

Legal and political effects of human rights resolutions against Iran

Hadis shahsavari ghogheri*

* Young researchers and elite club, Sirjan branch Islamic Azad University, Sirjan, Iran.
Shahsavari669@gmail.com

Abstract

One of the most important cases which today has been noticed in worldwide university is the debate of observance of issues relating to human rights that in this ground about 25 international documents have been approved by international society and united nation organization and countries have bound themselves to their observance. Concerning human rights observation, various institutions have been generated by united nation organization or based on special treaties. One of these institutions is human right commission which was superseded with human right council synchronous to 2006. Besides these two institutions, public assembly, too, based on procedure proceeds in some Resolutions' emission. In this sense, till now, many Resolutions have been approved against Islamic Republic of Iran. Special reporters of united nation organization report public assembly about human rights status in Islamic Republic of Iran each year. Of course, it should be mentioned that Islamic Republic of Iran has joined some of these human rights documents or accepted them with provision right and has been bound to their observation. The above cases discuss this point that emission of these kinds of Resolutions in the context of human rights has burdened what legal and political effects on Iran. In this regard, we can point to Iran's international responsibility versus international institutions, economic boycotts and disruption of political relations as legal and political effects.

Keywords: resolution, human rights file, commission on human rights, human rights council, public assembly, special reporter, Iran.

Introduction:

Human social life is an irrefutable reality, whether we treat it as an instinctive matter or know it due to social necessity or a mixture of various factors about human groups. These groups which have different religions, denominations, races and languages, usually don't stand in the same level quantitatively and qualitatively and generally, power control is consigned to majority. And power nature during the history have always been in the direction of opponents attenuation (Gamami, 1390: p. 240-241).

In this respect, the matter of human right is one of the most important propositions of the present world which has influenced its relating organizations and governments socially and politically. Human rights and fundamental freedoms have converted to one of humans main slogans and have been noticed in countries constitutions and have encountered governments with restrictions and bonds so that they modified governments' sovereignty.

Till the end of Second World War, the matter of human rights was an assured and closed area since the matter of human rights had not been organized systematically on behalf of international laws and sovereignty was a closed and assured area in which governments' activities and authorities were not dependent and bound to international rights. After 1945 that freedoms became wider than before, governments comparing to what they did before, were bound and limited in many levels with international conventional and legal standards and sovereignty was no more considered government's imperium. The government couldn't perform whatever that international law had forbidden frankly. Governments 'actions were contingent to wide human standards which emphasized sovereignty thought in responsible sovereignty

concept. Legal legitimation which allows the governments and regimens to exert sovereignty, binds governments to coordination and solidarity with the world's formats based on human criteria and will condition them to do actions for compatriots and citizenship against dangerous threats which endanger their life and safety (Parvin, 1387: p. 111-135).

With this introduction, united international organization proceeded in creating some institutions which activate in human rights ground and work about problems relating to human rights. And if a country violates human rights, they perform required measurements against it. One of these measurements is emission of human rights resolutions which are mainly issued in cases of wide violation from human rights by member countries. The reference of these resolutions' emissions is public assembly and the emission criterion is majority vote. But about Iran's human rights file and its status, first it is necessary to provide some explanations of relating institutions and then the status of human rights in Iran and finally legal and political effects of human rights resolutions emission are surveyed.

1-1 human rights concept

Though one of the most important discussed issues in twenty century, human rights has not been particular to this century or a special culture. From centuries ago, human rights issue has been discussed in different societies' literature and culture and many books and documents have been written in this ground. Historical importance of twenty century especially after Second World War is enlightened in significant category of human rights legalization and institutionalization (Blackburn and Busl, 1997: pp.1-2). First, we should see that what is the concept of citizen and what relation it has with human and human rights.

Human right and citizen declaration of 1789 French revolution which is specified with individualism and constitutions of worlds countries have patterned it, don't separate human from citizen and use both synonymously. The purpose of declaration from citizen and citizenship is all men and mankind who have essentially had some rights which are non-transferable, imprescriptible and should be respected by government. French human and citizen rights declaration knows sovereignty appurtenant to all citizens in a society and considers law as a symbol of public will and supporter of their freedom and believes that all people individually or by their representatives participate in law codification. And this is the law which denotes the limits of all individuals' rights and law couldn't and shouldn't be contradictory to individual natural rights¹. in this respect human rights is a collection of civil, political, social and economic rights which originates from human munificence, his dignity and grandeur and should be respected and all people as humans, members of one family regardless of their genre and language enjoy it and these rights are those which have come in worldwide human rights declaration 1948 and its conventions and other valid international documents, while citizenship rights is a collection of civil, political, social and economic rights which the individual as a citizen enjoys it and these rights' warranty axle is law that in each society, the government is bound to approve it in the framework of human rights declaration in representation of its citizens and administer it duly (Tabatabaie Moetameni, 1390 :p. 10-11). 1-
Clauses 2, 1, 3 and 4 of French human and citizen rights

