

# Challenges of Employees' Rights in Iranian Administrative Laws and Regulations from a Human Rights Perspective

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In this article, we seek to examine the challenges of this subject through a doctrinal and legal approach, using the library research method, with an applied orientation and a descriptive-analytical nature. The purpose of raising issues of administrative human rights—similar to other manifestations of human rights—is the protection of employees against public authority and state officials. It is important to understand what challenges, gaps, and deficiencies exist in the implementation of human rights norms in our country's administrative laws and regulations concerning employees' rights, given the human rights dimensions. For this reason, the matter of the extent to which government employees enjoy fundamental rights is of great significance. The research indicates that many civil rights of government employees and the guarantees for their enforcement have been addressed in administrative laws and regulations; however, despite Iran's accession to a number of treaties, the Islamic Republic of Iran faces serious challenges in the implementation of and accession to other treaties, and has been subject to criticism by international forums. These challenges stem primarily from two major factors: differences in ideological foundations regarding human rights norms, and the political orientation of international organizations and states toward the implementation of human rights standards in the Islamic Republic of Iran. It should be noted that employees' rights are not comprehensively articulated within administrative laws, and that not all human rights norms applicable to employees are reflected in administrative laws and regulations.

**Keywords:** *Human rights; Employees' rights; Administrative law; Western human rights; Iranian human rights; Human rights challenges in Iran*

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## 1. Introduction

Government employees are undoubtedly individuals who participate in administrative and national decision-making processes, playing a significant role in enabling organizations to achieve their objectives and approved policies. On the one hand, these employees are citizens of society, and consideration of their fundamental rights contributes to the expansion of human rights in society and public administration; on the

other hand, they are the ones who must implement these critical decisions.

The issue of human rights and its implementation in the Islamic Republic of Iran faces numerous domestic, regional, and international challenges. Domestically, the existence of Islamic values and norms in the drafting, interpretation, and enforcement of human rights leaves little room for liberal, Western, or externally imported approaches, thereby promoting an independent framework. Externally, it has repeatedly been observed that human rights are used as a tool to exert pressure on



various countries, including the Islamic Republic of Iran, in other areas.

However, the extent to which government employees enjoy essential civil rights under administrative and employment laws—and whether adequate mechanisms have been established for their protection—remains a matter of reflection. A significant issue concerning government employees is the lack of serious determination in enforcing the law, both on the part of the employees and on the part of the employer, namely the state. In fact, the recognition of employees' rights constitutes only one dimension of the problem; the other dimension concerns the existence of sufficient guarantees for the enforcement of those rights, and what mechanisms have been anticipated in Iranian law to ensure their implementation.

The most important challenge is the contradiction between universal human rights and local or national rights, which have been developed based on two different approaches. The dominance of secular and liberal perspectives in the instruments of major human rights organizations has contributed to certain criticisms raised by the Islamic Republic of Iran, which regards itself as one of the defenders of religious human rights frameworks. In addition, the dual and inconsistent stances of human rights organizations and powerful international actors have caused the Islamic Republic of Iran to maintain a consistently critical view of the human rights discourse ([Fazaebi et al., 2018](#)).

## 2. The Human Rights Challenge Between Iran and the West

Studies indicate that human rights in the West have been formulated based on Western philosophical foundations, many of which contradict the foundations of Islamic law. Moreover, the West uses human rights as a political instrument and implements them selectively in different countries. These two issues have ultimately resulted in serious disagreements between Iran and the West in this field. Examination of Western positions against Iran in the field of human rights suggests that the most significant factors behind the accusations of human-rights violations are:

a) Fundamental conflict with the West due to the drafting of human rights based on Western ideological foundations.

b) Political conflict with the West due to the instrumentalization of human rights and its selective application ([Saber Doost & Chitforoush, 2016](#)).

### 2.1. Foundational Challenges

It appears that the fundamental root of the confrontation between the West and Iran in this domain arises from the conflict between the worldviews and philosophical foundations that shape Islamic versus Western human rights. The Universal Declaration of Human Rights was drafted on the basis of Western values, many of which contradict Islamic principles; therefore, the full implementation of all its provisions is not feasible. This issue has imposed significant legal and political pressures on Iran in recent years. Furthermore, the West continues to use human rights as an instrumental tool, selectively pursuing its realization in different countries. These two matters have ultimately led to serious disagreements between Iran and the West in this domain. The divergent epistemological, ontological, and anthropological assumptions underlying Western thought and Islamic teachings result in conceptual disparities and, ultimately, incompatibilities in the content of human rights instruments.

From the perspective of the Islamic Republic of Iran and certain other Muslim countries, human rights must be defined and interpreted based on Islamic values and teachings. Islamic values may differ from European values, yet they are not inferior to them and should not be disregarded; in fact, universal human rights norms must be dismissed when they contradict Islamic values ([Sadeghi, 2014](#)).

Western human rights, rooted in *humanism*, emphasize that these rights originate from and pertain solely to human beings. Thus, the source of their legitimacy and meaning is purely human, and cannot be extended beyond the human individual. The term *human rights* reflects both the nature and origin of such rights—rights that every human being enjoys by virtue of being human, not rights bestowed by God, and therefore unrelated to divinity, revelation, or religion.

The UN Special Rapporteur notes in his report that the Islamic Republic of Iran opposes attempts to impose and promote Western values and lifestyles through international human-rights institutions and mechanisms, and further expresses concern that expectations for adherence to norms conflicting with

Islamic principles constitute a violation of national sovereignty (Rahman, 2024).

The foundational points of contention may be summarized as follows:

**– Rights and duties:**

The relationship between rights and duties is a major point of divergence between Islamic and Western human rights frameworks. In Islamic teachings, rights and duties are deeply interconnected; every right corresponds to an appropriate duty, and vice versa. However, Western human rights, based on their specific worldview, separate these two concepts, placing primary emphasis on *rights*. Consequently, modern political thought considers rights the foundation of political reality and views the role of the government as preserving those rights (Pooladi, 2003).

**– Secularism:**

Secularism refers to the de-sacralization or de-religionization of affairs, essentially meaning the relegation of religion from the central and authoritative role in organizing social and political life. According to this perspective, human beings require no religious guidance in managing legal, political, governmental, or social relations (Zarrshenas, 2002).

