

Investigation of the Performance of Human Right Council in Middle East

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Abstract

As the secondary pillar of the general assembly, Human Right Council is the substitute for the human right commission. UN proved it through establishment of this institution that it gives a particular importance to the improvement of the global human right situation and enhancement of the global respect as well as to the support of human rights and essential freedoms and also that it is responsible for offering counseling and technical services for the enforcement of the states' human right commitments. Amongst the properties of human right council, the possibility of suspending the membership of human right-violating countries and creation of mechanisms for universal periodical review (UPR) as well as for studying the details related to the supervision on the human right violations worldwide can be pointed out. It seems despite the great many of efforts made by the council in human right grounds that it has not yet been able to reach its ultimate position and goal in defending the human rights in different countries, especially Middle East region.

Keywords: Human Right, Human Right Council, Human Right Commission, Universal Periodic Mechanism, Justice

INTRODUCTION

Human right is the inherent and natural right of all the human beings in an indiscriminant manner in terms of race, color, gender, language, religion, political or other opinions, national or social origin, financial properties, familial position or other situations. Human rights include all the rights such as the civil and political ones as well as economic, social and cultural rights or the collective rights.

Human right incorporates the most essential and most primitive rights enjoyed by every individual inherently and naturally and for the mere being of a human being. This simple definition is followed by social reflections and consequences as well as important political outcomes for the people and governments. Corresponding to the global human right declaration and other international documents, these rights are universal and nobody can be deprived from them, they cannot be transferred, they cannot be separated, they should be enforced equally and without any discrimination; these rights are coherent and interlaced.

The emergence of WWI and WWII drove the discussions on human rights to the margins for a while in international level but the termination of these destructive wars caused the paying of particular attentions to the human right, especially in the aftermath of WWII. The volume of bloodshed and slaughters that occurred as a result of WWI was so huge that the activists of the human rights were compelled to make

revisions and think of solutions regarding the human value and humanity. One of the important decisions made after WWI as suggested by Wilson, the then USA president, was the establishment of an organization under the name United Nations so that it can supervise the states' actions and prevent world war between the nations. Thus, after the termination of international war, UN was founded. UN did not enter explicitly and transparently entered human rights and its influence was restricted to three titles of guardianship system, international work scales and minority system.

But, as it had been predicted, the formation of the UN could not prevent wars and enhance full-scale defense of human rights and, resultantly, on the first of December, 1939,

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Germans began another war by attacking Poland and it engaged the whole world and set the ground for the emergence of WWII.

After the second world war and at the time that UN had been established, this organization set three goals as proposed in article one of UN's charter as its organizational statute; the first goal was preserving international peace and security; the second goal was development of friendly relations between the international community members and the third goal was international cooperation for posing and solving of the problems featuring humanitarian aspects. Although human right issue was amongst the mentioned goals, it had not been given a proper position in the UN's activities during the early decades of the organization's formation and it was concluded that the solidification of international peace and security and rendering it persistent is possible in the light of the human right expansion. Due to the same reason, human right was transformed so as to include rights that were in the focal point of UN's attention. So, it was with the approval of the UN's general assembly that the human right commission was established in 1946 as one of the ancillary and task-performing pillars of the UN's social and economic council (ECOSOC) and started performing its specified activities for a period of six decades (until 2006).

Human right commission spent most of its life on the construction of norms and regulations and codification of global human rights and, in this area, it prepared and codified important global human right documents amongst which the convention on the prohibition of genocide, the pact on the political, civil and economic, social and cultural rights, the convention on the prohibition of apartheid and so forth can be pointed out. As it is observed, human council commission has acted successfully in terms of rule-building; however, the emergence of cold war, absence of political will in the western states, especially the US, absence of international agreement and economic and social council's emphasis on the incompetency of the commission in the countries' internal affairs, politicization of the commission and its selective approach as well as its enforcement of dual scales in its activities led to the ignorance of its main duty, i.e. supervision on the good enforcement of the human rights principles in the countries; eventually, the commission's challenges and also its being accused of the politicization of the issues by the western countries, especially the US, caused the general assembly to accept the suggestion by Kofi Annan, the then secretary of the UN, for the dissolution of human right commission on 15th of March, 2006. This way, human right commission was impeded from keeping on the path after sixty years of a rowdy life full of rises and falls and it was subsequently replaced by a new institution called "human right council".

