, is tradition for Islamic countries. But the Iranian civil society claims that, Human Rights situation in Iran has deteriorated, as these are increasing restrictions on fundamental freedoms of expression and association. Scores of political prisoners, including prisoners of conscience, continue to serve prison sentences imposed following unfair trials in previous years. For instance thousands of human rights defenders, journalists, students and lawyers were arrested and detained arbitrarily without access to family or legal representation, during the 2009 election demonstrations against Mahmoud Ahmadinejad, a conservative president who won election through questionable means with the full support from the supreme leader.

Women’s rights in the West Asian region have always been a controversial issue, because many countries have signed many UN conventions and treaties but they have not implemented till date. The role of woman, her position and status in society, and her nature have been issues of debate and discussion informed by religion, tradition and culture, misogyny, feminism and many times downright ignorance and bigotry. The rights of women have changed over the years; they have never really been equal to the rights of a man. This poses a threat to Iran because women have very limited options when it comes to labor, marriage and other aspects of their culture. Some scholars argue that “equal treatment for women and men is a fundamental principal of international Human Rights standards. Yet, in some places like Iran, discriminatory practices

against women are not only prevalent, but in some cases, required by law.” Women suffer everyday life of an everyday living. In other words, the role of Iranian female is the role proscribed by Islam. This role can be characterized in terms of conduct. While single, “the female remains under the social control and financial protection of the male members of her family and does not engage in socializing with non-family males. Parents have the final decision in selecting a woman's husband, but she must be consulted.” As a wife, the primary role of the female is to provide a comfortable, loving, and harmonious home for her husband and children. The chief responsibility for family decision making, however, falls to the husband. At all stages in a woman's life, she is considered to be the intellectual and spiritual equal of men, and, at all stages in her life, she is expected to seek a spiritual education. It is in the social arena where her scope of interaction is more limited than that of men. Specifically, her role typically is limited first to the role of daughter, followed by the higher status of wife and mother. Women in Iran are prohibited to show makeup, cosmetics and work place, and prohibited from traveling alone.

The aim to create a democratic environment in Iran by the Iranian moderators is ineffective due to various social and cultural compulsion put by the government. The people of Iran unite and battle for peace and survival, the plight of the wage earners, students, and the momentum for change they strive for; the new images they build for a democratic environment has been a resistance for ages. The struggle for a better democratic space focuses on the analysis of collective behavior of the citizens of Iran. It narrates the diverse issues of resistance and collective action, methods of coping with crises and the survival mechanisms. It focuses on the emergence of new social movements and the activists who try to implement social change in Iran (Yaghmaian, 2002:8).

Most Iranians were united for the opposition towards Shah Government and they wanted a government that was politically independent from outside powers. They did not want a government that would promote the Western way of life at the expense of Iranian and Islamic values. They wanted a government that was democratic and that respected Human Rights. People also hoped for leadership that could manage the national economy more efficiently and create jobs and access to opportunities regardless of people's socioeconomic class. Most of all, they

wanted a government who work for peoples that was not corrupt (Kheirabadi, 2003: 75). But due to strong political hold of the Iranian government on all aspect, Iranian citizens cannot enjoy full rights as they want. Iranian constitutional rights provide under *Sharia* law such as music, media, and internet all entertainment by Iranian government. Iranians is not able to raise voice against government because all these rights have mentioned in constitution for peace related purpose not for demanding rights. Soroush and Sajdapour commented that “Iranians have freedom of expression but not guaranteed freedom after expression.” Article 24 of the constitution of IRI stresses freedom of the press by providing that the publisher and the press are free to express matter unless they harm the fundamental of Islam or public rights. There are some concerns over this Article. The main one is that it mentions press freedom but does not guarantee this freedom. Other countries whose constitutions address press freedom have constitutional guarantees of press freedom that their governments do not feel free to ignore. Another concern is the failure to protect all aspects of press freedom, including the gathering dissemination, publication, and receipt of news and information. The Article only mentions “expression of matters.” As a result, only the freedom of publication is protected. In addition, failing to provide for freedom of the press for matters injurious to the fundamentals of Islam or public rights could limit the mentioned freedom and open the way for press censorship and prior restraint (Thierstein, 2000: 57-58).

Human Rights education is not introduced in Iran but all peoples are aware of their rights. So that’s why it is very difficult to violate the rights of the Iranian people. Women, university students, teachers, workers and other activist groups always raise voice against negative trends. Ongoing harassment against Human Rights defenders, including women’s rights activists, has been reported. As has already been pointed out independent media has also experienced tightened restrictions, with numerous publications suspended. The death penalty continued to be widely applied, including in some cases involving juveniles. There were at least some cases of stoning and public execution, despite moves by the authorities to curb such practices. Cases of amputation and flogging and suspicious deaths and suicides of prisoners while in custody were also reported.



The active role played by youths, university students, Human Rights activists is linked with domestic NGOs. Shirin Ebadi\*<sup>9</sup> has founded two important non-governmental organization: the Society for Protecting the Rights of the Child (SPRC), also known as the Association for Support of Children's Rights in Iran, and the Defenders of Human Rights Center (DHRC) in 2003, The SPRC founded in 1994, focuses on children, raise awareness, and lobbies and Majlis (Islamic parliament) to introduce legal reforms in accordance with the United Nations Convention on the Rights of the Child. She has also written many books regarding peace, justice, equality for prisoners, child rights, women rights etc (Gheissari, 2009:308). But after some year, Iran Interior ministry banned one of the country's most prominent minority rights groups. Many times United States or any other Western government want to provide aid facility to the Iranian peoples during natural disaster, but that money was been never touched by government, because they claims that money comes from "merchants of blood and oil" (Malm, 2007: 202).

The linkages are self evident: national Human Rights institutions have an important role to play in formulating, implementing and then monitoring national plans of actions as well as in national Human Rights education programs. Human Rights education is an essential building block for successful national plans and reinforces support for national institutions. The fully mobilized domestic NGO networks linked to the global Human Rights polity can then be activated at any time. Towards the end of the tactical concession phase, norm-violating governments are no longer in control of the domestic situation. Whenever they commit another serious violation of Human Rights, the domestic transnational networks is activated and now pressure the government "from above" and from below"( Risse, 1999).

On the external front, the issue of Human Rights is a big problem for Islamic countries, as their cultures are being targeted by Western countries in the name of Human Rights violation. But Islamic countries claim that they just protect their culture from Western ideology. They argue

---

<sup>9</sup> \* Shirin Ebadi is an Iranian lawyer, Human Rights activist and founder of Centre for the Defence of Human Rights in Iran. On October 10, 2003, Ebadi was awarded the Nobel Peace Prize for her significant and pioneering efforts for democracy and Human Rights, especially women's, children's, and refugee rights.

that in this world there are many religions, and every religion has rights to protect its culture. Violations take place in every culture that does not mean you will vanish the culture in the name of promoting democracy. If rights are violated by Western country then no one can raise question about that, but if rights are violated in any Islamic country then every country criticizes it. Today, Iran is confronting such a situation for Human Rights violations. Today, the whole world is critical of Iran and Human Rights remain the big unsolved question for the Islamic Republic.

The U.S. claims that, in its civil society, all people have the rights and privileges of citizenship without any discrimination and, within the framework of the law, the rights and liberties of each person are protected and respected. U.S define that “We are not speaking of respect for Human Rights and civil liberties out of political considerations. Respect for Human Rights is an integral part of our religion and what Islam dictates (Kamrava, 2008:154)”. “U.S. citizens are allowed to do whatever they want to do, wear whatever they want to wear, be whatever they want to be and most importantly, say whatever they want to say.” But the peoples of Iran are killing themselves over having just one of these freedoms that you did not even appreciate. Iranians did not have these freedoms handed out to them; they have to fight for it and in return they lose their lives over it. People need to be aware of the troubles going on in Iran, because it deserves more appreciation than it’s been Iran has a theocratic government, which means that their government and religion is mixed.

Iran is not the only country with Human Rights violation. In 1979, 168 countries attended the “Women’s convention” adopted by the General Assembly, out of which 165 countries signed the treaty to “eliminate all forms of discrimination against women.” Three nations out rightly refused to sign which were the United States, Iran and Afghanistan.

Western countries claim that Iranian government forcefully imposes Islamic values on the people. Even though the IRI is proud of its Islamic credentials and values, a survey by Iran’s own Ministry of Culture and Guidance show that less than 1.4 per cent of the population actually bothers to attend Friday prayers. Iranian youths were not interested in Islamic values (Alavi, 2006: 79-80). As a result, government control of film and video was restricted to domestic programming. Selector box and receiver equipment for satellite television became a lucrative

business, and satellite dishes and other items related to satellite television piracy became rare commodities. In recent years, as a consequence of the bankruptcy of cultural policy on the one hand and boring and monotonous domestic programming on the other, people from all walks of life have become the victims of smugglers, paying high prices for satellite dishes, selector and receiver boxes in order to have access to programmes such as Baywatch, Neighbours and a few talk shows, whatever other channels they can zap into dependent on the size of their dish such has become the hobby and entertainment of the average middleclass family in Iran. By recent estimates there are over two million pirate satellite receivers throughout Iran; more than half of these are in Tehran and the remainder in provincial capitals around the country (Mohammadi, 2003: 31).

In October 2008, over 200 national delegates and NGO representatives attended a unique two-day expert seminar at the UN Geneva to discuss limits to Freedom of Expression. Convened by the Office of the High Commissioner for Human Rights at the request of the Islamic States, a dozen experts and many other speakers took the floor to explore the links between Freedom of Expression and incitement to religious hatred. Articles 19 and 20 of the ICCPR deal with freedom of expression and Iran has signed this treaty. But Islamic government strictly denied providing freedom of expression in Iran.

Iran claims that, it has signed many Human Rights instruments and have implemented many laws according to their traditions. Khamenei believes that any Iranian moves toward compromise will be seen as a sign of weakness and will encourage the United States to exert even greater pressure (Green, 2009:8). The advocates of Islamic modernism throughout the twentieth century and the Muslim world have generally maintained that Islam is the most perfect religion and therefore has the best answers to all problems of modern social and political organization, purporting apologetically to deduce democracy, equality of women, and principles of social justice and Human Rights from its sources (Arjomand, 2009: 82).

The view that Human Rights are universal concepts is seen therefore as another round of domination by one culture (Western culture) over the rest of the cultures in this world. Several authors would consider this situation as simply cultural imperialism. One author says that each

culture has its own distinctive ways of viewing and doing things. Each culture is uniquely worthy of respect. The distinctiveness among cultures should not be blurred or mitigated. They should not be compared favorably or unfavorably with one another. They should be respected. To consider the Universal Declaration of Human Rights to be universal could imply that all contradictory concepts be eliminated and that the culture which has given birth to the concept of Human Rights should also be called upon to become a universal culture (Holeman 1987: 209-211). Some scholars claims that the reason for non-performance of the Universal declaration is variety of culture; they said it's very difficult of one culture impose own moral principle to another culture. Plantilla describe that, according to *Sharia*, rights and freedom were not essential for Human being; God forbids all rights and freedoms of people's rights made only for God. Now societies are changing and will thus find a room for discussion and adaptation to growing internationally enunciated principles such as Human Rights (Plantilla; 1997: 43). Kamrava claims that the, Universal Declaration of Human Rights, has been such a dismal failure because of four primary reasons; The Declaration is not rooted in divine injunctions and is instead man-made; it fails to take into account man's spiritual needs and quests; it is routinely ignored by the very Westerners who seek to force it on others; and, it is often used as an excuse for domination and discrimination against the oppressed (Kamrava, 2008:118 *ibid*).

## **Chapter 5**

### **Conclusion**

The policy of the West to pursue the processes of democratisation and the strengthening of Human Rights in the Muslim world is facing challenges due to the diversity of culture. The argument that Islam is principally incompatible with these ideas is simply untenable. It is too difficult to implement Universal norms instead of Shari'a law in Muslim society overnight. Nevertheless, various developments such as improvement in higher education, women participating in the workforce, minorities' status, freedom of expression, etc. are taking place in the Islamic Republic of Iran. For this reason, the present limited influence of positive views of democracy and human rights does not mean that their potential influence will always remain limited. Changes in individual behaviour as well as changes in the political composition can increase the need for interpretations of Islam which support democracy and human rights in due course of time. But the Western countries want all Human Rights instruments which Iran has signed to be implemented instantly. Because, the West argues that the universal concept of human rights should apply to everyone, universally, irrespective of the differences in culture, politics, nature of the society, etc. Iran, on its part, is implementing all the human rights instruments gradually at its own pace and on its own terms.

From the present study, we find that human rights share both individual and collective traits. But if individuals are not free to choose whether they are in or out of the group, are not free to choose to support or oppose the dictates of the collectivity, then the notion of collective rights becomes meaningless. It is against the state that collective rights must be exacted, not against individuals. Further, we should not insist on radical cultural relativism; nor should we suppose that there are universal standards awaiting discovery. It is always better that a dialogue is promoted to facilitate a broad understanding/agreement on the universality of certain values capable of insuring the integrity and basic rights of all humans beings. It is also better that we use our anthropological skills and insights to examine the "dialectic among the material conditions, power dynamics, and ideas that maintain certain groups of people in secondary or tertiary

positions rather than insist on either a knee-jerk relativity or a similarly unmediated universality”.

The modern concept of human rights is the legal and political standard that represents the entitlement of all human beings. It pertains to individuals simply because they are human beings, irrespective of their religion, gender, or any other social or cultural characteristics. Human nature, human dignity, human rights and freedoms are universal, inalienable, interdependent, and indivisible. Basic human rights and standards of conduct are articulated in numerous international documents. The modern idea of human rights is a relatively new challenge facing non-Western cultures. This dissertation has assessed the challenge of human rights in Shari'a, examining its principles, characteristics, and standards, especially with respect to the principle of the equality of all citizens before the law. It has also analysed the notions of freedom and freedom of expression under Shari'a. It is safe to conclude that, judged according to international standards, Shari'a rights are not in accordance with universal human rights. They are based on patriarchal and old traditions, subject to different and often conflicting interpretations. Individualism, liberty, and equality are not established notions of Shari'a. The concepts of the human being as individual and of human rights as entitlements are not recognized in Shari'a. Rights are the privilege of God and more emphasis is placed on duties and obligations. Rights are subject to Shari'a qualifications, and are limited based on gender and faith. Moreover, the conception of democracy is unknown in the Shari'a model of the state, and the right to equal participation of citizens in public life is not protected. The freedom of expression and freedom of thought, conscience, and religion are not guaranteed. In sum, Shari'a lacks the modern notion of human rights, and its principles and criteria contradict, and are hard to reconcile with, international human rights norms and standards.

The application of Shari'a criminal law in particular is problematic, and would result in difficulties and hardships in Muslim countries, like the law of apostasy runs contrary to the principles of pluralism and toleration. Discrimination against women however is considered lawful. Shari'a laws are invoked by undemocratic and repressive Islamic states to further limit human rights and suppress political opposition, using Islam as a pretext for denying rights.

Muslim reformists have been preoccupied with the incompatibility of Shari'a and modern human rights law. They have attempted to provide interpretations of Shari'a sources that conform to the modern notion of human rights and freedoms. However, Islamic reform ideas have not been translated into legal terms and provisions. Of course, in response to world support for the protection of human rights standards, as well as international pressure on Islamic states, following reports on their human rights record, many Muslim countries have accommodated some legal reform in family law or have some implementation in Shari'a criminal law. However, traditional mechanisms of reform within the framework of Shari'a are not adequate for achieving the necessary degree of reform. It is suggested that such reform in human rights law could only be achieved through broader religious and cultural initiatives based on a cross-cultural dialogue which addresses Shari'a deficiencies in public law and provides a new interpretation compatible with modern human rights law.

Every society is unique in its own way, having some cultural and religious lineage from its past; so is Iran. The traditional features of the Iranian society are reflected in the country's constitutional and legal systems as well. The supremacy of Shari'a over all types of law is the main characteristic of the constitution. Our study concludes that Iran's legal system does not recognize the modern conception of human rights and freedoms and their feasibility within its social and cultural systems. Human rights are qualified on the basis of gender, faith, the freedom of expression and freedom of religion, which are restricted in Iranian constitution. The study finds that the theocratic nature of the government in Iran, based on the concept of the absolute guardianship of the jurist, contradicts the principle of the separation of powers and democratic values in the conduct of public affairs. Political freedoms are non-existent, and freedom of the press is not guaranteed. Further, the problem of human rights in Iran's system originates from its theological approach to the question of rights and is rooted in traditional religious beliefs and practices. As long as Shari'a is regarded as the theoretical structure and source of rights, a legal reform that conforms to international human rights norms and standards is not feasible. A substantial reform is, therefore, needed. The establishment and institutionalisation of a civil society should be founded by free will of the people based on democratic values, pluralism and guarantee of citizens' rights. The Constitution of the Islamic

Republic should recognise human rights as individual entitlements applicable to all, without discrimination against freedom of expression, women and religious minorities, and should cooperate with the United Nations and other International bodies.

The basic universal legitimacy of international human rights law has always been controversial. Moreover, implementation and enforceability of that law, against a background of cultural diversity, has always been problematic. The debate between universalism and cultural relativism should be a key issue to understand the concept of human rights and its application in Iran. Western countries claim that Iran uses cultural relativism to hide all human rights violations. Western countries are of the opinion that there should be an overarching international law applicable to all countries and appropriate measures would be taken in case of any violation of the law. If a particular state is guilty of gross violations of the human rights of its citizens and was thus in breach of international obligations, it has willingly accepted for itself and for the benefit of its citizens, the state could legitimately be held to accountable by other states. The difficulties become manifest, however, when one moves beyond this now overly simplistic structuring of relationships under international law. If international human rights law is to respond to the charge that it is ineffective, inept and imperialist, genuine cross-cultural acceptance of human rights extending down to the local level is essential. In order to achieve such a cross-cultural consensus it is necessary that the state should participate at international level. But Islamic countries claim that in their societies human rights will be determined by religious criteria and traditions. The laws which are followed by the Islamic countries are actually their age-old cultural values. The point is that despite flaws, universalism does promote a minimum benchmark which can be used both to initiate cross-cultural dialogue as well as to put pressure on the authoritarian regimes, at times, to improve that human rights record. Nevertheless, the constitution of the IRI guarantees a wide range of Human Rights and fundamental freedom. It contains a comprehensive chapter on the rights of the people encompassing civil, political, economic, social and cultural rights such as right to non-discrimination, equality before the law, women's rights, freedom of belief and freedom of the press.



There are some positive steps taken by the Iranian authorities to address discriminatory laws and restrict aspects of the death penalty. Such positive development has prompted the UN Secretary-General to encourage the Iranian Government to address many concerns particularly the new Penal Code and juvenile justice laws, to ensure compliance with international human rights standards and prevent discriminatory practices against women, ethnic and religious minorities and other minority groups. The Secretary-General has recognised many positive achievements in the Islamic Republic with regard to various economic and social indicators and encouraged the Government to continue to address regional disparities in the enjoyment of economic and social rights. The Secretary-General has also welcomed the steps taken by the Government of the Islamic Republic of Iran to explore cooperation on human rights and justice reform with the United Nations, including OHCHR. He has encouraged the Iranian government to ratify major international human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to withdraw the general reservations it has made upon the signature and ratification of various human rights treaties, as recommended by the respective treaty bodies. The Secretary-General hopes that Iran will finalize its long outstanding periodic reports under human rights treaties, particularly to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, to allow a systematic review of progress in implementing the related obligations.

However, International Organisations, United States and European countries are still blaming Iran for human rights violations. But in response to this, Iran claims that human rights violation happens not only in Iran but in other countries also like Saudi Arabia, African Countries and China, where there are more human rights violations than Iran. But no action has been taken against these countries. Due to political interests of Western countries, human rights are made a pretext to take action against Iran.

This study also brings to the fore the indicate relationship between international laws and the laws of each sovereign nation state with regard to the implementation of human rights provisions, instruments. The United Nations has formulated human rights standards solely for

protecting individuals from arbitrary and brutal customs and cultural practices by abusive states. Now the international law of human rights is faced with a fundamental difficulty that is rooted in the basic structure of international law and international society as a whole. International society has developed as a society of sovereign states, which is wholly dependent on the will of its member states for its effective operation. Within this context, international law has similarly developed as law made by states for states. At the same time, it cannot be denied that most governments face challenges arising out of abusive behaviour with religion or belief. Abuse of religion and belief by states for political purposes, as well as the existence of precepts running counter to international human rights law, are challenges must be addressed under International law. But the clerics politicising Islam in its own way, UN is not able to intervene in domestic affairs pertaining to human rights violations of the Islamic States.