2-1 The implication of human rights resolution

International organizations that play a significant role in regulation of international relationships

absolutely need legislative authorities and competence within their duties. Awarding this authority to international organizations has various profits which can create a series of general rules (Mosa Zadeh, 1389: p.55). In this respect, resolution is a proposal and inscription which is adopted by a collective pillar. Resolutions' nature can generally be everything which is proposed through project's draft. Long or important projects better to be written on paper, so discussion about them proceeds placidly and project distribution after approval to be possible out of collective pillar. Resolution includes an introduction which usually expresses the base of pursued decisions and measurements and is a collection of operating paragraphs underlying directives or measurements. Decisions of various pillars of United Nations Organization like public assembly and Security Council are provided in resolution framework. International organizations resolution are known as source of international rights which is placed out of range of statute's provision of justice international bureau and is important in codification and extension of international law. Resolutions in international law system have various validities. Some of resolutions are mandatory and some are merely indicative or recommendatory. Security Council's resolutions which are issued according to chapter 7 of United Nation chart are mandatory. Usually, public assembly's United Nations Organization's resolutions, despite having legal effect, don't enjoy administrative power like mandatory resolutions. But some of resolutions of public assembly related to managing this pillar, are definite and mandatory (Ziaie Bigdeli, 1382 : p.174). This point should be mentioned that innumerable efforts have been accomplished on behalf of developing countries to make United Nations Organization's resolutions mandatory especially public assembly resolutions that

all remained ineffectual. In 60 decade, too, developing countries tried to make public assembly resolutions mandatory but these efforts encountered intense obsession of socialist and western countries and remained frustrated. (Mosa Zadeh, Reza, the same: p 57).

About Iran's human rights resolution, we should say that meanings of these resolutions are acts usually propounded by public assembly of United Nations Organization about violation from cases relating to human rights in Iran rights. The latest resolutions of human rights which have been issued about Iran include:

- 2009 resolution – this resolution was issued by public assembly of United Nations organization in relation to human rights status in Islamic republic of Iran in 24 February 2009. This resolution was approved in third committee of sixty third session of public assembly in November 2008.

- 2010 resolution- this resolution was issued by public assembly of United Nations Organization in relation to human rights status in Islamic republic of Iran in 26 March of 2010. This resolution was approved in the third committee of sixty fourth session of public session in November 2009.

- 2011 resolution- this resolution was issued by public assembly of United Nations Organization in relation to human rights status in Islamic republic of Iran in 10 February 2011. This resolution was approved in the third committee of sixty fifth session of public assembly with 80 amicable votes, 44 opposed votes and 57 recusant votes.

- 2012 resolution- this resolution was issued by public assembly of United Nations Organization in relation to human rights status in Islamic republic of Iran in 17 February 2012. This resolution was approved in the third committee of sixty sixth

session of public assembly with 86 amicable votes, 32 opposed votes and 59 recusant votes. It should be mentioned that in 1392 a human right resolution against Iran was issued regarding to human rights status in Iran based on Ahmad Shahid 1 reports who is the special reporter of united nation organization about human right matter in Iran.

1- Lately, reporting term of Ahmad Shahid has passed and another reporter has replaced him.

2- Human rights institutions relating to Iran's human rights files

With increasing supervisory institutions that are created based on human rights treaties "public assembly", some various institutions also exist in United Nations Organization that their creating fundamental and basic principles rooted in United Nations Organization chart. The most important human rights organizations that are among subsidiary pillars of United Nations main pillars include: commission on human Rights to its substitution in 2006 by human rights council, commission of discrimination elimination and supporting from minorities, commission of woman dignity and high commission of human right. Of course, it should be mentioned that UNO procedure has been extended relating to addressing issues that result in serious and fundamental violation of human rights (Buergenthal,2002: p.26). In this respect, international human rights are dependent to a series of human rights conventions and documents. When a convention is approved by a

country that country is legally bound to respect those rights and should ensure that its national laws are compatible with intercalated promotion and legal support in these conventions. Iran has approved five cases of 9 main conventions of human right.

