VIOLATION OF HUMAN RIGHTS RULES FROM INTERNATIONAL RESPONSIBILITY TO INTERNATIONAL PEACE

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Abstract

In the present research, an attempt has been made to briefly review human rights and humanitarian rights and their mutual relations, and to present the specific manifestation of the realization of international responsibility due to human rights violations and its impact on international peace. And this main question should be answered, what effect does violation of human rights rules in civil responsibilities have on international peace. Based on this, the findings of the research indicate that all these rules are based on the human rights system, and in each of them, principles and rules for creating international peace and prohibiting violence, war and terrorist acts are mentioned. Of course, these principles become practical when governments govern based on these rules and principles. If these rules are not followed by the governments, then the government will be responsible for compensation. For this reason, along with other factors, the role of rules and principles of human rights and governments in creating international peace and security cannot be ignored.

Keywords: Human Rights, International Responsibility, Peace, Governments.

INTRODUCTION

Today, all the activities in the world can have an impact in the shadow of peace and security, therefore the establishment of peace and security is now more important due to globalization. The United Nations, countries and unions have made extensive efforts to fight against any action that endangers international peace and security, and they were always looking for ways to avoid any kind of war and disputes that could threaten peace. Avoid risk In this regard, the role of the principles and rules of human rights in the development of peace and security in the world should not be neglected, because human rights can complement and sometimes help in creating international peace in various situations. In addition, the role of governments in creating it cannot be ignored. Every government wants peace and security so that it can function properly under its shadow.

Therefore, in the establishment of world peace, in addition to the rules of human rights, another factor such as the responsibility of governments has a significant role. Here, international responsibility refers to the non-criminal responsibility of governments, and acts that are considered as illegal acts in the form of international crimes are not considered. In this research, we will seek to investigate the role of human rights and governments in establishing international peace and to explain and analyze the issue, the mutual influence of these two factors in establishing peace should be investigated. For this reason, we first examine the

international responsibility of the government and then discuss the rules of human rights and finally analyze the effect of both factors on the establishment of international peace and security.

1- The international responsibility of the government

The system of non-criminal liability is a relatively old system that has evolved over time and today it has become an independent legal system called international liability law. Non-criminal liability is directed at the active subjects of international law, that is, if countries directly or through their officials, including statesmen, employees or collective bodies (triple forces, etc.) and even under certain circumstances, private individuals residing in those countries commit an international illegal act.

The responsibility of those countries is realized. Also, whenever international organizations commit an international illegal act through their officials and organs, the responsibility of those organizations is clear. On the other hand, the criminal responsibility system is a relatively new system that considers the responsibility only towards natural persons. (Ziai Bigdali, 2002: 7-18)

The fundamental transformation of the international non-criminal responsibility system is due to the continuous activities of the United Nations International Law Commission over many years. After many years, the actions of the commission reached the final result in 1002 and the plan of articles on the international responsibility of countries was approved by the commission. (Ibid.)

Refusal of the duty or legal requirement may expose the foundation of human rights to destruction, but in contrast to complying with legal requirements, it is an effective guarantee for the observance of human rights. From this point, the importance of international responsibility in public international law in general and in international human rights in particular is determined, and if the system of international responsibility is damaged, international law will not be able to reach its goal as it should.

International responsibility has two aspects: one is non-criminal responsibility and the other is criminal responsibility, and what is intended here is non-criminal responsibility. International responsibility in a non-criminal way is one of the most important and basic international legal institutions, which is recognized as a legal, fundamental and necessary mechanism in the mutual relations of subjects of international law. The existential logic of responsibility stems from the general belief that power does not exist without responsibility. International responsibility, be it criminal or non-criminal, individual or state responsibility for violation of human rights and humanitarian rights has a special form, especially the mutual relations of human rights and humanitarian rights has given it a more distinctive feature. (Hadadi, 2013: 45)