Many areas of continuing concern for human rights in Iran are noted in the work. Take the case of minority groups, for instance, which want from Iranian government the dignity of equal treatment as Iranian citizens. The reform necessary to achieve this goal would involve addressing religious, legal and social obstacles to equality. The state would need to allow the open expression of alternative interpretations of Islamic theology on the subject of civil rights by clergy and citizens. A national debate on this question has been suppressed angrily for some time, but it calls for a more open discussion in public. Legal reforms are necessary to remove explicit barriers to equality under the law, and to clarify or remove areas of ambiguity, such as the crime of 'insulting Islamic sanctities.' At the social level, minorities must be accepted as full participants in public life free to associate, have equal opportunities for education, and fair access to job opportunities. A vast and increasing number of Iranians share this vision of equality, but there remains a long road ahead.

Similarly, women, juvenile minorities are facing problems because of their human right violations. It is true that Post-revolutionary Iranian society has undergone tremendous structural, demographic, social and cultural changes. Despite the persistence of regional disparities, modernization policies implemented by the Islamic Republic have led to a sharp increase in urbanization, have narrowed the gap between urban and rural areas, and have made possible the

access of the overwhelming majority of the population to education and health facilities, electricity, drinking water, roads, etc. This in turn has led to a change in lifestyles and a rise in expectations and demands of the population. The change, however, has had the most crucial ongoing impact on women who are reassessing modern values and behaviour, restructuring their lives, questing for autonomy, aspiring to equal rights and opportunities, and forming new identities. Iranian women who do not perceive themselves exclusively as mothers and wives but also as individuals now challenge patriarchal family order founded on male domination and the Islamic laws and institutions that tend to enforce patriarchy and gendered relations within both the public and the private spheres. Women who play a key role in the education of their children have also challenged patriarchal order by adopting modern values and ethics.

Finally, this study proposes that the Press Law be revised and amended. The restrictions on press freedom must be removed and freedom of the press guaranteed and protected consistent with international human rights instruments and in accordance with the norms and standards set out in the International Bill of Human Rights, to which Iran is a Party. The Press Law must cease all punitive measures against the press and journalists arising from their criticism or deviation from government policy, and protect an appeal to an independent tribunal. A fair and public hearing should be held in presence of a jury composed of representatives from different walks of life, not the government before a partial and corrupt judicial body. The involvement of the Islamic Revolutionary Courts and the Special Court for Clergy in press offences should be prohibited. The Press Law should eliminate the issuance of permits for the press by the government so that restriction requirements for publications do not infringe on freedom of the press. The law should abolish the censorship process for the publication of books and film production. The Constitution should also be amended to prohibit the state monopoly over mass media (article 175), and to allow independent radio and television stations.

The main objective of the existing universal human rights regime is not to impose a jacket of arbitrary and homogenizing uniformity among diverse cultural traditions. Instead, the goal of universalism is to create a floor below which no society can stop in the treatment of its citizens. Conversely, universalism has never aspired to establish an upper ceiling of what the ideal or

maximum level of human rights should be, leaving such improvements and enhancements to each individual culture in accordance with its resources and abilities. All major international instruments and treaties, such as the United Nations Charter, the Universal Declaration of Human Rights, together with its binding Covenants (ICCPR and ICESCR), and all major international conventions such as the convention against torture, slavery, and genocide, are attempts at universalizing only the minimum standards of treatment of all individuals.

There is no argument that communities/countries/regions have separate cultures. It is a given condition in examining this whole issue. It is also a fact that there was an imposition of culture on other peoples done by Western countries during the height of colonialism. It was an attempt at changing the cultures existing in colonized communities. The universality of human rights is thus in question. Views about this issue are quite diverse. There are those who believe in cultural relativism and thus would support different conceptions of human rights based on dissimilar cultural contexts. Others believe that human rights, by nature, should be considered universal despite differing cultural contexts. And there are also those who consider both views and advocate a middle ground that serves to accommodate varying cultural contexts and yet still assert a certain degree of universality of human rights.

The kind of cultural relativism that demands tolerance for dissimilar ways of resolving rights problems in different cultures seems legitimate. Likewise, the cultural relativism that calls for the West to forbear condemning intact traditional societies as defective because they fail to protect human rights according to modern international standards seems justifiable. What does not seem defensible is cultural relativism that would insulate the conduct of modern nation-states from critical scrutiny because the states claimed to be following the dictates of a religion or a local culture that exempted them from duty to abide by the standards of international human rights. (Mayer 1991: 21)

Any legal system, including Shari'a, should accept the reality of the modern concept of the nation state in international law and accommodate the recognition of cultural diversity and the equality of all citizens before the law. Muslim countries should promote the idea of a free and democratic society and guarantee their citizenry rights as individuals. Islamic human rights declarations

should recognize fundamental universal human rights and provide adequate protections for civil and political rights and liberties, without subjecting those rights to Shari'a qualifications and criteria. This would certainly improve the human rights situation in Muslim countries, including Iran.

## Appendix: 1. The Constitution of the Islamic Republic of Iran

In the Name of God the Merciful and the Beneficent 24 of Aban, 1358 of the Solar Year

This Constitution of The Islamic Republic of Iran was approved on the twenty-fourth day of Aban in the year 1358 of the solar Islamic calendar, corresponding to the twenty fourth day of Dhillhijja in the year 1399 of the lunar Islamic calendar, or November 15, 1979

### *Chapter I*

#### *General Principles*

##### *Article 1*

The form of government of Iran is that of an Islamic Republic, which received an affirmative vote from the Iranian people on the basis of their long-standing belief in the Qur'anic government of truth and justice, after their victorious Islamic Revolution led by the eminent marja'-i taqlid, Ayatollah al-Uzma Imam Khomeini, in the referendum of Farvardin 9 and 10 in the year 1358 of the solar Islamic calendar, corresponding to Jummadi al-Ula 1 and 2 in the year 1399 of the lunar Islamic calendar [March 29 and 30,1979].

##### *Article 2*

The Islamic Republic is a system of government based on belief in:

- a. the One God (as stated in the Islamic creed "There is no god but God"), His exclusive possession of sovereignty and the right to legislate, and the necessity of submission to His commands;
- b. divine revelation and its fundamental role in the expounding of laws;
- c. the return to God in the hereafter, and the constructive role of this belief in man's ascending progress toward God;
- d. the justice of God in creation and legislation;
- e. continuous leadership and guidance, and its fundamental role in assuring the continuity of the revolution of Islam;
- f. the exalted dignity and value of man, and his freedom, joined to responsibilities, before God; which secures equity, justice, political, economic, social, and cultural independence, and national solidarity, by recourse to:
  1. continuous ijtihad of the fuqaha possessing the necessary qualifications, exercised on the basis of the Book of God and the Sunna of the Ma'sumin, upon all of whom be peace;
  2. recourse to arts and sciences and the most advanced results of human experience, together with the effort to carry them still farther forward;
  3. rejection of all forms of oppression, both the infliction and the endurance of it, and of dominance, both its imposition and its acceptance.

##### *Article 3*

In order to attain the objectives specified in Article 2, the government of the Islamic Republic of Iran has the duty of directing all its resources to the following goals:

- a. the creation of a favorable environment for the growth of spiritual virtues based upon faith and piety and the struggle against all forms of vice and corruption;
- b. raising the level of public awareness in all areas, through the correct use of the press, the mass media, and other means;
- c. free education and physical training for everyone at all levels, and the facilitation and expansion of higher education;
- d. strengthening the spirit of inquiry, investigation, and initiative in all areas of science, technology, and culture, as well as Islamic studies, by establishing research centers and encouraging researchers;
- e. the complete expulsion of imperialism and the prevention of foreign influence;
- f. the elimination of all forms of tyranny and autocracy and all attempts to monopolize power;
- g. the securing of political and social freedoms within the limits of the law;
- h. ensuring the participation of the entire people in the determination of their political, economic, social, and cultural destiny;
- i. the abolition of all forms of impermissible discrimination and the provision of just opportunities for all, in both material and non-material matters;
- j. the creation of a proper administrative system and the elimination of unnecessary government organizations;
- k. strengthening the defense of the nation to the utmost degree by means of universal military training for the sake of preserving the independence, territorial integrity, and Islamic order of the country;
- l. the planning of a correct and just economic system, in accordance with Islamic criteria, in order to create prosperity, remove poverty, and abolish all forms of deprivation with respect to food, housing, work, and health care, and the provision of universal insurance;
- m. the attainment of self-sufficiency in industrial, agricultural, and military science, and technology, and all related matters;
- n. securing the comprehensive rights of all citizens both women and men, and the establishment of judicial security for all, as well as the equality of all before the law;
- o. the expansion and strengthening of Islamic brotherhood and public cooperation among all the people;
- p. the formulation of the foreign policy of the country on the basis of Islamic criteria, brotherly commitment to all Muslims, and the unstinting support of all oppressed and deprived people throughout the world.

#### *Article 4*

All civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all laws and regulations, and the fuqaha on the Council of Guardians have the duty of supervising its implementation.

#### *Article 5*

During the Occultation of the Lord of the Age (may God hasten his renewed manifestation!), the governance and leadership of the nation devolve upon the just and pious faqih who is acquainted with the circumstances of his age; courageous, resourceful, and possessed of administrative ability; and recognized and accepted as leader by the majority of the people. In the event that no faqih should be so recognized by the majority, the leader, or the Leadership Council, composed of fuqaha possessing the aforementioned qualifications, will assume these responsibilities in accordance with Article 107.

#### *Article 6*

In the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed by means of elections, including the election of the President of the Republic, the representatives of the National Consultative Assembly, and the members of councils, or by means of referenda in matters specified in other articles of this Constitution.

#### *Article 7*

In accordance with the command of the Qur'an contained in the verses "Their affairs are by consultation among them" (42:38) and "Consult them on affairs" (3:159), councils and consultative bodies—such as the National Consultative Assembly, the Provincial Councils, the Municipal Councils, and the City, Neighborhood, Division, and Village Councils—belong to the decision making and administrative organs of the country.

The nature of these councils, together with the manner of their formation and the limits of their powers and functions, is determined by the Constitution and laws arising from it.

#### *Article 8*

In the Islamic Republic of Iran, summoning men to good by enjoining good and forbidding evil is a universal and mutual duty that must be fulfilled by the people with respect to each other, by the government with respect to the people, and by the people with respect to the government. The conditions, limits, and nature of this duty will be specified by law. This is in accordance with the Qur'anic verse "The believers, men and women, are the protectors of each other; they enjoin the good and forbid the evil" (9:71).

#### *Article 9*

In the Islamic Republic of Iran, the freedom, independence, unity, and territorial integrity of the country are inseparable from each other, and their preservation is the duty of the government and of all individual citizens. No individual, group, or authority has the right to infringe in the slightest way upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom. Similarly, no authority has the right to withdraw legitimate freedoms, even by establishing laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.

#### *Article 10*

In accordance with the verse "This your nation is a single nation, and I am your Lord, so worship Me," all Muslims form a single nation, and the government of the Islamic Republic of Iran has the duty of formulating its general policies with a view to the merging and union of all Muslim peoples, and it must constantly strive to bring about the political, economic, and cultural unity of the Islamic world.

#### *Article 11*



Since the family is the fundamental unit of Islamic society, all pertinent laws, regulations, and programs must tend to facilitate the foundation of a family and to protect the sanctity and stability of family relations on the basis of the law and the ethics of Islam.

#### *Article 12*

The official religion of Iran is Islam and the Twelver Ja'fari school of thought, and this principle shall remain eternally immutable. Other Islamic schools of thought, including the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi schools, are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious devotions. These schools enjoy official status for the purposes of religious education and matters of personal status (marriage, divorce, inheritance, and bequests), being accepted in the courts for cases relating to such matters. In areas of the country where Muslims following one of these schools of thought constitute the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school of thought, without infringing upon the rights of the followers of other schools.

#### *Article 13*

Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, with the right freely to perform their religious ceremonies within the limits of the law and to act according to their own customs in matters of personal status and religious education.

#### *Article 14*

In accordance with the verse "God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes" (60:8), the government of the Islamic Republic of Iran and all Muslims are duty bound to treat non-Muslims in an ethical fashion and in accordance with Islamic justice and equity and to respect their Human Rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.

### ***Chapter II***

#### ***The Language, Script, Calendar, and Flag of the Country***

#### *Article 15*

The official language and script of Iran, the lingua franca of its people, is Persian. Official documents, correspondence, and texts as well as schoolbooks must be in this language and script. The use of regional and national (qaumi) languages in the press and mass media, however, as well as for teaching in schools the literatures written in them, is permitted in addition to Persian.

#### *Article 16*

Since the language of the Qur'an and of Islamic learning and culture is Arabic, and since Persian literature has been thoroughly permeated by this language, it must be taught in all classes from elementary school through middle school, and in all areas of study.

#### *Article 17*

The official calendar of the country takes as its point of departure the migration of the Prophet of Islam—God's peace and blessings upon him and his family! Both the solar and the lunar Islamic calendars are recognized, but government offices will base their operations on the solar calendar. The official weekly holiday is Friday.

#### *Article 18*

The official flag of Iran is green, white, and red and bears the special emblem of the Islamic Republic together with the words "Allahu Akbar."

### ***Chapter III***

#### ***The Rights of the People***

#### *Article 19*

Whatever the ethnic group or tribe to which they belong, all people of Iran enjoy equal rights, and factors such as color, race, and language do not bestow any privilege.

#### *Article 20*

All citizens of the nation, both women and men, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.

#### *Article 21*

The government must assure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following goals:

- a. create a favorable environment for the growth of woman's personality and the restoration of her rights, tangible and intangible;
- b. the protection of mothers, particularly during pregnancy and child rearing, and the protection of children without guardians;
- c. the creation of a competent court to protect and preserve the family;
- d. the provision of special insurance for widows and aged and destitute women;
- e. the granting of guardianship of children to their mothers whenever suitable in order to protect the interests of the children, in the absence of a legal guardian.

#### *Article 22*

The dignity, life, property, rights, dwelling, and occupation of the individual are inviolate, except in cases sanctioned by the law.

#### *Article 23*

The interrogation of persons concerning their opinions is forbidden, and no one may be molested or taken to task simply for holding a certain opinion.

*Article 24*

Publications and the press are free to present all matters except those that are detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by the law.

*Article 25*

The inspection of letters and the failure to deliver them, the recording and disclosure of telephone conversations, the disclosure of telegraphic and telex communications or the willful failure to transmit them, wiretapping, and all forms of covert investigation are forbidden, except as provided by law.

*Article 26*

The formation of political and professional parties, associations, and societies, as well as religious societies, whether they be Islamic or pertain to one of the recognized religious minorities, is freely permitted on condition that they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them.

*Article 27*

Public gatherings and marches may freely be held, on condition that arms are not carried and that they are not detrimental to the fundamental principles of Islam.

*Article 28*

Everyone has the right to choose any employment he wishes, if it is not opposed to Islam, the public interest, or the rights of others. The government has the duty, while bearing in mind the needs of society for different kinds of work, to provide every citizen with the opportunity to work, and to create equal conditions for obtaining it.

*Article 29*

The right to benefit from social security with respect to retirement, unemployment, old age, disability, and destitution benefits, as well as benefits relating to being stranded and emergencies, health services, medicine, and medical care, provided through insurance or other means, is a universal right.

The government must assure the foregoing rights and financial protection by drawing on the national income, in accordance with the law, and on income derived from the participation of the people.

*Article 30*

The government must provide all citizens with free education to the end of middle school, and must expand higher education to the level required by the country for self-sufficiency.

*Article 31*

To own a dwelling commensurate with one's needs is the right of every individual and family in Iran. The government must make land available for the implementation of this principle, according priority to those whose need is greatest, in particular the rural population and the workers.

*Article 32*

No one can be arrested except in accordance with judgment and the procedure established by law. In the case of arrest, charges and supporting evidence must be communicated immediately in writing to the prisoner and be elucidated to him, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible. Punishments for the infringement of these principles will be determined by law.

*Article 33*

No one can be banished from his place of residence, prevented from residing in his preferred location, or compelled to reside in a given locality, except as provided in law

*Article 34*

It is the indisputable right of every citizen to seek justice, and everyone may have access to the competent courts in order to present his case. All members of the nation have the right of access to such courts, and no one can be barred from courts to which they have a legal right of recourse.

*Article 35*

Both parties to a dispute have the right in all courts of law to select a lawyer, and if they are unable to do so, arrangements must be made to provide them with legal counsel.

*Article 36*

The passing and execution of sentence must be performed only by the appropriate court and in accordance with law.

*Article 37*

Innocence is to be presumed, and no one is to be regarded as guilty unless his guilt has been established by the competent court.

*Article 38*

Any form of torture for the purpose of extracting confessions or gaining information is forbidden. It is not permissible to compel individuals to give testimony, make confessions, or swear oaths, and any testimony, confession, or oath obtained in this fashion is worthless and invalid. Punishments for the infringement of these principles will be determined by law.

*Article 39*

All affronts to the dignity and honor of persons arrested, detained, imprisoned, or banished in accordance with the law, whatever form they may take, are forbidden and punishable.

*Article 40*

No one can make the exercise of his rights a pretext for harming others or encroaching on the public interest.

*Article 41*

Iranian nationality is the indisputable right of every Iranian, and the government cannot withdraw nationality from any Iranian unless he himself requests it or acquires the nationality of another country.

*Article 42*

Foreign nationals may acquire Iranian nationality within the framework of the relevant laws. Nationality may be withdrawn from such persons if another state accepts them as its nationals or if they request it.

***Chapter IV***

***Economy and Financial Affairs***

*Article 43*

In order that the economic independence of society may be secured, poverty and deprivation uprooted, and the needs of man in his process of growth and advancement satisfied, while at the same time preserving his liberty, the economy of the Islamic Republic of Iran is to be based on the following criteria:

- a. the provision of basic necessities to all citizens: accommodation, food, clothing, health care, medicine, education, and the necessary facilities for the establishment of a family;
- b. assuring conditions and possibilities of employment for everyone, with a view to attaining full employment; placing the means of labor at the disposal of everyone who is able to work but lacks the means, in the form of cooperatives; and granting interest-free loans or recourse to any other legitimate means that neither results in the concentration of wealth in the hands of a few individuals or its circulation among them nor turns the government into a major or dominant employer. These steps must be taken with due regard for the necessities determining public planning of the national economy at each stage of its growth;
- c. the drawing up of the economic plan for the country in such a manner that the form, content, and hours of work of every individual will leave him, in addition to his labor, sufficient opportunity and strength to engage in intellectual, political, and social self-development, active participation in the leadership of the country, and the improvement of his skills and sense of initiative;
- d. respect for the right to choose freely one's job; refraining from compelling anyone to engage in a particular job; and preventing the exploitation of another's labor;
- e. forbidding the infliction of harm upon others, monopoly, hoarding, usury, and other evil and forbidden practices;
- f. the prohibition of extravagance and wastefulness in all matters related to the economy, including consumption, investment, production, distribution, and services;
- g. the utilization of science and technology, and the training of skilled individuals in accordance with need for the sake of the development and progress of the country's economy;
- h. prevention of foreign economic domination over the country's economy;
- i. emphasis on the increase of agricultural, livestock, and industrial production in order to satisfy public needs and to make the country self-sufficient and independent.

*Article 44*

The economic system of the Islamic Republic of Iran is to consist of three sectors: state, cooperative, and private, and is to be based on orderly and correct planning.

The state sector is to include all large-scale and major industries, foreign trade, major mineral resources, banking, insurance, energy, dams and large-scale irrigation networks, radio and television, post, telegraphic and telephone services, aviation, shipping, roads, railroads and the like; all these will be publicly owned and administered by the state.

The cooperative sector is to include cooperative companies and institutions concerned with production and distribution, established in both the cities and the countryside, in accordance with Islamic criteria.