So, it can be stated that the most important structural evolutions of the UN are the dissolution of the human right commission and its replacement by the human right council as one of the pillars of the UN's general assembly as ruled in a resolution no.251/60A/Res.

The 251/60 resolution by the general assembly of the UN offered missions to the human right council as stated in the following words: the primary mission of the council is making rules in various human right grounds; the council keeps the special procedures of reporting; the council revises and continues all the missions and roles of human right commission following performing reviews; additionally, in order to prevent acting selectively and politically, the council was stipulated to work in adherence to the procedures of the universal periodic review so that all the countries (with no exception) can be subjected to human right status evaluations. The resolution was approved in the general assembly with 170 votes in favor and 4 votes against (US, Israel, Marshall Islands and Palau) while three members were absent (Belarus, Islamic Republic of Iran and Venezuela).

Investigation of the Performance of Human Right Council in its Middle-Eastern Member Countries:

Due to the importance of promotion and support of human rights and enhancement of its specific position with the objective of evaluating the countries' human right status, an information center was suggested for the universal periodic review mechanism. In the first round, all the UN member states, even the small Islands like Kiribati and Tuvalu and the small countries like Monaco and San Marino, demanded the investigation of their own countries and states' human right status.

In order to evaluate the human right status based on the offered recommendations, the universal periodic review mechanism took measures in line with creation of an information center. The information center of the universal periodic review is a database of all countries' data based on the offered recommendations and voluntary commitments. This database is consisted of 54 categories of different human right subjects. Many of these recommendations are related to the various issues and dimensions of a human right subject hence they are included by more than one category. Although the list of categories is naturally general and the categories might be found overlapping, the information center offers statistics on the subjects most frequently recommended. Ten of the most important issues posited in an order of importance in the statistics of the information center regarding the offered recommendations that have been exercised in the studied countries are as outlined beneath¹:

The recommendations are mostly pivoting about the followings: 1) international documents; 2) women rights; 3) child rights; 4) torture and other cruel, inhuman or insolent

¹ www.upr-info.org/analyses/Beyond Promises, the impact of the UPR on the ground, p. 26, Oct., 2014

behaviors or punishments; 5) justice; 6) detention conditions; 7) human right instruction; 8) death penalty; 9) education right; and, 10) specific procedure.

The followings are the most frequently implemented recommendations: 1) women right; 2) child right; 3) international document; 4) justice; 5) torture and other cruel, inhuman or insolent behaviors or punishments; 6) minorities; 7) detention conditions; 8) human right instruction; 9) education right; 10) disabled persons. It is worth mentioning that the above-presented statistics are solely based on concentration on the absolute number of recommendations; however, there are many issues mentioned in greater details in the human right area and a lot more recommendations have been made about them. Ten of the most important of these issues are: 1) AIDs; 2) smuggling; 3) disability; 4) environment; 5) national intervention plan; 6) development; 7) status of the domestic homeless people; 8) sanitation right; 9) poverty; 10) racial discrimination. It is here noteworthy that there are also unfortunately unimplemented recommendations under the same subjects and falling in the same category as evidenced in the statistics of the information center. Ten of the most important unimplemented subjects are: 1) international documents; 2) child right; 3) women right; 4) torture and other cruel, inhuman or insolent behaviors or punishments; 5) justice; 6) detention conditions; 7) death penalty; 8) freedom of expression and thought; 9) specific procedure; and 10) freedom of press.

