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The Kurdish Question in Iran: A Challenge to the UN's Self-Determination Doctrine

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ABSTRACT

The Kurdish issue in Iran challenges the United Nations' self-determination doctrine, highlighting tensions between state sovereignty, territorial integrity, and ethnic minority rights. The UN Charter and international legal instruments affirm the right to self-determination, but their application remains inconsistent, especially in cases where national governments resist secessionist or autonomy-seeking movements. This article examines the theoretical foundations of self-determination and legal and political dimensions of Kurdish self-determination claims in Iran, analysing Iran's response and the limitations of UN mechanisms. The study argues that the current international framework inadequately addresses the aspirations of stateless nations like the Kurds, necessitating a re-evaluation of self-determination in a 21st-century context.

Keywords: Kurdish Question; Self-Determination; United Nations; Minority Rights; International Law; Territorial Integrity; Secession; Ethnic Nationalism

INTRODUCTION

The Kurdish question remains one of the most complex and persistent ethnic conflicts in the Middle East. In Iran, the Kurdish population primarily residing in the provinces of Kurdistan, Kermanshah, and West Azerbaijan has long struggled for cultural, political, and, in some instances, territorial rights. While the United Nations (UN) promotes self-determination as a fundamental principle, its practical application has been selective and inconsistent. The Kurdish population, estimated at 25 to 35 million people, represents one of the largest stateless nations globally, with significant communities in Turkey, Iraq, Syria, and Iran¹. In Iran, Kurds constitute approximately 10% of the population, primarily residing in the western provinces².

The Kurdish pursuit of self-determination has been a persistent issue, challenging the United Nations (UN) doctrine of self-determination, which seeks to balance peoples' rights with the principles of state sovereignty and territorial integrity. Despite their significant presence, they have historically faced systemic marginalization, both under the Pahlavi monarchy and the Islamic Republic. Kurdish demands for self-rule have ranged from calls for enhanced cultural and linguistic rights to full independence, a spectrum of aspirations that has been met with violent suppression by Iranian authorities. The Kurdish issue in Iran is further complicated by its transnational nature, with Kurdish populations also residing in Turkey, Iraq, and Syria, each facing unique yet interconnected struggles. From a legal perspective, Iran's constitution recognizes ethnic



diversity but falls short of granting meaningful autonomy. Article 15 permits the use of local languages alongside Persian in schools, but Kurdish language instruction remains restricted in practice. Similarly, Article 19 guarantees equal rights for all ethnic groups, yet Kurds continue to face discrimination in political representation, economic opportunities, and security policies. These legal constraints, historical grievances, and geopolitical dynamics make the Kurdish question in Iran an enduring challenge to national stability and international legal norms.

THE UNITED NATIONS AND SELF-DETERMINATION: A THEORETICAL PERSPECTIVE

The concept of self-determination has been fundamental to international law and diplomacy, especially since the conclusion of World War II. The United Nations (UN) has been instrumental in articulating and advocating for self-determination while reconciling it with state sovereignty and territorial integrity. This section analyses the theoretical foundations of self-determination in international law, investigates the United Nations' role in its application, and addresses the obstacles and inconsistencies in its implementation.

The Concept of Self-Determination

Self-determination is the right of people to determine their political, economic, social, and cultural development without external interference³. It has been interpreted in various ways: as a legal right, a political principle, and a moral imperative. Theories of self-determination are divided between external and internal dimensions. External self-determination refers to the right to secede or form an independent state, while internal self-determination focuses on political and cultural autonomy within an existing state⁴. The legal foundation for self-determination is established through important international documents, notably the UN Charter (1945), which acknowledges self-determination as crucial for world peace and security. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) affirm self-determination as a legal right, stating that "all peoples have the right to determine their political status freely and freely pursue their economic, social, and cultural development"⁵. The implementation of this ideal has been limited by apprehensions regarding territorial integrity and state sovereignty, resulting in selective acknowledgement of self-determination movements.

The concept of self-determination is rooted in Enlightenment ideals of individual autonomy and collective freedom. Thinkers such as John Locke and Jean-Jacques Rousseau emphasized the right of people to govern themselves, laying the foundation for modern democratic self-determination

theories. In the 20th century, Woodrow Wilson's advocacy for national self-determination after World War I and Lenin's emphasis on self-determination as a means of liberation from imperialism⁶ contributed to the broader discourse on the subject.

Historical Development of Self-Determination

The principle of self-determination has evolved significantly over centuries, shaped by philosophical, political, and legal discourses. Rooted in early theories of sovereignty and autonomy, the concept gained prominence in the 19th and 20th centuries as nationalist movements and decolonization efforts reshaped global politics³. The concept of self-determination originates from Enlightenment philosophers like John Locke and Jean-Jacques Rousseau, who underscored that political legitimacy arises from the consent of the governed (Locke, 1689; Rousseau, 1762). These concepts impacted revolutionary movements, notably the American and French Revolutions, which affirmed the populace's right to choose their political fate.

During the 19th century, self-determination became closely associated with European nationalist movements. The unification of Germany and Italy demonstrated the power of nationalist aspirations, while the dissolution of the Austro-Hungarian and Ottoman Empires further reinforced the principle of national self-rule⁷. The Revolutions of 1848 across Europe were significant in advancing the demand for self-government, though many were suppressed. The contemporary expression of self-determination as an international principle gained prominence during World War I. U.S. President Woodrow Wilson advocated for self-determination in his Fourteen Points (1918), promoting the principle that nations should govern themselves (Wilson, 1918). This notion influenced the post-war agreements, such as the Treaty of Versailles, disintegrating empires and new nation-states⁸. Nonetheless, its implementation was selective, privileging European nations over colonised populations.