The private sector consists of those activities concerned with agriculture, animal husbandry, industry, trade, and services that supplement the economic activities of the state and cooperative sectors.

Ownership in each of these three sectors is protected by the laws of the Islamic Republic, to the extent permitted by the other articles of this chapter, and on condition that such ownership does not go beyond the bounds of Islamic law, that it contributes to the economic growth and progress of the country, and that it does not harm society.

The [precise] scope of each of the three sectors, as well as the regulations and conditions governing their operation, will be specified by law.

#### *Article 45*

Public wealth and property, such as uncultivated or abandoned land, minerals, seas, lakes, rivers and other public bodies of water, mountains, valleys, forests, marshland, natural forests, unenclosed pasture land, legacies without heirs, property of undetermined ownership, and public property recovered from usurpers, shall be at the disposal of the Islamic government for it to use in accordance with the public interest. Law will specify detailed arrangements for the utilization of each of the foregoing items.

#### *Article 46*

Everyone is the owner of the fruits of his legitimate business and labor, and no one may deprive another of the opportunity of work under the pretext of this ownership.

#### *Article 47*

Private ownership, legitimately achieved, is to be respected. The relevant criteria are determined by law.

#### *Article 48*

All forms of discrimination among the various provinces must be avoided in the exploitation of natural resources, in the utilization of public income, and in the distribution of economic activities among the various provinces and regions of the country, thereby ensuring that every region has access to the necessary capital and facilities in accordance with its needs and capacity for growth.

#### *Article 49*

The government has the responsibility of confiscating all wealth resulting from usury, usurpation, bribery, embezzlement, theft, gambling, misuse of endowments, misuse of government contracts and transactions, the sale of uncultivated lands and other categories of land inherently subject to public ownership, the operation of houses of ill-repute, and other illicit sources. When appropriate, such wealth must be restored to its legitimate owner, and if no such owner can be identified, it must be placed in the public treasury. The application of this principle must be accompanied by due investigation and verification in accordance with the law of Islam and carried out by the government.

*Article 50*

The preservation of the environment in which present and future generations are charged with the construction of a progressive society is regarded as a public duty in the Islamic Republic. Economic and other activities that tend consistently to pollute the environment or inflict irreparable damage on it are therefore forbidden.

*Article 51*

No form of taxation may be imposed except in accordance with the law. Provisions for tax exemption and reduction will be determined by law.

*Article 52*

The annual budget of the country will be drawn up by the government, in the manner specified by law, and submitted to the National Consultative Assembly for discussion and approval. Any change in the figures contained in the budget will be in accordance with the procedures established in law.

*Article 53*

All sums received by the government will be concentrated in accounts at the central treasury, and all disbursements shall be within the allocations approved in accordance with law.

*Article 54*

The National Accounting Agency is to be directly under the supervision of the National Consultative Assembly. Its organization and mode of operation, in Tehran and in provincial centers, are to be determined by law.

*Article 55*

The Accounting Agency will investigate and/or audit, in the manner prescribed by law, all the accounts of ministries, state institutions, and companies that benefit in any way from the general budget of the country. It will ensure that no expenditure exceeds the allocations approved and that all sums are spent for the proper purpose. It will collect all relevant accounts, bills, records, and documents, in accordance with law, and submit to the National Consultative Assembly a report for the settlement of each year's budget together with its own comments. This report must be made available to the public.

***Chapter V***

***The Right of National Sovereignty and the Powers Deriving Therefrom***

*Article 56*

Absolute sovereignty over the world and man belongs to God, and it is He Who has placed man in charge of his social destiny. No one can deprive man of this God-given right, nor subordinate it to the interests of a given individual or group. The people exercise this God-given right by the paths specified in the articles below.

*Article 57*

The powers of government in the Islamic Republic consist of the legislative, the judiciary, and the executive powers, functioning under the supervision of those invested with governance and leadership and in accordance with articles

of this Constitution. These powers are independent of each other, and communication among them will be ensured by the President of the Republic.

#### *Article 58*

The exercise of the legislative power is by means of the National Consultative Assembly, consisting of the elected representatives of the people. Legislation approved by this body, after completion of the stages specified in the articles below, is communicated to the executive and the judiciary for implementation.

#### *Article 59*

In economic, political, social, and cultural matters of great importance, it is possible for the legislative power to be exercised by means of a referendum and direct consultation with the people to determine their views. Any request for such direct consultation must be approved by two-thirds of the members of the National Consultative assembly.

#### *Article 60*

The exercise of the executive power is by means of the President of the Republic, the Prime Minister, and the ministers, except for matters directly assigned to the leadership by this Constitution

#### *Article 61*

The exercise of the judiciary power is by means of courts of justice, which are to be formed in accordance with the criteria of Islam and are to examine and settle cases, protect the rights of the public, dispense and enact justice, and establish the divine limits.

### ***Chapter VI***

#### ***The Legislative Power***

##### ***Section One***

#### ***The National Consultative Assembly***

##### *Article 62*

The National Consultative Assembly consists of the representatives of the people elected directly and by secret ballot. The qualifications of electors and candidates, as well as the method of election, will be specified by law.

##### *Article 63*

The term of membership in the National Consultative Assembly is four years. Elections for each term must take place before the end of the preceding term, so that the country is never without an Assembly.

##### *Article 64*

There are to be two hundred seventy members of the National Consultative Assembly. After every ten years, if the population of the country has increased, representatives will be added to each electoral district at the rate of one per every 150,000 additional persons. The Zoroastrians and Jews will each elect one representative; Assyrian and Chaldean Christians will jointly elect one representative; and Armenian Christians in the north and those in the south of the country will each elect one representative. If the population of these minorities increases, they will be given



additional representatives at the rate of one per 150,000. Regulations concerning elections will be established by law.

*Article 65*

After the holding of elections, sessions of the National Consultative Assembly are considered legal when two thirds of the total members are present. Drafts and bills presented to the Assembly will be approved in accordance with the internal protocol approved by it, except in cases where the Constitution has specified a certain quorum. The agreement of two-thirds of all members present is necessary for the approval of the internal protocol of the Assembly.

*Article 66*

The manner of election of the president and governing body of the Assembly, the number of commissions and their term of office, and matters relating to the discussions and disciplinary regulations of the Assembly will be determined by the internal protocols of the Assembly.

*Article 67*

Members of the Assembly must swear the following oath at the first session of the Assembly and affix their signatures to its text:

In the Name of God, the Compassionate, the Merciful In the presence of the Glorious Qur'an, I swear by God, the Powerful and Almighty, and undertake, relying upon my honor as a human being, to protect the sanctity of Islam and guard the accomplishments of the Islamic Revolution of the Iranian people and the foundations of the Islamic Republic; to protect, as just trustee, the trust bestowed upon me by the people; to observe piety in fulfilling my duties as a member of the assembly; to be constantly devoted to the independence and advancement of the country, the protection of the rights of the nation, and the service of the people; to defend the Constitution; and to bear in mind, both in speech and writing and in the expression of opinion, the independence of the country, the freedom of the people, and the securing of their interests.

Members belonging to the religious minorities will mention their own sacred books when swearing this oath.

Members not participating in the first session will perform the ceremony of swearing the oath at the first session they attend.

*Article 68*

In time of war and the military occupation of the country, elections due to be held in occupied areas or nation wide may be delayed for a specified period if proposed by the President of the Republic, and approved by three fourths of the total members of the National Consultative Assembly, with the endorsement of the Council of Guardians. If a new Assembly cannot be formed, the previous one will continue to function.

*Article 69*

The deliberations of the National Consultative Assembly must be held in public, and a full report of them made available to the public by the radio and the official gazette. A closed session may be held in emergencies, if it is required for national security, upon the demand of the Prime Minister, one of the ministers, or ten members of the Assembly. Legislation passed at a closed session is valid only when approved by three-fourths of the members in the presence of the Council of Guardians. After emergency conditions have ceased to apply, the minutes of such closed sessions, together with any legislation approved in them, must be made available to the public.

#### *Article 70*

The President, the Prime Minister, and the ministers have the right to participate in the open sessions of the Assembly either collectively or individually. If the members of the Assembly deem it necessary, the President of the Republic, the Prime Minister, and the ministers are obliged to attend. Conversely, whenever they request it, their statements are to be heard.

Any invitation to the President of the Republic to attend the Assembly must be approved by a majority of the members .

#### ***Section Two***

#### ***Powers and Authority of the National Consultative Assembly***

#### *Article 71*

The National Consultative Assembly can establish laws on all matters, within the limits of its competence as laid down in the Constitution.

#### *Article 72*

The National Consultative Assembly cannot enact laws contrary to the principles and ordinances of the official religion of the country or to the Constitution. It is the duty of the Council of Guardians to determine whether a violation has occurred, in accordance with Article 96.

#### *Article 73*

The interpretation of ordinary laws falls within the competence of the National Consultative Assembly. The intent of this Article does not prevent the interpretations that judges may make in the course of cassation.

#### *Article 74*

Bills are presented to the National Consultative Assembly after receiving the approval of the Council of Ministers. Draft bills may be introduced in the National Consultative Assembly if sponsored by at least fifteen members.

#### *Article 75*

Drafts, proposals, and amendments to bills already proposed by members that entail the reduction of the public income or the increase of public expenditure may be introduced in the Assembly only if means for compensating for the decrease in income or for securing the new expenditure are also specified.

#### *Article 76*

The National Consultative Assembly has the right to investigate and examine all the affairs of the country.

#### *Article 77*

Treaties, international undertakings, and other agreements of a similar nature must be approved by the National Consultative Assembly.

*Article 78*

All changes in the boundaries of the country are forbidden, with the exception of minor rectifications in keeping with the interests of the country, on condition that they are not unilateral, do not encroach on the independence and territorial integrity of the country, and receive the approval of four-fifths of the total members of the National Consultative Assembly.

*Article 79*

The establishment of martial law is forbidden. In case of war or emergency conditions akin to war, the government has the right to impose temporarily certain essential restrictions, with the agreement of the National Consultative Assembly. In no case can such restrictions last for more than thirty days; if the need for them persists beyond thirty days, the government must obtain new authorization for them from the Assembly.

*Article 80*

The taking and giving of loans or grants-in-aid, domestic and foreign, must be approved by the National Consultative Assembly.

*Article 81*

The granting of concessions to foreigners for the formation of companies or institutions for commercial, industrial, and agricultural purposes, or for the extraction of minerals, is absolutely forbidden.

*Article 82*

The employment of foreign experts is forbidden, except in cases of necessity and with the approval of the National Consultative Assembly.

*Article 83*

Government buildings and properties forming part of the national patrimony cannot be transferred except with the approval of the National Consultative Assembly; unique and irreplaceable treasures are not covered by this exception.

*Article 84*

Every member is responsible to the entire nation, and has the right to express his opinion on all matters of domestic and foreign policy.

*Article 85*

Membership in the National Consultative Assembly applies to the individual and cannot be delegated. The Assembly cannot assign the power of legislation to a single individual or to a group. In cases of overriding need, however, it can delegate the establishment of certain categories of law to its internal commissions, in accordance with Article 72. In such a case, the laws will be executed on an experimental basis for a period specified by the Assembly, and their final approval will depend on the Assembly [as a whole].

*Article 86*

Members of the Assembly are completely free to express their views in the course of performing their duties as members, and they cannot be prosecuted or arrested for opinions expressed in the Assembly or views uttered [elsewhere] in the course of performing their duty.

*Article 87*

The Council of Ministers, after being formed and presented to the Assembly and before all other business, must obtain a vote of confidence from the Assembly. During its incumbency, it can also request a vote of confidence from the Assembly on important questions or matters being disputed.

*Article 88*

Whenever a member of the Assembly poses a question to a minister on a subject relating to his duties, the minister is obliged to attend the Assembly and answer the question. His answer must not be delayed more than ten days, except with an excuse deemed valid by the National Consultative Assembly.

*Article 89*

Members of the Assembly can interpellate the Council of Ministers or an individual minister in instances they deem necessary. Interpellations can be tabled if they bear the signatures of ten members. The Council of Ministers or interpellated minister must be present in the Assembly within ten days after the tabling of the interpellation in order to answer it and seek a vote of confidence. If the Council of Ministers or the minister concerned fails to attend the Assembly, the members who tabled the interpellation will explain their reasons, and the Assembly will declare a vote of no confidence if it deems it necessary.

If the Assembly does not give a vote of confidence, the Council of Ministers or minister subject to interpellation is dismissed. In both cases, the Prime Minister and the ministers subject to interpellation cannot participate in the next Council of Ministers to be formed.

*Article 90*

Whoever has a complaint concerning the work of the Assembly, the executive power, or the judicial power can present his complaint in writing to the Assembly. The Assembly must investigate his complaint and give an adequate response. In cases where the complaint relates to the executive or the judiciary, the Assembly must demand investigation and the furnishing of an adequate response from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the result must be made public.

*Article 91*

In order to protect the ordinances of Islam and the Constitution by assuring that legislation passed by the National Consultative Assembly does not conflict with them, a council to be known as the Council of Guardians is to be established with the following composition:

- a. six just fuqaha, conscious of current needs and the issues of the day, to be selected by the leader or the Leadership Council; and
- b. six jurists, specializing in different areas of law, to be elected by the National Consultative Assembly from among the Muslim jurists presented to it by the Supreme Judicial Council.

*Article 92*

Members of the Council of Guardians are selected to serve for a period of six years, but during the first term, after three years have passed, two members of each group will be changed by lottery and new members will be selected in their place.

*Article 93*

The National Consultative Assembly does not have legal validity if there is no Council of Guardians in existence other than to approve the credentials of its members and select the six jurists who are to sit on the Council of Guardians.

*Article 94*

All legislation passed by the National Consultative Assembly must be sent to the Council of Guardians. The Council of Guardians must review it within a maximum of ten days from its receipt with a view to ensuring its compatibility with the criteria of Islam and the Constitution. If it finds the legislation not so compatible, it will return it to the Assembly for review. If the Council fails to do the foregoing, legislation passed by the Assembly acquires the force of law.

*Article 95*

In cases where the Council of Guardians deems ten days inadequate for completing the process of review and delivering a definitive opinion, it can request an extension of not more than ten days from the National Consultative Assembly, stating its reason for the request.

*Article 96*

The determination of whether legislation passed by the National Consultative Assembly is compatible with the ordinances of Islam depends on a majority vote by the fuqaha on the Council of Guardians; and the determination that it is compatible with the Constitution requires a majority vote by all members of the Council of Guardians.

*Article 97*

In order to accelerate their work, the members of the Council of Guardians may attend the Assembly and listen to its debates when a bill or draft is under discussion. When an urgent draft or bill has been inscribed on the agenda of the Assembly, the members of the Council of Guardians must attend the Assembly and make their views known.

*Article 98*

The interpretation of the Constitution is the responsibility of the Council of Guardians, and depends on the approval of three-fourths of its members.

*Article 99*

The Council of Guardians has the responsibility of supervising the election of the President of the Republic, the elections for the National Consultative Assembly, and the direct consultation of popular opinion and referenda.

***Chapter VII***

***Councils***

*Article 100*

In order to carry forward swiftly social, economic, development, public health, cultural, and educational programs, as well as other projects promoting the well-being of society, in collaboration with the people and with regard for local administrative needs in each village, division, city, municipality, and province, the administration of each village, division, city, municipality, and province will be supervised by a council to be known as the Village Division, City, Municipality, or Provincial Council. The members of each of these councils will be elected by the people of the locality in question.

Qualifications for the electors and candidates for these councils, as well as their functions and powers, the method of election to them, the way in which they exercise their supervision, and the chain of authority that is to exist among them, will be determined by law, in such a way as to preserve national unity, territorial integrity, the system of the Islamic Republic, and the primacy of the central government.

#### *Article 101*

In order to prevent discrimination and attract the cooperation [of the people] in the preparation of programs for the development and prosperity of the provinces and in the harmonious implementation of such programs, a Supreme Council of the Provinces will be formed, composed of representatives of the Provincial Councils. Law will specify the manner in which this council is to be formed and the functions that it is to fulfill.

#### *Article 102*

The Supreme Council of the Provinces has the right, within the limits of its power, to prepare draft plans and to submit them to the National Consultative Assembly, either directly or by way of the government. These drafts must be examined by the Assembly.

#### *Article 103*

Provincial governors, city governors, divisional governors, and other officials appointed by the government must respect all decisions taken by the councils within the limits of their powers.

#### *Article 104*

In order to ensure Islamic equity and collaboration in the preparation of programs and to bring about the harmonious progress of all units of production, both industrial and agricultural, councils consisting of the representatives of the workers, peasants, other employees, and managers, will be formed. In educational, administrative, service, and other units, similar councils will be formed, composed of representatives of the members of those units.

The manner in which these councils are to be formed together with their functions and powers, is to be specified by law.

#### *Article 105*

Decisions taken by the councils must not contradict the criteria of Islam and the laws of the country.

#### *Article 106*

The councils may not be dissolved unless they deviate from their legal duties. The body responsible for determining whether such deviation has occurred, as well as the manner for dissolving the councils and re-forming them, will be specified by law.

## *Chapter VIII*

### *The Leader or Leadership Council*

#### *Article 107*

Whenever one of the fuqaha possessing the qualifications specified in Article 5 of the Constitution is recognized and accepted as marja' and leader by a decisive majority of the people—as has been the case with the exalted marja'-i taqlid and leader of the revolution, Ayatullah al-Uzma Imam Khomeini—he is to exercise governance and all the responsibilities arising therefrom. If such should not be the case, experts elected by the people will review and consult among themselves concerning all persons qualified to act as marja' and leader. If they discern outstanding capacity for leadership in a certain marja', they will present him to the people as their leader; if not, they will appoint either three or five marja's possessing the necessary qualifications for leadership and present them as members of the Leadership Council.

#### *Article 108*

The law setting out the number and qualifications of the experts [mentioned in the preceding article], the manner of their election, and the internal protocol regulating the sessions of their first term must be drawn up by the fuqaha on the first Council of Guardians, and be approved by a majority among them and then by the Leader of the Revolution. Any subsequent change or review of the law [in question] may be undertaken by the Assembly of Experts.

#### *Article 109*

The following are the qualifications and attributes of the leader or members of the Leadership Council:

- a. suitability with respect to learning and piety, as required for the functions of mufti and marja'
- b. political and social perspicacity, courage, strength, and the necessary administrative abilities for leadership.

#### *Article 110*

The leadership is to be assigned the following duties and powers:

- a. appointment of the fuqaha on the Council of Guardians;
- b. appointment of the supreme judicial authority of the country;
- c. supreme command of the armed forces, exercised in the following manner:
  - (i) appointment and dismissal of the chief of the general staff;
  - (ii) appointment and dismissal of the commander in-chief of the Corps of Guards of the Islamic Revolution
  - (iii) the formation of a Supreme National Defense Council, composed of the following seven members:
    - the President
    - the Prime Minister
    - the minister of defense
    - the chief of the general staff

- the commander-in-chief of the Corps of Guards of the Islamic Revolution
- two advisers appointed by the leader

(iv) appointment of the supreme commanders of the three branches of the armed forces, based upon the recommendation of the Supreme National Defense Council;

(v) the declaration of war and peace, and the mobilization of the armed forces, based on the recommendation of the Supreme National Defense Council;

d. signing the decree [formalizing the election] of the President of the Republic after his election by the people. The suitability of candidates for the presidency of the Republic, with respect to the qualifications specified in the Constitution, must be confirmed before elections take place by the Council of Guardians, and, in the case of the first term, by the leadership.

e. dismissal of the President of the Republic, with due regard for the interests of the country, after the issue of a judgment by the Supreme Court convicting him of failure to fulfill his legal duties, or a vote of the National Consultative Assembly testifying to his political incompetence; f. pardoning or reducing the sentences of convicts, within the bounds of Islamic criteria, after receiving a recommendation [to that effect] from the Supreme Court.

#### *Article 111*

Whenever the leader or one member of the Leadership Council becomes incapable of fulfilling the legal duties of leadership, or loses one of the qualifications mentioned in Article 109, he will be dismissed. Determination [of the necessity of such dismissal] will be made by the experts mentioned in Article 108.

Regulations for the convening of the experts in order to implement this provision will be established at the first session of the Assembly of Experts.