With this mental background based on the statistics of the universal periodic review mechanism's information center, a more logical and more comprehensive approach can be adopted to the evaluation of the successful performance of human right council in promoting and enhancing the human right position and convincing of the countries for the implementation of the offered recommendations. The forthcoming section deals with the universal periodic review mechanism and evaluates its various aspects due to the importance of the subject.

• Method of Enhancing the Recommendations and Goals of the Universal Periodic Review Mechanism's First and Second Rounds:

One of the preliminary goals in the second round of the universal periodic review mechanism is the implementation of the recommendations accepted in the first round and expansion of the status of the studied states' human right status. In this regard, the recommending states posited various questions in the second round and asked the studied states about the measures taken and efforts made in line with the advancing of the human right activities between the two studied rounds. Such an investigation plays a very critical role. The raising of these questions, places a lot of pressure on the studied states for the implementation of the offered recommendations but it can also cause increase in the positive

functioning and output of the mechanism in whole. Considering the human right council's dissatisfaction of the statistics published regarding the percentage of relationship between the recommendations offered in the UPR mechanism's first and second rounds, the following remarks can be made: 1) the analytical method applied in the first round report of every country; 2) the structural trends of the UPR; 3) absence of sufficient information in the studied state regarding the importance of the relationship with the recommendations of the previous periods; and, 4) non-implementation of the recommendations due to the studied states' reluctance in repeating the same cases in the second round². Due to the same reason, the human right council made the following remarks to its member states in order to elevate the percentage of the relationship between the recommendations made in the first and second rounds as well as the subsequent periods: 1) having a list of all the recommendations offered in the previous period; 2) counseling with the information center of UPR mechanism; 3) presence in the informational pre-session of universal periodic review; 4) separate meeting with the civil communities and organizations; 5) exertion of other superior and modern methods for instigating interaction in the second period.

It can be stated that effective steps have been taken in this line by the states.

Based on the statistics issued by information center of UPR mechanism, the ten superior countries with the best percentages of the relationship between the recommendations offered in the first and second round respectively are: 1) Lithuania; 2) Saudi Arabia; 3) Spain; 4) Slovenia; 5) Switzerland; 6) Korea Republic; 7) France; 8) Russia; 9) USA; and, 10) Germany³.

Considering the importance of the recommendations offered by the advising states to the studied state in various aspects, the forthcoming section deals with the important reasons for their referral.

• Investigation of the Outcomes of Using the Previous Round's Recommendations:

The relationship between the periods is reflective and expressive of the studied country's concentration and/or ability in following the implementation of the recommendations offered in the first mechanism's round. Resultantly, inability in following the recommendations offered in the previous round can influence the extent to which the subsequently offered recommendations can be implemented and considerably reduce the effect of the UPR mechanism's effect on the evaluation of the countries' human right status for the following reasons.

² www.upr-inf.org: Starting all over again? An analysis of the links between the 1st and 2nd UPR cycle, Jan. 2015

³ www.upr-info.org/database/Online

- 1) Lack of relationship between the second round's recommendations and the first round's downgrades the accountability and responsibility of the state in this regard. It is worth mentioning that lack of following the first round of recommendations and obligations made to a state would somehow provoke the idea of the studied state's immunity in this regard in the other states' mind.
- 2) The absence of relationship and coherence between the periods bars progress in the recommendations offered in the second round as well as the subsequent periods and the studied states will be found with a lot of weaknesses and inabilities.
- 3) The process of following and implementing the offered recommendations is only feasible within the inter-period time spans. The implementation of many of the recommendations takes years to complete and in case of falling short of referring to the prior periods in a current round, there would come about a critical process for preventing the continuation of the interested institutions' activities in a legal manner in this regard.

