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Islamic Rights or Human Rights: the Dilemma of the Islamic Republic of Iran

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ABSTRACT

This article analyses the history of human rights in the Middle East, particularly Iran and its impact on fundamental human rights and freedoms. Islam is based on the concept of social justice and equality, which has been the factor most responsible for the religion's widespread popularity and rapid spread among the population. The main objective of this article is to determine whether Islam and human rights are compatible. Iran, which, since the 1979 Islamic Revolution, has promised its citizens and the wider Shiite community that they will fight together against social and other injustices and to strengthen a common Shiite identity, is today the main culprit in the dismantling of the systems and values of statehood. The primary research question guiding this study is: Does Sharia prevail human rights in Iran? The conclusion of this article uses a study and expert opinion to assess the prospects for the long-term survival of the Islamic Republic of Iran, highlighting the human rights issues.

KEYWORDS: Iran Islamic Revolution, Islamic and Sharia law, universal declaration of human rights and freedoms, hijab

POVZETEK

Članek analizira zgodovino razvoja človekovih pravic v državah Bližnjega vzhoda, zlasti Iranu, in vpliv na temeljne človekove pravice in svoboščine. Islam temelji na konceptu družbene pravičnosti in enakosti, ki je bil tudi najbolj zaslužen za splošno priljubljenost in hitro širitev vere med prebivalstvom. Iran, ki je vse od časa Islamske revolucije leta 1979 obljubljal svojim državljanom in širši šiitski skupnosti skupen boj proti socialnim in drugim krivicam ter krepitev skupne šiitske identitete, je danes glavni krivec za razgradnjo državniškega sistema in vrednot. Raziskovalno vprašanje se glasi: »Ali šeriat prevladuje nad človekovimi pravicami v Iranu?«. V zaključnem delu s študijo in upoštevanjem mnenj analitikov ocenimo možnosti dolgoročnega obstoja Islamske republike Iran z izpostavitvijo problematike človekovih pravic v Iranu.

KLJUČNE BESEDE: Iranska islamska revolucija, islamsko in šeriatsko pravo, univerzalna deklaracija človekovih pravic in svoboščin, hijab

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Introduction

To deny people their human rights, is to challenge their very humanity." (Pona, 2023) Nelson Mandela[2], 1990. We enjoy certain rights simply because we are human. These rights reflect shared values and belong to everyone, regardless of religion, race or the specific laws of a country. The United Nations Charter and the Universal Declaration of Human Rights, adopted in 1945 and 1948 respectively, describe in detail what universal human rights are. The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in Paris on 10 December 1948. This day has become known as Human Rights Day. The Declaration contains a list of rights and freedoms that belong to all the people of the world, without exception (Brown, 2022).[3]

The article discusses the Islamic concept of law and justice and its relationship to Universal Human Rights. The main purpose is to analyse which rights have been violated under the Sharia in Iran and the problematic core of the hierarchical relationship between Sharia and the human rights. The research work requires the application of various social science research methods and the analysis of primary and secondary sources in the field of Islamic law and its correlation with human rights. In the final part of the article with the use of methods of examples and comparisons, synthesis and commentary, we evaluate the pre-established framework and provide conclusions and potential solutions for the long-term survival of the Islamic Republic of Iran.

The commitment to respect human rights, or the Universal Declaration of Human Rights, is in line with customary international law, national law, general principles and regional agreements, conventions and constitutional provisions on human rights, which together form a comprehensive system designed to promote and protect human rights. International human rights law sets out the obligations and duties that State Parties must respect.

The obligation to respect means that States must refrain from interfering with or restricting human rights. By ratifying international treaties, countries commit themselves to adopting national legislation that is

2 Nelson Rolihlahla Mandela was a South African anti-apartheid activist, politician, and statesman who served as the first president of South Africa from 1994 to 1999. He was the country's first black head of state and the first elected in a fully representative democratic election

3 The Universal Declaration of Human Rights covers all rights - civil and political rights, as well as economic, social and cultural rights

consistent with their treaty obligations and duties. The domestic legal order is meant to provide legal protection for human rights covered by international law (United Nations, 2019). Unfortunately, we too often bear witness to internationally accepted human rights standards not being respected, implemented or enforced at the level of individual countries, including in the Islamic Republic of Iran, which will be the subject of our review. This Persian power in the Middle East was one of the first signatories to the Universal Declaration of Human Rights, and is now one of its worst violators. The mere ratification of human rights conventions is not an appropriate yardstick for judging how countries have acted on them. The ratification of a number of human rights conventions in the pre-Islamic Revolution era was seen by some Iranian regimes as a symbol of progress and was used as a tool to reassure an international community concerned about the human rights situation in the Islamic Republic, states Mayer (1996, p. 271).