#### *Article 112*

The leader or the members of the Leadership Council are equal before the law with all other citizens.

### ***Chapter IX***

#### ***The Executive Power***

##### ***Section One***

##### ***The Presidency***

#### *Article 113*

After the leadership, the President of the Republic is the highest official position in the country. His is the responsibility for implementing the Constitution, ordering relations among the three powers, and heading the executive power except in matters pertaining directly to the leadership.

#### *Article 114*

The President of the Republic is elected for a four-year term by the direct consultation of the popular vote. He may be re-elected only once to serve a successive term.



*Article 115*

The President of the Republic must be elected from among religious and political personalities possessing the following qualifications: Iranian origin; Iranian nationality; administrative and managerial capacities; a good past record; trustworthiness; piety; convinced belief in the fundamental principles of the Islamic Republic of Iran and the official school of thought of the country.

*Article 116*

Candidates for the post of President of the Republic must announce their candidacy officially. Law establishes the manner in which the President of the Republic is to be elected.

*Article 117*

The President of the Republic is elected by an absolute majority of votes of all participants [in the election]. But if none of the candidates is able to win such a majority in the first round of voting, voting will take place a second time on Friday of the following week. In the second round, only the two candidates who received the most votes in the first round will participate. If, however, some of the candidates who gained the most votes in the first round withdraw from the elections, the final choice will be between the two candidates who won more votes than all the remaining candidates.

*Article 118*

Responsibility for the supervision of the election of the President of the Republic lies with the Council of Guardians, as stipulated in Article 99. Before the establishment of the first Council of Guardians, however, it lies with a supervisory body to be established by law.

*Article 119*

The election of a new President of the Republic must take place no later than one month before the end of the term of the preceding President. In the interval between the election of the new President and the end of the term of the preceding President, the outgoing President performs the duties of President of the Republic.

*Article 120*

If any of the candidates whose suitability is established in terms of the qualifications listed above should die ten days before balloting day, the elections will be postponed for two weeks. If one of the candidates holding the most votes dies in the interval between the first and second rounds of voting, the period for holding [the second round of] the election will be extended for two weeks.

*Article 121*

The President of the Republic must swear and affix his signature to the following oath at a session of the National Consultative Assembly in the presence of the head of the Supreme Court and the members of the Council of Guardians of the Constitution:

*In the Name of God, the Compassionate, the Merciful*

As President of the Republic, I swear, in the presence of the Noble Qur'an and the people of Iran, by God, Powerful and Almighty, that I will guard the official school of thought of the country, the order of the Islamic Republic and the Constitution of the country; that I will devote all my capacities and abilities to the fulfillment of the

responsibilities that I have assumed; that I will devote myself to the service of the people, the advancement of the country the propagation of religion and morality, and the support of truth and justice; that I will protect the freedom and dignity of all citizens and the rights that the Constitution has accorded the people; that in guarding the frontiers and the political, economic, and cultural independence of the country I will not shirk any necessary measure, that seeking help from God and following the Prophet of Islam and the Immaculate Imams (peace be upon them), I will guard the power vested in me by the people as a sacred trust, as a pious and selfless trustee, and surrender it to whomever the people may elect after me.

*Article 122*

The President of the Republic is responsible to the people within the limits of his functions and powers. The manner in which possible violation of this responsibility is to be investigated will be determined by law.

*Article 123*

The President of the Republic has the responsibility of signing legislation approved by the Assembly or the result of a referendum after the legal procedures have been completed and it has been communicated to him. After signature, he must forward it to the responsible authorities for implementation.

*Article 124*

The President of the Republic will nominate a candidate for the post of Prime Minister, and after obtaining a vote of endorsement from the National Consultative Assembly, he will issue a decree appointing his Prime Minister.

*Article 125*

The President or his legal representative signs pacts, conventions, treaties, and other agreements concluded by the Iranian government with other governments, as well as agreements pertaining to international organizations. after obtaining the approval of the National Consultative Assembly.

*Article 126*

Statutes and governmental protocols will be communicated to the President of the Republic after being approved by the Council of Ministers. If he deems them contrary to law, he returns them to the Council of Ministers for review, stating his reasons for so doing.

*Article 127*

Whenever the President of the Republic considers it necessary, he may attend and preside over sessions of the Council of Ministers.

*Article 128*

The President of the Republic signs the credentials of ambassadors being sent to foreign countries and receives the credentials presented by the ambassadors of foreign countries.

*Article 129*

The award of state decorations is a prerogative of the President of the Republic.

*Article 130*

In case of the absence or illness of the President of the Republic, his duties will be performed by a council called the Temporary Presidential Council, consisting of the Prime Minister, the president of the National Consultative Assembly, and the president of the Supreme Court, on condition that the circumstances excusing the President last not longer than two months. Similarly, in case of the dismissal of the President, or if the term of one President has come to an end and various obstacles have prevented the election of a new President, the duties of the President of the Republic will also be exercised by this council .

#### *Article 131*

In the case of death, resignation, illness lasting longer than two months, dismissal of the President of the Republic, or similar circumstances, the Temporary Presidential Council must arrange for a new President of the Republic to be elected within a maximum of fifty days. During this period, it will carry out all the functions and powers of the President except the initiation of referenda.

#### *Article 132*

During the period when the functions of President of the Republic are assigned to the Temporary Presidential Council, it is not possible to interpellate the government, to pass a vote of no confidence in it, or to undertake any steps for a review of the Constitution.

### ***Section Two***

#### ***The Prime Minister and Ministers***

#### *Article 133*

Ministers will be appointed upon the proposal of the Prime Minister together with the approval of the President of the Republic, and will be presented to the Assembly for a vote of confidence.

The number of ministers and the limits of the power of each will be determined by law.

#### *Article 134*

The Prime Minister is the head of the Council of Ministers. He supervises the work of the ministers and takes all necessary measures to coordinate the decisions of the government. With the cooperation of the ministers, he determines the program and policies of the government and executes the law. The Prime Minister is responsible to the Assembly for the actions of his ministers.

#### *Article 135*

The Prime Minister retains his position as long as he enjoys the confidence of the Assembly. The resignation of the government is to be presented to the President of the Republic, and the Prime Minister is to continue his functions until a new government is appointed.

#### *Article 136*

Whenever the Prime Minister wishes to dismiss a minister and appoint another in his place, both the dismissal and the appointment must be approved by the President of the Republic, and a vote of confidence must be obtained from the Assembly for the new minister. If half the members of the Council of Ministers change after the government has received its vote of confidence from the Assembly, the government must seek a new vote of confidence from the Assembly.

*Article 137*

Each of the ministers is responsible for his duties to the Assembly, but in matters that have been approved by the Council of Ministers as a whole, he is also responsible for the actions of the others.

*Article 138*

In addition to instances in which the Council of Ministers or a single minister is given the responsibility for drawing up regulations for the implementation of laws, the Council of Ministers has the right to establish decrees, regulations, and protocols in order to fulfill its administrative duties, secure the implementation of laws, and organize administrative bodies. Each minister also has the right to establish regulations and issue circulars within the limits of his functions and with the approval of the Council of Ministers. The content of all such regulations must not oppose the letter or the spirit of the law.

*Article 139*

The settling of litigation relating to public and state property and the referral thereof to arbitration is in every case dependent on the approval of the Council of Ministers, and the Assembly must be informed of these matters. In cases where one party to the dispute is a foreigner, as well as in important cases that are purely domestic, the approval of the Assembly must also be obtained. Law will specify the important cases intended here.

*Article 140*

Accusations of common crime against the President of the Republic, the Prime Minister, and the ministers will be investigated in common courts of justice after the approval of the National Consultative Assembly has been obtained.

*Article 141*

The President of the Republic, the Prime Minister, ministers, and government employees cannot hold more than one government position, and it is forbidden for them to hold any additional post in institutions of which all or a part of the capital belongs to the government or to public institutions, to be a member of the National Consultative Assembly, to practice the profession of attorney or legal adviser, or to be the president, managing director, or a member of the board of directors of any private company, with the exception of cooperative companies affiliated with government offices and institutions.

Educational positions in universities and research establishments are excepted from this rule.

In time of necessity, the Prime Minister may temporarily assume responsibility for certain ministries.

*Article 142*

The financial holdings of the leader or members of the Leadership Council, the Prime Minister, the President of the Republic, and ministers, as well as their spouses and offspring, are to be examined before and after their term of office by the Supreme Court, in order to ensure they have not increased in a fashion contrary to law.

***Section Three***

***The Army and the Corps of Guards of the Revolution***

*Article 143*

The Army of the Islamic Republic of Iran has the duty of guarding the independence and territorial integrity of the country, as well as the order of the Islamic Republic.

*Article 144*

The Army of the Islamic Republic of Iran must be an Islamic army, i.e., Islamic in its ideological inspiration and popular [in its orientation], and accept into its service individuals who believe in the aims of the Islamic Revolution and are ready to devote themselves to the achievement of those aims.

*Article 145*

No foreigner will be accepted into the Army or security forces of the country.

*Article 146*

The establishment of any kind of foreign military base in Iran, even for peaceful purposes, is forbidden.

*Article 147*

In time of peace, the government must utilize the personnel and technical equipment of the Army in relief operations, educational and productive enterprises, and the Reconstruction Jihad, while fully observing Islamic criteria and ensuring that such utilization does not harm the combat-readiness of the Army.

*Article 148*

All forms of personal use of military vehicles and equipment, as well as personal use of Army personnel as servants and chauffeurs or in similar capacities, are forbidden.

*Article 149*

Promotion and the withdrawal of military rank take place in accordance with law.

*Article 150*

The Corps of Guards of the Islamic Revolution, established in the early days of the triumph of the Revolution, is to be maintained in order that it may continue in its role of guarding the Revolution and its achievements. The duties of this Corps, together with its areas of responsibility, in relation to the duties and areas of responsibility of the other armed forces, are to be determined by law, with emphasis on brotherly cooperation and harmony among them.

*Article 151*

In accordance with the noble Qur'anic verse "Prepare against them whatever force you are able to muster, and horses ready for battle, striking fear into God's enemy and your enemy, and others beyond them unknown to you but known to God" (8:60), the government has the responsibility of providing a program of military training, together with all requisite facilities, for all of its citizens, in accordance with Islamic criteria, in such a way that all citizens will always be able to engage in the armed defense of the Islamic Republic of Iran. The possession of arms, however, requires the granting of permission by the competent authorities.

***Chapter X***

***Foreign Policy***

*Article 152*

The foreign policy of the Islamic Republic of Iran is based upon the rejection of all forms of domination, the preservation of the complete independence and territorial integrity of the country, the defense of the rights of all Muslims, non-alignment with respect to the hegemonist superpowers, and the maintenance of mutually peaceful relations with all non-belligerent states.

*Article 153*

Any form of agreement resulting in foreign domination over the natural resources, economy, army, or culture of the country, as well as other aspects of the national life, is forbidden.

*Article 154*

The Islamic Republic of Iran has as its ideal human happiness throughout human society, and considers the attainment of independence, freedom, and just government to be the right of all peoples in the world. While scrupulously refraining from all forms of aggressive intervention in the internal affairs of other nations, it therefore protects the just struggles of the oppressed and deprived in every corner of the globe.

*Article 155*

The government of the Islamic Republic of Iran may grant political asylum to those who seek it unless they are regarded as traitors and criminals according to the laws of Iran.

***Chapter XI***

***The Judiciary***

*Article 156*

The judiciary is an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice, and entrusted with the following duties:

- a. investigating and passing judgment on grievances, violations of rights, and complaints; the resolving of litigation; the settling of enmities; and the taking of all necessary decisions and measures in probate matters as the law may determine;
- b. restoring public rights and promoting justice and legitimate freedoms;
- c. supervising the correct enforcement of laws;
- d. uncovering crimes; prosecuting, punishing, and chastising criminals; and enacting the penalties and provisions of the Islamic penal code;
- e. taking suitable measures to prevent the occurrence of crime and to reform criminals.

*Article 157*

In order to fulfill the responsibilities of the judiciary, a council to be known as the Supreme Judicial Council will be established, which will be the highest judicial body and entrusted with the following responsibilities:

- a. establishing the necessary procedures in the Ministry of Justice to fulfill the responsibilities specified in Article 156;
- b. preparing bills on judicial matters appropriate to [the form of government of] the Islamic Republic;
- c. employing just and worthy judges, dismissing and appointing them, changing their place of service, assigning them particular functions, promoting them, and carrying out similar administrative duties, in accordance with the law.

*Article 158*

The Supreme Judicial Council is to consist of five members:

- a. the head of the Supreme Court;
- b. the Prosecutor-General;
- c. three judges of proven justice and possessing the quality of mujtahid, to be chosen by all the judges of the country.

The members of this council shall be chosen in the manner to be prescribed by law, for a period of five years, and there is no objection to their being reelected. The qualifications for candidates and electors will be specified by law.

*Article 159*

The Ministry of Justice is the official body to which all grievances and complaints are to be referred. The formation of courts and the definition of their competences is to be determined by law.

*Article 160*

The Minister of Justice has the responsibility for all matters concerning the relationship between the judiciary, on the one hand, and the executive and legislative, on the other hand. He will be chosen from among the individuals proposed to the Prime Minister by the Supreme Judicial Council.

*Article 161*

The Supreme Court is to be formed for the purpose of supervising the correct implementation of the laws, ensuring uniformity of judicial procedure, and fulfilling any other responsibilities assigned to it by law, on the basis of regulations to be established by the Supreme Judicial Council.

*Article 162*

The head of the Supreme Court and the Prosecutor General must both be just mujtahids well versed in judicial matters. They will be nominated by the leadership for a period of five years, in consultation with the Supreme Judicial Council.

*Article 163*

The attributes and qualifications of judge will be determined by law, in accordance with the criteria of fiqh.

*Article 164*

A judge cannot be removed from the post he occupies except by trial and the establishment of guilt, or in consequence of a violation entailing his separation, whether temporarily or permanently. A judge's place of service or post cannot be changed without his consent, unless the interest of society determines otherwise, in accordance with a unanimous vote of the members of the Supreme Judicial Council. The periodic transfer and rotation of judges will be in accordance with general regulations to be established by law.

*Article 165*

Trials are to be held openly and members of the public may freely attend, unless the court determines that an open trial would be contrary to public morality or order, or, in the case of private disputes, both parties request that the hearings should not be open.

*Article 166*

The verdicts of courts must be accompanied by proofs and include mention of the articles, law, and principles in accordance with which they are delivered.

*Article 167*

The judge must attempt to find a basis for judgment for every case in the codified laws of the land. If he is unable to do so, he will issue a verdict based on reference to reputable Islamic sources or fatvas. He cannot refrain from examining cases and delivering a verdict on the pretext of silence, deficiency, brevity, or contradiction in the law.

*Article 168*

Political and press offenses will be tried openly and in the presence of a jury, in courts attached to the Ministry of Justice. The manner of selection, qualifications, and powers of the jury, as well as the definition of political offenses, will be established by law in accordance with Islamic criteria.

*Article 169*

No act or omission may be regarded as a crime on the basis of a law established subsequent to it.

*Article 170*

Judges of courts are obliged to refrain from executing statutes and protocols of the government that are in conflict with the laws or the provisions of Islam, or lie outside the competence of the executive power. Anyone has the right to demand the voiding of any such regulation from the Court of Administrative Justice.

*Article 171*

If an individual suffers moral or material harm as the result of a failure or error of the judge with respect to the subject matter of a case, the verdict delivered, or the implementation of the verdict, the judge must stand surety for the reparation of that harm in accordance with Islamic criteria, if it be a case of failure. Otherwise, losses will be compensated for by the state. In all cases, the repute and good standing of the individual will be restored.

*Article 172*



Military courts will be established by law to investigate crimes committed in connection with their military or security duties by members of the Army, the gendarmerie, the police, and the Corps of Guards of the Islamic Revolution. They will be tried in common courts, however, for common crimes or crimes committed while implementing the directives of the Ministry of Justice. The office of military prosecutor and the military courts form part of the judiciary and are subject to the same principles that regulate the [entire] judiciary.

*Article 173*

In order to investigate the complaints, grievances, and objections of the people with respect to government officials, organs, and statutes, a court will be established to be known as the Court of Administrative Justice. The jurisdiction, powers, and mode of operation of this court will be established by law.

*Article 174*

Based on the right of the judiciary to supervise the proper functioning of affairs and the correct implementation of laws by the administrative organs of the government, an organization will be established under the supervision of the Supreme Judicial Council to be known as the National General Inspectorate. The powers and duties of this organization will be determined by law.

**Chapter XII Mass Media**

*Article 175*

The free diffusion of information and views, in accordance with Islamic criteria, must be assured in the mass media (radio and television). The media are to be administered under the joint supervision of the three powers—the judiciary (Supreme Judicial Council), the legislative, and the executive—in a manner to be determined by law.

---

**Glossary**

**"Allahu akbar:"** God is the greatest

**faqih:** a scholar of the Islamic religious sciences, especially jurisprudence.

**fiqh:** jurisprudence; the study and elaboration of Islamic law.

**fuqaha:** plural of faqih: a scholar of the Islamic religious sciences.

**ijtihad:** the deduction of particular applications of Islamic law from its sources and general principles by a religious scholar who possesses the appropriate qualifications.

**marja'-i taqlid:** a mujtahid whose authoritative guidance is followed in matters of Islamic practice and law.

**ma'sumin:** those divinely endowed with the attribute 'ismat, (freedom from error and the commission of major sin; in Shi'i Muslim belief, the Prophet, his daughter Fatima, and the Twelve Imams.)

**mufiti:** a religious scholar qualified to deliver a fatva, (authorative expression of opinion on a question of religious law.)

***mujtahid***: a religious scholar qualified to engage in *ijtihad* .

***Occultation of the Lord of the Age***: the withdrawal from the manifest plane of the Twelfth Imam in the year 260/874; he will return to this plane when God wills.

***Reconstruction Jihad***: a service organization established after the triumph of the Revolution to perform essential tasks of rural and urban reconstruction.

***Sunna***: the normative practice of the Prophet Muhammad.

## Appendix: 2. Universal Declaration of Human Rights 1948

On 10 December 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. Following this historic act, the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

### PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for Human Rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that Human Rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental Human Rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of Human Rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore **THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS** as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### Article 1.

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### Article 2.

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

#### Article 3.

- Everyone has the right to life, liberty and security of person.

**Article 4.**

- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5.**

- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6.**

- Everyone has the right to recognition everywhere as a person before the law.

**Article 7.**

- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8.**

- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9.**

- No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10.**

- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11.**

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12.**

- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13.**

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

**Article 14.**

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15.**

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16.**

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17.**

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

**Article 18.**

- Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19.**

- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20.**

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

**Article 21.**

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**Article 22.**

- Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

**Article 23.**

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.

- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

**Article 24.**

- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**Article 25.**

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

**Article 26.**

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for Human Rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27.**

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

**Article 28.**

- Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**Article 29.**

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30.**

- Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

## Appendix: 3. Universal Islamic Declaration of Human Rights

21 Dhul Qaidah 1401 19 September 1981

### Contents

Foreword
Preamble
I Right to Life
II Right to Freedom
III Right to Equality and Prohibition Against Impermissible Discrimination
IV Right to Justice
V Right to Fair Trial
VI Right to Protection Against Abuse of Power
VII Right to Protection Against Torture
VIII Right to Protection of Honour and Reputation
IX Right to Asylum
X Rights of Minorities
XI Right and Obligation to Participate in the Conduct and Management of Public Affairs
XII Right to Freedom of Belief, Thought and Speech
XIII Right to Freedom of Religion
XIV Right to Free Association
XV The Economic Order and the Rights Evolving Therefrom
XVI Right to Protection of Property
XVII Status and Dignity of Workers
XVIII Right to Social Security
XIX Right to Found a Family and Related Matters
XX Rights of Married Women
XXI Right to Education
XXII Right of Privacy
XXIII Right to Freedom of Movement and Residence
Explanatory Notes
Glossary of Arabic Terms
References

*This is a declaration for mankind, a guidance and instruction to those who fear God.  
(Al Qur'an, Al-Imran 3:138)*

#### **Foreword**

Islam gave to mankind an ideal code of Human Rights fourteen centuries ago. These rights aim at conferring honour and dignity on mankind and eliminating exploitation, oppression and injustice.

