



## Analysis of Human Rights Position in International Relations Theories

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### ABSTRACT

Human rights are a set of principled rules about the commitments that presuppose all people human dignity and respect. These rules are widely accepted as international norms and are necessarily defined for human excellence. These rights embody the right to life, liberty and all the elements essential for a healthy life. Human rights norms create a relationship between individuals and other areas, especially governments, and bring into being commitments. The nature of human rights requires the concept that due to being a human, every individual has some rights; in other words, people deserve rights indisputably. With the globalization of the concept and the subject of human rights and its impact on the relations between countries as well as the eclipsing of states foreign policy, the study of human rights in international relations theories have become significant and essential. In this paper, first, the definition of human rights is expressed. Then, the concept of human rights is explored in theories of feminism, constructivism, liberalism, and realism.

**Keywords:** human rights, feminism, constructivism, liberalism and realism

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### INTRODUCTION

Human rights are a well-established section of international law with an institutional structure including fundamental definitions of human rights in addition to these rights mechanisms and the scope of global application. Each country has approved at least one treaty that entails commitments to protect human rights. Now, human rights have become a set of international laws and the international community discourse. In political, economic, social and cultural actions and reactions, human rights issues come into the arena all over the world (Nai, 2004). Thus, at least in principle, countries have accepted that the promotion and protection of all human rights is a legitimate and logic concern of the international community; although, only the countries have legally committed to protect human rights. International institutions, in particular because they are composed mainly of governments, are obliged to protect human rights. In addition, international human rights have been globalized and operated beyond all boundaries and government mechanisms. These rights have involved in the discourse of about all societies and all government organizations that address the elites and the oppressed, as well as organizations and communities. Human rights are also a part of globalization apart from it (Mahmudi, 2002: 100). The history of public rights and liberty, as for the concepts of freedom, human dignity and respect have accompanied the mankind from the very beginning of creation and the result of these ideas has taken an external show in the form of the issuance of declarations, international treaties, and domestic laws' provisions of the various countries and eventually it has

led to the formation of an influential set of international laws and custom diplomatic conventions (Lepard, 2008).

This issue in turn has led to the more expansion and deepening of the concept of human rights and can be expressed in the form of three generations, which can be said that the rights of the first and second generations essentially belongs to individuals, while the rights of the third generation are based on the collective dimension and it is related to the people (Biliss and Smith, 2013).

While human rights are shared among all members of the international community and each member of that community recognizes itself in these rights, each cultural arena and political insight have their own way of implementing the rights. With regard to the responsibility of governments in the human rights regime for individuals and other governments and even international organizations, as well as confirmation of the globalization aspect of human rights in international relations, this procedure can be explored. In this regard, the present paper investigates the concept of human rights in the theories of feminism, constructivism, liberalism, and realism.

### 2. Human rights

Human rights are the most fundamental and basic rights that each person enjoys it in essence, innate and purely being a human. This simple definition is followed by important social and political implications and reflection for people and states. In accordance with the Universal Declaration of Human Rights and other international documents, these rights have characteristics such as universality, inviolability, immovability, inseparability, non-discrimination and equality, interconnectedness and integration (Tamushat, 2015). Therefore, it belongs to all people in every part of the globe and no one can be deprived of human rights merely for the

geographic area in which he lives, whilst all people, regardless of factors like race, nationality, gender, etc., are equal to enjoy these rights and in this respect, no one is superior than other (Qari Seyyed Fatemi, 2011).

In order to attain a better understanding of the concept of human rights, we will inspect the root of the lexicon. Right in the English comprises a political and ethical concept and content. Right may refer to a good work or doing something correctly. Thus, we say that helping the needy is right or lie, scam and robbery is wrong.

Right, however, may at the same time refer to a special privilege or merit that an individual possess towards some things. Rights put the holders and assignment in a relationship that is largely under the control of holders. The one who can usually claim more or less his / her rights due to his / her own discretion and recognition, in addition to this claim, rights are usually prior than a variety of demands such as speculative, etc., because it carries a spiritual burden. Human right is a particular type of law. In the most fundamental and basic concept it means: significant and important moral rights since the international law has recognized human rights. Many of countries have identified many of these rights in their constitution, judicial (legal) laws and procedures. Here, human rights communicate with politics and power, in other words, human rights and the implementation or non-implementation of its criteria is manifested as a discourse in the level of international community (Zakeriaan, 2016).

## 2-1 Declarations on Human Rights

### (A) French Declaration of Human Rights

The first human rights declaration was issued in August 1789 after the French Revolution. The Declaration, which included an introduction and 17 articles and was reflected in France Constitutions Law that was subsequently ratified, was not affectless in the Universal Declaration of Human Rights (Enayat, 2011).