Human Rights in the Middle East

The region today known as the Middle East is not only renowned as the birthplace or spiritual centre of three of the world's most important religions, Islam, Christianity and Judaism, but also as one of the world's first diplomatic societies and consequently an inexhaustible source of diplomatic knowledge. (PBS, 2002). "It is the art of diplomacy that has created the world we now live in" (Kissinger, 1994, p. 23).[4] It is diplomats who have played a key role in the codification of human rights in the Middle East. Charles Malik, a Lebanese diplomat, is one of the architects of the Universal Declaration of Human Rights, the founding document of human rights law. Despite opposing views, human rights in the Middle East are an important part of the diplomatic, social and political fabric of the region. Popular movements for independence, women's equality and workers' protection have deep roots in the region. At the time of the creation of the Declaration of Human Rights, Middle Eastern governments made important contributions to the diplomatic efforts to shape the emerging treaties and norms addressing human rights (Duryea, 2019).

The Middle East is characterised by a historical path of dependency that coincides strongly with the legacy and collapse of the Ottoman Empire. Different and complex identities were forged during the Empire's reign, with European states actively promoting new national

4 Kissinger, former US Secretary of State

identities during the time of the Ottoman Empire (Greece), with the aim of dismantling the Empire and colonising new countries. The history of the colonisation of post-Ottoman societies, according to Mirošič (2017) shows the path to dependency, with frequent rebellions of the local population against the imperial powers. With anti-colonial aspirations and the desire for independence, human rights in the countries of the Middle East have been strengthened as an integral part of the resistance against colonialism. Despite the opposition of the former colonial powers, led by England, Article 2 of the Declaration of Human Rights nonetheless defined the rights of individuals under colonial rule. The article thus highlights the equalisation of rights regardless of the political, jurisdictional and international status of the country or territory to which a person belongs.

Although the Universal Declaration of Human Rights is a foundational document of the United Nations that enjoys broad support, it is not legally binding. The drafters of the Declaration therefore also wanted to give a legal basis to the Declaration's values by adopting the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Both treaties were based on anti-imperialist aspirations.

The countries of the Middle East were among the first signatories to both treaties. The general ratification of treaties in the region, with the exception of the Gulf States, was at least indicative of a general acceptance of the concept of human rights in the diplomatic sphere. In the 1960s and 1970s, human rights became a divisive issue in developing countries and Middle East politics as a whole. Countries that had already achieved national liberation from colonialism were focused on economic development and deliberately ignored individual freedoms that could threaten their fundamental goal – power. As the government's interest in enforcing human rights policies has waned, NGOs have become their main spokesperson. Despite the proliferation of NGOs, activists have faced many challenges and pressures in their work. Due to their close links with Western powers and institutions, which also funded the NGOs, they were criticised for representing foreign interests. As Duryea (2019) stated, over time, human rights have become synonymous with Western neo-imperialism in the region and a threat to existing autocratic regimes in the Middle East.

The Presence of Anti-Islamism in the Middle East

In a region marked by civil wars, constantly shifting geopolitical realities and competition between rival coalition forces seeking to extend their influence in the weak and fragmented countries of the Middle East, religion is becoming an overriding national imperative. For centuries, Jews, Christians and Muslims have coexisted in diversity in the countries of the Middle East. Religion was just another secondary identity and there was practically no violence. The collapse of the Ottoman Empire, in the absence of a concept of minority, led to the homogenisation of diversity and fragmentation, as suggested by Cleveland and Bunton (2016, p. 157).

To understand the seemingly intractable conflicts in the Middle East today, we need to go back to 1924, the year the last Caliphate[5] was abolished. Since the collapse of the Ottoman Caliphate in the 13th century, the Middle East has been in the throes of a struggle to establish a legitimate political order that would also define the role of Islam in politics. The Arab Spring, the revolutionary wave of protests in the Arab world and the rise of the Islamic State are above all a reflection of the inability to address the simplest questions of what a state is and what it means to be a citizen of a country (Coulson, 2018).