Human Rights in Islam are firmly rooted in the belief that God, and God alone, is the Law Giver and the Source of all Human Rights. Due to their Divine origin, no ruler, government, assembly or authority can curtail or violate in any way the Human Rights conferred by God, nor can they be surrendered.

Human Rights in Islam are an integral part of the overall Islamic order and it is obligatory on all Muslim governments and organs of society to implement them in letter and in spirit within the framework of that order.

It is unfortunate that Human Rights are being trampled upon with impunity in many countries of the world, including some Muslim countries. Such violations are a matter of serious concern and are arousing the conscience of more and more people throughout the world.

I sincerely hope that this *Declaration of Human Rights* will give a powerful impetus to the Muslim peoples to stand firm and defend resolutely and courageously the rights conferred on them by God.

This *Declaration of Human Rights* is the second fundamental document proclaimed by the Islamic Council to mark the beginning of the 15th Century of the Islamic era, the first being the *Universal Islamic Declaration* announced at the International Conference on The Prophet Muhammad (peace and blessings be upon him) and his Message, held in London from 12 to 15 April 1980.

The *Universal Islamic Declaration of Human Rights* is based on the Qur'an and the *Sunnah* and has been compiled by eminent Muslim scholars, jurists and representatives of Islamic movements and thought. May God reward them all for their efforts and guide us along the right path.

Paris 21 Dhul Qaidah 1401 Salem Azzam  
19th September 1981 *Secretary General*

*O men! Behold, We have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another. Verily, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is all-knowing, all aware.*  
(*Al Qur'an, Al-Hujurat 49:13*)

### ***Preamble***

*WHEREAS* the age-old human aspiration for a just world order wherein people could live, develop and prosper in an environment free from fear, oppression, exploitation and deprivation, remains largely unfulfilled;

*WHEREAS* the Divine Mercy unto mankind reflected in its having been endowed with super-abundant economic sustenance is being wasted, or unfairly or unjustly withheld from the inhabitants of the earth;

*WHEREAS* Allah (God) has given mankind through His revelations in the Holy Qur'an and the *Sunnah* of His Blessed Prophet Muhammad an abiding legal and moral framework within which to establish and regulate human institutions and relationships;

*WHEREAS* the Human Rights decreed by the Divine Law aim at conferring dignity and honour on mankind and are designed to eliminate oppression and injustice;

*WHEREAS* by virtue of their Divine source and sanction these rights can neither be curtailed, abrogated or disregarded by authorities, assemblies or other institutions, nor can they be surrendered or alienated;

*Therefore we, as Muslims, who believe*

a) in God, the Beneficent and Merciful, the Creator, the Sustainer, the Sovereign, the sole Guide of mankind and the Source of all Law;

b) in the Vicegerency (Khilafah) of man who has been created to fulfill the Will of God on earth;



c) in the wisdom of Divine guidance brought by the Prophets, whose mission found its culmination in the final Divine message that was conveyed by the Prophet Muhammad (Peace be upon him) to all mankind;

d) that rationality by itself without the light of revelation from God can neither be a sure guide in the affairs of mankind nor provide spiritual nourishment to the human soul, and, knowing that the teachings of Islam represent the quintessence of Divine guidance in its final and perfect form, feel duty-bound to remind man of the high status and dignity bestowed on him by God;

e) in inviting all mankind to the message of Islam;

f) that by the terms of our primeval covenant with God our duties and obligations have priority over our rights, and that each one of us is under a bounden duty to spread the teachings of Islam by word, deed, and indeed in all gentle ways, and to make them effective not only in our individual lives but also in the society around us;

g) in our obligation to establish an Islamic order:

i) wherein all human beings shall be equal and none shall enjoy a privilege or suffer a disadvantage or discrimination by reason of race, colour, sex, origin or language;

ii) wherein all human beings are born free;

iii) wherein slavery and forced labour are abhorred;

iv) wherein conditions shall be established such that the institution of family shall be preserved, protected and honoured as the basis of all social life;

v) wherein the rulers and the ruled alike are subject to, and equal before, the Law;

vi) wherein obedience shall be rendered only to those commands that are in consonance with the Law;

vii) wherein all worldly power shall be considered as a sacred trust, to be exercised within the limits prescribed by the Law and in a manner approved by it, and with due regard for the priorities fixed by it;

viii) wherein all economic resources shall be treated as Divine blessings bestowed upon mankind, to be enjoyed by all in accordance with the rules and the values set out in the Qur'an and the *Sunnah*;

ix) wherein all public affairs shall be determined and conducted, and the authority to administer them shall be exercised after mutual consultation (*Shura*) between the believers qualified to contribute to a decision which would accord well with the Law and the public good;

x) wherein everyone shall undertake obligations proportionate to his capacity and shall be held responsible pro rata for his deeds;

xi) wherein everyone shall, in case of an infringement of his rights, be assured of appropriate remedial measures in accordance with the Law;

xii) wherein no one shall be deprived of the rights assured to him by the Law except by its authority and to the extent permitted by it;

xiii) wherein every individual shall have the right to bring legal action against anyone who commits a crime against society as a whole or against any of its members;

xiv) wherein every effort shall be made to

(a) secure unto mankind deliverance from every type of exploitation, injustice and oppression,

(b) ensure to everyone security, dignity and liberty in terms set out and by methods approved and within the limits set by the Law;

*Do hereby, as servants of Allah and as members of the Universal Brotherhood of Islam, at the beginning of the Fifteenth Century of the Islamic Era, affirm our commitment to uphold the following inviolable and inalienable Human Rights that we consider are enjoined by Islam.*

### ***I Right to Life***

a) Human life is sacred and inviolable and every effort shall be made to protect it. In particular no one shall be exposed to injury or death, except under the authority of the Law.

b) Just as in life, so also after death, the sanctity of a person's body shall be inviolable. It is the obligation of believers to see that a deceased person's body is handled with due solemnity.

### ***II Right to Freedom***

a) Man is born free. No inroads shall be made on his right to liberty except under the authority and in due process of the Law.

b) Every individual and every people has the inalienable right to freedom in all its forms— physical, cultural, economic and political — and shall be entitled to struggle by all available means against any infringement or abrogation of this right; and every oppressed individual or people has a legitimate claim to the support of other individuals and/or peoples in such a struggle.

### ***III Right to Equality and Prohibition Against Impermissible Discrimination***

a) All persons are equal before the Law and are entitled to equal opportunities and protection of the Law.

b) All persons shall be entitled to equal wage for equal work.

c) No person shall be denied the opportunity to work or be discriminated against in any manner or exposed to greater physical risk by reason of religious belief, colour, race, origin, sex or language.

### ***IV Right to Justice***

a) Every person has the right to be treated in accordance with the Law, and only in accordance with the Law.

b) Every person has not only the right but also the obligation to protest against injustice; to recourse to remedies provided by the Law in respect of any unwarranted personal injury or loss; to self-defence against any charges that are preferred against him and to obtain fair adjudication before an independent judicial tribunal in any dispute with public authorities or any other person.

c) It is the right and duty of every person to defend the rights of any other person and the community in general (*Hisbah*).

- d) No person shall be discriminated against while seeking to defend private and public rights.
- e) It is the right and duty of every Muslim to refuse to obey any command which is contrary to the Law, no matter by whom it may be issued.

#### ***V Right to Fair Trial***

- a) No person shall be adjudged guilty of an offence and made liable to punishment except after proof of his guilt before an independent judicial tribunal.
- b) No person shall be adjudged guilty except after a fair trial and after reasonable opportunity for defence has been provided to him.
- c) Punishment shall be awarded in accordance with the Law, in proportion to the seriousness of the offence and with due consideration of the circumstances under which it was committed.
- d) No act shall be considered a crime unless it is stipulated as such in the clear wording of the Law.
- e) Every individual is responsible for his actions. Responsibility for a crime cannot be vicariously extended to other members of his family or group, who are not otherwise directly or indirectly involved in the commission of the crime in question.

#### ***VI Right to Protection Against Abuse of Power***

Every person has the right to protection against harassment by official agencies. He is not liable to account for himself except for making a defence to the charges made against him or where he is found in a situation wherein a question regarding suspicion of his involvement in a crime could be *reasonably* raised

#### ***VII Right to Protection Against Torture***

No person shall be subjected to torture in mind or body, or degraded, or threatened with injury either to himself or to anyone related to or held dear by him, or forcibly made to confess to the commission of a crime, or forced to consent to an act which is injurious to his interests.

#### ***VIII Right to Protection of Honour and Reputation***

Every person has the right to protect his honour and reputation against calumnies, groundless charges or deliberate attempts at defamation and blackmail.

#### ***IX Right to Asylum***

- a) Every persecuted or oppressed person has the right to seek refuge and asylum. This right is guaranteed to every human being irrespective of race, religion, colour and sex.
- b) Al Masjid Al Haram (the sacred house of Allah) in Mecca is a sanctuary for all Muslims.

#### ***X Rights of Minorities***

a) The Qur'anic principle "There is no compulsion in religion" shall govern the religious rights of non-Muslim minorities.

b) In a Muslim country religious minorities shall have the choice to be governed in respect of their civil and personal matters by Islamic Law, or by their own laws.

#### ***XI Right and Obligation to Participate in the Conduct and Management of Public Affairs***

a) Subject to the Law, every individual in the community (*Ummah*) is entitled to assume public office.

b) Process of free consultation (*Shura*) is the basis of the administrative relationship between the government and the people. People also have the right to choose and remove their rulers in accordance with this principle.

#### ***XII Right to Freedom of Belief, Thought and Speech***

a) Every person has the right to express his thoughts and beliefs so long as he remains within the limits prescribed by the Law. No one, however, is entitled to disseminate falsehood or to circulate reports which may outrage public decency, or to indulge in slander, innuendo or to cast defamatory aspersions on other persons.

b) Pursuit of knowledge and search after truth is not only a right but a duty of every Muslim.

c) It is the right and duty of every Muslim to protest and strive (within the limits set out by the Law) against oppression even if it involves challenging the highest authority in the state.

d) There shall be no bar on the dissemination of information provided it does not endanger the security of the society or the state and is confined within the limits imposed by the Law.

e) No one shall hold in contempt or ridicule the religious beliefs of others or incite public hostility against them; respect for the religious feelings of others is obligatory on all Muslims.

#### ***XIII Right to Freedom of Religion***

Every person has the right to freedom of conscience and worship in accordance with his religious beliefs.

#### ***XIV Right to Free Association***

a) Every person is entitled to participate individually and collectively in the religious, social, cultural and political life of his community and to establish institutions and agencies meant to enjoin what is right (*ma'roof*) and to prevent what is wrong (*munkar*).

b) Every person is entitled to strive for the establishment of institutions whereunder an enjoyment of these rights would be made possible. Collectively, the community is obliged to establish conditions so as to allow its members full development of their personalities.

#### ***XV The Economic Order and the Rights Evolving Therefrom***

a) In their economic pursuits, all persons are entitled to the full benefits of nature and all its resources. These are blessings bestowed by God for the benefit of mankind as a whole.

b) All human beings are entitled to earn their living according to the Law.

c) Every person is entitled to own property individually or in association with others. State ownership of certain economic resources in the public interest is legitimate.

d) The poor have the right to a prescribed share in the wealth of the rich, as fixed by Zakah, levied and collected in accordance with the Law.

e) All means of production shall be utilised in the interest of the community (*Ummah*) as a whole, and may not be neglected or misused.

f) In order to promote the development of a balanced economy and to protect society from exploitation, Islamic Law forbids monopolies, unreasonable restrictive trade practices, usury, the use of coercion in the making of contracts and the publication of misleading advertisements.

g) All economic activities are permitted provided they are not detrimental to the interests of the community (*Ummah*) and do not violate Islamic laws and values.

#### ***XVI Right to Protection of Property***

No property may be expropriated except in the public interest and on payment of fair and adequate compensation.

#### ***XVII Status and Dignity of Workers***

Islam honours work and the worker and enjoins Muslims not only to treat the worker justly but also generously. He is not only to be paid his earned wages promptly, but is also entitled to adequate rest and leisure.

#### ***XVIII Right to Social Security***

Every person has the right to food, shelter, clothing, education and medical care consistent with the resources of the community. This obligation of the community extends in particular to all individuals who cannot take care of themselves due to some temporary or permanent disability.

#### ***XIX Right to Found a Family and Related Matters***

a) Every person is entitled to marry, to found a family and to bring up children in conformity with his religion, traditions and culture. Every spouse is entitled to such rights and privileges and carries such obligations as are stipulated by the Law.

b) Each of the partners in a marriage is entitled to respect and consideration from the other.

c) Every husband is obligated to maintain his wife and children according to his means.

d) Every child has the right to be maintained and properly brought up by its parents, it being forbidden that children are made to work at an early age or that any burden is put on them which would arrest or harm their natural development.

e) If parents are for some reason unable to discharge their obligations towards a child it becomes the responsibility of the community to fulfill these obligations at public expense.

f) Every person is entitled to material support, as well as care and protection, from his family during his childhood, old age or incapacity. Parents are entitled to material support as well as care and protection from their children.

g) Motherhood is entitled to special respect, care and assistance on the part of the family and the public organs of the community (*Ummah*).

h) Within the family, men and women are to share in their obligations and responsibilities according to their sex, their natural endowments, talents and inclinations, bearing in mind their common responsibilities toward their progeny and their relatives.

i) No person may be married against his or her will, or lose or suffer diminution of legal personality on account of marriage.

#### ***XX Rights of Married Women***

Every married woman is entitled to:

a) live in the house in which her husband lives;

b) receive the means necessary for maintaining a standard of living which is not inferior to that of her spouse, and, in the event of divorce, receive during the statutory period of waiting (*iddah*) means of maintenance commensurate with her husband's resources, for herself as well as for the children she nurses or keeps, irrespective of her own financial status, earnings, or property that she may hold in her own rights;

c) seek and obtain dissolution of marriage (*Khul'a*) in accordance with the terms of the Law. This right is in addition to her right to seek divorce through the courts.

d) inherit from her husband, her parents, her children and other relatives according to the Law;

e) strict confidentiality from her spouse, or ex-spouse if divorced, with regard to any information that he may have obtained about her, the disclosure of which could prove detrimental to her interests. A similar responsibility rests upon her in respect of her spouse or ex-spouse.

#### ***XXI Right to Education***

a) Every person is entitled to receive education in accordance with his natural capabilities.

b) Every person is entitled to a free choice of profession and career and to the opportunity for the full development of his natural endowments.

#### ***XXII Right of Privacy***

Every person is entitled to the protection of his privacy.

#### ***XXIII Right to Freedom of Movement and Residence***

a) In view of the fact that the World of Islam is veritably *Ummah Islamia*, every Muslim shall have the right to freely move in and out of any Muslim country.

b) No one shall be forced to leave the country of his residence, or be arbitrarily deported therefrom without recourse to due process of Law.

#### ***Explanatory Notes***

1 In the above formulation of Human Rights, unless the context provides otherwise:

a) the term 'person' refers to both the male and female sexes.

b) the term 'Law' denotes the *Shari'ah*, i.e. the totality of ordinances derived from the Qur'an and the *Sunnah* and any other laws that are deduced from these two sources by methods considered valid in Islamic jurisprudence.

2 Each one of the Human Rights enunciated in this declaration carries a corresponding duty.

3 In the exercise and enjoyment of the rights referred to above every person shall be subject only to such limitations as are enjoined by the Law for the purpose of securing the due recognition of, and respect for, the rights and the freedom of others and of meeting the just requirements of morality, public order and the general welfare of the Community (*Ummah*).

The Arabic text of this *Declaration* is the original.

## **Appendix: 4. Cairo Declaration on Human Rights in Islam, Aug. 5, 1990**

The Nineteenth Islamic Conference of Foreign Ministers (Session of Peace, Interdependence and Development), held in Cairo, Arab Republic of Egypt, from 9-14 Muharram 1411H (31 July to 5 August 1990),

Keenly aware of the place of mankind in Islam as vicegerent of Allah on Earth;

Recognizing the importance of issuing a Document on Human Rights in Islam that will serve as a guide for Member states in all aspects of life;

Having examined the stages through which the preparation of this draft Document has so far, passed and the relevant report of the Secretary General;

Having examined the Report of the Meeting of the Committee of Legal Experts held in Tehran from 26 to 28 December, 1989;

Agrees to issue the Cairo Declaration on Human Rights in Islam that will serve as a general guidance for Member States in the Field of Human Rights.

Reaffirming the civilizing and historical role of the Islamic Ummah which Allah made as the best community and which gave humanity a universal and well-balanced civilization, in which harmony is established between hereunder and the hereafter, knowledge is combined with faith, and to fulfill the expectations from this community to guide all humanity which is confused because of different and conflicting beliefs and ideologies and to provide solutions for all chronic problems of this materialistic civilization.

In contribution to the efforts of mankind to assert Human Rights, to protect man from exploitation and persecution, and to affirm his freedom and right to a dignified life in accordance with the Islamic Shari'ah.

Convinced that mankind which has reached an advanced stage in materialistic science is still, and shall remain, in dire need of faith to support its civilization as well as a self motivating force to guard its rights;

Believing that fundamental rights and freedoms according to Islam are an integral part of the Islamic religion and that no one shall have the right as a matter of principle to abolish them either in whole or in part or to violate or ignore them in as much as they are binding divine commands, which are contained in the Revealed Books of Allah and which were sent through the last of His Prophets to complete the preceding divine messages and that safeguarding those fundamental rights and freedoms is an act of worship whereas the neglect or violation thereof is an abominable sin, and that the safeguarding of those fundamental rights and freedom is an individual responsibility of every person and a collective responsibility of the entire Ummah;

Do hereby and on the basis of the above-mentioned principles declare as follows:

### ARTICLE 1:

(a) All human beings form one family whose members are united by their subordination to Allah and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations. The true religion is the guarantee for enhancing such dignity along the path to human integrity.



(b) All human beings are Allah's subjects, and the most loved by Him are those who are most beneficial to His subjects, and no one has superiority over another except on the basis of piety and good deeds.

ARTICLE 2:

(a) Life is a God-given gift and the right to life is guaranteed to every human being. It is the duty of individuals, societies and states to safeguard this right against any violation, and it is prohibited to take away life except for a shari'ah prescribed reason.

(b) It is forbidden to resort to any means which could result in the genocidal annihilation of mankind.

(c) The preservation of human life throughout the term of time willed by Allah is a duty prescribed by Shari'ah.

(d) Safety from bodily harm is a guaranteed right. It is the duty of the state to safeguard it, and it is prohibited to breach it without a Shari'ah-prescribed reason.

ARTICLE 3:

(a) In the event of the use of force and in case of armed conflict, it is not permissible to kill non-belligerents such as old men, women and children. The wounded and the sick shall have the right to medical treatment; and prisoners of war shall have the right to be fed, sheltered and clothed. It is prohibited to mutilate or dismember dead bodies. It is required to exchange prisoners of war and to arrange visits or reunions of families separated by circumstances of war.

(b) It is prohibited to cut down trees, to destroy crops or livestock, to destroy the enemy's civilian buildings and installations by shelling, blasting or any other means.

ARTICLE 4:

Every human being is entitled to human sanctity and the protection of one's good name and honour during one's life and after one's death. The state and the society shall protect one's body and burial place from desecration.

ARTICLE 5:

(a) The family is the foundation of society, and marriage is the basis of making a family. Men and women have the right to marriage, and no restrictions stemming from race, colour or nationality shall prevent them from exercising this right.

(b) The society and the State shall remove all obstacles to marriage and facilitate it, and shall protect the family and safeguard its welfare.

ARTICLE 6:

(a) Woman is equal to man in human dignity, and has her own rights to enjoy as well as duties to perform, and has her own civil entity and financial independence, and the right to retain her name and lineage.

(b) The husband is responsible for the maintenance and welfare of the family.

ARTICLE 7:

(a) As of the moment of birth, every child has rights due from the parents, the society and the state to be accorded proper nursing, education and material, hygienic and moral care. Both the fetus and the mother must be safeguarded and accorded special care.

(b) Parents and those in such like capacity have the right to choose the type of education they desire for their children, provided they take into consideration the interest and future of the children in accordance with ethical values and the principles of the Shari'ah.