Following World War II, self-determination became a cornerstone of international law. The United Nations Charter (1945) enshrined the right to self-determination, emphasizing its role in decolonization (UN Charter, Article 1(2)). The process gained momentum by adopting the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960), recognising the legitimacy of anti-colonial struggles⁹. The wave of decolonization in Africa and Asia during the mid-20th century saw numerous nations gain independence, further solidifying self-determination as a global norm¹⁰. In the post-colonial era, self-determination has continued to be a contentious issue. While it has supported national liberation movements, it has also led to conflicts over secession and territorial integrity. Cases such as the dissolution of Yugoslavia, the independence of South Sudan, and ongoing disputes in



regions like Catalonia and Kurdistan illustrate the complex nature of self-determination in contemporary geopolitics¹¹. Additionally, indigenous peoples have increasingly asserted their rights to self-determination, leading to international recognition through instruments like the UN Declaration on the Rights of Indigenous Peoples (2007)¹².

Theoretical Perspectives on Self-Determination

a. Liberal and Democratic Theories

Liberal democratic theory argues that self-determination aligns with individual freedoms and democratic governance. According to Buchanan¹³, self-determination should be conditional on democratic legitimacy and respect for human rights. This perspective suggests that self-determination is not merely about independence but also about the ability of a people to govern themselves democratically within or outside an existing state. A central tenet of liberal theory is that self-determination must be exercised consistently with democratic principles, ensuring that all individuals within the affected group have a voice in the decision-making process. From this standpoint, referenda and democratic processes are essential for realizing self-determination¹⁴. However, this raises concerns about representation and minority rights within self-determination movements.

Furthermore, theorists such as Mill (1861)¹⁵ argue that self-determination should be granted only to groups that demonstrate a sufficient level of political maturity and institutional stability, reducing the risk of instability or authoritarian rule post-independence. This perspective suggests that democracy and self-determination are mutually reinforcing, as democratic governance ensures accountability and inclusivity in the self-determination process. However, critics argue that conditioning self-determination on democratic legitimacy risks undermining the fundamental right of oppressed groups to self-rule, particularly in cases where democratic processes are manipulated by dominant powers to suppress independence movements¹⁶.

The liberal perspective also emphasizes international cooperation and legal frameworks to facilitate self-determination in a peaceful and structured manner. John Rawls (1999) extends this idea by proposing the concept of "peoples" rather than "states" as the primary unit of global justice, arguing that self-determination should be supported as long as it aligns with principles of fairness, human rights and global stability.

Marxist and Postcolonial Perspectives: Marxist interpretations of self-determination see it as an anti-imperialist struggle against colonial and capitalist domination. Lenin (1916) argued that self-determination was essential for oppressed nations to achieve socialist liberation, viewing it as a means to dismantle imperialist structures. According to Lenin, self-determination was not an abstract right but a necessary step for oppressed classes to overthrow bourgeois rule and establish a socialist state⁶. Postcolonial scholars, such

as Fanon (1963), have emphasized the psychological and structural oppression caused by colonial rule, advocating for self-determination to deconstruct imperial hegemony. Fanon argued that decolonization was inherently violent, as it represented the reversal of power structures imposed by colonial regimes. He contended that self-determination was a political right to reclaim cultural and economic sovereignty¹⁷.

A key contribution of postcolonial theory to self-determination discourse is its critique of neocolonialism, which is the continued economic and political subjugation of formerly colonized nations by global capitalist powers. Scholars such as Nkrumah (1965) argue that self-determination requires political independence, economic self-sufficiency, and resistance to Western-dominated financial institutions. This perspective suggests that international recognition of self-determination is often shaped by economic interests rather than genuine support for national liberation¹⁸.

b. Realist and Pragmatic Approaches

Realist scholars argue that self-determination is often subordinated to power politics and strategic interests. States and international organizations, including the UN, selectively apply self-determination based on geopolitical considerations. Krasner (1999) contends that sovereignty is often compromised when major powers find it convenient, leading to inconsistent application of self-determination principles. This is evident in cases like Kosovo and Palestine, where international recognition is influenced by political alliances rather than legal consistency¹⁹.

Realists emphasize that state actors prioritize stability and national interest over ideological commitments to self-determination. Morgenthau (1948) asserts that international relations are driven by power struggles rather than legal norms, meaning that self-determination movements succeed or fail depending on the interests of major global powers²⁰. Similarly, Waltz (1979) argues that weaker nations struggle to achieve self-determination unless they align with stronger allies with vested interests in their independence²¹. Pragmatic approaches focus on new states' viability, economic stability, governance capacity, and international recognition. Fukuyama (2004) suggests that self-determination should be assessed on a case-by-case basis, weighing the risks of instability against the potential benefits of new statehood. This perspective acknowledges the legitimacy of self-determination but calls for a pragmatic evaluation of its consequences for regional and global security²².

c. Constructivist Perspectives

Constructivist theories emphasize the role of identity, discourse, and social norms in shaping self-determination movements. Unlike realists who focus on power politics, constructivists argue that self-determination is influenced by how groups perceive themselves and are recognized by



others²³. For example, national identity formation and the global narrative around human rights play crucial roles in determining whether a self-determination claim gains international legitimacy.

d. Federalist and Autonomy-Based Approaches

Some scholars advocate for federalist or autonomy-based solutions to self-determination conflicts. According to Kymlicka (1995), granting cultural and political autonomy within a larger federal state can compromise self-rule and state sovereignty²⁴. Examples include Quebec in Canada and Scotland in the United Kingdom, where autonomy has been institutionalized within a federal or quasi-federal framework to accommodate self-determination aspirations without full secession.