1-1: Self-sufficient diet

Today, the international law system has accepted the existence of regimes that are applied regardless of the general principles and rules of international law in the field of government

responsibility. In the international arena, governments as the main determining element of international relations, when they face problems in terms of implementing the general rules of international law, they create self-sufficient regimes. These regimes, in the most common and narrowest definition, as a regular set of behavioral rules and formal rituals in certain areas of international law, are systems that have their own ways of implementing their rules and ways to combat their violations internally. They provide their own structure. These regimes include a set of comprehensive and distinct secondary rules, according to which they are exempted from the implementation of the general rules of international liability law. Therefore, today, self-sufficient regimes are considered as an exception to the general rules of international law in the field of international responsibility. (Shamsai and Salimi, 2017: 8)

2- Human rights

2-1: Definition

The meaning of human rights is a set of values, concepts, documents and mechanisms whose subject is the protection of human status, dignity and dignity. The main origin of human rights is philosophical insights, natural law school, religious and political views and schools. Regarding human rights becoming a subject, i.e. becoming human rights laws or rules, the role of domestic law and international law is very decisive in parallel with each other.

2-2: Peace

The development of the spirit of democracy during the 23rd century contributed to the advancement of peace movements. During the First World War, the activities to establish the League of Nations were put aside, and after the Second World War, they created groups to strengthen the United Nations and disarm nuclear weapons. It was at the beginning of the 23rd century that the increasing spread of socialism, a new form of international ethics, was revealed on the horizon of a vision of peace based on the connection of national and international borders and the imposition of restrictions on the sovereignty of countries. In this way, although a uniform strategy or a unified ideology was not achieved for the new peace movements, it led to the creation of common rules governing their goals and performance. Human. Before the establishment of the United Nations, efforts were made to establish peace after the formation of the League of Nations. In the political context, the important act that was done was the conclusion of the Locarno Agreements, which guaranteed the political boundaries between the several European governments that the Treaty of Versailles had created between them.

In general, regarding peace, it can be said that there are two interpretations of the concept of peace: the concept of negative peace, which reduces peace to a state of absence of war, and the concept of positive peace. This concept expresses a situation that, in addition to the absence of war, has factors and guarantees that make it constructive, just and democratic.

In the second situation, peace is not a static phenomenon, but a dynamic goal of national and international societies. Today, creating peace in the world is what countries seek to achieve, and they try to get help from all international organizations and institutions to achieve this. (Rangbarian, 2014: 54)

2-3: Terrorism and violation of human rights

According to the definition provided by the League of Nations in 1973, terrorism is defined as criminal acts against a government with the intention of creating a state of terror in the minds of certain individuals, a group of people or the general public.

One of the factors that can endanger the establishment of world peace is terrorism, which is considered the most important threat to the peace and security of countries and the world community. Today, the United Nations, countries, unions, and organizations have made extensive efforts to fight terrorism and create world peace, so that in 1919, a commission consisting of judges and lawyers to examine the issue of responsibility for the perpetrators of war crimes after The First World War was organized in Versailles and dealt with the issue of terrorism and placed organized terrorism as one of the major war crimes, after intentional murder and in the second place.

Therefore, the existence of terrorism itself is a factor to threaten world peace, as the Security Council in the resolutions of 1996, 1998, 1999, etc. has only introduced international terrorism as a threat to international peace and security.

In the issued resolutions, the Security Council has largely defined its official positions in dealing with terrorism and establishing world peace as follows:

- Fighting terrorism based on the United Nations Charter, the principles of international law, including respect for humanitarian and international human rights (Resolution 1269).

- Emphasis on governments' avoidance of supporting non-state actors who want to acquire nuclear and chemical weapons (Resolution 1540)

- Emphasis on preventing and eliminating terrorist acts (Resolution 1373 and 1269)

Therefore, the Security Council, as an important pillar in the United Nations, seeks to establish world peace and prevent any action that endangers global security.

In addition to the cases mentioned above, any violation of human rights that is recognized as the result of an international criminal act leads to international responsibility. Some cases of human rights violations include: Violation of a person's dignity, humiliating and humiliating behavior, or intentional deprivation of persons under the protection of the right to a fair and legal trial, and violation of the rules of general international law in the fields of human rights, including the right to life. The right to a healthy environment, the right to a fair trial and the like.