Human rights defenders express scepticism about Islam as a religion that legitimises human rights violations. Many autocratic regimes in the Middle East vehemently reject the entire concept of human rights, which are supposedly based on Western values of secularism and individualism – and as such are irrelevant to the Muslim world. In this way, human rights do not symbolise a universal value shared by all the world's inhabitants, regardless of their religion. According to Petersen (2018), critics of human rights in the Muslim-majority countries of the Middle East and elsewhere in the world prefer to talk about Islamic rights based on the Quran and Islamic tradition rather than human rights. Human rights in Islam are firmly rooted in the belief that God, and God alone, is the lawgiver and source of all human rights. Because of their divine origin, no ruler, government, assembly or authority can or should in any way restrict or violate the human rights granted by Allah, nor can they be waived (Human Rights Library, 2016). The right to life, security, liberty and justice are basic Islamic rights. Many of

5 The Caliphate, as a historical-political entity defined by Islamic law and tradition, has become a symbol of the spiritual unity of the Muslim community and of universally accepted Islamic politics.

the Universal Rights enshrined in the United Nations Declaration are said to be inconsistent with Islamic teachings. While the right to education and work are perfectly acceptable from a conservative Islamic perspective, certain widely accepted rights are seen as threatening traditional family structures, gender roles and Islamic values.

While the vast majority of Muslim countries have ratified the United Nations Convention on Women, many Middle Eastern countries have invoked so-called Sharia reservations, which preserve the right to reject those parts of the Convention that they consider contrary to Islamic law. Countries thus restrict the right to freedom of expression through blasphemy laws, with the aim of protecting the religious feelings of the population. Universal human rights and Islamic rights are thus only compatible as long as the former do not contradict Islamic law (Petersen, 2018).

The Islamic religion has its own laws and is closely linked to state governance. Faith is a reflection of respect for the law, with a lack of faith being reflected in violations of Islamic law. Islamic law is often mistakenly equated with Sharia, a religious law that has negative connotations in the Western world because it is often practiced in countries that are among the worst human rights abusers. Sharia and Islamic law are different. Sharia, which means the right path in Arabic, in Islam symbolises the divine advice that Muslims follow and commit themselves to for a moral life that will bring them closer to God. It embraces all the principles and values enshrined in the Quran, follows the example of Muhammad, and includes justice, protection of life, property and vulnerable populations.

Sharia law is a broad concept that regulates the relationship of the individual not only towards the state and its institutions, as is typical of the legal systems of Western countries, but also towards God and towards one's own conscience. Ritual practices, defined as the 5 pillars of Islam (confession of faith, prayer, almsgiving, pilgrimage and fasting), are an integral part of Sharia law and the basis of legal manuals. Sharia sets ethnic standards and legal rules for what an individual is legally entitled to or obliged to do and what they are obliged to do according to their conscience in order to attain divine favour. In any case, Sharia law does not prescribe a legal sanction or reward for a particular individual's behaviour (Robinson, 2021).

Many Muslims therefore argue that Sharia upholds the values of good governance, promotes social justice and upholds human rights and fundamental freedoms. These principles are not changing; what is and should change is Islamic law or jurisprudence as humanity's interpretation of how Sharia should be implemented in practice. Davoody (2016, p. 23) states that the aim of Sharia is not, in fact, to enforce legal precepts but a corpus of moral norms. It is only Islamic law that establishes a level of legal legitimacy, which is exercised by Islamic legal specialists.

We live in a time of constantly changing social conditions. In an ideal world, Islamic law should adapt to new developments and take into account the need for new interpretations of Islamic law that are consistent with global challenges, advances in science and universal human rights. Creating a balance between respecting the past and addressing the needs of the present is a major concern of Muslim judicial professionals today. The aim of those who support reform of the Islamic legal system is to restore the original purpose of Sharia, which has always served as a source of guidance and protection for Muslims, wherever they live (Esposito, et al., 2018)

IRI – Undermining Fundamental Human Freedoms

Iran, with its rich historical and intellectual heritage, is one of the oldest surviving civilisations in the world. The political and intellectual depth of the once mighty Persia has played a major role in shaping the Middle East region. Iranians appreciate the influence of Zoroastrianism, which became the official religion of Persia in 224, on the development of Judaism, Christianity and Islam. They are proud of their cultural identity, developed over millennia, their vast Persian empires and the establishment of the first major state in the world more than 2500 years ago, which represented an international community that respected foreign religions and cultures. In the eyes of the international community, Iran was seen as a model country for human rights in the 1960s and 1970s. During this period, the Islamic Republic took a leading role in promoting international human rights law and the United Nations' Universal Declaration (Mozaffari, 2018). In 1968, the Iranian capital of Tehran hosted the first United Nations International Conference on Human Rights.