1-2 Commission on human rights

Development of institutions like constant bureau of international umpire , spoils bureau, specialized legal committees consisting from experts in national society era , formation of 1945 Nuremberg and Tokyo military forums for pursuing of military criminals and the like indicates the dominant thought in the first half of twenty century in tendency to shaping international legal and specialized institutions and public assembly has the right to study and necessary recommendations and regarding to the right of founding subsidiary pillars for performing relegated duties and address human rights issues with more power. On the other hand, ECOSOC can provide reports about international issues relating to human rights with fund of 14 clause of the chart appropriately, with such a point of view , the matter of human rights in united nations' chart has been noticed. The responsibility of administering these rights is undertaken by two main pillars of United Nations Organization that in its other pillars, such a precision in addressing this issue is not observed. These two pillars are public assembly and ECOSOC social and economic council. In one hand, help in realizing human rights and fundamental freedoms are among public assembly's authorities and duties ¹. And the assembly has the right to study and emission of necessary recommendations and regarding to founding right of subsidiary pillars for administering relegated duties ² can address human right issues with support of 14 clause of chart appropriately and with more power. On the other

hand, ECOSOC can provide reports about international issues relating to human right and issues some recommendations. However, the chart has awarded ECOSOC a special authority in the ground of creating specialized commissions for performing its necessary duties. Our main discussion is concentrated on founding human right commission from actualizing those authorities by council.

Such a precision in addressing this issue is not observed. These two pillars of human rights commission which has been one of subsidiary pillars of UNO economic and social council, ECOSOC, about human rights, was created by this council and in respect to administering content of clause 68 of United Nations Organization in 1946. In time space between the first human rights commission meetings in 1947 to its sixty first meeting in 2005, the commission had been changed very much in respect of its role and function in international level till finally was dissolved. In this process of change, what is obvious is that human right commission is definitely an institution that is founded as a subsidiary and important pillar in human right scope that despite subdominant status is one of several particular and responsible commissions versus ECOSOC and UNO public assembly. based on performed analysis, consideration and attention that exist towards commissions function, is more towards the subdominant and supplementary commission (replication against ECOSOC and public assembly) and includes commission activities regarding standards creation, supervision, gradation and real extension between standards in human rights ground and extension of this role and the commission in this ground and also in responding to human rights violation , have been more and less successful.

1- Clause13 of UNO chart

2- Clause7of UNO chart

Decisions that are made by human rights commission about considered issues for example in relation to human rights status in Iran and are reckoned under the title of resolution of commission act , are first proposed by one or more members of commission and decision making towards it is requested. Human rights commission invites United Nations Organization governments who are not commission members and also governments who are not member of UNO, representatives of specialized organizations, representatives of high commission office of refugees and representatives of non- governmental organizations for attending in the commission and its discussions. The governments who are not member of commission don't have right to vote but they can propound their proposal and these proposals are polled in request of each of commission member governments (Mir Abasssi, 1388: p.7-9).

The commission, 60 years ago, acted as coordinator and regulator of relations and activity of many institutions and UNO human rights programs and at the same time as a United Nations organization forum for investigating the relating accusations in the ground of violation from human rights. In this respect two resolutions known as 1235 in 6 June 1967 and 1503 in 27 May 1970 were issued by social and economic council which included the commission's investigating methods to declarations relating to human rights violation and this matter faced wide reception on behalf of countries and the

commission yearly received a great number of cases relating to lack of accurate administration and or human right violation which was given to commission on behalf of government in the form of complaint or suit (Mir Abbasi ,Bagher and Mir abbasi , Razi , the same , p.15) . This commission in 2006 was replaced with UNO human rights council that is discussed in continuation.