HISTORICAL CONTEXT OF THE KURDISH QUESTION IN IRAN

The Kurdish population in Iran is estimated at 8 to 10 million people, mainly residing in the western provinces of Kordestan, Kermanshah, West Azerbaijan, and Ilam²⁵. Since the early 20th century, Iranian Kurds have faced systematic marginalization, particularly under the rule of Reza Shah Pahlavi (1925–1941) and, later, his son Mohammad Reza Shah (1941–1979). The centralization policies of the Pahlavi dynasty sought to assimilate ethnic minorities into a Persian-dominated national identity, leading to the suppression of the Kurdish language, culture, and political movements. The Kurdish struggle for self-determination in Iran remains highly constrained due to political repression, economic neglect, and military crackdowns. The Iranian government views Kurdish activism as a threat to national unity and security, leading to harsh measures against political movements, cultural expressions, and armed groups.

The most significant Kurdish bid for autonomy occurred with the establishment of the short-lived Republic of Mahabad in 1946. Backed by the Soviet Union, the Republic of Mahabad represented a significant milestone in Kurdish nationalism. However, the withdrawal of Soviet support led to its swift downfall, with Iranian forces reclaiming the region and executing its leaders, including President Qazi Muhammad²⁶. This event marked the beginning of a long-standing Iranian policy of suppressing Kurdish nationalist movements. Under the rule of Mohammad Reza Shah, the Kurdish population remained marginalized, with little political representation or economic investment in Kurdish regions. During this period, Kurdish armed resistance occasionally flared up, but government crackdowns ensured that no sustained movement could gain traction.

Following the 1979 Iranian Revolution, Kurdish groups initially supported the overthrow of the monarchy, hoping that the new Islamic Republic would grant them greater autonomy. However, Ayatollah Khomeini's government rejected Kurdish demands for self-rule, labelling them as threats to national unity. This led to violent clashes between

the Iranian military and Kurdish insurgents, most notably the Democratic Party of Iranian Kurdistan (PDKI) and Komala. The post-revolutionary period saw widespread human rights abuses, executions, and military campaigns against Kurdish areas, further deepening Kurdish grievances. In the following decades, the Iranian government continued its policy of strict control over Kurdish regions, limiting political and cultural freedoms while also implementing economic marginalization. While Kurdish political movements remain active, they operate under severe restrictions, with frequent arrests and executions of activists on charges of separatism (Amnesty International, 2021).

The Kurdish struggle for self-determination in Iran remains one of the country's most pressing yet heavily suppressed movements. Despite being one of the most significant ethnic minorities, the Kurdish people in Iran face systemic discrimination, political repression, and economic marginalization. Politically, Kurdish activism is met with severe crackdowns. The Iranian regime considers Kurdish political organizations such as the Democratic Party of Iranian Kurdistan (PDKI) and Komala illegal, often labelling their members as separatists or terrorists. Political activists, journalists, and intellectuals who advocate for Kurdish rights are routinely arrested, imprisoned, or even executed on charges of acting against national security. The government's intolerance toward Kurdish political movements has led to widespread fear, forcing many activists into exile. Cultural repression is another tool the Iranian government uses to suppress Kurdish identity. The Kurdish language is not recognized in the education system, and any attempt to promote Kurdish literature or media faces heavy censorship. While Kurdish is spoken at home and in informal settings, official institutions and schools enforce Persian as the sole language of instruction. Activists who campaign for linguistic rights are often arrested, and Kurdish publications are regularly banned²⁷.

Economic marginalization also plays a significant role in the systemic oppression of Kurds in Iran. Kurdish regions, particularly the provinces of Kurdistan, Kermanshah, Ilam, and West Azerbaijan, are among the most impoverished in the country. The government has long neglected infrastructure development in these areas, leading to high unemployment, inadequate healthcare, and poor living conditions. Beyond economic and cultural suppression, armed conflict between Kurdish insurgent groups and the Iranian state remains an ongoing issue. Kurdish militant organizations such as the PDKI and the Party for a Free Life in Kurdistan (PJAK) continue to engage in sporadic clashes with Iranian security forces. In response, the Iranian Revolutionary Guard Corps (IRGC) frequently launches military operations against Kurdish fighters, not only within Iran's borders but also in Iraq's Kurdistan Region, where these groups often have bases. Geopolitically, Iran's hostility toward Kurdish self-determination is shaped by



regional developments. The establishment of an autonomous Kurdish government in Iraq and the rise of Kurdish-led administrations in Syria have heightened Iran's fears that similar movements could gain traction within its borders. As a result, Iran has sought to undermine Kurdish influence both domestically and regionally, often using diplomatic pressure and military force to suppress Kurdish political aspirations. Despite these challenges, the Kurdish struggle for self-determination in Iran persists. Political organizations, activists, and insurgent groups continue their efforts to demand greater rights despite the immense risks involved. However, given the Iranian government's firm stance on national unity and its history of suppressing Kurdish resistance, the prospects for Kurdish autonomy or federalism within Iran remain bleak²⁸.

THE UN'S SELF-DETERMINATION DOCTRINE AND ITS APPLICATION

The UN Charter, under Article 1(2), upholds the right to self-determination, which has been further reinforced by international legal instruments such as the International Covenant on Civil and Political Rights (ICCPR) (United Nations, 1966). However, the interpretation of self-determination has been contested, particularly regarding the distinction between internal and external self-determination.

External self-determination is traditionally applied in cases of colonial rule or foreign occupation, where a people seek full sovereignty and independence from an oppressive power. This principle was central to the decolonization process of the mid-20th century, leading to the independence of many former colonies³. However, in the post-colonial era, the application of external self-determination has been significantly restricted, as most international legal frameworks prioritize the territorial integrity of existing states over secessionist claims.