Under the Shah, Iran ratified the International Convention on Civil and

Political Rights (ICCPR), which was not ratified by the United States of America until 1992. Fereydoun Hoveyda, Iran's envoy to the United Nations at the time, was one of the key men behind the creation of the Universal Declaration of Human Rights, states Mayer (1996, p. 271). When the Declaration was being written during the Cold War, Iran was part of the Western bloc and forged close ties with the US. Shah Reza Pahlavi hoped that by supporting the Declaration, he would win the sympathy of the international community and, under the guise of human rights diplomacy, cover up the grave human rights violations in the country. Immediately after the Human Rights Conference, Iran also formally abolished its cosmetic multi-party democracy and formally established a one-party state. Despotic regimes like Iran's consistently refuse to respect the human rights standards to which they have formally agreed. For the Islamic Republic of Iran, the adoption of the Universal Declaration was merely a symbolic gesture confirming their membership in the world community, without any sincere commitment to respect it (Mozaffari, 2018).

Iran's modernisation process under the Shah was marked by a ruthless repression of human rights. At the end of Shah Mohammad Reza Pahlavi's rule, no political party or social class remained supporting the regime. Islamists, traditionalists, modernists, liberals, democrats and Marxist-Leninists all united with the common goal of overthrowing the Shah. Ayatollah Khomeini, with the strong support of the people, began his takeover and, in what is now collectively known as the Iranian Revolution, the monarchy was abolished. As Cottam (1980, p. 122) states, this resulted in Iran becoming an Islamic Republic in 1979.

Iran's Islamic Revolution was the product of a mass movement and the coming together of various interest and political groups in the country with the common goal of overthrowing the last Shah of Iran, Mohammad Reza Pahlavi, which resulted in Ayatollah Khomeini being installed as leader in 1979. The populist revolution turned into an Islamic one thanks to the involvement and active support of Shiite clerics. Although the demands and unrest in the country that triggered the revolution were initially of a political and economic nature, the influence of the religious leaders and the institutional power of the ulama turned the populist revolution into an Islamic one (Olsen, 2019). The 1979 revolution was a revolution of the whole of society against the state. "The Iranian People's Revolution is only the beginning of the revolution of the great Islamic world." These words of Ayatollah Ruhol-

lah Khomeini, the founding father of the Islamic Republic and leader of the 1979 Iranian Revolution, marked the beginning of a so-called project that would inspire and enable the revival of Islamism in the Muslim world. Iran's leaders saw the revolution as a model and catalyst for Islamic principles throughout the Middle East region.

The Islamic Revolution has become an ideological and explanatory tool, informing the Iranian population about its rich, imperial past and guiding them on their path in life, according to Ansari and Aarabi (2019, p. 11), while at the same time becoming a symbol of a utopian vision where the end justifies any means necessary. The architects of the Islamic Revolution promised greater freedom, which was followed by a brief period of euphoria and a sense of liberation in the country after the toppling of the last Shah. This was followed by the systemic Islamisation of the country and society by its new rulers. That one dictatorship had been replaced by another even more brutal one became evident as early as the first decade of the Islamic Republic of Iran. Between 1981 and 1985, almost 8000 people were executed, compared to only 100 political prisoners in the period before the revolution (1971-1979). The Islamic Republic of Iran has become one of the most repressive systems of governance in the world, with the highest rate of executions.

"Everyone has the right to freedom of thought, conscience and religion" states Article 18 of the Universal Declaration of Human Rights. Iran remains a signatory to this Declaration. This means that despite its attempts to distance itself from these principles, the regime is required under international law to be committed not only to the protection, but also the promotion of these inalienable rights for all its citizens. However, numerous reports point to an irrefutable pattern of policy and practice in Iran, which maintains the supremacy of a specific interpretation of a single branch of Islam by a single individual, the Supreme Leader or the Velajat-e-Faqih[6] over the rights of an entire nation. This pattern lends itself to a vague set of laws applied inconsistently that are used to suppress dissent and freedom of choice. Iran's Velajat-e-Faqih centred system leaves no room for elements of a just government including citizenship as a birthright, equal rights