### (B) Universal Declaration of Human Rights

The Declaration was approved in the United Nations General Assembly on December 10, 1948, as the resolution of 217. In this declaration, the idea of human rights, which was previously known as a limited and local, took a global aspect and all countries promised to respect these rights. The Universal Declaration of Human Rights entails a contract, an introduction, and 30 articles.

### (C) European Convention for the Protection of Human Rights and Fundamental Freedoms

The contract was ratified on November 4, 1950 in Rome, and its annexed protocols were gradually added to it by 1966. The contract has 66 articles and is one of the most complete texts on human rights. In this contract, signed by the member states of the Council of Europe, the issue of human rights has attained a statutory guarantee, and the European governments that have signed the treaty have committed themselves to comply with these rights and have allowed all parties to apply for these regulations. Moreover, in this contract, the establishment of a court has been predicted to deal with complaint about violation of human rights regulations.

### (D) European Social Charter

The Charter was adopted in Torn on October 18, 1961, and aims at the enjoyment of these countries citizens from the equal social rights without discrimination on race, color, gender, religion, and political opinion. The charter has been adopted more economically and in order to raise the standard of living and improve the status of various European nations, including townspeople and villagers.

### (E) US human rights contract

Americas' countries have already signed several human rights treaties and declarations. Following items can be mentioned:

The Commission on Human Rights among Americas' countries, begun its work in the 1960s.

The American Convention on Human Rights, adopted on November 22, 1969;

The American Declaration on Human Rights and Duties, adopted in Bogota in 1948; and

(F) International Covenants on Human Rights

Two new covenants, adopted on December 16, 1966, have been approved by the United Nations General Assembly, which are highly valuable in terms of rights and politics, following the Universal Declaration of Human Rights. In fact, they are its complementary. One of them is about civil and political rights; it has an introduction and 53 articles. The other concerns economic, social and cultural rights, and entails an introduction and 31 articles (Hashemi, 2015).

## 3- Feminism

Feminism is a school in which equality between the social and judicial rights of women and men is supported. Feminism is a broad collection of social theories, political movements, and moral insights that have been raised or inspired by women, especially in terms of their social, political and economic conditions. As a social movement, feminism mainly focuses on limiting gender inequalities and advancing the rights, interests and issues of women (Gohari Moghadam, 2004). Feminism originated mainly from the early 19th century, when people widely accepted that women are suppressed in man-based societies. One of the first egalitarian movements of women occurred in the beginning of the 18th century concurrent with the French Revolution. The recorded feminist movement is rooted generally in the West, and in particular in the reforms of the 19th-century. Over the course of one and a half centuries, the growing women's movement has aimed to transform the economic and socio-political structures based on gender discrimination against women. While understanding the causes of existing inequalities, feminism tries to focus on sexual policies, power and gender equations. Feminists are generally concerned with discrimination, stereotypical behavior, objectivity, oppression and patriarchy. Feminist activists revolve around cases such as genital rights, domestic violence, wage equality, sexual harassment, and gender discrimination (Mosafa and Ebrahimi, 2008).

### 3-1 Feminism and human rights

The social movement of women and its field of academic activity (so-called academic feminism) have played a significant role in producing knowledge and in particular in the field of international relations. Feminism as a social theory along with social action is at the forefront of discursive transformation in various arenas.

Feminists have initiated discussions on the position of women in international relations and the relevant women's perspectives in international debates and discourses. In the words of Sitawer, the era of ignoring feminists and feminist issues in international relations debates without the acceptance of its political risks has brought to an end. Some authors of the mainstream argue that feminism in international relations means the introduction of a gender variable, but feminists oppose this notion and emphasize that gender is not a variable, but rather a perspective or a worldview, because it creates certain subjective positions. The main field of feminist struggles, in particular liberal feminism, is to pursue the women's rights in the political, economic and social arena (Watkins and Andre, 2012).

It is here where human rights, or in other words, women's human rights make a sense. They try to eliminate the general discrimination against women and the unequal treatment prevailing in institutions, practices and attitudes toward

women. In recent decades, women's activities have influenced international conferences. For example, at the Development Earth and Environment Conference in Rio, 1992, the relationship between women and the environment was focused on (including women's main responsibility for supplying fuel and water). They also considered militarily as an environmental damage.