2-2 Human rights council

After the human rights commission's becoming deficient and unreliable, with pursuing of that time UNO general secretary Kofi Anan and ample criticisms on commissions activities , finally UNO public assembly founded a new council called human rights council. In this respect, foundation of UNO human rights council instead of former commission of human rights according to resolution 60/251 in 15 March 2006 was among important political and international events in 2006. Replacement of human rights council with commission on human rights with wider position and authorities is a reflection of increasing growth and promotion of human rights paradigm in present and future international system. Founder document of human rights council introduces considerable consequences in reinforcing human rights. The first important event that attracts attention regardless of formation and content of administrative regulations and human rights council authorities is the discussion of emitting human rights pillar of UNO from social and economic council and its conversion to subsidiary pillar of public assembly. It was in administration of clause 68 f the chart that social and economic council founded commission on human rights for promotion and support of human rights and this commission started its activity in regard of that council's duties and goals and continued it for 60 years (Sheikhi, 1389: p.147-148). Human rights council's activity as

subsidiary pillar of UNO public assembly is to be accomplished in the framework of principles of universality, impartiality, fairness, non-selective contact and through utilizing effective conferences of UNO to promote and support all human rights such as development right and in this course, besides governments, it should consult, participate and cooperate with regional organizations, specialized agencies, international human rights institutions and non-governmental organizations (Kharazi, 1385:p.9).

However, the main assignment of human rights council like commission on human rights is formularizing various grounds of human rights. The council, also still retains all strength and key points discussed in commission on human rights, especially particular order of tourism. Moreover, the council revises, modifies and deepens all missions, entities and roles existing in human rights council apron and will preserve and continue them.

3-2 Public assembly

One of main institutions and pillars of UNO is public assembly. This assembly is the main and universal pillar of UNO that all member countries participate in it. Public assembly can discuss and opine about each of issues intercalated in united nation organization chart. Of course, it does not have the right to interfere in issues relating to security council qualification (Mosa Zadeh, 1382: p.99-110). Yet, in cases where security council is not able to resolve in an issue due to members veto, public assembly make decisions instead of security council with request of majority of assembly members or general secretary or security council itself (with compatible vote of 9 embers without veto right), like public assembly decision in conflicts of Britain, France and Israel against Egypt in 1956, which was encountered with perpetual veto of permanent members of security

council, it ordered cease fire to hostile parties and developed united nations relief forces to supervise cease fire. According to clause 12 of the chart, at every time security council can assign every issues that know necessary to public assembly for inspecting without being obliged to attend it previously (Ziaei Bigdeli, the same, p.200-220).

UNO public assembly, have assigned attending to human rights affairs, social and humanity issues to one of its six committees called third committee. Third committee has approved several non-mandatory acts relating to human rights status in Iran. In these acts, usually UNO general secretary is requested to survey human rights status in this country. In this respect, UNO public assembly has approved some resolutions about human rights status.

3- The status of human rights files and issued resolutions

1-3 The status of human rights files in relating institutions

One of the most important issues that are considered in the field of human rights about Iran is the status of human rights files against Iran and issued resolutions. During the governance of Islamic Republic of Iran, except one or two years, UNO public assembly almost each year has issued a resolution about violation from human rights by Islamic Republic regimen.

As we know, human rights council started its work instead of commission on human rights since 2006. This council for the first time since its foundation in 2006 has convened for surveying human rights status in Iran. Western countries and human rights defender groups have frequently requested that an international group go to Iran for surveying human rights status – especially after vengeful responses

of security forces against demonstrators. Jan Baptiste Mateo, French representative in human rights council has declared that human rights status in Iran has become worse in 2006. And Peter Gooderham Britain representative in human rights council had also said that Iran should invite Ban Ki Moon, UNO general secretary, to investigate about after election violence and independently survey human rights status in Iran. In this regard, the response of Mohammad Javad Larijani, Iran representative, to international animadversions and requests was that: Iran is a country with an open democracy in which justice and remark freedom right is ensured and after Islamic revolution victory ... human right issue has been applied as a political means against Iran. In the course of issuing this resolution, Pakistan that orated in this meeting in representation of Islamic countries declared that Islamic conference organization is strongly opposed to resolution projection against Islamic Republic of Iran and considers this measurement a political action. Islamic conference organization's representative by mentioning active and positive approach of Islamic Republic of Iran in human rights scope criticized adopted approach by western group in human right council and condemned America's wide lobbies within human rights council and also in various countries. In one of resolutions of UNO public assembly number 176/64 A/RES which was published in Farvardin 1389, this assembly convicted Iran in many cases such as the government's conflict with objectors of Iran's president election results. Since 1984 that commission on human rights in its fortieth meeting through resolution number 54/1984, assigned a special reporter for investigating human right status in Islamic Republic of Iran and offering report to mentioned commission and public assembly, human rights status in Iran perches in permission of UNO third committee and also commission on

human rights and each year based on the report of special reporter which has usually had negative prospect, reports and other resolutions against Iran have been approved in third committee and then in public assembly of UNO and usually continuation of international supervision on human rights in Iran is emphasized. Just, during 3 meetings of 44, 45 and 46 of public assembly in years 89, 90, 91, 68, 69 and 70 no resolutions was issued against Iran (Mehrpoor, 1373: p.1).