6 Velayat-e Faqih or guardianship of the Islamic jurist – is system of governance that has underpinned the way Iran operates since the countr's 1979 Islamic Revolution. At its most basic, the theory of velayat-e faqih, whic is rooted in Shia Islam, justifies the rule of the clergy over the state. Velayat-e faqih is at the cruxs of Shia Islamism and is fundamental in understanding not only how the Iranian system operates but also how Tehran can influence religious and political Shia networks beyond its borders

for all genders, sexualities and ethnicities, plurality of opinion or the progress and development of minorities. Instead, evidence suggests a repetitive cycle of violent aggression against those who demand their rights, justified in the name of a specific interpretation of the Shari'a, as stated by Danesh and Hug (2010, p.4).

Modern Iran was created on foundations of nationalism, socialism and Islamism, with only the latter predominating in the post-revolution period. The political pluralism of the revolutionary movement has been suppressed and all the power is concentrated in the hands of the religious ulama, with the constituent movements of Iranian civil society facing systemic repression that has undermined their organisational capacity and completely weakened an otherwise dynamic Iranian civil society (Nejad, 2019). Akbar Ganji[7] stated in 2011: "We strongly oppose the current laws and policies in Iran because they do not recognise freedom of thought, freedom of expression and freedom of religion. We oppose them because they still punish infidelity with death, because they imprison those who think and live differently. We also oppose them because, according to their version of Islamic law, it is permissible, by the principle of mahdour-al (deserving of death), to take an individual's life, the right to which is a universal human value. And above all, we oppose them because they have deprived the citizens of Iran of the right to decide their own destiny." (Flanagan, 2011, p.10)

The Hijab in Iran: From Religious to Political Symbol

The hijab, or head veil, has established itself in Islamic history as an important social, cultural and religious symbol, identified with by millions of Muslim women around the world, and symbolising the piety and modesty on which all the world's major religions are said to be based. The hijab, which today is associated mainly with Islam as a head -covering practice, used to be common in Jewish, Christian and Hindu communities, but it has never caused as much controversy as in Islam, where it was established as a symbol of Muslim societies by colonial rulers in the Middle East in the 19th century (Arab News, 2012). To the surprise of many, the hijab as a means of head covering does not appear in the Quran.

In the holy book of Islam, we only find the term 'covenant' or 'barrier', which is supposed to separate the wives of the Prophet Muhammad

7 *Akbar* Ganji is an Iranian journalist, writer and a former member of Islamic Revolutionary Guard Corps.

from his visitors. The term hijab is used in the Quran to describe modest behaviour, and indeed the book prescribes modesty in dress for both men and women. In the so-called "hijab verses" (24:30-31), we find the Arabic words "khimar" and "jilbab" translated variously as a head covering or headscarf, or an outer garment or cloak. This range of definitions leads to different interpretations and understandings of the need for coverage, while allowing room for the politicisation of the hijab (Piela, 2022). The use of the veil and the practice of face-covering in the Middle East and beyond have been controversial in the Western world because it raises questions about its true meaning. The veil is not only meant to symbolise modesty, but also to allow Muslim women to preserve their chastity and honour, and that of the men around them.

Western critics believe that the hijab and other forms of female veiling (niqab and burqa) symbolise social control and the stigmatisation of women, which has nothing to do with the Islamic faith. By contrast, many Muslim women in the Middle East and elsewhere in the world who wear the hijab or cover their faces see the veil as an expression of devotion to their faith, as an opportunity for self-expression and female empowerment, and describe it as a choice, not a requirement of Islam. Religious symbolism can serve as a form of bonding between people. But when it is misused for political purposes, the line between secularism and religiosity becomes blurred.

In this case, we are witnessing the so-called deprivatisation of religion, with it taking a greater and more active role in the public sphere and the political arena, Alayan and Shehadeh (2021, p.1053) stated, which we can observe today in the Islamic Republic of Iran. In the 1970s, the veil was used in the Middle East as a political symbol, a sign of national identity, a sign of rebellion against the colonial powers and a symbol of the rejection of Western countries and their values (Geneseo, 2021).

Historically, political actors who have banned or introduced partial veil bans have done so out of pragmatic interests, to demonstrate their pro-Western and secular orientation. One such leader was Shah Reza Pahlavi of Iran. The Pahlavi dynasty, which ruled Iran until the 1970s, was opposed by the majority of Iranian society for its autocratic rule and lavish lifestyle.