Based thereon, the recommendations offered in the first and second rounds can be divided into four categories as presented below:

- 1) General recommendations are about the same subjects but they may not include the same measures.
- 2) Similar recommendations that include the same subjects and the same actions. It is not necessary for all the recommendations to be similar and congruent and the mere similarity in several cases of the recommendations' parts or their implementation is sufficient.
- 3) Same recommendations are the ones that are exactly verbatim but with several trivial changes in the words.
- 4) Gradually increased and enhanced recommendations are the ones based on which certain interventions have been made in the first and second round; these are followed by some subsequent recommendations featuring some gradual and more perfect enhancement in contrast to the previous ones.

Thus, it can be stated that the relationship between the periods reflects the measures taken by the studied states for reevaluation of the recommendations offered in the prior periods and offering the set of recommendations that have been already implemented. The positive measures taken for improving the countries' human right status and enhancement of its position are solely evaluated based on the acceptance and implementation of the recommendations offered to them. Offered recommendations that are left unimplemented will be mere advices so the studied countries should resolve the lack of the relationship between the periods and try enhancing their human right status in the subsequent periods. Referral to the previously offered recommendations not only increases responsibility and accountability in the states but also it causes political pressures on the member states if they are left unfulfilled; so, they are required to either implement the

previously accepted recommendations or present a persuading excuse for such a shortfall.

Universal Periodic Review and Performance of Human Right Council in Some Middle-Eastern Countries:

With the elapse of 70 years since the commission's initiation of its activities, the emergence of the human right council is undoubtedly one of the most important prominent reforms in the human right made by UN. The next important step in this regard could be the enactment of the human right council's establishment document. In the institution-building document of the council which has been investigated in this chapter, it will be witnessed that the council has acted very successfully in the institution-building phase considering the intended performances and mechanisms and the general reforms it has made in its performance status in the course of the fifth year of its establishment.

It will be also seen in the national reports of the studied states in the next chapter that their national reports is a comprehensive account covering various human right aspects and presents an overall image of their countries' human right statuses to the eyes of the international communities and other countries worldwide. This is while the states' reports to the obligational pillars is solely related to the special regulations of a given convention and countries are not obliged to offer reports regarding some of the human right institutions based on the charter which was mentioned before. The discussion put forth in this regard pertains to the relationship between the universal periodic review and the obligational pillars. No information has been obtained in the investigations of the relationship between the UPR mechanism and obligational pillars from different view angles as well as in evaluating the idea that whether the periodic review reduces the value of the legal standards or not and whether it causes downgrading of the obligational pillars or not. So, it can be daringly stated that the legal status of the obligational pillar attitudes has had no effect on what is carried out in the UPR. Since the major concern of the countries is achievement of stable peace in the world, the human right council supervises the countries' human right activities and puts them under pressure to accept the human right treaties and conventions in line with the accomplishment of the aforesaid goal thereby to restrict their activities in the human right roles. There was pessimism that whether this mechanism would succeed or not and the comparison of the recommendations offered in the first and second rounds prove its success because a ponderable percentage of the offered recommendations has been found perfectly implemented by some of the countries and the human right statuses of their corresponding countries have been found also distinctively improved.

As it is known, the first UPR mechanism solely evaluated the human right status of the member states and investigated the method of their implementation of their obligations and commitments; but, in the second and the subsequent rounds, the examination method was a little different. In the two

previous rounds of UPR mechanism, similarities and dissimilarities can be traced in the context of the offered reports.

The similarities of the reports offered in the two rounds of mechanism are the paying of attention to the essences of the principles and goals mentioned in articles 1, 2, 3 and 4 of resolution 5/1 as well as completion of three report documents inserted in article 15 of this same resolution 5/1.

The substantial difference between the held rounds and the subsequent rounds is the method of implementing the recommendations offered by the states of each round and the efforts made for the promotion and enhancement of the human right status in the studied countries. It can be stated in regard of the enhancement of the position and promotion of human right that the effectiveness of the UPR mechanism is based on the cooperation and good will of the studied states.