The Vienna Human Rights Conference, in 1993, had a more importance in highlighting women's rights-related issues at the international level. The women's political struggle at the world level contributed to the approval of the United Nations General Assembly Declaration on confronting of violence against women in 1993. This announcement represents a significant improvement on global gender issues. This declaration considers the violence as associated with gender-based issues (which is aggravated by structural conditions, such as women's affiliation, and call for governments to punish those who engage in violence and aggression against women in private or public places). This is where feminist human rights discourse comes into the realm of international relations and becomes one of the governments' assignments in the protection of human rights. The Beijing Conference, in 1995, on women is also of a great importance. The equality of opportunities that are clearly imposed on gender equality is one of the indicators of human rights. The feminists here strongly criticize the liberals, who defend the abstract principles of justice, and it is a shame that many of their predecessors have for some time recognized man's rights as human rights and this practice of liberals for a long time has not accomplished to end the male superiority. Women's rights advocates believe that if the social justice demands the supply of basic welfare, the justice must go across borders and the gender justice must be linked to international distributive justice. Discussions on international justice and human rights at the frontiers of countries are seriously followed from the feminists' point of view.

In the field of human rights, the United Nations Economic and Social Council has a mechanism for implementing human rights principles, called as the Women's Position Commission, which originates from the feminist discourse in international relations for women's dignity in the international relations. The Women's Position Commission is a functional commission of the Economic and Social Council, established by the Council in 1946. The duties of the commission are as follows:

1) To provide recommendations and reports to the Economic and Social Council on the promotion of women's rights in the political, economic, social, and educational fields; to offer recommendations to the Council on serious issues in order to create the urgent attention to women's rights with the aim of implementing the principle of equality of rights for men and women.

2) To provide suggestions for achievement of these recommendations. This commission has been emerged from the discourse on women's rights advocacy in the international community.

Further, the Committee on the Elimination of Discrimination against Women was constituted in 1982, which in accordance with Article 18 of the Convention mentioned, the member states must provide them the initial report on legislative, judicial, enforcement actions and other measures implemented to conduct the treaty provisions, within a year after the administration of this treaty. This committee actually bears confronting a particular behavior against a specific group of human beings in its program. This is a program for the promotion of human rights within the framework of women's rights. Anyway, this is a mechanism to execute human rights that feminists have been working on for many years, that is, human rights not fully be defined in the framework of a male-dominated discourse.

#### **4- Constructivism theory**

Structuralism or constructivism has entered into international relations through the debate of sur-seonialism and radicalism. The collapse of the Soviet Union and the inability of neo-realism to provide an acceptable understanding of it exacerbated this movement. Constructivism theory is a deep effort beyond the theoretical field. In terms of beyond theory debates, the forerunners of constructivism theory are in the midst of the naturalistic / positivist spectrum on the one hand, and post-structuralists on the other hand and in content discussions in the middle of the two streams of realism and liberalism (Moshirzadeh, 2006).

Constructivism is more an approach that is made of other approaches combination and attempts to resolve inadequacies and shortcomings of various theories using some of their propositions and to offer a more realistic picture of the behavioral patterns of international politics.

##### **4-1 Constructivism and human rights**

Social constructivism provides a model of international interactions through which takes the necessary steps to investigate the normative impact of fundamental institutional structures and to determine the relationship between normative change, identity and the interests of states. Since the identity of governments depends on political, cultural and social contexts, they are in a varying state. Benefits such as identities are attained through social functions.

To ensure a predictable level and discipline in international politics as well as the domestic community, the identity of an issue is obliged. Constructivists emphasize on the role of culture in international relations and their focus is on human awareness and the role that this awareness plays in international relations. In this approach, the structure and broker interact in a mutual way (Clautes and Prakash, 2008).

In this approach, governments are institutions whose entities and attributes depend on the re-production of certain types of procedures. The government is not simply a legal entity or an official organization, but a set of procedures that are established in a normative manner.

Constructivists assume that human rights norms have been institutionalized and internalized since 1948 by all major powers and all non-governmental actors. The socialization theory is accepted by the constructivists, in which actors do the socialization and internalization of norms and rules. Constructivists argue that institutionalization of norms such as human rights occurs through the connections between the two levels of the domestic and international sphere as well as the non-governmental and people-based organizations, international governmental organizations, the media and foundations. This action is beneficial and impressive in expanding the domestic space for civil society to support the socialization and institutionalization of human rights (Clautes and Lynch, 2007).

In this way, Clark believes that the norms of international human rights reasonably and intellectually impact on the form of the interests and behavior of government actors. Of course, Clark supposes that the role of governments in creating an international norm or the role of non-governmental actors in the global agenda for interfering in the internal affairs of countries should not be ignored for the institutionalization and pursuit of human rights norms (Clark, 2004).