On the other hand, internal self-determination refers to the right of people within a sovereign state to freely determine their political status and pursue economic, social, and cultural development. This principle suggests that ethnic and national minorities should be able to participate fully in government, maintain their cultural identity, and enjoy equal rights without discrimination⁴. Internal self-determination has been interpreted to mean greater regional autonomy or federalism rather than outright independence.

Iran maintains that Kurdish self-determination falls within the internal category and argues that constitutional provisions already ensure minority rights²⁵. Under Article 15, the Iranian constitution allows for using local languages in media and education, while Article 19 states that all ethnic groups enjoy equal rights. However, Kurdish activists argue that these legal provisions are not fully implemented, and that systemic discrimination, lack of political representation, and economic marginalization undermine their

ability to exercise meaningful self-determination (Amnesty International, 2021). Furthermore, the UN's approach to self-determination has been selective, often influenced by geopolitical considerations. While the UN supported Kosovo's independence from Serbia, it has largely refrained from intervening in Kurdish self-determination claims in Iran, Iraq, Turkey, and Syria. The lack of a clear international framework for addressing non-colonial self-determination movements has left groups like the Kurds in a precarious position, where their demands are met with resistance from central governments and neglect from international institutions (Weller, 2009).

UN INTERVENTIONS ON IRANIAN KURDS

The United Nations (UN) has observed the plight of Iranian Kurds within the broader framework of human rights and international peace. While the Kurdish issue in West Asia is multifaceted and spans several countries, the situation in Iran is unique due to the particular policies of the Iranian government and the international community's complex diplomatic relationship with the country. The UN has engaged through mechanisms such as the Human Rights Council, special rapporteurs, and appeals against violations like arbitrary detentions and executions. Despite these efforts, the UN's influence remains constrained due to geopolitical complexities and Iran's resistance to external scrutiny.

The United Nations Human Rights Council (UNHRC) has consistently highlighted the challenges faced by Kurdish minorities in Iran. Through special rapporteurs, resolutions, and reports, the UNHRC has sought to document the systemic discrimination, human rights abuses, and political repression faced by Kurds in the country. These documents shed light on the systemic challenges faced by the Kurdish minority, encompassing cultural suppression, political repression, and economic marginalisation.

a. Cultural Suppression: The UNHRC has highlighted the Iranian government's restrictions on Kurdish cultural expression. Notably, Kurdish language education is absent from public schools, limiting the community's ability to preserve and promote their linguistic heritage. This absence contravenes international standards that protect minority cultural rights.²⁹

b. Political Repression: Reports indicate that Kurdish political activists and human rights defenders in Iran face arbitrary arrests, unfair trials, and harsh sentences, including the death penalty. The UNHRC has documented instances where Kurdish individuals were convicted of national security-related charges without due process, often based on confessions obtained under duress. Such practices violate fundamental human rights principles.

c. Economic Marginalization: Kurdish-populated regions in Iran experience significant economic underdevelopment. The UNHRC has reported high



unemployment rates and inadequate infrastructure in these areas, attributing these conditions to systemic neglect and discriminatory policies. This economic disparity exacerbates the marginalisation of the Kurdish community.³⁰

d. Disproportionate Use of Capital Punishment: The UNHRC has expressed concern over the disproportionate application of the death penalty against ethnic minorities, including Kurds. In August 2024, the UN High Commissioner for Human Rights, Volker Turk, highlighted the alarming rate of executions in Iran, noting that ethnic minorities such as Kurds were disproportionately affected. The imposition of the death penalty for offences not involving intentional killing is incompatible with international human rights norms.

e. Recommendations and Appeals

The UNHRC has consistently urged the Iranian government to:

- **Ensure Fair Trials:** Guarantee due process and fair trial standards for all individuals, particularly those from minority groups.
- **Abolish Discriminatory Practices:** Eliminate laws and policies that disproportionately impact ethnic minorities, including the misuse of national security charges against peaceful activists.
- **Promote Cultural Rights:** Allow the teaching of the Kurdish language in schools and support the preservation of Kurdish cultural heritage.
- **Address Economic Disparities:** Invest in developing Kurdish-populated regions to reduce economic inequalities.³¹

Despite these recommendations, challenges persist. The Iranian government's limited cooperation with UN mechanisms and its dismissal of UNHRC reports as politically motivated hinder progress. Continued international advocacy and monitoring are essential to promote and protect the rights of the Kurdish minority in Iran.

I. Country-Specific Mandates

The United Nations Human Rights Council (UNHRC) has addressed the plight of Kurdish communities in Iran through country-specific mandates. These mechanisms allow for in-depth reporting and targeted recommendations on human rights issues within specific countries. The primary country-specific mandates concerning Iran are the appointment of Special Rapporteurs on the Situation of Human Rights in the Islamic Republic of Iran and reviews under the Universal Periodic Review (UPR) process.

a. Special Rapporteurs on the Situation of Human Rights in Iran

The UNHRC appoints Special Rapporteurs to monitor, document, and report on human rights violations in Iran. These reports have consistently included findings on the treatment of ethnic minorities, including Kurds.

2018 Report by Asma Jahangir: The late Special Rapporteur Asma Jahangir documented the systemic discrimination faced by Kurdish communities in her 2018 report. She highlighted:

- Restrictions on Kurdish cultural and linguistic rights.
- The use of vague charges like "enmity against God" (Moharebeh) to prosecute Kurdish activists.
- Arbitrary detentions and unfair trials of Kurds involved in peaceful protests³².

2021 Report by Javaid Rehman: Javaid Rehman, the succeeding Special Rapporteur, detailed how Kurdish regions suffered from disproportionate levels of poverty and under-development. He also noted:

- The excessive use of force in Kurdish-populated areas during protests.
- The high number of executions targeting Kurdish political prisoners^{33,34}.