The thing that will be witnessed in these reports, national reports and task force reports is the emphasis made by the studied states and the recommending states on the human right which is reflective of its importance not only from the perspective of the human right perspective but also from the perspective of the UN member states; it is somehow reflective of the countries' worries in this area. In this regard, these countries are making efforts to enhance the human status of their countries based on the recommendations made by the investigating states and the council's solutions so that a world free of human right violation and violence can be achieved.

It is worth mentioning that the thing that is considered as the reason for the selection of countries as to be studied countries is the long record of some of them in the human right subjects as well as their specific importance in this regard.

• Performance of Human Right Council Based on the UPR Mechanism in Iran:

On 10th of June, 2010, the human right council of the UN enacted Iran's final report that had been offered within the framework of the universal periodic reviews to the council in its 14th session that was held from 31st of May, 2010, till 18th of June, 2010, in Geneva. This report that was registered under number 5/1 as the UN document and included Iran's responses to the suggestions posited in the seventh task force during February, 2010, was presented in the council's assembly in Geneva by Dr. Muhammad Javad Larijani, the secretary of Iran's human right headquarter, and it was subsequently approved based on the majority's vote.

The task force of the UPR that had been established based on resolution 5/1, passed on 18th of June, 2007, by the human right council held its seventh session from 8th to 19th of February, 2010. Islamic Republic of Iran's report was

investigated in the 11th session on 15th of February, 2010. The Iranian delegation was headed by Dr. Muhammad Javad Larijani, secretary of the judicature's supreme human right council. The task force approved the report about Iran in the session held on 17th of February, 2010.

- 1) The human right council appointed a (three-member) group of the following reporters to facilitate the investigation of Iran's report: Mexico, Pakistan and Senegal.
- 2) According to paragraph 15 in the attachment to resolution 5/1, the following documents were published following the investigation of Iran's report:
 - a) The offered national report/offering of the written report in adherence to paragraph 15(a)⁴
 - b) Collection prepared by the office of the United Nations High Commissioner for Human Rights⁵ in accordance with paragraph 15(b)⁶
 - c) The text summarized by the office of the United Nations High Commissioner for Human Rights in adherence to the paragraph 15(c)⁷
- 3) A list of questions that had been prepared beforehand by Argentina, Belgium, Czech Republic, Denmark, Germany, Ireland, Japan, Lichtenstein, Lithuania, the Netherlands, Norway, Poland, Sweden, Great Britain and northern Ireland and offered to Islamic Republic of Iran by a group of three countries (Trivica)⁸.

The following cases can be pointed out regarding the issues expressed by Islamic Republic of Iran:

- 1) Welcoming the Islamic Republic of Iran's review as an opportunity for elevating awareness regarding the human right status in this country, Iran's representative asserted that it is via cooperation, veneration and willingness to listen to each other than the human right condition can be promoted.
- 2) Iran's representative asserted that Islamic Revolution in 1979 led to the creation of a new democratic government system and a novel social and civil system based on the Islamic wisdom and mindset. He underlined explicit and numerous references to human right in the constitution such as its chapter 7 that is about the people's human right. It is stated in chapter six that all the important decisions about all the issues, including the tenure in the high-level occupations, should be made based on the people's satisfaction. Iran's representative said that the judicature is independent from the executive branch and the legislature and there are devised the required principles for guaranteeing this independence.
- 3) The supreme human right council was established in 2005 to enhance coordination and it became the most supreme institution in 2007 for supervising, monitoring and guiding the various sectors in the area of human right.