**– Individualism:**

Individualism denotes an intellectual orientation based on the idea that individuals make decisions and choose their own paths without the interference or judgment of others. According to this view, the individual precedes society; society has no existence independent of individuals, but is instead the result of a social contract among them. Consequently, human rights are understood as having an individual origin. Unlike liberalism—which centers the individual, their rights, and their freedoms—Islam avoids both extremes: it neither prioritizes only the individual and their interests nor disregards the individual in favor of collectivist ideologies; instead, it adopts a middle path based on the principle of social welfare (Bashirieh, 2003).

**– Freedom:**

Liberalism, as an intellectual school emerging from the social transformations following the Renaissance and the Reformation, emphasizes limited and constitutional government, separation of powers, pluralistic civil society, skepticism toward government as a necessary evil, the prioritization of freedom over equality and

social justice, tolerance of differing beliefs, and the right to private property (Bashirieh, 2003).

Freedom is valued in both Islamic and Western human-rights systems, yet their justifications differ. The Universal Declaration of Human Rights grounds freedom in the will of the people, defining the limit of individual freedom as the freedom of others; Islam, however, accepts individual freedom within the boundaries of material and spiritual interests.

Perhaps the most important distinction is that in Islamic thought, freedom and rights are not ends in themselves, but means to the worship of God. Although freedom has value, it is not inherently the ultimate purpose (Kadkhodaei, 2010).

**– Gender equality:**

One of the main goals of liberalism is to ensure equal rights for all citizens regardless of religion, ethnicity, race, class, gender, and other characteristics. This is also a major source of disagreement between Iran and the West in the domain of women's rights, and one of the primary reasons for accusations against Iran concerning violations of women's rights (Smith, 2007).

## 2.2. *Political and Instrumental Use of Human Rights by Colonial Powers*

Human rights, not only for Iranian society but for all particular cultures around the world, are perceived as a form of Western cultural imposition. From this perspective, human rights represent yet another instance of a more or less deliberate dominance exercised by powerful nations to maintain their superiority and defend the status quo; as such, human rights remain a political weapon (Panikkar, 2015). For this reason, it is often observed in the positions of politicians in various countries—especially the leaders of the Islamic Republic—that they regard human rights as a pretext employed by Western powers, led by the United States, to justify their interests across the globe. The Islamic Republic of Iran believes that the role and support of major world powers, particularly the United States, within human rights mechanisms produce discrimination among states. For instance, by financing international economic institutions such as the International Monetary Fund, the United States removes human rights from their specific context and transforms them into tools for pressuring independent countries (Kadkhodaei & Saed, 2011). Accordingly, since support

for human rights and their practical manifestations are closely intertwined with political agendas and interests, states possessing greater authority and operational capabilities in the international system gain the opportunity to shape internationalization processes and direct the implementation of human-rights mechanisms. According to the report of the UN Special Rapporteur, the Islamic Republic of Iran expects the Rapporteur “to preserve independence without any external interference, provocation, pressure, threat, or foreign influence.” The Rapporteur notes that the Islamic Republic of Iran opposes “attempts to impose and promote Western values and lifestyles through international human rights institutions and mechanisms.” Iran also expresses concern that expectations regarding compliance with norms incompatible with Islamic principles constitute a violation of national sovereignty. Nonetheless, the Rapporteur states that, by nature, human rights inevitably affect national sovereignty. Human rights create essential obligations that states must strive to fulfill, including obligations that are non-derogable. The Rapporteur acknowledges the tension between respect for religious and cultural rights and other rights. However, when rights compete or conflict, states must select the path that causes the least harm to these rights, rather than overshadowing some rights—particularly non-derogable rights. The Rapporteur also distinguishes between “Western values” and “human rights,” emphasizing that Western institutions must recognize that the Islamic Republic of Iran is an Islamic nation governed by Islamic principles and should not be expected to conform to Western-specific norms. This position does not signal opposition to Iran’s recognized international human-rights commitments, but rather opposition to imposing Western lifestyles (Rahman, 2024).

### 2.3. *Interaction Between the Islamic Republic of Iran and Human Rights Institutions*

Regarding the manner of engaging with international human-rights conventions and the legislative processes for their ratification, a form of excess and deficiency can be seen in the pre- and post-Revolution periods. Among the human-rights conventions ratified by Iran, except for two conventions in which reservations have been

declared, the rest were ratified absolutely and without any conditions.

The two conventions are:

- a) The Convention relating to the Status of Refugees, ratified in May 1976, for which two reservations were declared regarding specific articles;
- b) The Convention on the Rights of the Child, ratified in March 1994 (Hashemi, 2014).

The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were ratified without any opposition or reservation in December 1972, without considering the consequences they would have on domestic laws, and despite the clear difficulty the government would face in implementing them. To compensate for such legislative negligence, after the Revolution, the Islamic Consultative Assembly adopted an extremely cautious approach when ratifying the Convention on the Rights of the Child, approving it with a broad reservation of non-contradiction with Islamic law and all current and future domestic laws. This means that although the Convention is ratified, the Islamic Republic of Iran is obligated only to enforce domestic laws and Convention provisions that do not contradict them, and it bears no duty to amend future laws in accordance with the Convention. A significant problem with this type of reservation is that other state parties have no way of knowing which articles of the Convention Iran does not consider itself bound to, especially since—under this reservation—if future domestic laws contradict the Convention, its provisions will not be enforceable (Hashemi, 2014).

At a general level, the Islamic Republic of Iran largely adheres to international human-rights treaties and declarations, and governmental and non-governmental institutions within the country also operate in human-rights-related fields. Moreover, examination of constitutional provisions shows that equality and the recognition of diverse beliefs—central principles of human rights—have been accepted in Iranian society. The Islamic Republic of Iran has joined many international bodies to cooperate with human-rights institutions worldwide and promote a human-rights culture domestically. In addition to membership in the United Nations and acceptance of its related treaties, several national institutions have been established to advance a culture of human rights. Furthermore, the High Council for Human Rights of the Judiciary has been

established in accordance with the duties of the judicial branch to protect the rights of individuals, ensure justice, and promote legitimate freedoms (Eslami & Kamalvand, 2014).