Iranian women wore the hijab as a symbol of civil protest and even donned the chador[8] when confronting the Shah (Piela, 2022).

For more than a century, Iranian women have been fighting for their rights and fundamental freedoms. Under the Islamic Republic, they have been subjected to systemic repression and discrimination. Islamic law does not treat them as equal citizens in terms of individual freedoms (travel and work), criminal acts and personal status (marriage, divorce and inheritance).

Women's activist movements in the country have a long history. The social movement for women's rights in Iran was founded in 1905, at the time of the Constitutional Revolution and the rule of the Qajar dynasty, which held absolute power in the country. Five years later, the country's first women's newspaper was published. The Pahlavi dynasty (1929-1979) greatly strengthened the social position of women in the country, giving them the right to education, employment and active political participation. In 1935, the first group of women began attending Tehran University, and 30 years later, they were granted the right to vote. The subsequent Islamisation of Iran has led to the introduction of laws and Islamic traditions that have severely restricted the role of women in the country and reinforced male authority over them (Parsa, 2020). The beginning of the Islamic Revolution in 1979 marked the end of the reforms and constitutional movement for women's rights in Iran. Despite many protests, the hijab was made compulsory for all women in Iran in 1983, and for girls over the age of 9, in all public places, Muslim or not.

According to Article 638 of the Islamic Penal Code in Iran, not wearing the hijab is punishable by a fine or even imprisonment from 10 days to two months. For years, human rights defenders have warned Iran's top religious leaders that the use of repressive legislation to criminalise the exercise of freedom of expression and peaceful assembly is inconsistent with Iran's obligations under international human rights law.

Religious texts do not mention penalties for not wearing the hijab, only the Iranian Penal Code does. The hijab in Iran is not just a social

8 The chador is a type of outerwear worn by women in parts of the Middle East, particularly in Iran and Iraq. It is a semicircle, a covering that hangs from the top of the head and flows over the clothes underneath to hide the shape or curves of a woman's body. In the Farsi language, the word *chador* literally means «tent».

issue or a slogan of the Islamic Revolution and the country's religious elites. It has become a political and national symbol, and its wearing is one of the most pressing political and religious issues in the country, at the forefront of all political agendas and electoral battles. According to Al-Sajed al-Sayyad and al-Blawi (2020, pp. 4-8), the post-revolutionary period was marked by the rapid adoption of reforms writing the wearing of the hijab into law. We also saw such reforms in the period of Shah Reza Pahlavi (1878-1944), but these were adopted with the aim of removing the hijab as soon as possible.

Four decades before the establishment of the Islamic Republic of Iran, Iran's Shah Reza Pahlavi forced the country's women to remove their veils with the Compulsory Unveiling Act (1936). Pahlavi's complex modernisation system included legislative and educational reforms and the elimination of gender segregation in public life.

While the reforms gave women greater rights, opened up educational opportunities and increased protection in the event of a husband's divorce, the monarchy and the post-Islamic Revolution period have been according to Motlagh (2022), marked by repression and coercion of the female sex under the pretext of strengthening Iranian identity, disregarding the right to freely choose one's religious and cultural expression.

Religious leaders in Iran label gender equality as unacceptable in the Islamic Republic, with this being reflected in the daily lives of women in Iran. Women are not allowed to leave the country without their husbands' consent and, although they can play sports, there is still a ban on attending sporting competitions. Since the establishment of the Islamic Republic, the hijab, the headscarf that women and girls alike must wear in public life, has become a symbol of the oppression of women's rights in Iran and, at the same time, a symbol of rebellion and the struggle for freedom (Human Rights Watch, 2015).

On September 16th 2022, the Islamic Republic of Iran was shocked by the death of a young Kurdish woman, Mahsa Amini, after she was arrested by the Iranian morality police for wearing an improper headscarf and died in police custody under suspicious circumstances. Her death sparked widespread and ongoing protests across the country, joined by people from different socio-economic backgrounds.

In solidarity with the late Mahsa Amini, many women across the country are cutting their hair and burning their hijabs. These acts are not only a reflection of anger against the country's strict morality policy and the dress code imposed by the government; they have become a symbol of rebellion and broader demands for fundamental political and economic reforms.