In general terms, constructivists think that nongovernmental actors and their fundamental mobility play an essential role in determining the social environment of government actors. They consider human rights as international human rights and under a global directive that greatly signifies the identity and interests and behavior.

### 5- The liberalism theory

The word liberalism that means libertarianism is rooted from the English word liberty that means freedom. The term liberal is a French word meaning libertarian or pro-freedom; and lexically it means high-spirited, catholic, generous, unprejudiced, and open minded.

In the Middle Ages and the Renaissance, the term liberal was used in the sense of free crafts, though thereafter, it was used in the sense of lecher, careless and reveler. And in the twentieth century, in some countries, capitalists, anti-governments, westernized, american, and so on, were called liberalism.

Definition of liberalism: To propose a precise and comprehensive definition of liberalism as a social and political school is not only difficult but also impossible. However, several definitions have been suggested by Western theorists, including: Shapiro believes that liberalism can be precisely described as an attitude to life and its issues, emphasizing on values such as freedom for individuals, minorities and nations (Endrolinlitter, 2009).

#### 5-1 Liberalism and human rights

Liberalism, with its doctrine and principles, is one of the tenacious supporters of human rights in all countries. Classical liberalism calls for non-interference of governments in the private affairs of the people and minimization of government control and the impressment by the ruling force, which raises this issue through the government's downsizing. No one in the country of liberalism is tortured. Everyone has the right to vote; principles of the law sovereignty are respected; and freedom of speech and the freedom of coalition do prevail. In this regard, human rights are a set of rights and values that must be respected in the case of human as human beings. Principles and values that are indeed related to human dignity and are not related to the relationship between the individual and the political community.

Liberalism as a dominant ideology emphasizes on human rights and its egalitarian and universal nature. Modern liberalism in its broad sense, in addition to the adoption of individual rights, accentuates the importance of affairs such as providing education and health in individual rights.

Totally, liberals have an optimistic attitude towards human temperament. In modern philosophy, this optimism derives from John Locke's psychological theory. In his book entitled "A treatise on human understanding" he says that people are born without ideas, and thus it is the environment of education and experience that shapes a person. To the classical liberals, this is the reason for the rejection of all inheritance privileges, and consequently all so-called natural political classification that grants a certain inheritance privilege to the hereditary dynasties of kings and nobles for acquiring power. To modern liberals, this point indicates the potential for creating the conditions necessary for the all of the people benefit from an appropriate education and equal opportunities.

Liberals adhere to the concepts of freedom and equality, individuality and rationality. They are traditionally trying to achieve the greatest freedom for individuals and advocate for those individual and civil freedoms that are essential for the living of individuals based on their beliefs without being violated because of their dissenting thoughts or deeds and attitudes. Domain of freedoms goes so far as to not violate the human beings' fundamental rights sanctum through the standard of universal declaration of human rights; these are all fundamental human rights principles in the universe. That's why liberals are always in close contact with human rights activists, the rights that independent men and women were aware of them, regardless of their political loyalty and legal

requirements and before other rules come into existence (Arblaster, 2011).

### 6- Realism theory

Realism comes from the Latin root in the sense of reality. Realism in the literal sense is equivalent to authenticity or truthfulness. Social analysis, the study and embodiment of human life in society, the study and visualization of social relations, the relationship between the individual, society and the building of the community itself is the essence of realism.

Realism or authenticity school, in the new philosophy, is a belief be of the opinion that that the thematic fact or the material world does exist independent of the mind consciousness and its characteristics and nature are not affected by being understood. In the ancient and medieval philosophy, there is also a theory that makes the truth of the material world independent from the human perception, that is, objects do exist independently and their existence does not depend on the perceiver.

Realism emerged, in contrast to imagination, which didn't believe in the existence of universals outside the mind, and the nominalism that completely denied the universe and did not assume any existence for it in the outside world, nor in the minds, and did think of universality only as an empty word.

The followers of the nominal authenticity (nominalism) confirm the gradual separation of the world of thought from objective facts. They believe that the inner world of consciousness gradually separates from the external world (out puts of senses), and there is no universal law to be inherently in the same objects. Universals are merely unrealistic and credible names that we have agreed upon. But realism believes that abstract concepts are as essential existences and real beings.

Contrary to idealism, realism perceives the foreign world as independent of our perception and subjectivity, and emphasizes that this external world, with a meaningful accuracy is reflected in our sensory experiences (Tabatabaei, 1332).