(c) Both parents are entitled to certain rights from their children, and relatives are entitled to rights from their kin, in accordance with the tenets of the shari'ah.

#### ARTICLE 8:

Every human being has the right to enjoy a legitimate eligibility with all its prerogatives and obligations in case such eligibility is lost or impaired, the person shall have the right to be represented by his/her guardian.

#### ARTICLE 9:

(a) The seeking of knowledge is an obligation and provision of education is the duty of the society and the State. The State shall ensure the availability of ways and means to acquire education and shall guarantee its diversity in the interest of the society so as to enable man to be acquainted with the religion of Islam and uncover the secrets of the Universe for the benefit of mankind.

(b) Every human being has a right to receive both religious and worldly education from the various institutions of teaching, education and guidance, including the family, the school, the university, the media, etc., and in such an integrated and balanced manner that would develop human personality, strengthen man's faith in Allah and promote man's respect to and defence of both rights and obligations.

#### ARTICLE 10:

Islam is the religion of true unspoiled nature. It is prohibited to exercise any form of pressure on man or to exploit his poverty or ignorance in order to force him to change his religion to another religion or to atheism.

#### ARTICLE 11:

(a) Human beings are born free, and no one has the right to enslave, humiliate, oppress or exploit them, and there can be no subjugation but to Allah the Almighty.

(b) Colonialism of all types being one of the most evil forms of enslavement is totally prohibited. Peoples suffering from colonialism have the full right to freedom and self-determination. It is the duty of all States peoples to support the struggle of colonized peoples for the liquidation of all forms of and occupation, and all States and peoples have the right to preserve their independent identity and econtrol over their wealth and natural resources.

#### ARTICLE 12:

Every man shall have the right, within the framework of the Shari'ah, to free movement and to select his place of residence whether within or outside his country and if persecuted, is entitled to seek asylum in another country. The country of refuge shall be obliged to provide protection to the asylum-seeker until his safety has been attained, unless asylum is motivated by committing an act regarded by the Shari'ah as a crime.

#### ARTICLE 13:

Work is a right guaranteed by the State and the Society for each person with capability to work. Everyone shall be free to choose the work that suits him best and which serves his interests as well as those of the society. The employee shall have the right to enjoy safety and security as well as all other social guarantees. He may not be assigned work beyond his capacity nor shall he be subjected to compulsion or exploited or harmed in any way. He shall be entitled - without any discrimination between males and females - to fair wages for his work without delay, as well as to the holidays allowances and promotions which he deserves. On his part, he shall be required to be dedicated and meticulous in his work. Should workers and employers disagree on any matter, the State shall intervene to settle the dispute and have the grievances redressed, the rights confirmed and justice enforced without bias.

ARTICLE 14:

Everyone shall have the right to earn a legitimate living without monopolization, deceit or causing harm to oneself or to others. Usury (riba) is explicitly prohibited.

ARTICLE 15:

(a) Everyone shall have the right to own property acquired in a legitimate way, and shall be entitled to the rights of ownership without prejudice to oneself, others or the society in general. Expropriation is not permissible except for requirements of public interest and upon payment of prompt and fair compensation.

(b) Confiscation and seizure of property is prohibited except for a necessity dictated by law.

ARTICLE 16:

Everyone shall have the right to enjoy the fruits of his scientific, literary, artistic or technical labour of which he is the author; and he shall have the right to the protection of his moral and material interests stemming therefrom, provided it is not contrary to the principles of the Shari'ah.

ARTICLE 17:

(a) Everyone shall have the right to live in a clean environment, away from vice and moral corruption, that would favour a healthy ethical development of his person and it is incumbent upon the State and society in general to afford that right.

(b) Everyone shall have the right to medical and social care, and to all public amenities provided by society and the State within the limits of their available resources.

(c) The States shall ensure the right of the individual to a decent living that may enable him to meet his requirements and those of his dependents, including food, clothing, housing, education, medical care and all other basic needs.

ARTICLE 18:

(a) Everyone shall have the right to live in security for himself, his religion, his dependents, his honour and his property.

(b) Everyone shall have the right to privacy in the conduct of his private affairs, in his home, among his family, with regard to his property and his relationships. It is not permitted to spy on him, to place him under surveillance or to besmirch his good name. The State shall protect him from arbitrary interference.

(c) A private residence is inviolable in all cases. It will not be entered without permission from its inhabitants or in any unlawful manner, nor shall it be demolished or confiscated and its dwellers evicted.

ARTICLE 19:

(a) All individuals are equal before the law, without distinction between the ruler and the ruled.

(b) The right to resort to justice is guaranteed to everyone.

(c) Liability is in essence personal.

(d) There shall be no crime or punishment except as provided for in the Shari'ah.

(e) A defendant is innocent until his guilt is proven in a fast trial in which he shall be given all the guarantees of defence.

ARTICLE 20:

It is not permitted without legitimate reason to arrest an individual, or restrict his freedom, to exile or to punish him. It is not permitted to subject him to physical or psychological torture or to any form of maltreatment, cruelty or indignity. Nor is it permitted to subject an individual to medical or scientific experiments without his consent or at the risk of his health or of his life. Nor is it permitted to promulgate emergency laws that would provide executive authority for such actions.

ARTICLE 21:

Taking hostages under any form or for any purpose is expressly forbidden.

ARTICLE 22:

(a) Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari'ah.

1.. Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari'ah.

(c) Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society or weaken its faith.

(d) It is not permitted to excite nationalistic or doctrinal hatred or to do anything that may be an incitement to any form or racial discrimination.

ARTICLE 23:

(a) Authority is a trust; and abuse or malicious exploitation thereof is explicitly prohibited, in order to guarantee fundamental Human Rights.

(b) Everyone shall have the right to participate, directly or indirectly in the administration of his country's public affairs. He shall also have the right to assume public office in accordance with the provisions of Shari'ah.

ARTICLE 24:

All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah.

ARTICLE 25:

The Islamic Shari'ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.

## **Appendix: 5. International Covenant on Civil and Political Rights**

### **Adopted and opened for signature, ratification and accession by General Assembly resolution of 16 December 1966**

**Entry into force 23 March 1976, in accordance with Article 49**

#### **Preamble**

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, Human Rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

#### ***PART I***

##### ***Article 1***

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

#### ***PART II***

##### ***Article 2***

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

### ***Article 3***

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

### ***Article 4***

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

### ***Article 5***

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental Human Rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

## ***PART III***

### ***Article 6***

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

### ***Article 7***

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

### ***Article 8***

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3.

(a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

### ***Article 9***



1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

### ***Article 10***

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

### ***Article 11***

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

### ***Article 12***

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

### ***Article 13***

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be

allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

#### *Article 14*

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

#### *Article 15*

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

### ***Article 16***

Everyone shall have the right to recognition everywhere as a person before the law.

### ***Article 17***

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

### ***Article 18***

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

### ***Article 19***

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others;
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

### ***Article 20***

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

### ***Article 21***

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

### *Article 22*

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

### *Article 23*

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

### *Article 24*

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

### *Article 25*

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

## ***Article 26***

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

## ***Article 27***

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

## ***PART IV***

## ***Article 28***

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of Human Rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

## ***Article 29***

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.
2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

## ***Article 30***

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.
3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.
4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

### ***Article 31***

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

### ***Article 32***

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.
2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

### ***Article 33***

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

### ***Article 34***

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.
2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.
3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

### ***Article 35***

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

### ***Article 36***

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

### ***Article 37***

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

### ***Article 38***

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

### ***Article 39***

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
  - (a) Twelve members shall constitute a quorum;
  - (b) Decisions of the Committee shall be made by a majority vote of the members present.

### ***Article 40***

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights: (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
  - (b) Thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

### ***Article 41***

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for Human Rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph I of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

## ***Article 42***

1.

(a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission



concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for Human Rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

### ***Article 43***

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

### ***Article 44***

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of Human Rights by or under the constituent instruments and the conventions of the United Nations and of the specialized

agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

#### *Article 45*

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

### *PART V*

#### *Article 46*

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

#### *Article 47*

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

### *PART VI*

#### *Article 48*

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

#### *Article 49*

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

#### *Article 50*

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

### *Article 51*

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

### *Article 52*

1. Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

### *Article 53*

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

## BIBLIOGRAPHY

(\* indicates a primary source)

Abbasi-Shavazi, Mohammad Jalal, et al (2009), *The Fertility Transition in Iran: Revolution and Reproduction*, London: Springer Drodrecht.

Abiad, Nisrine (2008), *Sharia, Muslim States and International Human Rights Treaty Obligations: A comparative study*, London: British Institute of International and Comparative Law.

Abbootalebi, Ali (2000), "The Struggle for Democracy in the Islamic Republic of Iran", *Middle East Review of International Affairs*, 4 (3): 43- 56.

Abrahamian, Ervand (1993), *Khomeinism: Essays on the Islamic Republic*, London: University of California Press.

\_\_\_\_\_ (1999), *Tortured Confessions: Prisons and Public Recantations in Modern Iran*, Berkeley: University of California Press.

\_\_\_\_\_ (2008), *A History Of Modern Iran*, Cambridge: Cambridge University Press.

Ackerly, Brooke A (2008), *Universal Human Rights in a World of Difference*, Melbourne: Cambridge University Press.

(1982), "At war with humanity, A report on the Human Rights record of the Khomeini regime", A publication of the people's Mojahedin organization of Iran, May.

Afary, Janet and Anderson, Kevin B (2005), *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism*, Chicago: The University of Chicago Press.

Afshari, Ali and Underwood, H. Graham (2007), "The Student Movement's Struggle", *Journal of Democracy*, 18 (4): 80-94.

Afshari, Reza (1994), An Essay on Islamic Cultural Relativism in the Discourse of Human Rights, *Human Rights Quarterly*, The Johns Hopkins University Press, May, Vol. 16: 2, pp. 267.

\_\_\_\_\_ (1996), "An Essay on Scholarship, Human Rights, and State Legitimacy: The Case of the Islamic Republic of Iran", *Human Rights Quarterly*, 18 (3): 544-593.

\_\_\_\_\_ (2001), *Human Rights in Iran: the Abuse of Cultural Relativism*, Pennsylvania: University of Pennsylvania Press.

\_\_\_\_\_ (2007), "On Historiography of Human Rights Reflections on Paul Gordon Lauren's The Evolution of International Human Rights: Visions Seen", *Human Rights*

*Quarterly*, The Johns Hopkins University Press: 29, p.4

Ahmed, Mufti M. Mukarram (2005), *Encyclopaedia of Islam*, New Delhi : Anmol Publication Pvt. Ltd.

Akbarzadeh, Shahram and Macqueen, Benjamin (2008), *Islam and Human Rights in Practice: Perspective across the Ummah*, New York: Routledge.

Åkermark, Athanasia Spiliopoulou (1997), *Justifications of Minority Protection in International Law*, Netherlands: Kluwer Law International.

Alavi, Nasrin (2006), *We are Iran*, London: Portobello books ltd.

Alexander, Yonah and Hoenig Milton M. (2008), *The new Iranian leadership: Ahmadinejad, terrorism, nuclear ambition, and the Middle East*, Westport: Praeger Security International.

Al-Jabri, Mohammed Abed (2009), *Democracy, Human Rights and Law in Islamic Thought*, London: I.B.Tauris Publishers.

Ansari, Sarah and Martin, Vanessa (2005), "Women, Religion and Culture in Iran", *Iranian Studies*, 38 (1): 356-362.

Arjomand, Said Amir (1988), *The Turban for the Crown: The Islamic Revolution in Iran*, New York: Oxford University Press.

\_\_\_\_\_ (2009), *After Khomeini: Iran under His Successors*, New York: Oxford University Press, Inc.

Ashraf, Ahmad and Banuazizi, Ali (2001), Iran's Tortuous Path Toward "Islamic Liberalism", *International Journal of Politics, Culture and Society*, Vol. 15: 2, Winter

Avery, Peter (1965), *Modern Iran*, London: Ernest Benn Limited.

Azam torab, (2007), *Performing Islam: Gender and Ritual in Iran*, Leiden: IDC Publishers.

Azimi, Fakhreddin (2008), *The Quest for Democracy in Iran: A Century of Struggle against Authoritarian Rule*, Cambridge: Harvard University Press.

Babgy Laurie M. and Babgy Laurie M. Johnson (2007), *Hobbes's Leviathan: Reader's Guide*.

Ball, Olivia and Gready, Paul (2007), *The No-Nonsense Guide to Human Rights*, UK: New Internationalist.

Barlow, Rebecca and Akbarzadeh, Shahra (2008), "Prospects for Feminism in the Islamic Republic of Iran", *Human Rights Quarterly*, 30 (1): 21–40.

Beeman, William O (2005), *The "great Satan" vs. the "mad mullahs" : how the United States and Iran demonize each other*, Westport: Praeger Publishers.

\*Bencomo, Clarisa (2008), *The last holdouts: ending the juvenile death penalty in Iran, Saudi Arabia*, Human Rights Watch (Organization).

Benjamin, Medea and Evans, Jodie (2005), *How to Stop the Next War Now: Effective Responses to Violence and Terrorism*, Makawao: Inner Ocean Publishing.

Bernstein, Richard B (2004), *Thomas Jefferson: The Revolution of Ideas*, New York: Oxford University Press.

Bielefeldt, Heiner (1995), "Muslim Voices in the Human Rights Debate", *Human Rights Quarterly*, 17 (4): 587-617.

Bob Jessop, Charlie Malcolm-Brown, Russell Wheatley (1999), *Karl Marx's social and political thought: critical assessments*, London, Routledge.

Bodman, Herbert L and Tohidi, Nayereh Esfahlani (1998), *Women in Muslim societies: diversity within unity* (eds), Colorado: Lynne Rienner publisher, Inc

Boroumand, Ladan (2007), "The Untold Story of the Fight for Human Rights", *Journal of Democracy*, 18 (4): 64-79.

Brysk, Alison (2002), *Globalization and Human Rights*, Los Angeles: University of California Press.

Buchanan, Allen (2010), *Human Rights, Legitimacy, and the Use of Force*, New York: Oxford University Press, Inc.

Burke, Roland (2008), "From Individual Rights to National Development: The First UN International Conference on Human Rights Tehran 1968", *Journal of World History*, 19 (3): 275-296.

Cameron, Geoffrey and Danesh, Tahirih (2008), *A Revolution Without Rights? Women, Kurds and Baha'is Searching for Equality in Iran*, United Kingdom: The Foreign Policy Centre.

- Campo, Juan Eduardo, (2009), *Encyclopedia of Islam*, New York: Facts on File, Inc.
- Cavendish Marshall (2006), *World and Its Peoples: Middle East, Western Asia, and Northern Africa*. Vol.11 Routledge's, The Europa World Year Book.
- Chandler, David (2002), *Rethinking Human Rights: Critical Approaches to International Politics*, New York: Palgrave Macmillan Ltd.
- Charles, G. MacDonald and Carole, A. O'Leary (2007), *Kurdish Identity Human Rights and Political Status*, Gainesville: University Press of Florida.
- Christopher B. Gray (1999), *The Philosophy of Law: an Encyclopedia*, Volume 2, United States: Library of congress.
- Chubin, Shahram and Tripp, Charless (1986), *Iran and Iraq: War, Society and Politics 1980-86*, Boulder CO: Programme for Strategic and International Studies.
- Clawson, Patrick and Rubin, Michael (2005), *Eternal Iran: Continuity and Chaos*, New York: Palgrave Macmillan.
- Crane, Keith and Lal, Rollie et al (2008), *Iran's Political, Demographic, and Economic Vulnerabilities*, Santa Monica: RAND Corporation.
- Cronin, Stephanie (2004), *Reformers and Revolutionaries in Modern Iran? New perspectives on the Iranian Left*, London: Routledge Curzon.
- Dalacoura, Katerina (2003), *Islam, Liberalism and Human Rights, Implications for International Relations*, London: I.B. Tauris & Co Ltd.
- Daniel, Elton L (2001), *The history of Iran*, Westport: Greenwood Press
- Daniel, Elton L and Mahdi, Ali Akbar (2006), *Culture and Customs of Iran*, London: Greenwood Press.
- De Witt, Norman W (1999), *St. Paul and Epicurus*, Minnesota: Lund Press
- Delaney, Kate (2006), *Dynamism in Islamic Activism*, Hague/Amsterdam: Amsterdam University Press.
- Deutsch Kenneth L and Fornieri, Joseph R (2009), *An Invitation to Political Thought*, U.S.A. :Michael Rosenberg
- Diamond, Larry and Plattner, Marc F (2003), *Islam and Democracy in the Middle East*, Baltimore: The Johns Hopkins University Press
- Dias, Clarence J. (1993) "The Universality of Human Rights: A Critique", *Lokayan Bulletin*,

New Delhi, India, volume 103.

Donnelly, Jack (1984), Cultural Relativism and Universal Human Rights, *Human Rights Quarterly*, The Johns Hopkins University Press, Nov, Vol. 6:4, pp. 400-419.

\_\_\_\_\_ (1989) *Universal Human Rights in Theory and Practice*, Cornell University Press, New

\_\_\_\_\_ (1993), *International Human Rights*, Westview Press, Colorado.

\_\_\_\_\_ (2007), "The Relative Universality of Human Rights", *Human Rights Quarterly* The Johns Hopkins University Press, 29: 301.

\_\_\_\_\_ (2008), "Human Rights: Both Universal and Relative (A Reply to Michael Goodhart)", *Human Rights Quarterly* The Johns Hopkins University Press, 30, 194.

Douglas, Martin J. (1984), *The Persecution of the Bahá'ís of Iran 1844-1984*, Canada: The Association of Baha'i Studies.

Doyle, Michael W. and Jean Marc Coicaud, et al (2003), *The globalization of Human Rights*, Tokyo: United Nations University Press.

Ebadi, Shirin (2007), *Champion for Human Rights in Iran*, New York: Chelsea House books.

Ebadi, Shirin and Moveni, Azadeh (2006), *Iran Awakening: From Prison to Peace Prize: One Woman's Struggle at the Crossroads of History*, Canada: Knopf Canada.

Ehteshami Anoushiravan and Hinnebusch Raymond A (1997), *Syria and Iran: Middle powers in a penetrated regional system*, London: Routledge.

Eva Patricia Rakel, (2008), *The Iranian Political Elite, State and Society Relations, and Foreign Relations since the Islamic Revolution*, Duitsland: Door Eva Patricia Rakel geboren te Düren.

Falk, Richard (1992), "Cultural Foundations for the International Protection of Human Rights", in *Human Rights in Cross-Cultural Perspectives- A Quest for Consensus*, Abdullahi Ahmed An-Na'im, (eds), Philadelphia: University of Pennsylvania Press.

Falk, Richard A. (1981), *Human Rights and State Sovereignty*, New York & London: Holmes & Meier.

Farhi, Farideh (2001), "Religious Minorities in Iran", *Arab Studies Quarterly*, Association of Arab-American University Graduates and Institute of Arab Studies, 23 (3): 107.

Farsoun, Samih K. and Mashayekhi, Mehrdad (1992), *Iran: Political Culture in the Islamic Republic*, New York: Routledge.



- Fazeli, Nematollah (2006), *Politics of Culture in Iran: Anthropology, politics and society in the twentieth century*, New York: Routledge.
- Flaherty, Michael O (2007), *The Human Rights Field Operation Law, Theory and Practice*, England: Ashgate Publishing Limited.
- Flood, Patrick James (1998), *The Effectiveness of UN Human Rights Institutions*, Westport: Praeger Publishers.
- Freeman, Michael (2002), *Human Rights: an interdisciplinary approach*, Cambridge: Polity Press.
- \_\_\_\_\_ (2004), "The Problem of Secularism in Human Rights Theory", *Human Rights Quarterly*, 26 (2): 375-400.
- Ganji, Akbar (2008), *The Road to Democracy in Iran*, London: Mit Press Cambridge.
- Geaves, Ron (2004), *Islam & the West: Post 9/11*(eds), England: Ashgate Publishing Limited.
- Gettleman, Marvin E, and Schaar, Stuart (2003), *The Middle East and Islamic world reader*, New York: Library of Congress.
- Ghai, Yash (1994) "Human Rights and Governance: The Asia Debate," in *Center for Asian and Pacific Affairs*, occasional papers, The Asia Foundation, San Francisco, November.
- Watanabe, Hiroshi (1995), "Comments on the Windsor Paper," in *The End of the Century - The Future in the Past*, Japan Foundation, Center for Global Partnership, Kadansha International, Tokyo.
- Ghanea, Nazila and Hercock, Nazila Ghanea (2002), *Human Rights, the UN and the Bahai's in Iran*, Netherlands: Kluwer Law International.
- Ghanea, Nazila and Stephens, Alan et al (2007), *Does God Believe in Human Rights? Essays on Religion and Human Rights*, Netherlands: Leiden Press.
- Gheissari, Ali (2009), *Contemporary Iran*, New York: Oxford University Press, Inc.
- Gheissari, Ali and Nasr, Vali (2006), *Democracy in Iran: history and the quest for liberty*, New York: Oxford University Press.
- Khiabany, Gholam (2010), *Iranian Media: The Paradox of Modernity*, New York: Routledge.
- Gensler, Harry J. (1998), *Ethics: a contemporary introduction*, New York: Routledge.
- Goodhart, Michael (2003), "Origins and Universality in the Human Rights Debates: Cultural Essentialism and the Challenge of Globalization", *Human Rights Quarterly*, The Johns Hopkins

University Press, 25: 935–964.