⁴ A/HRC/WG.6/7/IRN/1

⁵ OCHR

⁶ A/HRC/WG.6/7/IRN/2

⁷ A/HRC/WG.6/7/IRN/3

⁸ <http://www.unic-ir.org/hrcouncil.html>. visited at 30th of July, 2012

- 4) Iran's representative pointed to the diverse ethnic and religious composition and diversity of his country's traditions, customs and languages and exemplified Iran as a brotherly and amicable symbiosis.
- 5) As for the challenges in front of Iran, the representative of this country asserted that some western countries constantly misused the human right status in Iran for imposing political pressure and advancing their covert motivations. The terrorism supported by the foreign countries is considered as a serious problem for Iran.
- 6) Iran's representative also emphasized on the negative effect of unilateral and compulsory as well as internationally imposed sanctions by some western countries and security bans on all aspects of human rights.
- 7) Iran's representative emphasized on perfect and continuous cooperation of his country with the office of United Nations High Commissioner for Human Rights as well as permanent extending of the visiting requests in respect to the specific procedures on the subject. Several appointed reporters visited Iran and more visits are under investigation. Iran has provided perfect and timely replies to the letters sent by the commissioners. The reports have been offered to several treaty institutions on-time and in a proper manner and there are final assertions also published.
- 8) Underlining its assistances in the human right communities, including in the area of the determination of the human right criteria and literature, Islamic Republic of Iran emphasized on the importance of an interactive approach based on cooperation and avoidance of confrontation, dual scales and politicization.

The recommendations made for Iran included the followings:

- 1) Performing actions for the avoidance of torture and other humiliating and harsh behaviors
- 2) Prevention of the execution of the individuals who have committed crimes before 18
- 3) Consideration of legal respite for enforcing death penalty in respect to the possibility of its revocation
- 4) Veneration of the fair and impartial trial right for all the detained persons
- 5) Legal indictment of all the human right violators
- 6) Taking measures for preventing the security forces' exertion of extreme force
- 7) Invalidation of all sorts of discrimination in law and practice
- 8) Guaranteeing equal rights for men and women, especially in the area of job access
- 9) Guaranteeing the freedom of expression, press and gathering
- 10) Supporting the contents of the constitution supporting the freedom of worshipping

- 11) Enactment of a convention for the elimination of all forms of discrimination against women and no-torture convention⁹

• Performance of Human Right Council Based on UPR Mechanism in Israel:

Having a blemished history in the ignorance of rights, treaties and international norms and even its own obligations in bilateral treaties with the Palestinian party as well as the violation of the Palestinian people, Israel is in the focal point of the human right committee and council^[1].

Amongst the most important cases of human right violations by Israel in the occupied Palestinian lands after WWII and in 1948 and also in the Arabian lands occupied since 1967 are the compulsory exile and dislocation, discrimination and citizenship deprivation, violation of the minorities' rights, violation of life right, town-building and Jewization of Quds, destruction of the houses and confiscation of the lands, citizens' violence, violation of child rights, breach of Palestinian women's rights, limitation of the expression freedom and siege of the Gaza Strip¹⁰. As for the performance of the human right council of the UN organization in the investigation of the human right violations by Israel, especially in respect to Palestinians, it has to be stated that the human right council has always made efforts to take explicit positions regarding the criminal and antihuman interventions by Israel and accomplish its legal duties without any political considerations and pressure of the powers and Israel-supporting lobbies in this regard. However, due to the politicization of the UN's Security Council, the human right committee's interventions and activities have not had much of an effect on the antihuman behaviors of Israeli regime.

The investigation of Israel's human right status within the format of UPR was carried out on 4th of December, 2008. In the course of this evaluation, the task force generally published its report in 32 pages covering two parts of the performance summary of the investigation process and the results and recommendations. In order to investigate Israel's file, three reporters were selected from Korea Republic, Azerbaijan Republic and Nigeria. The head of Israeli delegation in this interactional conversation was H. E. Aaron Lashnaviar, ambassador and permanent representative of Israel in the UN office in Geneva.