The hijab, worn by many Muslim women around the world as a sign of respect for religious traditions, in Iran serves as a reminder to all women that they are being denied the right to self-determination, fundamental human rights and even simple pleasures such as riding a bicycle (Bazoobandi and Khorrami, 2022). The tragic death of the Kurdish woman at the hands of the morality police has spurred women in Iran to take to the streets and stand up firmly against the Islamic regime's decrees that undermine women's fundamental rights.

A deeper debate on the meaning and consequences of the Iranian women's uprisings is also necessary because it inspires women's rights movements in other Muslim countries in the Middle East, where since the Arab Spring, Muslim women, while fighting for peace in their own countries, have also struggled to express their own identity in society. The slogan of the so-called Women's Revolution in Iran, "Women, Life, Freedom", refers not only to the importance of women in the internal structure of family society, but also in positions of leadership in society.

Women in positions of power in government create a link between freedom and the progress needed for women's liberation. The transformation and enlightenment of Iranian society following the Iranian women's street campaigns has brought together many social and religious groups over the past year and has led to the support of the male part of the population in the struggle for women's rights. For more than 40 years, the Islamic government has promoted an education system that portrays women as the property of men, in order to protect them from Western modernism and imperialism. The Islamic government has used religion as a tool to infiltrate the family environment and foment war, imposing compulsory hijab rules and repressing women as a means to defend Islam, thus victimising their role in Islamic society.

The solidarity aspect of the protests in the country revealed the failure of the long-standing project of the Islamic regime to create a divide

between religious and linguistic groups in Iran, based on the division of the population, while underestimating the power of solidarity among its own population. Iranian women are celebrated by men as heroines on the battlefields and as an ideal of bravery, hinting at a period of radical change in Iran (Bazafkan, 2022). In this regard, Iranian society is approaching a tipping point. Since the Revolution, this former Persian power has seen dramatic changes in attitudes towards sex, marriage and reproduction. Changes that threaten the ideological fabric of a regime that has built its legitimacy based on gender segregation and the upholding of traditional, conservative Islamic values.

Many expert analysts and international observers are divided on whether the ongoing unrests in the country could bring about a definitive overthrow of the regime. Despite the violent crackdown, protests continue, representing one of the biggest challenges facing the Iranian authorities since 1979. The future survival of the regime will depend on its unity and cooperation with the security forces (Parsa, 2020).

The Uncertain Future of the Iranian Regime

Iran recently witnessed one of the biggest protests in its history. The Iranian security forces tried to repress the demonstrations taking place in all the major Iranian cities by any means necessary. More than 400 people have lost their lives in the protests and thousands of protesters are in detention. What is unique and worrying for the Islamic authorities in Iran is that this demonstration has united the entire population. The election of the conservative President Embrahim Raisi in 2021 has further escalated tensions in the country. For decades following the revolution, Iranians believed in the idea of reforming Islam, but all that remained were empty promises from the leaders. The message from the Iranian people is now clear: the Islamic Republic must be brought to an end. The protests in the country show that the country's ruling religious establishment has lost legitimacy among its core supporters in many traditional and holy Iranian cities such as Qom and Mashhad. Systematic human rights violations and the bloody repression of protests are also attracting increasing international attention. Iran is one of the most sanctioned countries in the world for its disregard for fundamental human rights and its strong anti-Western foreign policy.

Exports of many vital goods are blocked and the country is also shut

out of the global banking system. The Western sanctions are intended to create political pressure on Iran's elites, forcing them to change the way they are governed and to democratise to a greater degree. However, they have all proved counterproductive so far, as the economic crisis in the country has caused alarm and made the population totally dependent on the religious authorities ruling the Islamic Republic of Iran (Askew, 2022). Iran has one of the youngest populations in the world and its society has changed dramatically since the Islamic Revolution. Many expert analysts and international observers are divided on whether the ongoing unrest in the country could bring about a definitive overthrow of the regime.

Despite the violent crackdown, Parsa (2020) states that protests continue, representing one of the biggest challenges facing the Iranian authorities since 1979. Ever since the beginning of the Islamic Revolution, we have also witnessed the rapid rise of Islamic fundamentalism in Iran, where religion, under the guise of ideology or the pursuit of certain political ideas, is instrumentalised to achieve something that has nothing to do with the message of the Islamic faith. The perennial power struggles between fundamentalists and government powers in the Middle East and beyond are characterised by fundamental freedoms representing a major stumbling block. Respect for human rights, which is not just words on paper but is based on a real political and legal commitment by states, is key in the fight against fundamentalism. Islamic fundamentalism represents a major challenge to international law, a challenge that remains unaddressed or stereotypically portrayed as synonymous with the war on terror and an integral part of Muslim culture. Conscious non-discrimination in dealing with Muslim fundamentalism is necessary and in line with international norms upholding the principle of equality (Bahovec, 2015).