One of other resolutions that was approved about Iran's human rights file in early Azar of 1391 was about human rights status in Iran which was approved in third committee with 83 positive, 31 negative and 68 recusant votes and hereupon in the end of this month, the mentioned resolution was polled in UNO public assembly and was approved with 86 positive, 32 negative and 65 recusant votes. In this resolution former claim about human rights status in Iran was emphasized and with referring to some parts of Ahmad Shahid's report, it was propounded that in many cases this is a systematic violation. The resolution text is almost wholly critical and merely very few hints have been made to human rights progresses in the country especially in cultural, social and cultural scopes. Entrance of resolution to future president election discussion, also request from a great and specified number of topical reporters of human rights council for concentrating on human right status in Iran is among noteworthy points of this resolution. Whilst, continuous deterioration of public assembly votes against Iran in the last few years also is among issues that seeks sensitivity and multiple attention with problem solution approach. (Golshan Pajoh, 1391: p.1).

Of course, it should be mentioned that many resolutions of human right files against Iran by public assembly and or human rights council, even

if they are approved by decisive majority agreement members but they are not considered mandatory resolutions (Mosa Zadeh, the same, p.59).

In respect of approving human right resolutions against Iran by human rights council, this matter is performed through a wide network of work groups, topical reporters and state reporters or representatives. Reporting system is indeed logical and derived from special investigating methods which are arisen from resolutions 1235 and 1503 of ECOSOC social and economic and enable the council to investigate wide violation from human rights. About Iran's human rights file, too, till now many special reporters have been chosen. These reporters are commissioned to investigate issues towards a special matter regarding international human rights standards and offer the council their report. Before formation of human right council, about 12 topical special reporters were determined and started their activity (Mehr poor, 1383:p.156).

One of the latest resolutions issued against Iran is the resolution 2013 which has been approved after accession of change superficial indications from Iran government after election of Hasan Rohani as president in Khordad 1392 and the start of government's work in 12 Mordad 1392. international federation of human right societies and organizations member of human right defense societies in Iran and human rights defenders focus have believed that government change has not any effects on human rights status till now. Ahmad Shahid, special reporter of human rights status in Islamic Republic of Iran has declared that Iran within 18 months since January 2012 (Day 1390) to June 2013 (Khordad 1392) has broken human rights widely.

One of cases which is discussed about Iran's human rights files is reports discussion. In one of general

secretary's reports from human rights status in Iran which has been offered to public assembly it has come that this report is offered to public assembly following resolution 67/182 in which the assembly had asked general secretary to provide a report in its sixty eighth meeting. This report updates the latest report of general secretary to human rights council about human rights status in Iran and provides some information in the context of progresses that have been accomplished about execution of resolution 67/182. While this report focuses on concerns that had been propounded in resolution 67/182 of public assembly, it also notices to matters that effect on cultural, social and economic rights too. This report includes observations that are performed by supervising institutions on UNO treaties, notices special regulation of human rights council, various organizations of UNO and non-governmental international organizations more than before. This report, also, addresses intercalated information in country's formal media. During the period of providing this report, UNO human rights systems have expressed their concerns about human rights including execution and abuse of minorities' rights. According to this report , new law of Islamic penalty which was signed by president in the first day of June 2013 , reduces the range of violations which resulted in death penalty for adolescent offenders but stoning has still remained as a penalty and for some non- mortal violations ,too, prescribes death penalty. The government effectively accompanied the social, cultural and economic committee that was investigating the second periodical report of Iran in May 2013.

This is while the UNO member countries usually send to this independent committee their periodical reports from human rights status match with commitments they have by signing recognizance of political and civil rights every four years.