Based on explicit constitutional provisions, Article 13 recognizes Zoroastrians, Jews, and Christians as the only officially recognized religious minorities, who are free to perform their religious ceremonies and conduct personal affairs and religious education according to their own traditions. Article 19 also emphasizes equality before the law, stating that the people of Iran, regardless of ethnic group or tribe, have equal rights, and that distinctions based on color, race, language, and similar characteristics are not permitted. Thus, two conclusions may be drawn: first, membership in and support for human-rights bodies and declarations are accepted in the Islamic Republic of Iran; second, the Constitution contains numerous provisions for preserving and promoting a human-rights culture. Nevertheless, these matters do not negate Iran's criticisms of the human-rights system.

The Special Rapporteur notes that the Islamic Republic of Iran faces difficulties in fully welcoming the mandate. Full cooperation would foster trust within the international community regarding the government's commitment to fulfilling its obligations under the UN Charter (Rahman, 2024).

#### 2.4. *Weaknesses in Enforcement of the Obligation to Cooperate*

The UN General Assembly, in addition to emphasizing the necessity of fostering cooperation among states in multiple resolutions, highlights the duty of states to promote and respect human rights in accordance with Charter principles, including the principle of cooperation. Resolutions 57/217, 56/152, and 55/101 explicitly underscore the obligation of cooperation among states within the international human-rights system. According to Article 2 of the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, international participation and cooperation constitute essential mechanisms for the effective implementation of human-rights obligations (Spulveda Carmona, 2009).

The principle of cooperation in general international law is one of the central issues in the fields of human rights and humanitarian law. Given that states bear obligations

such as the duty to respect, protect, and fulfill human rights, it follows that they must overcome existing obstacles and limitations to institutionalize the obligation of international cooperation as a legal responsibility (Eslami, 2013).

A necessary condition for resolving cooperation-related challenges is for states first to possess a clear understanding of human rights, and second to gain transparent knowledge of each other's perspectives regarding the content and implementation of human-rights norms. Due to the breadth of the obligation, effective international cooperation requires a continuous and permanent institutional mechanism. Strengthening international cooperation in the field of human rights enhances global respect for rights by reinforcing human-rights treaties, harmonizing their concepts with domestic laws, and institutionalizing shared state interests such as maintaining international peace and security. Thus, by establishing a cooperation commission within human-rights treaties among states, the effective implementation of cooperation obligations will be ensured, contributing to sustainable development (Khosravi et al., 2023).

#### 2.5. *The Impact of Treaties on Domestic Law*

The tension and distinction between Iranian law and international law is one of the most debated issues both in the realm of domestic law and international law. This divergence is not limited to theoretical and intellectual foundations; in practice, accession to and implementation of international obligations sometimes face multiple and diverse obstacles, which in turn hinder the domestic effectiveness of international instruments. The issue of accession to, and implementation of, obligations arising from international instruments—particularly human-rights treaties—is often met with specific positions by Islamic countries, including Iran (Azari & Tabatabaei Hesari, 2012).

First, the problem arises from the fact that there are differences and inconsistencies between certain provisions of the international human-rights regime and the statutory laws of the Islamic Republic of Iran, and this has been a major factor in Iran's condemnation in the UN General Assembly and the former Commission on Human Rights. It is now clear that some articles of the Constitution and ordinary laws conflict with certain provisions of the international human-rights corpus. In

the Islamic Republic of Iran, any treaty approved by the Islamic Consultative Assembly must also be confirmed by the Guardian Council to ensure its conformity with Islamic law and the Constitution (Articles 4 and 91 of the Constitution). Hence, a treaty that contradicts the Constitution will not be approved by the Guardian Council and therefore cannot be accepted as law (Khomamizadeh, 2010).

When a state accedes to a treaty in accordance with international rules, that treaty becomes enforceable at the domestic level, and national laws should not be inconsistent with international treaties to which the state is a party. In other words, the state must employ all available means and apply the highest possible standards and enforcement guarantees to realize international legal obligations. This approach is explicitly emphasized in certain international conventions. For example, Article 2 of the International Covenant on Civil and Political Rights stipulates that each State Party undertakes to take the necessary legislative and other measures, in accordance with its constitutional processes, to give effect to the rights recognized in the Covenant where they have not yet been given effect by existing laws or other measures (International Covenant on Civil and Political Rights, 1966). In a similar vein, regional human-rights instruments, such as the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights, reaffirm that the rights and freedoms recognized therein must not be restricted, violated, or interpreted arbitrarily by the member states (Smith, 2007). Along the same lines, Article 27 of the Vienna Convention (reflected in the Vienna Declaration and Programme of Action) provides that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty (Vienna & Action, 1993).

From the standpoint of international law, even if a subsequent domestic law is inconsistent with a state's international obligations, that state will still be held responsible for breaching the treaty. Another point to note is that, in international law, states can adhere to a treaty at various levels. While the ideal expectation is that a country fully accepts the provisions of a convention, in practice states often limit the application of treaty provisions by entering reservations at the time of signature or ratification. States typically make

reservations for reasons relating to public order, national security, or the preservation of their sovereignty.

A second noteworthy challenge concerns the hierarchy between domestic law and international instruments (Shariat Baqeri, 2011). From the perspective of domestic law, the validity of international instruments depends on their consistency with Islamic law and the Constitution; in cases of conflict between Islamic rules and human-rights instruments, Islamic rules take precedence. This position was reaffirmed in Iran's report to the UN Human Rights Committee in 1982, and confirms that the Iranian legislator considers domestic law and Islamic law superior to international obligations. Consequently, if an obligation conflicts with domestic law or Islamic rules, the state does not regard itself as bound by it (Ziaee Bigdeli, 2006).