2023 Report on Protests and Repression: Following the "Woman, Life, Freedom" protests triggered by the death of Mahsa Amini (a Kurdish woman), Rehman's report in 2023 condemned the Iranian government for its violent crackdown on Kurdish areas. Key findings included:

- Over 100 Kurdish protesters were killed in demonstrations.
- Kurdish activists faced mass arrests and summary executions²⁹.

2020 Appeal Against Executions: A joint communication urged Iran to halt the execution of Kurdish political prisoners Ramin Hossein Panahi, Zanyar Moradi, and Loghman Moradi, citing concerns about torture and unfair trials.

II. Universal Periodic Review (UPR)

The UPR process, conducted every four years, reviews the human rights situation in all UN member states, including Iran. During Iran's UPR sessions, member states have consistently raised concerns about the treatment of Kurds.

2019 UPR Recommendations

Several countries urged Iran to:

- End systemic discrimination against ethnic minorities, including Kurds.
- Allow Kurdish language education and cultural expression.
- Ensure fair trials and end the arbitrary detention of Kurdish activists³⁵.

2024 UPR Session

The latest UPR session reiterated concerns over the lack of socio-economic development in Kurdish regions. Specific recommendations included:



- Establishing an independent mechanism to investigate allegations of torture in Kurdish regions.
- Addressing economic disparities in Kurdish-populated areas^{33,34}.

Themes Addressed in Country-Specific Mandates

- **Ethnic Discrimination:** The mandates frequently emphasise that Kurdish regions face systemic neglect, manifesting in higher poverty rates, inadequate infrastructure, and a lack of political representation.
- **Targeted Repression:** Kurdish political activists and human rights defenders are disproportionately targeted under national security laws, which the Special Rapporteurs have criticised as overly broad and vague.
- **Excessive Use of Force:** The use of live ammunition and military-grade weapons against Kurdish protesters has been condemned as a violation of international norms.
- **Language and Cultural Rights:** Country-specific mandates often call for including Kurdish language education and protecting Kurdish cultural heritage, citing Iran's obligations under the International Covenant on Civil and Political Rights (ICCPR)^{33,34}.

Challenges in Implementation

The Iranian government has repeatedly refused to cooperate with the Special Rapporteurs and other UN mechanisms. This includes:

- Denying entry to Special Rapporteurs.
- Rejecting UPR recommendations related to minority rights.
- Labelling UNHRC reports as politically biased^{33,34}.

Despite challenges, the UNHRC's country-specific mandates provide vital documentation and advocacy. By highlighting abuses and proposing actionable recommendations, these mechanisms remain crucial for holding Iran accountable for its treatment of Kurdish communities. Continued international pressure and engagement with Iranian civil society are essential to address these systemic issues.

III. Resolutions and Statements

The United Nations Human Rights Council (UNHRC) has consistently addressed the human rights situation in Iran, with particular attention to the treatment of ethnic minorities, including the Kurdish population. Through various resolutions and statements, the UNHRC has highlighted systemic discrimination, economic marginalisation, and cultural suppression faced by Kurds in Iran.

a. UNHRC Resolutions on Iran

The UNHRC has adopted several resolutions expressing concern over Iran's human rights record, emphasising the need for the Iranian government to adhere to international human rights standards.

- **Resolution 55/19:** This resolution requests the Special Rapporteur on Human Rights in the Islamic Republic of Iran to submit reports on implementing their mandate to both the Human Rights Council and the General Assembly. It calls upon the Iranian government to cooperate fully with the Special Rapporteur, permit country visits, and provide all necessary information to fulfil the mandate³⁶.

b. Statements by UN Human Rights Experts

UN human rights experts have issued statements urging Iran to address human rights violations against the Kurdish minority. **September 2018:** UN human rights experts appealed to Iran to halt the imminent executions of Iranian Kurdish prisoners Zanyar and Loghman Moradi and Ramin Hossein Panahi. The experts expressed concerns over reports of torture and unfair trials, highlighting the broader issue of the death penalty being disproportionately applied to ethnic minorities, including Kurds.³²

c. UN General Assembly Resolutions

The UN General Assembly has also addressed Iran's human rights record, with implications for the Kurdish minority. **November 2024:** The UN General Assembly's Third Committee passed a resolution condemning Iran's government for wide-ranging human rights abuses. The resolution highlighted systemic discrimination against ethnic minorities, including Kurds, and called for the elimination of such practices³⁷.

d. Independent International Fact-Finding Mission

In response to ongoing human rights concerns, the UNHRC established an Independent International Fact-Finding Mission on the Islamic Republic of Iran. **November 2022:** Through Resolution S35/1, the Human Rights Council established the mission to investigate human rights violations in Iran, particularly in the context of protests. The mission's mandate includes examining the treatment of ethnic minorities, such as Kurds, during these events³⁰.

e. Joint Statements by Human Rights Organizations

Human rights organisations have collaborated to urge the UNHRC to take action regarding Iran's treatment of ethnic minorities. **October 2022:** A coalition of 43 international human rights groups, including Amnesty International, issued a joint statement calling the UNHRC to hold a special session on Iran urgently. The statement emphasised the need to address the Iranian authorities' crackdown on dissent, particularly affecting ethnic minorities like the Kurds²⁹.

f. Reports Highlighting Economic and Cultural Discrimination

The UNHRC has received reports detailing the economic and cultural challenges faced by the Kurdish minority in Iran.

- **Economic Conditions :** Reports indicate that Kurdish regions in Iran suffer from economic neglect, leading



to high unemployment rates and inadequate infrastructure. This economic marginalisation exacerbates the disparities faced by the Kurdish community.