2-3 Iran's point of view to human rights files

First, it should be mentioned that foundation of UNO and other institutions relating to human rights has caused supernumerary hope, expectation and anticipation of millions individual around the world who believe that UNO with all its subordinates will bring about freedom and justice for them. Therefore, it is not so surprising to receive a great number of claims containing human rights violation from individuals and non-governmental organizations who are all desirous of UNO intervention and each year these claims are increasing and the reason of this can be considered the approval of 1966 treaties. Islamic Republic of Iran in one hand as one of international society's governments and a member of international organizations especially UNO is under the challenge of international human rights system. Iran despite change of political system, based on the principle of governments persistency is internationally extender of Iran government's legal identity that in former regimen has obligated itself to its standards by unconditional approval of many international human rights conventions especially international human rights chart (universal human rights declaration, international political and civil rights convention, international economic, social and cultural rights convention) and should regulate and coordinate its rules based on the and reports its human rights measurements and progresses to international human rights institutions like human rights committee, economic rights committee, economic, social and cultural rights committee and commission on human rights. Moreover, the related institutions have continuously supervised and controlled Iran's human rights status especially after Islamic revolution and since 1981 have orderly issued some resolutions in Iran's conviction by investigating human rights status in Iran and

determining special representative. (Sharifian, 1379: p.821).

On the other hand, Iran's Islamic Republic system has been established with 2/98 percent vote of Iran's nation's majority and has formed a government based on Islamic standards and principle 4 of constitution obliged the government to approve and administer all its rules based on and according to Islamic standards. The problem is arise where there are some differences and contrasts between some international human rights regulation system and statutes of Islamic Republic of Iran which is the main factor of Iran's conviction in public assembly and former commission on human rights and now in human rights council. Based on published human rights documents by UNO human rights center, now there are about 25 international human rights contracts that their most important ones include international political and civil human rights convention, international economic, social and cultural rights convention, conventions of deletion of any kinds of discrimination, prohibition and punishment of genocide, prohibition of apartheid, children rights, elimination of any kind of discrimination against women. Islamic Republic of Iran from total international human rights conventions above has approved and signed 10 conventions and is considered their member. Therefore, from 10 approved conventions, seven are unconditional and absolute in the time of past regimen and 3 conventions have been approved in Islamic Republic period, the most important of them was international convention of child's rights and towards 2 conventions of refugees rights and child's rights has preconditioned and has accepted them with condition (Mehrpoor, the same, p.414).

4- Legal and political effects of human rights resolutions against Iran

Though, in today's world separation between internal and international arena in many cases is not readily possible and interactions of each has serious effect on the other and extension of communicational and informational means has traversed boundaries and dry walls of national sovereignty in conventional concept have collapsed, at the same time expediencies and features of each of two arenas are still stable. For this reason, we can investigate the process of mobility of theoretical and practical approaches of a country in universal arena separate from internal arena (Ziaie far, 1384: p.25-30). Islamic Republic of Iran since beginning of revolution till now in the scope of human rights has had vicissitudinous relations with different countries that each of mentioned ups and downs roots in its intellectual base and that era's peripheral realities. Two years after revolution, for the first time Iran's human rights status file was propounded in subsidiary commission of UNO human rights commission and then in the commission itself. Mostly, western countries stand behind projection of this issue. This matter and in parallel their support from Baath regimen during imposed war against Iran totally caused Iran's relations with western countries in human right scope to be stressful and based on mutual objections and usually these conflicts are represented in UNO human rights commission apron or in UNO public assembly and even in some other universal conferences. Iran believed that western countries are opposing with Islamic standards and in this basis utilize human rights in intentional level to suppress Iran. Mutually, westerns reject this matter and insist on their approach. Of course, Islamic Republic of Iran often has had a negative look to UNO human rights activities and this matter has caused to have stressful relations in international assemblies arena between two parties and in cases where a UNO

human rights reporter is allowed to visit Iran, security look has been governed on mentioned individual's function and sometimes inside the country some people somehow have provided the reporter with critical data and later it has followed legal effects for them. Briefly, we can say that during these years a mutual distrust has shaded on all relating interactions. Therefore, the ground of positive cooperation between two parties has been loosening.

1-4 Legal effects of resolutions

Existence of each human right indicates legal requirement. Each right is a privilege and each requirement is a legal assignment. Refusing cases relating with human rights by each country may expose human rights basis to annihilation but in contrast deference to legal requirements, is an effective warranty for human right observation. Therefore, in cases where human rights files are issued against Iran, its responsibility became clear. Iran's international responsibility here may have two aspects, one non-punitive and the other punitive. International responsibility in non-punitive form is one of the most important and main international legal entity which has been known as an essential and necessary lawful means in mutual relations of international rights subordinates. Existential logic of responsibility is due to this public opinion that power without responsibility doesn't exist. Of course, today despite debuting of international criminal bureau, responsibility principle is non-criminal and is discussed except criminal responsibility.