A third challenge relates to judicial protection of human rights based on international human-rights instruments, which is of particular importance at the international level. From the perspective of international law, denying citizens the possibility of invoking international instruments in the event of human-rights violations, or preventing them from bringing claims before international tribunals, constitutes a breach of a state's obligations under the relevant conventions. Although the Constitution and the Civil Code of Iran formally allow reliance on such instruments, prevailing judicial culture, the absence of a robust legal framework obliging judges to apply international human-rights norms, ambiguities surrounding the scope of Article 9 of the Civil Code, and the lack of judicial awareness of the potential of ratified instruments, have all exacerbated the problem (Mehraaram & Moradi Berelian, 2015). The Civil Code leads judges to assume that international instruments approved under the stated conditions enjoy a status lower than ordinary law, and courts seldom rely on international human-rights rules in their judgments (Hashemi, 2005). This is despite the fact that, under Article 9 of the Civil Code, judges are duty-bound to apply the law—whether domestic or international—in adjudicating disputes, and failure to implement international obligations can give rise to civil and criminal liability on the part of the judge (Hashemi, 2005).

### 3. Legal Challenges

In the second part of this article, the legal challenges embedded in Iranian laws and regulations are examined. Since employees are among the important and influential citizens of society, they enjoy general citizenship rights as well as specific employment-related rights. It is therefore self-evident that, in extending general citizenship rights to employees, all sources of law may be invoked.

### 3.1. General Citizenship Rights

#### 3.1.1. The Right to Human Dignity

Linguistically, *dignity* denotes honor and nobility, and functions as the source of respect for every being; it is also associated with generosity and greatness. In human-rights discourse, innate human dignity is often regarded as the foundation of human rights. By innate dignity, one means the value and respect that a person possesses simply by virtue of being human—something that can never be taken away. A review of human-rights instruments and the travaux préparatoires of certain texts shows that this quality is attributed to human beings as such; it is neither granted by anyone nor revocable by any authority (Parvin, 2017).

Some findings indicate that human dignity rests on principles such as freedom, equality, the right to development, security, protection of the core of individual life, quality of life, and social welfare. Certain practices in human societies conflict with dignity, status, and human honor; these include torture, degrading treatment, religious and sectarian discrimination, violations of women's rights, neglect of children and vulnerable groups, denial of the political rights of minorities, and similar patterns of conduct. Such practices are incompatible with the principle of human dignity, and international and regional human-rights instruments emphasize the obligation of states to reject these behaviors (Fazaebi et al., 2018).

In exercising public authority and for the purpose of recognizing, securing, and observing public rights and freedoms—as well as protecting public morality, order, and welfare—the state inevitably imposes limitations and constraints on individual rights. Human dignity thus plays a vital role in maintaining social order, and one way to achieve this is by strengthening individuals' dignity and acknowledging their values.

The Preamble of the Universal Declaration of Human Rights expressly affirms the inherent dignity and equal and inalienable rights of all members of the human family, and Article 1 and subsequent provisions elaborate on the dignity and equality of all persons (Universal Declaration of Human Rights, 1948). The two International Covenants oblige States Parties to guarantee the rights enumerated therein without discrimination of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status (International Covenant on Civil and Political Rights, 1966; International Covenant on Economic & Cultural Rights, 1966).

Similarly, regional human-rights instruments underscore respect for human dignity and fundamental rights. The European Convention on Human Rights guarantees the rights and freedoms defined in its first section to everyone within the jurisdiction of States Parties, while prohibiting arbitrary interferences with those rights; the American Convention on Human Rights affirms the right to humane treatment and respect for physical, mental, and moral integrity; and the African Charter on Human and Peoples' Rights, together with other regional declarations such as the ASEAN Human Rights Declaration, reiterate that all individuals are born free and equal in dignity and rights and should act towards one another in a spirit of humanity (Smith, 2007). The Cairo Declaration on Human Rights in Islam likewise emphasizes that God has created human beings in the best form, bestowed dignity upon them, and appointed them as His vicegerents on earth (Hashemi, 2005).

The prohibition of practices such as slavery, servitude and forced labor, torture, inhuman or degrading treatment, and non-consensual medical and scientific experimentation falls within the substantive scope of the right to human dignity (Spulveda Carmona, 2009).

One of the contentious issues between the laws of the Islamic Republic of Iran and human-rights instruments concerns the punishment of flogging. The Islamic Republic considers flogging a form of legitimate punishment, whereas it is treated as torture under international human-rights law. Flogging may be imposed on employees for certain offences, such as bribery or unlawful appropriation, while, conversely, the dignity of public employees is protected through specific

offences such as assault or resistance against public officials.

From the outset, human-rights norms have taken a sharply critical stance toward certain penal practices. International human-rights conventions contain numerous provisions designed to protect human dignity. Violence in punishment is among the penal practices that have been examined in various human-rights instruments and resolutions. For example, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines *torture* as the intentional infliction of severe physical or mental pain or suffering by, or at the instigation or with the consent or acquiescence of, a public official for purposes such as obtaining information or a confession, punishment, intimidation, or discrimination, and obliges States Parties to prevent not only torture but also other cruel, inhuman, or degrading treatment or punishment. Likewise, Article 5 of the Universal Declaration of Human Rights provides that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment (Smith, 2007; Universal Declaration of Human Rights, 1948).

Other relevant instruments include the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the International Convention on the Elimination of All Forms of Racial Discrimination; the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; and the International Convention on the Suppression and Punishment of the Crime of Apartheid, all of which contribute to the protection and promotion of human dignity (International Convention on the Elimination of All Forms of Racial Discrimination, 1965; Universal Declaration of Human Rights, 1948).

### 3.1.2. Gender Discrimination

Although individuals differ from one another in terms of talent, maturity, and perfection, they are all equal before the law. The practical elaboration of this principle is entrusted to domestic legal systems, which address its detailed aspects. However, it is important to distinguish between *equality in law* and *equality before the law*. What truly matters is the realization of justice, which is one of the most fundamental legal principles. Equality before the law means the absence of discrimination in the application of legal rules to citizens and disregard of

factors such as gender, race, color, religion, belief, or social and economic status (Parvin, 2017).

Women and men in the labor market face unequal conditions in employment, promotion opportunities, and income. Evidence in Iran also indicates limited occupational diversity and fewer opportunities for promotion for women. In addition, women's income from work is significantly lower than that of men, even at equal levels of education. Moreover, the gender segregation of occupations is a decisive and fateful factor for women, as it negatively affects men's attitudes toward women and women's attitudes toward themselves. It also adversely influences women's social and economic status and, consequently, various social variables such as mortality and morbidity, poverty, and income inequality. Occupational segregation by gender fuels inequality, inefficiency, and social injustice. If policymakers are genuinely committed to equality, efficiency, and social justice, they must pay greater attention to this labor-market phenomenon.