- **Cultural Rights:** The absence of Kurdish language education in public schools limits the community's ability to preserve and promote their linguistic heritage, contributing to cultural suppression³².

The UNHRC, along with other UN bodies and human rights organisations, continues to monitor and address the human rights situation in Iran, with a focus on the challenges faced by the Kurdish minority. Through resolutions, statements, and investigative missions, the international community seeks to hold Iran accountable and advocate for the rights of all its citizens, regardless of ethnic background.

g. Criticism of Iran's Responses

The United Nations Human Rights Council (UNHRC) and other international bodies have repeatedly raised concerns about the treatment of Kurdish communities in Iran. Yet, Iran has consistently criticised and rejected these interventions. Below is an exploration of the criticism directed at Iran's responses to international human rights inquiries, especially those related to the Kurdish population. This includes Iran's dismissive stance toward UN mechanisms, claims of political bias, and non-cooperation with key human rights processes.

h. Denial of Allegations and Dismissal of Reports

Iran has frequently denied the allegations presented in UN reports, labelling them as politically motivated and biased. The Iranian government asserts that the UN and its mechanisms, including the Special Rapporteur on Iran and the UNHRC, fail to understand the country's internal affairs and unfairly target Iran due to geopolitical considerations.

- **Politicization of Human Rights Criticism:** Iran has often accused the UNHRC and human rights organisations of being influenced by Western political agendas, particularly from countries critical of Iran's policies. Tehran maintains that the focus on human rights abuses, including those against Kurds, is not based on genuine concern for international law but rather as a tool for political pressure.
- **Rejection of International Involvement:** Iranian officials regularly oppose foreign interference in their internal matters. They argue that international human rights standards are often imposed in a manner that disregards the cultural and political context of the country, leading to a distortion of reality³⁰.

i. Non-Cooperation with Special Rapporteurs

Iran has consistently denied Special Rapporteurs access to the country, thus hindering the ability of international human rights experts to investigate and verify reports of abuses independently. This non-cooperation with UN mandates has been frustrating for international bodies.

- **Failure to Allow Visits:** Despite repeated requests from UN Special Rapporteurs, Iran has not granted permission for country visits. This lack of transparency limits the UN's ability to monitor the human rights situation directly and undermines the credibility of the reports released by UN bodies.
- **Rejection of Recommendations:** Iran has also resisted implementing recommendations made by the UNHRC Special Rapporteur on Iran. These include suggestions to cease the execution of political prisoners, improve the conditions of ethnic minorities like the Kurds, and allow greater freedom of expression and assembly. Tehran often argues that such recommendations are unnecessary, and that Iran is already adhering to its own legal framework, which it claims is in line with international standards³⁸.

j. Accusations of Political Bias

Iran has repeatedly criticized the UNHRC for what it perceives as political bias in its reporting. Tehran argues that Western countries dominate the Council, which leads to the selective targeting of countries like Iran. Iran claims that other countries with similar or worse human rights records—especially Western nations—are not subject to the same scrutiny.

- **Double Standards:** Iranian officials often point to countries with problematic human rights records, particularly in the context of their treatment of ethnic minorities or political dissenters, which they argue are not subjected to the same level of UN scrutiny. This argument is often used to deflect international criticism by framing the UNHRC's actions as selective and unjust.
- **Failure to Address Israel and Others:** Iran has specifically cited the UNHRC's perceived inaction regarding the Israeli-Palestinian conflict as an example of its bias. Tehran has argued that the UN's focus on Iranian human rights abuses, including the treatment of Kurds, is disproportionate given the lack of action on other global human rights issues.

k. Claims of Sovereignty and Domestic Law

In defending its policies, including those targeting Kurdish minorities, Iran often emphasizes the principle of sovereignty and claims that its domestic laws should take precedence over international human rights norms. Iran insists it has the right to govern its internal affairs without outside interference.

- **Sovereignty vs. International Law:** Iran's leadership asserts that the country's laws and judicial processes are sufficient to protect the rights of all citizens, including Kurds. They argue that their legal system respects both their sovereignty and Islamic principles, even if these laws differ from Western human rights conventions.



- **Cultural and Religious Context:** Iran's government often argues that human rights recommendations should consider the country's unique cultural, historical, and religious context. For example, Iran asserts that the rights of Kurdish citizens must be understood in relation to the country's political and cultural fabric, including its Islamic identity.

I. Use of National Security Concerns

Iran frequently justifies its repressive actions, including those directed at Kurdish activists and ethnic minorities, on the grounds of national security. Kurdish political movements, such as the Democratic Party of Iranian Kurdistan (PDKI) and Komala, are banned in Iran, and many Kurdish activists are accused of engaging in separatism, terrorism, or activities that threaten Iran's territorial integrity.

- **National Security Justifications:** The Iranian government justifies its harsh treatment of Kurdish activists, including arrests and executions, by framing these individuals as threats to national security. Iran has accused Kurdish groups of collaborating with foreign powers, particularly Western countries and regional rivals such as Iraq and Turkey, in pursuit of separatism.
- **Suppression of Protests:** In recent years, particularly following widespread protests in Kurdish-majority areas, Iran has used national security laws to justify crackdowns on dissent. The use of force, including live ammunition against protesters, is often framed as a necessary action to maintain order and protect the country from foreign-backed destabilization³⁸.

m. Rejection of the Death Penalty Criticism

The death penalty, especially when imposed on Kurdish political prisoners, has been a major point of contention in Iran's relationship with the UNHRC. International bodies have condemned the frequent use of the death penalty, particularly in politically motivated cases. However, Iran maintains that capital punishment is a legitimate aspect of its legal system.