\_\_\_\_\_ (2008), “Neither Relative nor Universal: A Response to Donnelly”, *Human Rights Quarterly*, The Johns Hopkins University Press, 30: 183–193.

Gould, Carol C. (2004), *Globalizing Democracy and Human Rights*, New York: Cambridge University Press.

Green, Jerrold D. (2009), *Understanding Iran*, Santa Monica: Rand Corporation.

Griffin, James (2008), *On Human Rights*, New York: Oxford University Press, Inc.

Groot, Joanna de (2007), *Religion, Culture and Politics in Iran: From the Qajars to Khomeini*, London: I.B. Tauris & Co Ltd.

Hallaq, Wael B (2009), *Shari'a: Theory, Practice and Transformation*, New York and New Delhi: Cambridge University Press.

Harmon, Daniel E. (2005), *Ayatollah Ruhollah Khomeini*, London: Chelsea House books.

Hashemi, Kamran (2007), “Religious Legal Traditions, Muslim States and the Convention on the Rights of the Child: An Essay on the Relevant UN Documentation”, *Human Rights Quarterly*, 29 (1): 194-227.

Hegland, Mary Elaine (2009), “Educating Young Women: Culture, Conflict, and New Identities in an Iranian Village”, *Iranian Studies*, 42 (1): 45-79.

Hobbes, Thomas (2008), *Leviathan*, Part 1, Forgotten Books.

Hofstede Geert, (2001), *Culture's consequences: comparing values, behaviors, institutions, and Organizations across Nations*, Sage Publication, Thousand Oaks, California.

Holeman, Warren Lee (1987), *The Human Rights Movement - Western Values and Theological Perspectives*, Praeger, New York.

Hosseini, Hamid (2005), “Answering Only to God: Faith and Freedom in Twenty-First Century Iran”, *Iranian Studies*, 38 (4): 677-697.

Howard, Roger (2004), *Iran in Crisis? Nuclear Ambitions and the American Response*, New York: Zed Books Ltd.

Hunsinger George (2008), *Torture Is a Moral Issue: Christians, Jews, Muslims, and People of*

*Conscience speak out*, Michigan: William B. Eerdmans Publishing Company.

Hunter, Shireen (1992), *Iran After Khomeini*, Washington Papers, New York: Praeger Publishers.

Hunter, Shireen and Malik, Huma (2005), *Islam and Human Rights: Advancing a U.S Muslims Dialogue*, Washington D.C: Center for Strategic and International Studies.

\*Ibrahimi, Ruzbih Mir (2009), *Iran: freedom of expression and association in the Kurdish regions*, U.S.A: Human Rights Watch (Organization).

International Council on Human Rights Policy (2002), *Human Rights after September 11*, Switzerland: Atar Roto Press.

Iprgrave, Michael (2009), *Justice and rights: Christian and Muslim perspectives*, Washington D.C: Georgetown University Press.

Iran (1986), *The British Institute of Persian Studies*, London, Volume XXIV.

\_\_\_\_\_ (1987), *The British Institute of Persian Studies*, London, VOLUME XXV.

Ishay, Micheline R (2007), *The Human Rights Reader: Major Political Essays, Speeches, And Documents From Ancient Times To The Present* (eds), New York: Routledge.

Jafarzadeh, Alireza (2007), *The Iran Threat President Ahmadinejad and the Coming Nuclear Crisis*, New York: Palgrave Macmillan.

Jahanbakhsh, Forough (2001), *Islam, Democracy and Religious Modernism in Iran (1953-2000): From Bazargan to Soroush*, Leiden: Brill.

James, Stephen (2007), *Universal Human Rights: Origins and Development*, New York: LFB Scholarly Publishing LLC.

Jocelyne, Cesari (2006), *When Islam and Democracy Meet: Muslims in Europe and the United States*, New York: Palgrave Macmillan.

Joel H. Spring (2001), *Globalization and Educational Rights: an Inter Civilizational Analysis*, Mahwah: Lawrence Erlbaum Associates, Inc.

Johari, J. C (1987), *Contemporary Political Theory: New Dimensions, Basic Concepts And Major Trends*, New Delhi: Sterling Publishers Pvt Ltd.

John, Rawls (2005), *A theory of justice*, U.S.A.: Library of Congress.

Johnson, M. Glen (1988) "Human Rights in Divergent Conceptual Settings - How Do Ideas Influence Policy Choices?," in *Human Rights Theory and Measurement*, David Louis Cingranelli, editor, MacMillan Press, London.

Joseph, Suad and Najmabadi, Afsaneh (2005), *Encyclopedia of Women & Islamic Cultures: Family, Law, and Politics*, Netherlands: Brill Academic Publishers.

Kamali, Mohammad Hashim (2008), *Shari'ah Law: An Introduction*, UK: One world Publications.

Kamrava, Mehran (2008), *Iran's Intellectual Revolution*, New York: Cambridge University Press.

Kamrava, Mehran and Dorraj, Manochehr (2008), *Iran Today*, 1.

Kant Immanuel and Reiss, Hans Siegbert (1991), *Kant: Political Writings*, Cambridge New York: University Press.

Katouzian, Homa and Shahidi, Hossein (2008), *Iran in the 21st Century: Politics, Economics and Conflict Iranian Studies (London, England)*, New York: Taylor & Francis Routledge.

Kennedy, Helena H. et al. (2004), *Do Human Rights Travel?* † London: British Council.

Keshavarzian, Arang (2007), *Bazaar and State in Iran: The Politics of the Tehran Marketplace*, Cambridge: Cambridge University Press.

Kevin, Boyle and Juliet Sheen (1997), *Freedom of Religion and Belief: A World Report*, London: Routledge.

Khatab, Sayed and Bouma, Gary D (2007), *Democracy in Islam*, New York: Routledge.

Kheirabadi, Masoud (2003), *Iran, USA*: Chelsea House Publishers.

Kian, Thiebaut Azadeh (2005), "From Motherhood to Equal Rights Advocates: The Weakening of Patriarchal Order", *Iranian Studies*, 38 (1): 45-66.

Kurasawa, Fuyuki (2007), *The Work of Global Justice Human Rights as Practices*, Cambridge: Cambridge University Press.

Kurzman, Charles (2004), *The Unthinkable Revolution in Iran*, USA: Harvard University Press.

- Lawton, Denis (1975), *Class, culture and the curriculum*, London: Routledge & Kegan Paul Ltd.
- Leaman, Oliver (2006), *The Qur'an: an Encyclopedia*, New York: Routledge.
- Lennon, Alexander T.J. and Eiss Camille (2004), *Reshaping Rogue States: Preemption, Regime Change, and U.S. Policy toward Iran, Iraq, and North Korea*, Cambridge: The MIT Press, Journals Department, Five Cambridge Center.
- Leo, Marx and Mazlish, Bruce (1996), *Progress: fact or illusion? USA*: The university of Michigan Press.
- Lewis, Jamesr (2001), *The Human Rights Encyclopedia*, Vol 2, New York: School of Visual Art.
- Li, Xiaorong (2006), *Ethics, Human Rights and Culture: Beyond Relativism and Universalism*, New York: Palgrave Macmillan.
- Mackay, Baron Alexander Andrew (2003), *Human Rights, constitutional law and the development of the English legal System*, Portland: Hart Publisher.
- Mafinezam, Alidad and Mehrabi Aria (2008), *Iran and Its Place among Nations*, Westport: Praeger Publishers.
- Magnarella, Paul J (1999), *Middle East and North Africa Governance, Democratization, Human Rights*, England: Ashgate Publishing Ltd.
- Mahdavi, Pardis (2009), "But What if Someone Sees Me?": Women, Risk, and the Aftershocks of Iran's Sexual Revolution, *Journal of Middle East Women's Studies*, Vol 5(2): 1-22.
- Mahmood M, (2006), *The Political System of the Islamic Republic of Iran*, Delhi: Kalpaz publications.
- Majd, Hooman (2009), *The ayatollah begs to differ*, New York: Anchor Book Publisher.
- Malm,Andreas and Esmailian, Shora (2007), *Iran on the Brink: Rising Workers and Threats of War*, London: Pluto Press.
- Manafy, A (1996), "The State and Human Rights: Critical Perspectives", *The Iranian Journal of International Affairs*, 8 (1): 120-134.
- Mapp, Susan C (2008), *Human Rights and Social Justice in a Global Perspective An Introduction to International, Social Work*, New York: Oxford University Press, Inc.
- Marshall, Paul (2005), *Radical Islam's Rules: The worldwide Spread of Extreme Shari'a Law*, USA: Rowman and Littlefield publisher, INC.

Martin, Francisco and Schnably, Forrest Stephen J. (2006), *International Human Rights and humanitarian law: treaties, cases and analysis*, Cambridge University Press, Cambridge.

Martin, Vanessa (2007), *Creating an Islamic State: Khomeini and the Making of a New Iran*, London: I.B. Tauris & Co Ltd.

Mayer, Ann Elizabeth (1985), *Property, Social Structure and Law in the Modern Middle East*, New York: State University of New York Press.

\_\_\_\_\_ (1990), *Current Muslim Thinking on Human Rights: Old Conflicts and New Synthesis*, Wharton School: Dept. of Legal Studies.

\_\_\_\_\_ (1991), *Islam and Human Rights: Tradition and Politics*, West View Press, Colorado.

\_\_\_\_\_ (1999), *Islam and Human Rights: Tradition and Politics*, Reza Afshari (eds), Boulder CO: Westview Press.

Mc Hale, Jean Vanessa (1999), *Medical Confidentiality and Legal Privilege*, Routledge: London.

Mehran, Tamadonfar (2001), "Islam, Law, and Political Control in Contemporary Iran", *Journal for the Scientific Study of Religion*, 40 (22): 205-219.

Mehrpour, Hossein (1996-97), "Islam and Human Rights", *The Iranian Journal of International Affairs*, 8 (4): 729-757.

\_\_\_\_\_ (1998-99), "Islam on Freedom of Thought and Speech", *The Iranian Journal of International Affairs*, 10 (4): 449-469.

\*Meri Report (2001), *Iran*, London: Middle East Research Institute, University of Pennsylvania.

Messkaub, Mahmood (2006), "Social Policy in the Iran in the Twentieth Century", *Iranian Studies*, 39 (1): 227-252.

Mirsepassi, Ali (2004), *Intellectual Discourse and the Politics of Modernization: Negotiating Modernity in Iran*, New York: Cambridge University Press.

Moallem, Minoo (2005), *Between Warrior Brother and Veiled Sister: Islamic Fundamentalism and the Politics of Patriarchy in Iran*, Berkeley: University of California Press.

Moghaddam, Arshin Adib (2000), *Iran in World Politics*, London: Hurst and Company Publication.

Mohaddessin, Mohammad (2001), *Islamic Fundamentalism: The new Global Threat*, Delhi Anmol Publication Pvt Ltd.

Mohammad Ali and Sreberny Mohammadi Annabelle (1994), *Small Media Big Revolution: Communication, Culture, and the Iranian Revolution*, London: University of Minnesota Press.

Mohammadi, Ali (2003), *Iran Encountering Globalization: Problems and Prospects*, New York: Routledge Curzon.

Mohammadi, Majid (2008), *Judicial Reform and Reorganization in 20th century Iran : State-Building, Modernization, and Islamicization*, Oxon: Routledge.

Mokhtari, Shadi (2004), "The search for Human Rights within an Islamic Framework in Iran", *The Muslim World*, 94: 469-479.

Monshipouri, Mahmood (1998), *Islamism, Secularism, and Human Rights in the Middle East*, Boulder London: Lynne Rienner Publishers.

Mousavian, Seyyed Hossein (2008), *Iran–Europe Relations: Challenges and opportunities*, Oxon: Routledge.

Nabavi, Negin (2003), *Intellectual Trends in Twentieth-Century Iran: A Critical Survey*, Gainesville: University Press of Florida.

Naim, Abdullahi Ahmed An (1984), *A Modern Approach to Human Rights in Islam: Foundations and Implications for Africa* in Welch, C. E. and Meltzer, R. I(eds), NY: State University of New York Press.

\_\_\_\_\_ (1987), "Religious Minorities under Islamic Law and the Limits of Cultural Relativism", *Human Rights Quarterly*, The Johns Hopkins University Press, Feb, Vol. 9:1-10.

\_\_\_\_\_ (1992) "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights," in *Human Rights in Cross-Cultural Perspectives*, (eds), University of Pennsylvania Press , Philadelphia.

\_\_\_\_\_ (1996), *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*, New York: Syracuse University Press.

\_\_\_\_\_ (2005), "The Interdependence of Religion, Secularism, and Human Rights: Prospects for Islamic Societies", *Common Knowledge*, 11(1): 56-80.

\_\_\_\_\_ (2008), *Islam and the Secular State: Negotiating the Future of Shari'a England*: Harvard University Press.

Najmabadi, Afsaneh (2005), *Women with Mustaches and Men without Beards Gender and Sexual Anxieties of Iranian Modernity*, Berkeley: University of California Press.

Nasr, Seyyed Vali Reza (1996), *Mawdudi and the making of Islamic revivalism*, New York: Oxford University Press.

Nematollah Fazeli, (2006), *Politics of Culture in Iran: Anthropology, politics and society in the twentieth century*, New York: Routledge.

Netland, Harold A. (1991), *Dissonant Voices: Religious Pluralism & the Question of Truth*, U.S.A: Wm. B. Eerdmans Publishing Co.

Newman, David M. (2008), *Sociology: Exploring the Architecture of Everyday Life*, Sage publication India Pvt. Ltd., New Delhi.

Obermayer, Carla Makhlof (1995), "A Cross-Cultural Perspective on Reproductive Rights", *Human Rights Quarterly*, John Hopkins University Press, Baltimore, May.

Oh Irene (2007), *The Rights of God: Islam, Human Rights, and Comparative Ethics*, Washington: Georgetown University Press.

Otto, Jan Michiel (2008), *Sharia and National Law in Muslim Countries: Tensions and Opportunities for Dutch and EU Foreign Policy*, Almere: Leiden University Press.

Panah, Maryam (2007), *The Islamic Republic and the World: Global Dimension of the Iranian Revolution*, London: Pluto Press.

Parsipur, Shahrnush (1998), *Women without men: a novella*, USA: Syracuse University Press.

Patai, Raphael (1998), *Jadid Al-Islam: The Jewish 'New Muslims' of Meshhed*, Detroit: Wayne State University Press.

Pathak, Raghunadan Swarup (1989), *Introductory Report on Universality of Human Rights, in Universality of Human Rights*, Council of Europe: Strasbourg .

Peek, John M (1995), "Buddhism, Human Rights and the Japanese State", *Human Rights Quarterly*, Baltimore: John Hopkins University Press,

Pelkmans, Jacques (1996) *Understanding Values in Asia*, Foundation Cini, Venice.



Perry, Michael J (2007), *Toward a Theory of Human Rights Religion, Law, Courts*, New York: Cambridge University Press.

Davies, Peter (1988), *Human Rights*, London: Routledge

Petrushevskii I. P. (1985), *Islam in Iran Sunny Series in Near Eastern Studies*, Albany: State University of New York Press.

Plantilla, Jefferson R. (1996) *National Human Rights Institutions and Human Rights Education*, paper submitted at the Preliminary Meeting on National Human Rights Commissions held on March 13-16, 1996 in Hong Kong by the Asian Human Rights Commission.

Plantilla, Jefferson R. and SJ, Sebasti L Raj (1997), *Human Rights in Asian Cultures Continuity and Change*, Japan: Hurights Osaka.

Price, Daniel E (1999), *Islamic political Culture, Democracy and Human Rights*, Westport: Praeger Publishers.

Price, Massoume (2005), *Iran's diverse Peoples: A Reference Source Book*, California: ABC-CLIO, Inc.

Rahman, Anisur (2002), "Socio Economic Development in Post revolution Iran and Regional Stability in West Asia", *Journal of Peace studies.*, vol.9, Issues 2, March-April,

Rahnema, Saeed and Behdad, Sohrab (1995), *Iran after the Revolution: Crisis of an Islamic State*, London: I. B. Tauris.

Rajaei, Farhang (2007), *Islamism and Modernism: The Changing Discourse in Iran*, Austin: University of Texas Press.

Ram, Haggai (2009), *Iranophobia: The Logic of an Israeli Obsession*, Stanford: Stanford University Press.

Ramadan, Tariq (2004), *Western Muslims and the Future of Islam*, New York: Oxford University Press.

Ramakrishnan, A. K. (2008), *US perceptions of Iran*, New Delhi: New Century Publications.

Ramazani, R. K and Robert Fatton, Jr (2004), *Future of Liberal Democracy: Thomas Jefferson and the contemporary world*, New York: Palgrave Macmillan,

\_\_\_\_\_ (2009), *Religion, State, and Society*, New York: Palgrave Macmillan.

Ramazani, Rouhollah K (1980), "Constitution of the Islamic Republic of Iran", *Middle East Journal*, Middle East Institute: Vol. 34 (2): 181-204.

\_\_\_\_\_ (2001), *Iran at the Crossroads*, New York: Palgrave.

Ratay, Robert (2009) *Forensic Structural Engineering Handbook*(2009), The McGraw Hills Companies Inc, U.S.A.

Razavi, Shahra (2006), "Islamic Politics, Human Rights and women's claim for equality in Iran", *Third World Quarterly*, 77 (7): 1223-1238.

Reichert, Elisabeth (2006), *Understanding Human Rights: an exercise book*, California: Sage Publication.

Renteln, Alison Dundes (1988), "A Cross-Cultural Approach to Validating International Human Rights The Case of Retribution Tied to Proportionality," in Cingranelli, [www.hurights.or.jp/database/E/hr\\_cultural\\_values.html](http://www.hurights.or.jp/database/E/hr_cultural_values.html)

\_\_\_\_\_ (1998a), "Relativism and the Search for Human Rights", *American Anthropologist*, Blackwell Publishing on behalf of the American Anthropological Association ,New Series, Vol. 90 (1): 56-57.

Risse, Thomas et al. (1999), *The Power of Human Rights: International Norms and Domestic Change*, UK: Cambridge University Press.

Ritter, Scott (2006), *Target Iran: the truth about the US government's plans for regime change*, New Zealand: Avalon Publishing Group, Inc.

Robert Fatton, Jr. and Ramazani, R. K (2009), *Religion, State, and Society Jefferson's Wall of Separation in Comparative Perspective*, New York: Palgrave Macmillan.

Robertso, David (1997), *A Dictionary of Human Rights*, London: Europa Publications Limited.

Roy, Olivier (2007), *Secularism Confronts Islam*, New York: Columbia University Press.

Rubin, Michael (2002), "What are Iran's Domestic Priorities?" *Middle East Review of International Affairs*, 6 (2).

Sachedina, Abdulaziz (2009), *Islam and the Challenge of Human Rights*, New York: Oxford University Press, Inc.

Sadri, Houman A. (1997), *Revolutionary States, Leaders, and Foreign Relations: A Comparative Study of China, Cuba, and Iran*, U.S.A: Greenwood Publishing Group.