Occupations are thus decisive and fateful for women, because this segregation negatively affects men's perceptions of women and women's perceptions of themselves. It further impacts women's social position and income and, as a result, has negative effects on many social variables such as mortality and morbidity, poverty, and income inequality. Segregation of jobs on the basis of gender intensifies inequality, inefficiency, and social injustice. If policymakers believe in equality, efficiency, and social justice, they must devote more serious attention to this labor-market phenomenon.

### 3.1.3. Freedom of Belief

The right to freedom of religion and belief is one of the most fundamental human rights. It may even be said that the general idea of human rights has its historical roots in the protection of religious minorities. Based on the International Covenant on Civil and Political Rights and in light of the views of the Human Rights Committee and the European Court of Human Rights, it can be concluded that individuals have the right to change their religion, and that religious proselytism is an integral component of freedom of religion. Overall, perhaps the only issue that remains shrouded in ambiguity is the conflict between the child's right to freedom of religion and the parents' right to determine the type of religious

education provided to their children (Soudmandi & Sharifi Tarazkouhi, 2012).

In international instruments such as Article 18 of the Universal Declaration of Human Rights, all individuals are recognized as having the right to freedom of thought, conscience, and religion, and this right includes the freedom to manifest one's belief, faith, and religious teaching. Furthermore, Article 21 of the same Declaration provides that "everyone has the right of equal access to public service in his country" (Universal Declaration of Human Rights, 1948). Article 18 of the International Covenant on Civil and Political Rights again recognizes and emphasizes freedom of conscience, thought, and religion (International Covenant on Civil and Political Rights, 1966), including belief in a particular religion and the external manifestation of that religion. The International Labour Organization, in relation to discrimination in employment and occupation, has likewise recognized freedom of belief and the prohibition of discrimination on the basis of belief as fundamental principles in its instruments (World Bank, 2020).

In addition, women's income from work, even at educational levels equal to those of men, is significantly lower; gender-based occupational segregation further reinforces this situation.

The Special Rapporteur is of the view that a rights-based approach suggests that, while wearing the hijab may be encouraged as an expression of the right to freedom of religion or belief, it must not be made compulsory by law, nor should those who do not comply be punished. The Special Rapporteur also recommends that the authorities of the Islamic Republic of Iran ensure that human-rights defenders and activists are able to exercise their rights to freedom of belief, expression, association, and peaceful assembly (Rahman, 2024).

#### 3.1.4. Social Security

The right to social security, as one of the fundamental human rights, holds great importance at both the national and international levels. This right is among the essential preconditions of a dignified life, and every human being is entitled to enjoy it.

Today, the *right to social security* is directly linked to the responsibilities of states. This right has been explicitly emphasized in international instruments. In the realm of international relations, states bear the primary

responsibility for guaranteeing it and are obliged to provide social security for all their citizens (Sarresteh & Barzegar, 2016). The definition and recognition of this right in international documents—such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and other international conventions, particularly those adopted by the International Labour Organization—are repeatedly underscored. Likewise, the right to social security is emphasized in regional human-rights instruments and international conventions and, by extension, in the constitutions and ordinary laws of states.

Realization of the right to social security can contribute to the establishment of social and economic justice and security, the development of states, and ultimately the preservation of international peace and security, which is one of the main purposes of the UN Charter. Accordingly, the role of states as the primary duty-bearers in implementing this right requires them, within the framework of the obligations set out in international instruments and domestic legislation, to provide appropriate levels of social-security protection for all persons residing within their territory (Shahbazi Nia, 2008).

With regard to the second generation of human rights, or *claim rights*, and their recognition as natural human rights in human-rights instruments, it must be noted that human needs in society are so extensive that no individual can satisfy them alone. Meeting some of these needs goes beyond the capacities generated by market exchanges and requires strong social institutions, with the state acting as the authority responsible for these institutions and fulfilling such needs. Because individuals are *entitled* to this type of provision, such needs are referred to as *claim rights* (Hashemi, 2005).

In this regard, each state has sought to adopt financial policies and mechanisms to support social security. Nevertheless, despite the existence of social-security systems and extensive planning, the quantity and quality of the implementation of this right, even where it is legally recognized, often remain below desirable levels. As a result, large segments of the population in many countries are deprived of social-security benefits and protections.

In the Constitution of the Islamic Republic of Iran, the right to work and the right to social security are recognized in Article 29 for all people. This article

explicitly provides that: “Every person is entitled to the enjoyment of social security with respect to retirement, unemployment, old age, disability, lacking a guardian, being stranded, accidents and emergencies, and need for health and medical services and care, through insurance or other means.” The state is obliged, in accordance with the laws and from public revenues as well as contributions from the people, to provide these services and financial supports for all. Some scholars believe that all nine categories of social-security protection, in a human-rights-oriented manner, have been anticipated in the Constitution of the Islamic Republic of Iran (Shahbazi Nia, 2008).

### 3.1.5. *Freedom of Assembly*

One of the most valuable freedoms recognized in the twentieth century is the freedom of assembly. God Almighty has endowed human beings with this capacity so that, by exercising their free will, they may associate with others at any time and place. Freedom of assembly—or the right to freedom of assembly—which has been widely recognized at the international, regional, and national levels in various human-rights instruments as part of civil and political rights, enables individuals to collectively express, promote, and defend their common interests and concerns. The Constitution of the Islamic Republic of Iran also recognizes this right, allowing citizens to form lawful and temporary assemblies for the exchange of views and expression of their demands. According to Article 27 of the Constitution, the formation of public or temporary assemblies is conditioned upon two requirements: “not violating the principles of Islam” and “not carrying weapons.” Furthermore, the requirement to notify the authorities or obtain permits is another challenge and obstacle that affects the exercise of this freedom (Jangjoo Khalajan & Kalhor, 2017).