With the initiation of the interactional conversations, Israel's representative asserted that Israel was established as a shelter for the exiled Jews from all over the world and added that, even with decades of war, Israel is proud to say that it has established a democratic society based on rule of law. He stated that Israel has been a member of the human right treaties and it has hosted eight special reporters during the

⁹ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx>U,visited at:30 July 2012

¹⁰ <http://www.nedains.com/index.php>

past three years. He pointed out that, since its establishment, Israel has always been confronted with security threats, including suicidal attacks, terrorism and irregular armed assaults against the civilians. The Israeli mission generally pointed to the appropriate domestic status of this regime in the area of human right. Of course, he also added that Israel is aware of the confronted challenges and shortcomings and welcomes the constructive criticisms. In the continuation of the interactive conversations, 54 countries engaged in the speaking about their negative and positive notions. Islamic Republic of Iran's delegation asserted that the UPR cannot be a sufficient mechanism for dealing with Israel's status and it also emphasized that occupation is the root cause of all the human right violations and crimes against Palestinians. It also expressed concerns regarding the vivid and systematic breach of the people's rights in Palestine, Golan Heights, Syria, Lebanon and the other occupied regions the documents of which have been presented in the international reports.

In the next section of the discussions, the recommendations made by the advising countries to Israel in various aspects were presented¹¹.

In the end, the final report of the task force was approved and it was mentioned therein that the results of Israel's UPR that are mentioned in the task force's report along with Israel's perspectives regarding the recommendations and conclusions as well as Israel's voluntary obligations and responses to the proposed topics have been adequately taken into account in the course of the interactive conversation in the task force before the approval of the final report¹². It is worth mentioning that the second periodic and universal human right review was commenced since May, 2012, and continued till November, 2016. In between, Israel's file was investigated in 2013¹³.

- **Performance of Human Right Council based on UPR Mechanism in Turkey:**

The legal framework of Turkey is democratic, secular and social and enjoys rule of law and separation of powers. Veneration of human rights is one of the integral legal rights thereof. The constitution of this country has experiences certain comprehensive and dynamic reformations in three turns for improvement of the human right status and promotion and support thereof. These reforms can be envisioned as turning points in Turkey's human right evolutions.

In its national report that was offered to human right council, Turkey comprehensively dealt with all human right aspects.

The two important steps to be taken by Turkey were enactment of reforms and their operationalization with the second being examinable in the second round of this mechanism. The reforms¹⁴ were made with the objective of aligning the domestic regulations with the international commitments and conventions, especially the European human right convention. In the end, in 2004, Turkey not only accepted the superiority of the international agreements in the area of human rights and freedoms that were in contradiction to its internal rules in the same area but it also enacted a collection of regulations that were envisioned important for the promotion and support of the human right. The process of these reforms' operationalization and enforcement was undertaken through holding numerous instructional programs directed at an array of individuals from governmental officials to the students in all the levels. Besides improving the judicial organization's management system, the government took measures in the national domain in line with devising reformatory strategies. The creation of an independent and national human right institution in adherence to Paris principles, acceleration of the process of enacting international conventions, reduction of barriers and problems parallel to the corresponding regulations and supervision on the thorough enforcement of the constitution's contents were conducted in accordance with the international human right conventions.

In the international area, this country joined UN in 1945. After that and in 1949, it approved the human right declaration and many of the main human right conventions¹⁵. Turkey is the founding member of Europe's human right council as well as EU; this way, it is a member of 98 out of 207 conventions issued by this council. Acceptance of the compulsory jurisdiction of the European Court of Human Rights as well as participation in the European security and cooperation organization are amongst the other international measures taken by this country. Since 2001, Turkey has elevated the review mechanism of the special UN reporters and it is regularly responding to all their letters.

It can be stated that Turkey has made itself politically more restricted and placed itself under the supervision of these organizations via its acceptance of the various dimensions of the human obligations inserted in the documents of these organizations. The ponderable point regarding the exceptional status of Turkey is the acceptance of the jurisdiction of European court of human right for its nongovernmental individuals and organizations and a group of other individuals in 1987 as well as the acceptance of its compulsory jurisdiction in 1990 and this has made it find

¹¹ A/HRC/10/76

¹² A/HRC/DEC/10/112

¹³ www.ohchr.org

¹⁴ The right of personal security, freedom of expression and opinion and religion, privacy, individual life, freedom of associations and gathering, parity, non-discrimination, right of participation in the cultural and political life, annulment of death penalty under any conditions, prohibition of torture, reformation of imprisonment system and judicature's impartiality and independence, interventions against corruption as well as the confirmation of

the criminal courts' jurisdiction regarding the crimes against the security of the country can be enumerated amounts the turning points of the reforms.