The main reason of Iran's responsibility in human right files is that according to clauses 1 and 2 of the project about international responsibility of countries in 2001 every offending action of a country causes that countries international responsibility. Elements of this offending action

includes a behavior that according to international rights entails act or quit of relegated act to a country and that behavior is violation from an international commitment on behalf of that country. Of course, it should be notice that human rights violation by Iran is treated as crime just in cases where international criminal laws consider the act a crime. Of course , it should be noted that in these cases that human rights have been violated , redress , compensation , restoration to former status , atoning and mutual measurements should be accomplished by Iran (Ziaei Bigdeli, 1383 : p.8-10).

4-2 Political effects of resolutions

4-2-1 Economic boycotts

In today's world, international boycotts are discussed as a means for exerting pressure on countries on behalf of universal society. In UNO chart boycotts are not defined but are referred to as decisions that Security Council will adopt equal to chart's seven chapter schemes. Legal framework of such schemes are expressed in clauses 39 and 41 of the chart and according to the latter clause does not include using military forces but it covers measurements like rupturing of economic and diplomatic relations and disconnection of any kinds of communication ways, with this aim that it could lead resolving of threat from security and peace or its restoration (Taeb, D'Amatolaw: 1376, p.12). Economic boycott which is not a peaceful way for solving international discrepancies or loss compensation is discordant with initial principles of the chart. Conference of commerce and development of United Nations (UNCTAD)

through a resolution declare that these measurements don't help in creating peaceful atmosphere which is a requisite of development. UNCTAD in another resolution with the title of non-acceptance of wrathful economic measurements expresses that all developed countries should avoid exertion of commercial restriction, siege, transaction prohibition and other economic punishments discordant with provisions of united nations' chart against developing countries as a form of political compulsion which influence on social and economic development of these countries. (Carter and Barrely 1989: P.5).

Of course, as in the resolution has been pointed with the phrase of political compulsion, it is obvious that if this action is itself in the direction of economic relations regulation and with formularized economic aims in development plans of a country, its accomplishment doesn't have any contradiction but when this same action is mixed with political motivation and intent, then this action will be discordant with commerce freedom mentioned in resolution. Also, public assembly has frequently decried wrathful economic measurements as a means of access to political aims (Nauph, 1385:p.258). Therefore, in this respect one of aims of boycotts is change of banned country's behavior for reasons relating to foreign relations. Economic boycotts are usually used as a means in foreign policy's pursuit. It is argued that the aim of economic war is to damage the enemy's economy as much as possible. For example , through pondering and scrutinizing in detailed conferences of Islamic parliament in 17/1/1360 we can conclude that economic boycotts not only caused accession of bottlenecks in purchase and goods importation from abroad , but also they cause increasing of the number of middlemen in countries purchases from abroad , increasing the expenses of transportation, insurance, ships stop

and prolongation of goods transport duration due to providing essential goods by importers through middlemen from Kuwait or other ports of Persian Gulf. Disorder of distribution system, speculation and overcharging, appearance of black market for many goods and formation of trade committee and special revolutionary court about this case are among other consequences of United States boycotts (Feldan, Zaydel, 1379: p.533). A question that may be propounded here about exertion of boycotts against Iran is that whether where essential norms of human rights are at risk in economic boycotts against Iran, boycotts can be adopted? By studying universal criteria of human rights intercalated in UNO chart (1945), universal declaration of human rights (1948), child rights convention (1989) and other related documents which show international accepted principles, it can be claimed that if economic boycotts result in human suffering and hardship, these boycotts don't have any justification on aspect of international rights. This matter is even considerable in the case where economic boycotts by UNO under considerations of the organization chart poses international consensus.

4-2-2 Disconnection of political relations

Another effect of human rights resolution approval against Iran is disconnection of political relations following economic boycotts. Significance of Iran's human rights file in human rights institutions has caused countries to decrease or disconnect their relations with Iran following approval of human rights resolutions. In this respect, diplomatic relations between countries are ruptured. Regarding that countries have freedom and independence and each has a sovereignty, then diplomatic relations between countries are optional and they are not possible without countries' satisfaction. Diplomatic relations are merely between countries and they

should identify each other to establish diplomatic relations. Countries have consular relations with each other besides their political and diplomatic relations. Consular relations have been arisen due to commerce development and travel of merchants and citizens of countries to other countries. So, consular entity is for protecting citizens of one country. We should consider a point in the case of political relations discussion and this point is that according to clauses 44 to 46 of Vienna convention about diplomatic relations, acceptant country is obliged to provide necessary facilities even in the case of existing host conflict, so that people imparting from advantages and immunities except citizens of the acceptant country and their family members regardless of their citizenship can leave the land of that government in the first opportunity. The acceptant government in the case of diplomatic relations disconnection between two governments and or when mission has terminated temporarily or definitely is bound to esteem mission's locations and also its properties and archives and protect them, even in the case of host conflict. Sender government can assign protection of mission's location with its properties and also protection of archives and preservation of its advantages and citizens to a third country that is accepted by acceptant government.