In the domestic sphere, the legislator’s approach—both in the Constitution and in ordinary laws—should be freedom-oriented, guaranteeing fundamental freedoms with the least possible restrictions. In this context, the Universal Declaration of Human Rights sets out, in relevant provisions, the conditions, manner, and types of permissible limitations in a legally appropriate manner and formulates them as binding standards (Universal Declaration of Human Rights, 1948). These provisions require that any restrictions be prescribed by law in a

democratic society, thereby subjecting limitations on rights to strict normative criteria. Similarly, Article 21 of the International Covenant on Civil and Political Rights defines the scope of this freedom and the circumstances under which it may be restricted (International Covenant on Civil and Political Rights, 1966). An important characteristic that distinguishes freedom of assembly from certain other freedoms is the “by law” clause, which enables states to introduce restrictions through administrative regulations and executive mechanisms in order to regulate this freedom. The Special Rapporteur further recommends that the authorities of the Islamic Republic of Iran ensure that human-rights defenders and activists are able to exercise their rights to freedom of belief, expression, association, and peaceful assembly (Rahman, 2024).

The International Covenant on Civil and Political Rights, by providing for certain limitations on rights and freedoms, rejects the notion of their absolute character and assists states both in better implementing these freedoms and in maintaining public order, so that legal standards do not become rigid and can remain aligned with social realities (Eslami & Kamalvand, 2014).

## 3.2. *Specific Rights of Employees*

### 3.2.1. *Recruitment*

In Iran’s domestic legal system, the recruitment of individuals into administrative bodies is carried out, pursuant to Article 41 of the Civil Service Management Law, through public and specialized competitive examinations. After passing the written exam and obtaining at least the minimum required score, candidates proceed to the next stage, which consists of specialized assessments such as interviews or technical evaluations. If they succeed at this stage and their professional competence is confirmed, they are introduced to specialized units established within government departments known as “selection” (gozinesh) committees.

These units are responsible for preparing a report on each candidate’s background. They obtain information from various authorities, including law-enforcement bodies, to verify the absence of misconduct and to check the candidates’ records, which are then documented in their files. Given the need to recruit individuals into governmental institutions as public employees, this

process is logical, as it aims to prevent individuals with negative records or prior misconduct from entering such positions. These employees not only deal with public funds and administrative secrets, but also interact daily with citizens and clients. It is therefore essential that candidates possess good reputation, appropriate social standing, and suitable behavior and ethics.

Selection procedures in government offices do not end there. Many government departments also hold in-person selection interviews. The Note to Article 42 of the Civil Service Management Law recognizes the validity of selection regulations, and Clause (c) of Article 46 explicitly provides that those who meet the conditions for permanent employment must first serve a three-year probationary period. If they satisfy the prescribed requirements during this period, including successful completion of the selection process, they may continue their service as permanent civil servants.

### 3.2.2. *Appointment*

The manner in which senior public managers are chosen and appointed has always been a concern both for government employees and for the public as stakeholders in this process. Enhancing transparency and establishing clear and well-defined procedures can help institutionalize meritocracy in the administrative system and increase motivation and dynamism among civil servants. One of the main concerns of public employees is the existence of discrimination in these appointments.

The general administrative policies communicated by the Supreme Leader, as well as the objectives and programs of the High Council of Administrative Affairs and the Charter on Citizens' Rights, all address this issue. Studies show that despite the existence of certain guidelines—particularly the Executive Instruction on the Selection and Appointment of Professional Managers adopted by the High Council of Administrative Affairs—due to the lack of comprehensiveness of these guidelines and the absence of necessary implementing regulations, their effectiveness remains minimal. If these guidelines are completed and their detailed executive by-laws drafted and communicated, a substantial part of the goals derived from the general administrative policies could be achieved. Increased and continuous oversight would also help ensure that the implementation of these

guidelines, which can yield positive outcomes, is properly carried out by the competent authorities.

One of the most important principles governing recruitment in public institutions is the principle of equality of employment opportunities. In this regard, paragraph 2 of Article 21 of the Universal Declaration of Human Rights provides that “everyone has the right of equal access to public service in his country” ([Universal Declaration of Human Rights, 1948](#)).

Similarly, subparagraph (c) of Article 7 of the International Covenant on Economic, Social and Cultural Rights recognizes as a right the “equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence,” as part of the right of everyone to the enjoyment of just and favorable conditions of work ([International Covenant on Economic & Cultural Rights, 1966](#)). Accordingly, all members of society must have equal opportunities to access public positions in government offices, and the placement of barriers through gender-based, ethnic, racial, religious, political, or similar criteria is contrary to this principle.

### 3.2.3. *Job Security*

Job security refers to the level of assurance an employee has regarding the continuity of his or her job over time. In other words, having job security means that a person is unlikely to lose their job unexpectedly. This sense of certainty enables individuals to work with greater motivation and to plan for their goals without undue stress. Numerous factors may affect job security, including economic conditions, individual performance, and managerial efficiency. These factors directly influence employees' sense of security and can significantly shape their working conditions. Job security is one of the fundamental principles in employees' rights and is directly linked to quality of life, work motivation, and productivity.

In international law, alongside the recognition of the right to work under fair and satisfactory conditions, protection against unemployment is also affirmed—for example, in Article 23 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Economic, Social and Cultural Rights ([International Covenant on Economic & Cultural Rights, 1966](#); [Universal Declaration of Human Rights, 1948](#)). In

addition, numerous instruments adopted under the auspices of the International Labour Organization deal with issues such as protection against unjust dismissal, the need to compensate for wrongful termination, unemployment insurance, the right to seek remedies, and other measures that collectively help safeguard job security (World Bank, 2020).

In Iran, laws and regulations have been enacted to protect employees' job security, yet in practice there are numerous challenges that may undermine this right. Temporary and informal contracts are among the primary challenges in this regard. In many occupations, particularly in the private sector and various industries, employees are hired under short-term contracts that lack adequate guarantees, leading to uncertainty about their professional future and a reduction in job security (World Bank, 2020).

Moreover, given the economic situation and the high unemployment rate in Iran, many employees are forced to accept jobs with unfavorable working conditions and without real job security. This situation can result in psychological pressure and stress, adversely affecting their health and quality of life. While job security ought to be regarded as one of the basic rights of employees, lack of stability in the labor market and the absence of long-term contracts frequently lead to the disregard of this right.