3- International rules and regulations

3-1: Provisions related to the international responsibility of the government

According to Article 1 of the draft international responsibility of the government, the violation of international law by a government causes international responsibility and it can be concluded that if the government does an act that harms peace and security of course, if it is not to defend

the interests of its own land, then the government has international responsibility. (Ibrahim Gol, 2018: 144)

According to Article 2 of the draft international responsibility of the state, the wrongful act of the state must have two important elements, in other words, if the state's act has caused disruption of global peace and security, first, according to international law, that act must be attributable to that state. Secondly, that act is a violation of the international obligation of that state, for example, if a state has committed genocide, according to the Convention on the Prohibition of Genocide, this act is a violation of international obligation, and if it is caused by the state's act, it can be attributed to it. Therefore, here the violation of human rights rules has caused the international responsibility of the governments and is itself a factor for disrupting international peace.

3-2: Regulations and rules related to human rights

In the preamble of the United Nations Charter, the goals of this organization are stated as follows: to tolerate and live in peace with each other, with a spirit of good neighborliness and unite our forces to maintain international peace and security, accept the principles and create methods that to guarantee the non-use of armed forces except in the way of common interests, and it is also mentioned in Article 1 of the United Nations Charter: to maintain international peace and security, and for this purpose, to take effective collective measures to prevent and remove threats against peace and It is to stop any acts of aggression or other actions that violate the peace and provide means to resolve international disputes or situations that may lead to a violation of peace by peaceful means and according to the principles of justice and international law.(Mafi, 2017: 18)

Article 2 paragraph 3 states that all members must settle their international disputes by peaceful means in such a way that international peace and security and justice are not endangered, and also according to Article 2 paragraph 4 of this charter, members In their international relations, they should refrain from threatening or using force against the territorial integrity or political independence of any country or any other method that is related to the goals of the United Nations. Therefore, according to Article 1, Paragraph 1 of the United Nations Charter, this organization considers its primary goal to maintain international peace and security and uses all means to achieve this goal. Of course, it is worth mentioning that one of the most important institutions of the United Nations is the Security Council, which will help establish international peace and security through the use of appropriate measures. It is also stated in paragraph C of Article 55 of the charter: universal and effective respect for human rights and basic freedoms for all without discrimination in terms of race, gender, language or religion. (Ibid)

According to this article, all people in the world have basic freedoms, and human rights must respect the freedoms of people without any discrimination in terms of gender, race, language, etc., of course, this principle is accepted by the majority as a principle of human rights. Countries, but despite the acceptance of many countries, this principle is not observed in some parts of the world, an example of which is the killing of Myanmar. Non-observance of these

principles related to human rights has created insecurity in different parts of the world today. The world in which we live is like pieces that are joined together, and insecurity in one country can harm the entire international community, therefore international regulations related to human rights seek to establish principles that can ensure this security and peace. Create as much as possible in the international community.

Article 5 of the Human Rights Declaration states: No one should be subjected to oppression, torture, or degrading treatment or punishment, or against humanity and human dignity. (Ibid.) Therefore, the main goal of the Declaration of Human Rights is to ensure global peace and security in its articles. He knows and by mentioning this article, he has emphasized the behavior and actions of individuals. If this clause is interpreted in a broad way, in addition to natural persons, legal entities can also be included under this article, in other words, the behavior of governments should be such that the people of the countries are oppressed and harassed, which is contrary to humanity. And observe the principles and rules of human rights. The expression of international peace and security in the seventh chapter of the United Nations Charter can be related to the expression of peace and security of mankind. Here, security and peace are closely related because people are national citizens at the same time

They are also considered as citizens of the global community and certain basic rights should be considered for them. Therefore, security in the context of global politics includes the existence of people's sense of freedom from threats that fundamentally destabilize their existence. These threats are diverse: direct physical violence. Caused by others (war), structural political and economic aggression (slavery) and threats to identity (cultural imperialism). (Lawyer, 2012: 154)