Finally, it is necessary to investigate the effects of resolutions on relations with international organizations. About relations with non-governmental organizations it should be said that regarding that most well-known international non-governmental organizations in the ground of human rights since the beginning of revolution for various reasons have been among critics of Islamic Republic function, then relations of Iran government with most non-governmental organizations in most part of after revolution history have been inappropriate and any special

cooperation hasn't been established between Iran's political system with mentioned organizations and interactions are merely in the extent of some limited cases. For example, in some cases one of active Iranians in human rights scout organization whose central office is in united states was interviewed and according to these conversations , this person who is also active in the scope of Iran , has had some journeys to Iran and later he has published some reports about his visits or during period of 76 -83 when the dialog between Iran and Europe was performed with participation of some of university professors and non-governmental organizations of two parties , it was permitted that some well-known non- governmental organizations in the ground of human rights , come to Iran along with European commission and attend in meetings that in one case the representative of international human rights federation and in another case the representative of international absolution were among agents of non- governmental organizations guests in Iran. During the establishment of Asia region's meetings which was held in Tehran , several non- governmental organizations was present in Tehran that incidentally types of cover of some of ladies of the mentioned meeting and other similar matters became a controversial issue in Iran's internal level. Despite cold relation of Iran's authorities with most well-known international non- governmental organizations in the ground of human rights, during fourth period of investigation and even in final years of its former period, cooperation was established between Iran's non-governmental organizations in various grounds including human rights or women rights, youthful rights , environment rights and with international non-governmental organizations and various interactions was performed between two parties non- governmental organizations that of course these collaborations depending on two

parties point of views can be divided to various mental spectrums and the effects of each of these interactions are also denotatively capable of great explanation and extension which is out of room of present compact record (Zeiaie far, the same: p.20-25).

Conclusion:

Existence of each human right indicates legal requirement. Each right is a privilege and each requirement is a legal assignment. Refusing cases elating with human rights by each country may expose human rights basis to annihilation but in contrast deference to legal requirements, is an effective warranty for human right ovservation. Therefore, in cases where human rights files are issued against Iran, its responsibility became clear. In respect of ovservation of human rights various institutions has been created by UNO or based on special treaties. One of these institutions is human rights commission which was replaced with human rights council in 2006. In respect of approval of human rights resolutions against Iran, this matter is performed through a wide network of work groups, topical reporters, reporters and state reporters. Reporting system is indeed logical and derived from special investigating methods which are arisen from resolutions 1235 and 1503 of ECOSOC social and economic and enable the council to investigate wide violation from human rights. About Iran's human rights file, too, till now many special reporters have been chosen. These reporters are commissioned to investigate issues towards a special matter regarding international human rights standards and offer the council their report. Besides these two institutions , public assembly, too, based on procedure proceeds in some resolutions emission. In this sense, till now, many resolutions have been approved against Islamic Republic of Iran. Special reporters of united nation organization

report public assembly about human rights status in Islamic republic of Iran each year. Of course, it should be mentioned that Islamic Republic of Iran has joined some of these human rights documents or accepted them with provision right and has been bound to their observation.

The above cases introduce this point that emissions of these resolutions in the ground of human rights impose what political and legal effects on Iran. In this respect, we can point to international responsibility of Iran against international institutions, economic boycotts and disconnection of political relations as political and legal effects. About the effect of these resolutions, it should be said that from the beginning of exertion of boycotts till now ample damages have been wrecked to Iran's economic body and in many cases Iran has not been able to establish economic relations with many countries and even in some cases, Iran's properties have been blocked in these countries. Moreover, these boycotts have indemnified Iran's relations with other countries especially with western countries. Among other political effects of these resolutions are secluding of Iran and its stranding among countries and moreover its citizens may also undergo some losses. About the most important legal effects, it should be said that these resolutions cause projection of Iran's international responsibility.

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