#### 6-1 Realism and Human Rights

Realists consider a state as the main actor of international politics and believe that other actors like multinational corporations and, in general, non-state organizations operate within the framework of relations between states. While the state is capable of exerting power at the domestic level, in a system lacking central authority it coexists with other states at the external level. At this environment, governments compete with each other and the nature of the competition is determined by the game with the zero sum. Realists, while stressing the power and national interests, argue that basically eliminating the instinct of power is merely an ideal. Therefore, pursuing and gaining power is a logical and inevitable objective of foreign policy. They consider a great importance for the independence of governments and presume that in the absence of a universal government, governments actually remain in obscurity and coexistence is achieved through maintaining a balance of power (Moshirzadeh, 2006).

They do not believe in a revolution in international politics because they think that if new actors enter the scene, they will soon take on the characteristics of the previous actors and seek to provide their own security and benefits.

Given the international trend, the direction of the human rights globalization process against the state and its traditional special work in the frame of the realism paradigm has been seriously challenged in international relations. The principles and criteria of realism will not be responsive to contemporary international developments, particularly in the issue of universal human rights protection. In this regard, the status

and dignity of human rights is to be analyzed and evaluated through the global civil-society paradigm passage and its ratio of the realism paradigm to some of its key components will be addressed (Krassner, 1999).

In the realism thought, in the context of the reality of all national political units, a construct is designed in the light of which the natural inclination of man to the conflict to be reduced, or to some extent the scope of desire for power to be decreased and not the phenomenon of conflict and warfare to be completely eradicated. In other words, for the world to be considered as made of conflicting interests and by giving the personality for governments, it is conceivable that, at the international level, the interests and aspirations of countries are in conflict alike the individuals in the domestic community (Deur, 1999).

From the realism perspective, issues such as human rights are viewed as potential threats, in general, for the stability of the international system and the government sovereignty, and as organized principles of international relations. If governments do concern the leaders and other countries administration in the context of systematic concerns of their actions, it will possibly lead to an international conflict. As Krasner argues, the sovereignty of states embodies a set of conflicting norms through which the right of self-help and the norm of non-intervention makes potentially a sense and emergence. According to the realists, the emergence and collective acceptance of international norms such as human rights occurs when they are accepted and extended by the hegemony (the leader) or a dominant group of governments. Realists also argue that the human rights issues that have flourished in different historical periods reflect the concern of governments that hold the supremacy of economic and military power. The realists assume that these norms, as a secondary phenomenon, depend on the distribution of military capabilities in the international system, and they are closely related to the common change of norms and the increase or decrease of powerful states.

Realists believe that the recent spread of human rights, in general, the human rights subordinate norms in the international system, leads to the domination of the powerful democracies that weak countries adopt their internal standards with them. In other words, in the absence of decisive economic and security incentives (first class), thematic scope of human rights is a specific work whose expansion relies on powerful states in the international system, demanding the application of the principles and norms of regimes.

From another angle, given that the principle of human rights is fully in line with ethical principles in many respects, these components can be identified in the realism paradigm which has a clear contradiction with ethical principles.

In terms of political realism, ethical abstract principles cannot be applied to political actions. Governments operate in a kind of international environment, which is different from the domestic environment of any country due to the lack of strong political institutions, legal systems and mainly accepted standards of behavior.

#### CONCLUSION

The concern for the spread of human rights as a discourse, in the international dimension after World War II, entered into the field of international relations and foreign policy. The Universal Declaration of Human Rights and all UN mechanisms have actually highlighted the globalization of human rights and after the Cold War and the emergence of a new international system, great potential occurred for international cooperation in the development of human rights idea and the foreign policy of countries began to be engaged with it.

Considering that the human rights incident has involved in the international arena and international relations theories as a socially constructed, this article examined the concept of human rights in theories of feminist, constructivist, liberalism, and realism.

Feminists seek to explain and interpret the point that human rights should be deemed as the rights of all human beings, including men and women.

Constructivists, on the other hand, consider human rights within a normative and regulative framework, and consider discourse as a means of its socialization and normative internalization by international organizations and great powers.

The liberals seek to moralize and normalize the real world, and the spread of human rights on the international level also occurs this direction. For example, humanitarian intervention largely reflects an international liberal thought against the sovereignty of states and the establishment of a liberal order in the world (Arroms, 2003).

Realists assume the logic of power politics with a structural look and anarchic structure. In this regard, the role of nongovernmental organizations in spreading human rights and norms, and the production and reproduction of human rights norms is dependent on the international system and the great powers. Realists believe that conceptualizing the international system is limiting the role of human rights and the related norms in international relations.

Hereby, we can understand the position and dignity of human rights in international theories.

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