4- The relationship between human rights and peace

The development of a culture of peace requires accepting the constructive role of nations and avoiding domination, one-sidedness, confrontation and exclusion. In addition to peace between humans, full-fledged peace also includes peace between humans and nature. After the formation of the foundations of the first generation of human rights i.e. civil and political rights in the 18th century and the formation of the second generation of human rights or economic, social and cultural rights in the 19th century when the concept of the third generation of human rights i.e. the rights of solidarity entered scientific analysis. It was about human rights and it was the starting point for the interests of all mankind, such as the risk of nuclear war, environmental accidents, the crisis of underdevelopment and poverty, to become the core of political and legal thinking. In the draft of the third international covenant of solidarity rights, solidarity rights are divided into four categories:

- The right to develop
- The right of joint inheritance
- The right to the environment
- The right to peace. (Ibid, 126; Vakil, 2016: 154)

Therefore, it is here that human rights are closely related to peace, and peace gains meaning and meaning by implementing the rules of human rights.

5- The relationship between the international responsibility of the government and peace

According to what is stated in articles 2 and 1 of the draft international responsibility of governments and the United Nations Charter. One of the basic goals of governments is to create security and peace in their territory, and accordingly, they are not allowed to encroach on the territory of other countries except to defend their sovereignty.

For this reason, according to the United Nations Charter, governments are obliged to observe the rules of human rights to create international security and peace, otherwise, if they commit a criminal act that can be attributed to them and cause disruption of international peace. If brought, the wrong government will be responsible. Creating security and peace for the people is a duty of the government and it appears as a basic right for the people. Since unrest in one land causes unrest in other areas.

CONCLUSION

In the past, the concept of international peace and security was limited to the borders of a country, and the independence and sovereignty of governments was considered the most important pillar of international security. But with the passage of time and the process of globalization, the world entered a new field of communication and the occurrence of an incident, however small, was displayed in all countries, this caused the security and peace that was important for the internal territory of countries in the past. The world arena also becomes important. The introduction of new military technologies institutionalized violence among the people of many countries, and it was from there that international organizations and institutions were formed to find ways to prevent the occurrence of violence in the international arena. As it was observed, in the review of all international rules and regulations such as the United Nations Charter, the Universal Declaration of Human Rights, international covenants and the draft draft of the international responsibility of governments and their adaptation to the international law system, it led us to this conclusion. All of these rules are based on the human rights system, and in each of them, principles and rules for creating international peace and prohibiting violence, war and terrorist acts are mentioned. Of course, these principles become practical when governments govern based on these rules and principles. If these rules are not followed by the governments, then the government will be responsible for compensation. For this reason, along with other factors, the role of the rules and principles of human rights and governments in creating international peace and security cannot be ignored and its impact neglected. Therefore, governments will be responsible for creating international peace and security. Therefore, their role in establishing international peace cannot be ignored. But it seems that the resolution of the UN Human Rights Council regarding Iran and its most important executive clause is the decision to establish an independent international fact-finding commission by the head of the Human Rights Council with the mission of a complete and independent investigation of human rights violations in connection with The recent protests in Iran, including its gender dimensions, and the collection, aggregation and analysis of evidence

related to human rights violations in order to be dealt with in future legal procedures in courts with national, regional or international jurisdiction. Also, the decision of the Economic and Social Council of the United Nations last week, which removed Iran from the United Nations Commission on Women, with the majority of votes; considering things like:

- Accepting Saudi membership in April 2017, exactly when driving was still prohibited in this country and the hijab had not been released;

- The silence of the international community in the face of the killing of 3800 children by the attackers in Yemen;

- And the largest share of the United States (as the proposer of the resolution) in women prisoners according to global statistics;

- America's placement among the top 10 unsafe countries for women according to the Thomson Reuters Institute research, which has remained unchanged for at least a decade; It strengthens the hypothesis that the above resolutions require more legal consideration.

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