¹⁵ International convention on the rights of the individuals with disability and the optional protocol as well as the international civil and political rights treaties' protocol and the international convention on the elimination of discrimination against women, the convention on the prohibition of convention and issuance of an announcement in adherence to article 22 of this convention indicating the authentication of the required robustness

itself in a very sensitive situation. That is because the Turk citizens will have the right to enjoy the fundamental rights and freedoms inserted in the law as ruled in Turkey's constitution. Thus, in cases of their rights and freedoms' violations, they can file lawsuits against their own government before referring to the corresponding judicial courts. Turkish government deals in its report with the investigation of Turkey's innovative programs and ideas within the format of 12 human right subjects. Based on Turkey's constitution, the principle of equality and non-discrimination is an inseparable part of the country's national identity and culture and all the individuals and foreign citizens are equal before the law without any discrimination for any crime.

In the new reformations, the freedom of expression, freedom of publication and transferring of thoughts, ideas and information and also the freedom of uncensored press free of the formal officials' intervention were supported by Turkish government. On the other hand, paying of trivial cash penalties by the printing centers in case of failure on observing the regulations was substituted for such punishments as incarceration, temporary shutdown and confiscation of the printing instruments and the prior law was completely rescinded. Therefore, the establishment of printing house does not need the acquiring of any previous license and financial surety deposits. The right of access to and publish information through internet is reserved for them.

Turkey was the first country that enacted the convention on prevention of domestic violence and fighting violence against women¹⁶. National human right institute dealt with the claims of human right violations, preparation of reports, offering of notions and recommendations and performing of activities in the area of informing and promoting as well as giving instructions in this line. The corroboration of the independence and impartiality of the judges for preventing the contingent occurrence of the human right violations and enhancement of the citizens' enjoyment of fair trial and freedom of expression are amongst the other important issues. The congress's human right investigation commission that had been for the first time commissioned to the human right supervision commission in the national level could begin its activities as the supervisory mechanism of the congress and, following some reforms, the commission was allowed to examine the draft of regulations related to the human right. In line with this, it was with the establishment of a secondary investigation committee that this institution was additionally assigned to the investigation of the violations made in violent and terroristic activities in respect to the life right of the victims with the objective of investigating the probable problems in fighting terrorism and emergency conditions.

Based on article 22 of the international pact on the economic, social and cultural rights as well as freedom of expression and opinion, Turkey pointed to the suspension of the verdicts related to the legal pursuit and trial of the computer and internet crimes following which many of the previously incarcerated individuals were either freed or had their conviction term reduced¹⁷. However, the terroristic internet and media-based interventions were excluded from this rule. Turkey removed the prohibition of peaceful strike and formations in regard of some instructional and medical centers and institutions and occupations.

CONCLUSION:

According to the above-presented materials, it can be concluded that the human right council in the UN structure realizes the human right subjects as being very important in such a way that human right along with international security and development have become one of the primary premises of UN.

Of course, it can be stated that the performance of human right council has not be so much decisive in the Middle East and it has not been able to reach its main goal, i.e. human right support, and it has not acted properly in respect to its high position though it has in some of the cases dealt with the entire human right-related issues in such a way that it has caused reformations in the human right conditions in some of the member countries in the Middle East. So, all of the states should be committed to human right observance and remain accountable to their human right misbehaviors as main subjects investigable by the human right council.

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¹⁶ It is known as Istanbul convention; the other conventions enacted by the European council are cybercrime convention and labor children support convention that was rendered indispensable after a while to prevent misuse and sexual abuse of the children.

¹⁷ In some of the cases, the prohibition of exiting the house was replaced for incarceration.