Another challenge in the area of job security is the lack of adequate legal protections for employees who are dismissed for various reasons, such as workforce reductions, employers' financial difficulties, or temporary closure of enterprises. These individuals often face significant hardship in finding new employment and sustaining their livelihoods. In addition, the law does not fully provide for adequate compensation for financial losses arising from unemployment, which can undermine employees' trust in the legal and administrative system.

The adoption of supportive policies such as unemployment insurance, long-term contracts with clear obligations, and closer supervision of working conditions can help improve job security in Iran. As a fundamental right of employees, job security not only enhances individuals' quality of life, but also contributes to increased productivity and work motivation.

In general, one of the main problems facing civil servants is discrimination in the payment of salaries across

different departments and organizations. These salaries are not always based on the employee's effort and skills, and in some cases individuals with lower educational qualifications in certain institutions may receive higher pay than employees with higher qualifications in other agencies. Such disparities in remuneration cause dissatisfaction among employees (Sadeghi, 2014).

#### 3.2.4. *Trade Unions and Strikes*

Domestic legislation does not explicitly recognize the right of employees to form trade unions, even though this right is acknowledged under human-rights norms. The right to strike is likewise not recognized for employees, and under paragraph 33 of Article 8 of the Administrative Violations Law, participation in strikes constitutes an offense subject to punishment. This situation illustrates a clear tension between employees' rights and existing legal requirements. On the other hand, strikes may conflict with the rights and freedoms of others, public order, national security, and the continuity of public services. Therefore, any exercise of the right to strike must take into account relevant legal limitations and procedural requirements.

In its forty-sixth session, the Human Rights Council's Special Rapporteur encouraged the Government, the Judiciary, and the Parliament to end the harassment of labor-rights activists and described the absence of independent trade unions as a serious limitation on workers' ability to bargain collectively during economic downturns. The Rapporteur also referred to several strikes in recent months that were met with excessive measures against strikers and noted that labor-rights activists remain in detention. He recommended that the Government recognize independent labor unions and ratify all core conventions of the International Labour Organization. Given the lack of formal recognition of the right to strike, similar reports may not always be available, but by analogy one may expect that the situation of workers' rights and that of activists is comparable (Rahman, 2021).

#### 3.2.5. *Wages and Benefits*

To eliminate discrimination and correct disparities in wages and salaries in the public sector, the principle of equal pay for equal work must be seriously enforced. Paragraph 2 of Article 24 of the Universal Declaration of

Human Rights emphasizes that “everyone, without any discrimination, has the right to equal pay for equal work” ([Universal Declaration of Human Rights, 1948](#)). Failure to respect this principle leads to significant differences in the remuneration and benefits of government employees.

Improving wage and benefit conditions in Iran requires structural reforms in labor law and closer monitoring of compliance with employees’ rights. According to the recommendations of the Organisation for Economic Co-operation and Development, strengthening protective policies for workers and enhancing oversight over employers can increase job satisfaction and productivity ([Organisation for Economic Co-operation and Development, 2021](#)). Providing adequate wages and basic benefits is not only essential for improving employees’ quality of life, but also contributes to the promotion of social justice and greater stability in society.

Another issue in the area of wages and benefits is the lack of sufficient protection for employees engaged in hazardous and strenuous occupations. While international standards clearly state that such employees must receive additional benefits and special conditions, these standards are not fully implemented in Iran. For example, miners—who face dangerous and exhausting working conditions—require special protections such as additional insurance and appropriate bonuses, yet in many cases do not receive such support ([Human Rights and Business Resource Centre, 2020](#)).

To eliminate discrimination and correct wage and salary disparities in the public sector, the principle of equal pay for equal work must be rigorously applied. Paragraph 2 of Article 24 of the Universal Declaration of Human Rights reiterates that “everyone, without any discrimination, has the right to equal pay for equal work,” and non-compliance with this principle leads to substantial differences in the pay and benefits of government employees ([Universal Declaration of Human Rights, 1948](#)).

In Iran’s legal system, governmental efforts in this regard have not been particularly successful. For example, the Unified Salary System Law, adopted in 1991 to harmonize public-sector pay, has in practice failed to eliminate significant inconsistencies in employees’ wages and benefits. Failure to adequately meet the

financial needs of civil servants can reduce efficiency and even foster administrative corruption. Although Article 29 of the Constitution addresses this issue, many public employees—both active staff and retirees—still experience serious financial hardship, and protests in this regard have been observed.

In Iran’s legal system, governmental efforts in this field have thus far not achieved the desired outcomes. The Unified Salary System Law, adopted in 1991 to create harmony in the payment of public-sector wages, still leaves considerable disparities in salaries and benefits. Failure to provide for the financial needs of government employees may reduce their efficiency and create conditions conducive to administrative corruption. Despite the reference to these matters in Article 29 of the Constitution, many public employees, both in service and retired, live in difficult financial conditions, and protests in this respect continue to arise.

### 3.2.6. *Right to a Fair Hearing before Administrative Violations Boards*

The right to a fair trial is the foundational guarantee for the protection of human rights; without this right, all other rights are placed at risk, and an unfair proceeding can produce devastating consequences for the accused, including deprivation of liberty, damage to reputation, and even loss of life. Therefore, although some principles of fair trial are specific to criminal and civil proceedings, their observance is also mandatory in quasi-judicial and administrative proceedings, because some sanctions imposed by non-judicial bodies have a criminal nature and place the consequences of punishment on the individual. In such contexts, to prevent the potential violation of individuals’ rights in the exercise of their defence, conducting a fair hearing is essential. Failure to observe fair-trial guarantees in the proceedings of administrative boards results in improper and sometimes excessively harsh sanctions, constitutes a clear example of violation of the rights of the accused, and gives rise to legal liability for the members of these boards ([Nekooei, 2020](#)).