- **Defending the Death Penalty:** Iran defends the use of the death penalty by citing its legal framework and the principles of Islamic law (Sharia). The government asserts that the death penalty is necessary for the preservation of public order and national security. The UNHRC's criticisms are dismissed as an infringement on Iran's sovereignty and an oversimplification of its legal and cultural norms³⁹.

IV. Continuing Efforts

The international community, particularly the United Nations Human Rights Council (UNHRC) and human rights organizations, continues to push for greater attention to the human rights violations against Kurdish communities

in Iran. Despite Iran's strong rebuttals and refusal to cooperate fully with the UN and other international bodies, several efforts persist to address the issues faced by Kurds in Iran.

i. Advocacy by Human Rights Organizations

Numerous international human rights organizations, including Amnesty International, Human Rights Watch, and Freedom House, continue to highlight the dire human rights situation in Kurdish-majority regions of Iran. These organizations use various platforms, including reports, press releases, and campaigns, to put pressure on the Iranian government to improve its treatment of Kurds. Amnesty International has consistently campaigned against the execution of Kurdish political prisoners, including those executed under charges of "enmity against God" (moharebeh). Amnesty has called for Iran to halt executions and ensure fair trials.

- **2021 Campaign:** Amnesty's "Stop Executions of Kurds" campaign garnered international support for Kurdish prisoners sentenced to death.

Human Rights Watch has condemned Iran's detention of Kurdish activists, especially the use of national security charges as a pretext to imprison and execute individuals. They have called for international attention to focus on these violations and for establishing accountability mechanisms to address these human rights abuses. Freedom House and other NGOs continue to assess Iran's human rights record, issuing annual reports that provide detailed accounts of the treatment of Kurds and other ethnic minorities, as well as restrictions on freedom of expression, association, and assembly.

ii. Grassroots Movements and Kurdish Advocacy Groups

In addition to international efforts, Kurdish advocacy groups and activists within and outside Iran continue to advocate for Kurdish rights. These groups often work in exile and collaborate with international organizations to bring global attention to the situation in Iran.

- **The Kurdish Rights Movement :** Kurdish rights groups such as the Kurdistan Human Rights Organization (KHRO), Komala, and the Democratic Party of Iranian Kurdistan (PDKI) have been vocal in their advocacy for the rights of Kurds in Iran. These groups often provide direct testimonies from those affected by Iran's repressive policies, such as forced disappearances, executions, and arbitrary detentions. They continue to call on the UN and other international bodies to take more decisive action to protect the rights of Kurds.
- **Exiled Kurdish Activists :** Exiled Kurdish political activists have played a crucial role in raising awareness about the plight of Kurds in Iran. Through international media, conferences, and advocacy, they aim



to influence foreign governments and international organizations to exert pressure on Iran. Their efforts have been pivotal in keeping the issue of Kurdish human rights in Iran on the international agenda³⁹.

iii. Engagement with International Legal Mechanisms

While the UNHRC's mechanisms have faced resistance from the Iranian government, Kurdish rights advocates continue to seek legal avenues to hold Iran accountable for its violations. Several initiatives are focused on holding Iran responsible under international law.

- **International Criminal Court (ICC):** Kurdish activists and NGOs have raised the possibility of filing complaints with the International Criminal Court (ICC) against Iran for alleged war crimes and crimes against humanity, particularly in relation to the treatment of Kurds during periods of political unrest, such as the ongoing suppression of Kurdish protesters. While the ICC has not yet intervened in this regard, continued advocacy focuses on bringing legal accountability to Iran's actions.
- **International Advocacy and Diplomacy:** Advocacy for Kurdish rights is an important aspect of foreign policy for specific countries, especially in Europe and North America. Governments and diplomatic missions have been encouraged by human rights organizations to take a stronger stance in calling out human rights violations in Iran, particularly regarding the Kurdish population. In response to human rights violations, the EU and the U.S. have imposed sanctions on Iranian officials and entities involved in repressing Kurdish political activities³⁹.

iv. Efforts to Engage Iranian Civil Society

In parallel with efforts to engage the Iranian government through the UN and international bodies, civil society within Iran also plays a role in advocating for Kurdish rights. Despite severe restrictions on free speech and assembly, some Iranian civil society groups, including Kurdish human rights defenders, continue to raise awareness about issues related to Kurdish culture, language rights, and political freedoms.

- **Solidarity Movements:** Iranian civil society groups, including human rights organizations and pro-democracy activists, have occasionally expressed solidarity with the Kurdish cause, calling for more inclusive national policies and recognising ethnic diversity within Iran. These efforts are often met with repression, but they contribute to ongoing internal pressure for reform within Iran³⁰.

v. Public Awareness Campaigns and Media Coverage

- **Media and International Coverage:** Media outlets worldwide continue to cover the plight of Kurdish

communities in Iran. International media attention, including reports from outlets like BBC, Al Jazeera, and The Guardian, plays a significant role in informing the global public about the repression Kurds face. The media's role in documenting the executions of Kurdish activists, especially during protests, has helped to bring visibility to human rights abuses.

- **Digital Platforms and social media:** Social media platforms, such as Twitter, Instagram, and YouTube, have become critical tools for Kurdish activists and human rights groups to share testimonies, organize campaigns, and raise awareness of ongoing human rights violations. Hashtags like **#FreeTheKurds** and **#StopKurdishExecutions** have become widely recognized in global advocacy efforts³⁰.

Although Iran's responses to international human rights criticisms, particularly regarding Kurdish rights, have often been dismissive and resistant, the ongoing efforts from international bodies, human rights organizations, and grassroots Kurdish advocacy groups continue to raise awareness and put pressure on the Iranian government. As these efforts persist, there is hope for greater international scrutiny and eventual reforms to ensure that the rights of Kurds in Iran are protected. However, these efforts require sustained attention, international cooperation, and the active involvement of all stakeholders to create a fundamental change in the situation of Kurds in Iran.