Sadri, Mahmoud (2004), "Reason, Freedom, and Democracy in Islam: Essential Writings of Abdolkarim Soroush", *Iranian Studies*, 37 (4): 547 -552.

Sadri, Mahmoud and Sadri, Ahmad (2000), *Reason, Freedom, & Democracy in Islam, Essential Writings of 'Abdolkarim Soroush*, New York: Oxford University Press.

Saikal, Amin (2003), *Islam and the West Conflict or Cooperation?* Basingstoke: Palgrave Macmillan Publications.

Sait, Siraj and Lim, Hilary (2006), *Land, law and Islam: property and Human Rights in the Muslim world*, Vol1, New York: Zed Books Ltd.

Sanasarian, Eliz (2000), *Religious Minorities in Iran*, Cambridge: Cambridge University Press.

Schirazi, Asghar (1997), *The Constitution of Iran: Politics and the State in the Islamic Republic*, Translated by John O'kane, London: I.B.Tausis Publisher.

Sedghi, Hamideh (2007), *Women and Politics in Iran: Veiling, Unveiling, and Reveiling*, Cambridge: Cambridge University Press.

Senger, Harro von (1993) *Chinese Culture and Human Rights, in Human Rights and Cultural Diversity - Europe, Arabic-Islamic World, Africa and China*, Wolfgang Schmale editor, Keip Publishing, Goldbach, London.

Shaffer, Brenda Borders and Brethren (2004), "Iran and the Challenges of Azerbaijani Identity", *Iranian Studies*, 37 (1): 139-143.

Shah, Niaz A (2006), "Women's Human Rights in the Koran: An Interpretive Approach", *Human Rights Quarterly*, 28 (4): 868-903.

Shahidi, Hossein (2006), "From Mission to Profession: Journalism in Iran, 1979-2004", *Iranian Studies*, 39 (1): 1-27.

Shahidian, Hammed. (2002), *Women in Iran Gender Politics in the Islamic Republic Contributions in Women's Studies*, Westport: Greenwood Press

Shahnaz R. Nadjmabadi (2009), *Conceptualizing Iranian Anthropology: Past And Present Perspectives*, United States: Berghahn Books.

Shakoori, Ali (2001), *The state and rural development in post-revolutionary Iran*, New York: Palgrave Publishers Ltd.

Sharma, Arvind and Runzo, Joseph et al (2003), *Human Rights and Responsibilities in the world religions*, England: Oneworld Publications.

Simpson, J. and Shubart T (1995), *Lifting the Veil: Life in Revolutionary Iran*, London: Hodder & Stoughton.

Singh, Nagendra (1986), *Enforcement of Human Rights in peace & war and the future of humanity*, Calcutta: Blue Line Printing industry.

Sornea, Reza Eslami (2001) *Human Rights in Shari'a and Iran's Constitutional and Legal System: The Case of Freedom of Expression* (Thesis), Universite de Montreal.

Spencer Robert, (2002), *Islam Unveiled Disturbing Questions about the World's Fastest-Growing Faith*, California: Encounter Books.

Steiner, Henry J. & Philip Alston et al. (2008), *International Human Rights in context: law, politics, morals*, New York: Oxford University Press.

Stiehm, Judith (2006), *Champions for Peace: Women Winners of the Nobel Peace Prize*, Lanham: Rowman & Littlefield Publishers, Inc.

Stop Child Execution (2009), *From Cradle to Coffin: A Report on Child Executions in Iran*, London: The Foreign Policy Centre.

Svensson, Marina (2002), *Debating Human Rights in China: a conceptual and political history*, Maryland: Rowman and Littlefield Publisher, Inc.

Taheri, Amir (1985), *The Spirit of Allah, Khomeini and the Islamic Revolution*, London: Hutchinson.

\_\_\_\_\_ (2009), *The Persian Night. Iran under the Khomeinist Revolution*, London: Encounter Books Publication.

Tajuddin, Mohammad (2001), "Women's Rights in Post Revolution Iran", *Radical Humanist*, 65 (5): 17-20.

Takeyh, Ray (2009), *Guardians of the Revolution: Iran and the world in the age of the Ayatollahs*, New York: Oxford University Press, Inc.

Talbott, William J. (2005), *Which Rights Should Be Universal?*, New York: Oxford University Press.

Tazmini, Ghoncheh (2009), *Khatami's Iran: The Islamic Republic and the Turbulent Path to Reform*, London: I.B Tauris Publishers.

Thierstein, Joel and Kamalipour, Yahya R (2001), *Religion, Law, and Freedom: A Global Perspective*, U.S.A: Library of congress.

The Middle East Institute Viewpoints: The Iranian Revolution at 30, *Washington, DC*, URL: [www.mideasti.org](http://www.mideasti.org), P.55

Tibi, Bassam (2001), *Islam between Culture and Politics*, New York: Palgrave Publishers Ltd.

Tober, Diane (2004), "Children in the Field and Methodological Challenges of Research in Iran", *Iranian Studies*, 37 (4): 643 – 654.

\_\_\_\_\_ (2007), "My Body Is Broken Like My Country: Identity, Nation, and Repatriation among Afghan Refugees in Iran", *Iranian Studies*, 40 (2): 263-303.

Traer, Robert (1991), *Faith in Human Rights: Support in Religious Traditions for a Global Struggle*, Georgetown University Press, Washington, D.C.

Tyler, Aaron (2008), *Islam, the West, and Tolerance Conceiving Coexistence*, New York: Palgrave Publishers Ltd.

Vahdat, Farzin (2005), "Religious Modernity in Iran: Dilemmas of Islamic Democracy in the Discourse of Mohammad Khatami", *Comparative Studies of South Asia, Africa and the Middle East*, 25 (3): 650-664.

Vali, Abbas (1998), "The Kurds and Their Others: Fragmented Identity and Fragmented Politics", *Comparative Studies of South Asia, Africa and the Middle East*, 18 (2): 88

Vincent, R.J (1986), *Human Rights and International Relations*, University Press, Cambridge.

Wade, Robert Hunter (2002), US Hegemony and the World Bank: The Fight over People and Ideas, *Review of International Political Economy*, Vol. 9 (2): 201-229.

- Wagner, Heather Lehr (2010), *The Iranian Revolution*, London: Chelsea House books.
- Waltz, Susan Eileen (2004), "Universal Human Rights: The Contribution of Muslim States", *Human Rights Quarterly*, 26 (4): 799-844.
- Wehrey, Frederic et al (2009), *The Rise of the Pasdaran Assessing the Domestic Roles of Iran's Islamic Revolutionary Guards Corps*, Santa Monica: RAND Corporation.
- William, Shepard (2009), *Introducing Islam*, New York: Routledge.
- Woodiwiss, Anthony (2005), *Human Rights Key Ideas*, London and New York: Taylor & Francis Routledge.
- Yaghmaian, Behzad (2002), *Social Change in Iran: An Eyewitness Account of Dissent, Defiance, and New Movements for Rights*, New York: State University of New York Press.
- Yeor, Bat (2005), *The Dhimmi: Jews and Christians under Islam*, New Jersey: Associated University Presses.
- Yildiz, Kerim and Taysi, Tanyel B. (2007), *The Kurds in Iran: The Past, Present and Future*, London: Pluto Press.
- Yount, Kathryn M. and Rashad, Hoda (2008), *Family in the Middle East: Ideational change in Egypt, Iran, and Tunisia*, New York: Routledge.
- Zaman, Muhammad Qasim (2002), *The Ulama in Contemporary Islam: Custodians of Change*, Oxford: Princeton university press.
- Ziba Mir-Hosseini, and Tapper, Richard (2006), *Islam and Democracy in Iran: Eshkevari and the Quest for Reform*, London: I.B.Tauris & Co Ltd.

## Websites

- Ali, A Allawi (2009), Evolution of the Idea of Human Rights and Duties in Islam, Seminar at the Carr Center, Kennedy School, Harvard University, October 28, 2009, URL: [http://www.aliallawi.com/art\\_humanRights.php](http://www.aliallawi.com/art_humanRights.php)
- Alasti, Sanaz (2007, Comparative Study of Stoning Punishment in the Religions of Islam and Judaism, accessed on 25 June 2010 at Url: [http://www.cjcj.org/files/comparative\\_study\\_0.pdf](http://www.cjcj.org/files/comparative_study_0.pdf)
- Alston, Philip (2009), "UN Expert on Extrajudicial Killings Condemns Execution of Juvenile Offender in Iran" 13 October [Online: web] Accessed 27 Nov. 2009

URL:

[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear\\_en\)/785706098A7464A4C125764E00445D8E?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/785706098A7464A4C125764E00445D8E?OpenDocument)

Aljazeera.net URL: <http://english.aljazeera.net/>

Aljazeera.net (2003), "*Iran arrests protesters*", 18 June, [Online: web] Accessed 28 Sept. 2009,

URL:<http://english.aljazeera.net/archive/2003/06/200849144728940790.html>

Aljazeera.net (2005), "*Iran bans reporter from work*", 01 March, [Online: web] Accessed 15 Oct. 2009

URL: <http://english.aljazeera.net/archive/2005/03/2008410103136684236.html>

Aljazeera.net (2005), "*Iran keeps scores in jail over unrest 2005*", 20 April, [Online: web] Accessed 09 Nov. 2009

URL:<http://english.aljazeera.net/archive/2005/04/2008410133131466505.html>

Aljazeera.net (2005), "*Press freedom worst in Iran and Iraq*", 20 October, [Online: web] Accessed 29 Sept. 2009

URL: <http://english.aljazeera.net/archive/2005/10/20084915735664393.html>

Aljazeera.net (2007), "*US raises stakes in Iran media war*", 06 October, [Online: web] Accessed 1 Nov. 2009

URL:<http://english.aljazeera.net/programmes/listeningpost/2007/09/200852518494415225.html>

Aljazeera.net (2009), "*Iran closes leading newspapers*", 06 October, [Online: web] Accessed 26 Oct. 2009

URL:<http://english.aljazeera.net/news/middleeast/2009/10/2009106141922771476.html>

Aljazeera.net (2009), "*Iran's media battle*", 20 June, [Online: web] Accessed 13 Oct. 2009

URL:<http://english.aljazeera.net/programmes/listeningpost/2009/06/200961911498182826.html>

Amnesty International Report on Iran, 2005-2008 Accessed on 25 May 2010 available at URL:  
<http://www.amnestyusa.org/all-countries/iran/page.do?id=1011172>

Arabic International Daily Asharq Alawsat News, URL:  
<http://www.aawsat.com/english/default.asp>

\*Arab Human Development Report, 1995 to 2009 Available at URL: <http://www.arab-hdr.org/contents/index.aspx?rid=5> and <http://arabstates.undp.org/subpage.php?spid=14>

Arbour, Louise (2007), "High Commissioner for Human Rights Expresses Concern Over Hanging in Iran", 7 December [Online: web] Accessed 27 Nov. 2009

URL:

[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear\\_en\)/59F942B83AE13DD7C12573AA00331798?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/59F942B83AE13DD7C12573AA00331798?OpenDocument)

Athanasiadis, Iason (2003), "*Iran struggles to keep stance of active neutrality*", 20 April, [Online: web] Accessed 25 Sept. 2009

URL: <http://english.aljazeera.net/archive/2003/04/2008410142239522491.html>

Bailey, Peter The Creation Of The Universal Declaration Of Human Rights, URL:  
[www.universalrights.net/main/creation.htm](http://www.universalrights.net/main/creation.htm) (UDHR).

Botschaft der Islamischen Republik Iran Berlin, Accessed on Tuesday, July 13, 2010, Url:  
<http://www.iranembassy.de/ger/minorities.htm>

\*Central Intelligence Agency Report on Iran, 2009 available at URL:

<https://www.cia.gov/library/reports/index.html>

\*Convention on the rights of the Child, 1989 available at URL:

<http://www2.ohchr.org/english/law/crc.htm>

\*Constitution of Islamic Republic of Iran, 1979 available at URL:

<http://www.iranchamber.com/government/laws/constitution.php>

Democracy Now the War and Peace Report on 25 Sept 2008, Accessed on 25 March 2010, Url:



[http://www.democracynow.org/2008/9/25/iranian\\_president\\_mahmoud\\_ahmadinejad\\_on\\_the](http://www.democracynow.org/2008/9/25/iranian_president_mahmoud_ahmadinejad_on_the)

Dickens, Jesse: An Investigation into The Concept of Human Rights, URL:  
[http://www.citized.info/pdf/students/Jesse\\_dickens.pdf](http://www.citized.info/pdf/students/Jesse_dickens.pdf)

Evolution of Human Rights, Accessed on 15 Feb 2010 available at URL:  
[www.hks.harvard.edu/.../EvolutionOfTheIdeaOfHumanRights.ppt](http://www.hks.harvard.edu/.../EvolutionOfTheIdeaOfHumanRights.ppt)

Fathi, Nazila, Iran: Ban on Torture Rejected, *New York Times*, January 10, 2003, Assessed on 20 June 2010, URL: <http://www.nytimes.com/2003/01/10/world/world-briefing-middle-east-iran-ban-on-torture-rejected.html>

Flounders, Sara (2007), “*Why the U.S. is targeting Iran*”, 5 May, [Online: web] Accessed on 18 May 2010 available at URL: <http://www.workers.org/2007/world/iran-0510/>

Ghai, Yash (1996) *Rights, Duties and Responsibilities*, Accessed on 25 Feb 2010 available at URL: <http://www.hrsolidarity.net/mainfile.php/1997vol07no04/301/>

Harris David A (2007), *Human Rights in Iran*, New York, American Jewish Committee, Accessed on 21 March 2010. Url:  
<http://www.ajc.org/site/apps/nlnet/content2.aspx?c=jjITI2PHKoG&b=3121957&ct=4276977>

Henner, Furtig, (2009), “*Changing Regime Change*”, [Online: web] Accessed on 25 May 2010 available at URL:  
<http://www.ip-global.org/archiv/volumes/2009/spring2009/changing-regime-change.html>

\*Human Development Report, 1995 to 2008 available at URL:  
<http://hdr.undp.org/en/reports/global/hdr2009/>

Human Rights Watch Report on Iran, 2003-2009 Accessed on 5 May 2010 available at URL:  
<http://www.parstimes.com/rights/>

Imam Ali sets out the rights and duties : Imam Ali's Letter to Malik Ashtar, Dated :10/22/2005, URL: [www.tebyan.net](http://www.tebyan.net) › ... › *Islamic Features* › *Books* › *Nahjul-balagha*, Accessed on 12 March 2010.

\*International Convention on Civil and Political Rights, 1966 available at URL:

<http://www.un.org/millennium/law/iv-4.htm>

\*International Convention on Economic, Social and Cultural Rights, 1966 available at URL:

<http://www.un-documents.net/icescr.htm>

Iran Human Rights Documentation Center, URL: <http://www.iranhrdc.org>

\*Iran Human Rights Documentation Centre Reports available at URL:

<http://www.iranhrdc.org/httpdocs/English/reports.htm>

Iran Human Rights Voice, URL: <http://www.ihrv.org/inf/>

Iranian.com nothing is Scared, URL: <http://www.iranian.com/main/node>

Iran Weekly Press Digest (2009), “*Iran police say ready to carry out hand amputations*”, [Online: web] Accessed on 25 May 2010 available at URL: <http://www.iranwpd.com/>

Iranian. Com (2009), “*Iran Executions Report*”, [Online: web] Accessed on 25 Feb 2010 available at URL:

<http://www.iranian.com/main/blog/sce-campaign/iran-executions-report>

Michael, Rubin (2009), “*Don't Sacrifice Human Rights for Iran Diplomacy*”, 07 October, *Middle East Forum*, [Online: web] Accessed on 25 Feb 2010 available at URL:

<http://www.iranian.com/main/news/2009/10/07/dont-sacrifice-human-rights-iran-diplomacy>

\*Millennium Development Goal Report, Iran 2004 available at URL:

[http://www.undg.org/archive\\_docs/5457-Iran\\_MDG\\_Report.pdf](http://www.undg.org/archive_docs/5457-Iran_MDG_Report.pdf) and

Pars Times, URL: <http://www.parstimes.com/news/>.

Payvand News, URL: <http://www.payvand.com/news/>

\*Peace Resource Centre, History of Human Rights, URL:  
<http://www1.umn.edu/humanrts/peace/peaceedu/binder2.html>

Pillay, Navi (2009) "Statement by UN High Commissioner for Human Rights on Speech by President of Iran at the Durban Review Conference", 20 April [Online: web] Accessed on 25 Feb 2010 available at URL:

[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear\\_en\)/060DF81A8E338D5DC125759E0059F9AB?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/060DF81A8E338D5DC125759E0059F9AB?OpenDocument)

\_\_\_\_\_ (2009a), "*UN Human Rights Chief Criticizes Latest Execution of Juvenile Offender in Iran*" 13 October [Online: web] Accessed 27 Nov. 2009

URL:

[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear\\_en\)/B8ED51DFB85F23FEC125764E0039C0EA?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/B8ED51DFB85F23FEC125764E0039C0EA?OpenDocument)

Political Desk, (2008) Islamic Human Rights charter superior to Universal Declaration of Human Rights: cleric, URL: [http://www.tehrantimes.com/index\\_View.asp?code=185390](http://www.tehrantimes.com/index_View.asp?code=185390) , Accessed on 05 April

Tehrantimes News, URL: <http://www.tehrantimes.com/>

TehranTimes (2009), "*Selective Approach to Human Rights Will Be Stopped*", 12 November [Online: web] Accessed 12 Nov. 2009

URL:[http://www.tehrantimes.com/Index\\_view.asp?code=7793](http://www.tehrantimes.com/Index_view.asp?code=7793)

Tehran Times (2009) "*UN Human Rights Resolution on Iran Passed by Minority*", 12 November [Online: web] Accessed 12 Nov. 2009

URL:[http://www.tehrantimes.com/Index\\_view.asp?code=9930](http://www.tehrantimes.com/Index_view.asp?code=9930)

\*“*The Cairo declaration on Human Rights in Islam*”, (1996), *Documents*, 8 (3): 684-690.

\*United Nations High Commissioner for Refugees (2007), *Collection of International Instruments and Legal Texts Concerning Refugees* (UNHCR), Geneva, Accessed on 15 march 2010, URL  
[http://books.google.co.in/books?id=k5crDG7hEmMC&pg=PA1155&dq=Universal+Islamic+D+eclaration+of+Human+Rights&hl=en&ei=4qorTL7UI46ycaGVmaUJ&sa=X&oi=book\\_result&ct=result&resnum=5&ved=0CEQQ6AEwBA#v=onepage&q=Universal%20Islamic%20Declarati+on%20of%20Human%20Rights&f=false](http://books.google.co.in/books?id=k5crDG7hEmMC&pg=PA1155&dq=Universal+Islamic+D+eclaration+of+Human+Rights&hl=en&ei=4qorTL7UI46ycaGVmaUJ&sa=X&oi=book_result&ct=result&resnum=5&ved=0CEQQ6AEwBA#v=onepage&q=Universal%20Islamic%20Declarati+on%20of%20Human%20Rights&f=false)

\*Universal Declaration of Human Rights, 1948 available at URL:

<http://www.un.org/en/documents/udhr/>

\*United Nations Reports on Human Rights, 1987, Accessed on 5 Feb 2010 available at URL:

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

\*Un Secretary General, *United Nations* (2008) accessed on 22 March 2010, Url:

<http://www.iranhumanrights.org/2008/10/sg-report-iran/>

\*US Department of State: Human Rights Yearly Report on Iran, 1999 available at URL:

<http://www.state.gov/p/nea/ci/ir/>

\*US State Department, Bureau of Democracy, Human Rights, and Labor and Bureau of Public Affairs Washington, DC (2004), “*Iran: Voices Struggling To Be Heard*”, 9 April, [Online: web] Accessed 15 Oct. 2009

URL:<http://www.payvand.com/news/04/apr/1064.html>

\*World Development Bank Report on Iran, 2000-2007 available at URL:

<http://extsearch.worldbank.org/servlet/SiteSearchServlet?q=iran&dPgLang=ENG>

Yunesi (2003), “*Iran: Students in anti-government protest*”, 11 June, [Online: web] Accessed 11 Nov. 2009

URL:<http://english.aljazeera.net/archive/2003/06/2008410102238303639.html>