In Iran we are witnessing an inherent incompatibility between Iranian Islamic Law and international law. The Constitution of the Islamic Republic of Iran, as interpreted by the Iranian government, inherently violates the UN's commitment to protect freedom of religion and belief, a commitment that as a member state it has agreed to uphold. Islam is unique in the fact that the religion itself sets out a legal system as opposed to just a religious system. Shari'ah law promotes a hierarchy within society that is based on religious belief. Because God has exclusive sovereignty and the exclusive right to legislate, according to (Cohen, 2008, p. 247), all human laws are subject to the regulations

that God presented in the Qur'an, thus allowing violations of both the Iranian Constitution and international law.

If the law is seen as an immutable divine imperative-serving God, not man, and coming from God directly, those who execute the law can not be held accountable, this is what happened in Iran after 1979, the year of Iran's Islamic Revolution when the secular government of the Shah was overthrown in favor of an Islamic Republic. More than four decades after the overthrow of the monarchy and the establishment of the Islamic Republic of Iran, the world is witnessing not a failed attempt to institutionalise Shiite Islamic ideology in Iran, but a failed attempt to instate Ayatollah Khomeini's personal vision and a regime that systematically violates fundamental human rights.

The last few years we have seen reports of individual members of the government security and police forces in IRI joining protests, raising tensions between government forces and legitimate fears of the destabilisation of the regime. In early December 2022, the Iranian government bowed to the pressure and announced the withdrawal of the morality police from public life. But despite its possible dissolution, the hijab remains compulsory. The Iranian government forces want to hold on to power at all costs, but the regime has never faced a tougher test and the Iranian people have already crossed the threshold of revolution (Greenblatt, 2020).

Conclusion

Understanding today's role of the Islamic Republic of Iran requires an understanding of the dynamics of the relations between countries in the Middle East, taking into account the often bloody history of the region, which has led to ideological and religious divisions between countries, and the impact of colonisation by Western powers. Living under foreign rule has reinforced nationalist tendencies and resentment towards foreign, hegemonic powers, which is particularly characteristic of Iran. A careful analysis of both cultural and religious reasons is needed to formulate effective policies towards Iran.

Iran's statehood is inextricably linked to shows of respect and rejection of any potential threat. This is why "maximum pressure" strategies on Iran, in the name of greater respect for human rights, often end in disaster.

The Islamic Revolution in Iran has severely eroded individual freedoms and fundamental human rights. Freedom of speech is restricted, Iranian politicians block access to social media, and any public opposition to the Iranian regime is severely sanctioned, with perpetrators facing imprisonment or even death. The Iranian regime's bloodthirstiness has marginalised Iranian women, homosexuals and other marginalised ethnic groups and led to a general popular revolt. The relationship between Islam and human rights represents a crucial challenge for the contemporary human rights discourse. In order to better understand the complex relation between the two paradigms we have analyzsed the social, cultural and political context within which this interaction is taking place.

With the use of systematic methods of collecting, analyzing, and interpreting data, the article provides an answer to a previously posed scientific question, »Does Sharia prevail human rights in Iran?« It is evident from the research that the entire body of laws and regulations of the Islamic Republic in Iran must adhere to Islamic interpretation of Shari'a that prevails human rights in several areas.

Iran's human right abuses, both past and present, should receive greater attention by international policymakers. Several problematic areas of deep concern, such as religious freedom, women's human rights, gender equality and religious minorities' rights still persist, especially

in Iran and call for elaboration and interpretation of sacred texts and Sharia in relation to positive law and human rights. Women's rights activists have set many goals to improve the lives of Iranian women, but it will be challenging to find a way to change discriminatory laws within the framework of Iran's Islamic Constitution. The Islamic republic of Iran and the Muslim world need to overcome these challenges in order to foster the process of harmonization and dialogue, which is crucial for the long-term surival of the Islamic republic of Iran and to sucesfully adress the main challenge, balancing Sharia law and the human rights.

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