### 3.2.7. *Training*

In order to fully and accurately implement training programmes for employees within organizations, it is essential to identify and evaluate all obstacles and

limitations prior to any planning. Constraints on staff training include:

1. Lack of a dedicated budget line for training and human-resource development, which is a common constraint in many organizations today.
2. Superficial attitudes and the lack of conviction among some senior managers who do not regard training as a worthwhile investment.
3. Insufficient access to necessary software and hardware facilities in agencies for the implementation of training programmes.
4. The pursuit of training merely to obtain certificates rather than to acquire skills.
5. The absence of sufficiently trained and competent experts in charge of planning and delivering staff training and development programmes in agencies.

The Government of Iran has ratified several important human-rights instruments such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child, which all contain provisions aimed at promoting and disseminating human-rights education. Iran has also accepted membership in many human-rights instruments, including the Vienna Declaration and Programme of Action (1993), in which strong emphasis is placed on human-rights education. Consequently, Iran bears specific obligations toward the international community regarding human-rights education ([Vienna & Action, 1993](#)).

#### 4. Conclusion

After the Islamic Revolution, human rights became one of the most serious points of contention between Iran and the West. Western states and the United Nations, through the adoption of resolutions, have repeatedly alleged that Iran violates human rights. Meanwhile, the Islamic Republic of Iran, drawing on Islamic legal principles, has framed its Constitution and other laws within the framework of Islamic foundations and has

made extensive efforts to realize and advance human rights along this path.

It appears that the fundamental root of the confrontation between the West and Iran in this field is the clash between the worldviews and underlying foundations of Islamic and Western human rights. The Universal Declaration of Human Rights is based on Western premises which, in many respects, conflict with the principles and foundations of Islam; consequently, full implementation of all its provisions is not feasible. Beyond this, the record of Western states in the area of human rights demonstrates that the pursuit of human rights is strongly influenced by the policies and interests of major Western powers. In this context, countries such as Iran—which oppose the prevailing policies and practices of the international order—are accused by Western actors of violating human rights. By levelling such accusations, Western states seek to undermine the achievements of the Islamic Revolution and to prevent its message from spreading to other countries. Thus, resolving the challenges in this domain largely depends on addressing the broader political conflicts between Iran and the West.

From a domestic perspective, acceptance of global human-rights standards in all fields faces fundamental reservations. Among these, Islamic human-rights foundations advance approaches that differ from Western human-rights concepts, and in many areas they question these approaches and call for greater attention to specific Islamic human-rights criteria.

Attention to international perspectives and their analysis reveals that the failure to translate international instruments into concrete domestic practice, the limited impact of these instruments on the creation or reform of laws, and the absence of reliance on such instruments by courts in adjudicating disputes are among the main sources of tension between Iran and the international community. This is because a defining feature of human-rights instruments is that they oblige States Parties to align their domestic legislation with their international commitments. Considering this, and recognizing that the substantive differences between the two legal systems have given rise to these challenges, UN monitoring bodies have repeatedly, through resolutions and various opinions, called on Iran to comply with its international obligations.

Reforms in Iran's legal system—such as attempts to equalize the *diyah* (blood money) of men and women through mechanisms like insurance; the possibility of applying alternative punishments instead of stoning or the death penalty in the new Penal Code; and the growing number of civil organizations advocating women's rights—are driven not only by internal social transformation but, indirectly, by the influence of international human-rights law on Iran's domestic law and the reports of human-rights bodies regarding Iran. These developments have encouraged the legislature, in order to present a more acceptable image in the international arena, to use indigenous mechanisms to resolve certain conflicts. Such reforms have not gone unnoticed by the international community and have been noted in numerous reports issued by international bodies.

From the standpoint of international law, a state is considered genuinely committed to its international obligations only when it adopts concrete and operational measures to enact or amend its domestic laws, customs, and practices in accordance with the provisions of the conventions to which it is a party. By defining specific and precise reservations instead of vague formulas such as “non-contradiction with domestic laws and Islam,” a state can clearly delineate the scope of its obligations and remove any ambiguity that might allow for the practical undermining of those instruments. Under such conditions, it becomes possible to accede to human-rights instruments with confidence that accepted obligations do not conflict with Islamic rules while also ensuring the implementation of international commitments and their primacy over domestic provisions. This approach would also satisfy the expectations of international law concerning the domestic effect of international instruments. From the perspective of international law, the ideal scenario for a state acceding to human-rights instruments is the adoption of either a *monist system* or a *dualist system with primacy of international law*. Given that Iran is generally perceived, by international human-rights bodies, as a state following a dualist system, the precise definition of reservations at the time of accession, in light of Islamic law, can secure the priority of Iran's international obligations over competing domestic rules even within a dualist framework.

The rights of employees in Iranian law, from the perspective of human-rights standards, are open to reflection from two angles: (1) the enactment of laws and regulations, and (2) their implementation.

1. As far as legislation is concerned, the rights of government employees in Iranian law are, to a large extent, consistent with human-rights principles, but they are not complete, and there are gaps. These include the lack of systematic and consolidated codification of employees' rights in relevant laws, and the absence in current legislation of certain rights reflected in human-rights norms—such as the right to strike, which is penalized, and the persistence of gender discrimination in judicial laws. These deficiencies make it necessary to revise the body of legislation related to employees' rights.
2. A particularly important issue concerning government employees is the enforcement phase, which requires effective guarantees. Although Iranian laws and regulations provide considerable guarantees for the observance of human-rights norms that have been recognized in domestic law, there is no strong determination, either on the part of employees or on the part of the employer—the state—to implement them. This problem is especially evident with respect to freedom of belief and expression. The main reason lies in the absence of specialized civil human-rights organizations and active political parties that could, through appropriate training, raise the awareness of managers and employees. Such organizations and unions would provide spaces where individuals could express their views and beliefs, voice grievances, and, when necessary, organize protests. Without these structures, the effective exercise of the right to strike becomes practically impossible, and employees cannot

use it as a means to secure their rights and objectives.

It seems unlikely that existing challenges can be overcome so long as prevailing attitudes and practices remain unchanged. However, these challenges may be reduced by conveying Islamic teachings to international forums, mitigating and substituting certain punishments where possible, and engaging in diplomatic dialogue with international bodies to influence their perceptions and practices and to prevent the instrumental use of human-rights norms.

### Authors' Contributions

Authors contributed equally to this article.

### Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

### Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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