CHALLENGES TO KURDISH SELF-DETERMINATION IN IRAN

- **Legal and Political Barriers:** The Iranian government has criminalized Kurdish political activism, with numerous Kurdish leaders arrested or executed on charges of separatism (Amnesty International, 2021). Iran's constitution does not allow for federalism or regional autonomy, making institutional recognition of Kurdish self-governance unlikely. Additionally, restrictions on political parties prevent Kurdish representation in Iran's decision-making processes.
- **Regional Geopolitics:** Kurdish movements in Iran are affected by broader regional dynamics involving Turkey, Iraq, and Syria. The fear of cross-border Kurdish nationalism has led Iran to suppress Kurdish aspirations domestically while maintaining a complex relationship with Iraqi Kurdish factions (Natali, 2005). Furthermore, Iran has coordinated with Turkey in cross-border military operations against Kurdish insurgents, reinforcing a regional strategy of suppression rather than accommodation.
- **Economic Marginalization:** Kurdish-populated regions in Iran suffer from systemic underdevelopment, with limited access to economic opportunities, inadequate infrastructure, and high



unemployment rates²⁷. The Iranian government has historically underinvested in Kurdish areas, exacerbating socio-economic disparities and fuelling discontent among the Kurdish population.

- **Cultural and Linguistic Suppression:** Despite constitutional guarantees, Kurdish language and cultural expressions are heavily restricted. The Iranian government limits Kurdish-language education and media, enforcing Persian as the primary language of instruction and public communication. Kurdish cultural events and expressions are frequently censored or banned, contributing to a broader effort of assimilation (Minority Rights Group, 2021).
- **UN Inaction and International Constraints:** Despite advocating for self-determination, the UN has taken a cautious approach toward the Kurdish issue. Iran's strategic geopolitical position and influence in the Middle East limit international intervention. The UN's preference for state sovereignty over separatist claims further complicates Kurdish aspirations (Weller, 2009). Additionally, Western powers have been reluctant to challenge Iran's territorial integrity, given broader diplomatic concerns related to security and nuclear negotiations.
- **Self-Determination vs. Territorial Integrity:** A significant challenge in UN policy is balancing self-determination with territorial integrity. Resolution 2625 states that self-determination should not "dismember or impair" the territorial integrity of sovereign states⁴⁰. This has led to inconsistencies where some movements, like those in East Timor and South Sudan, received international support, while others, like the Kurds or Catalans, faced opposition.
- **Selective Application of Self-Determination:** The UN's approach to self-determination is often criticized for its selectivity. While it supported independence for South Sudan through a UN-supervised referendum in 2011, it has been reluctant to address self-determination claims in Tibet, Western Sahara, and Kurdistan⁴. This inconsistency raises concerns about the role of powerful states in influencing UN decisions.
- **Indigenous Peoples and Autonomy:** Indigenous groups worldwide have sought self-determination within existing states rather than full independence. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes their right to autonomy and cultural preservation but stops short of endorsing full sovereignty⁴¹. This reflects an evolving understanding of self-determination beyond traditional notions of statehood.

While central to the UN's mission, the principle of self-determination remains a contested and selectively applied concept. Theoretical perspectives highlight the complexities of balancing self-determination with state sovereignty,

geopolitical interests, and human rights. The UN has played a crucial role in promoting decolonization but has struggled with contemporary self-determination claims due to political constraints. To enhance its credibility, the UN must develop more consistent criteria for recognizing self-determination movements, ensuring that the principle serves as a rhetorical ideal and a tangible right for oppressed peoples.

CONCLUSION

The Kurdish question in Iran seriously challenges the UN's self-determination doctrine. While international law recognizes the right to self-determination, the interpretation and application of this principle remain constrained by state sovereignty and geopolitical realities. Without significant political reforms or international pressure, the Kurdish struggle for autonomy in Iran will likely remain unresolved. A sustainable solution requires a shift in both domestic policies and international engagement. Domestically, Iran must move toward meaningful implementation of minority rights, allowing more excellent political representation, economic investment, and cultural freedoms for Kurds. Establishing genuine mechanisms for local governance and addressing socio-economic disparities could help mitigate grievances. On the international front, the UN and global powers must adopt a more consistent approach to self-determination, ensuring that human rights principles and democratic governance are upheld regardless of geopolitical interests. Increased diplomatic pressure on Iran and support for Kurdish civil society and human rights organizations could encourage gradual reforms. Ultimately, the resolution of the Kurdish question in Iran depends on the willingness of both the Iranian government and the international community to recognize the legitimate aspirations of the Kurdish people. A balanced approach that respects both national sovereignty and the rights of ethnic minorities could pave the way for long-term stability and justice in the region.

Kurdish demands within the framework of Iran's territorial integrity requires a balanced approach that respects both national sovereignty and the rights of ethnic minorities. By engaging in meaningful political dialogue, implementing inclusive governance policies, and adhering to international legal principles, Iran can work toward a more stable and cohesive society. Recognizing cultural and linguistic rights, expanding political representation, and fostering economic development in Kurdish-majority regions could serve as constructive steps toward reconciliation. Ultimately, a sustainable resolution will depend on a commitment to mutual understanding, legal frameworks, and a willingness to accommodate diverse identities within a unified state.

In conclusion, while the UN has provided humanitarian relief and has been involved in peacekeeping operations, its political influence over the Kurdish issue remains limited, mainly due to the complexities of regional geopolitics



and national sovereignty concerns. A sustainable resolution requires a more comprehensive diplomatic engagement that transcends immediate political interests and considers the legitimate aspirations of the Kurdish people.

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