The rights of refugee women and children in Islam

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Faith and religious beliefs play an undeniable role in defending the rights of refugees and asylum seekers. Respect for refugees and asylum seekers and appreciation of those who provide refugee have a particular place in sharia, and Islam pays special attention to the sufferings of forced migrants.1

Aman (safeguard) is the term which Islamic law uses to refer to the refuge that Muslims offer to non-Muslims. Such refuge remains inviolate even if the person who is being offered protection is in a conflict against Muslims [9: 6]. Islamic scholars of jurisprudence believe that aman creates an irrevocable bond.

Many instances of migration by the faithful and prophets appear in the holy Koran and in history books. After suffering persecution and torture, the Muslims of Mecca migrated to Abyssinia on the orders of Prophet Muhammad (peace be upon him and his descendents) where they were protected by a Christian king. Prophet Muhammad, was himself a refugee, having fled Mecca with his followers in 622 in order to escape persecution, and as a refugee was cared for by host communities. The Prophet Abraham and his family were forced to migrate and were supported by Almighty God [21: 71]. Moses moved to Midian after being harassed by the Egyptians, where he was provided with housing, employment and other amenities [28: 20-29].

These Koranic verses show that migration can become a necessity for anyone in times of trouble or when one’s life and beliefs are in danger. Some verses go as far as requiring the faithful to choose migration in such circumstances (if they are able to do so) [4: 97-99].

Required alms such as khums (one fifth of income or of the spoils of war that Muslims are required to hand out as charity) and zakat (a portion of property that the faithful are required to give away for charitable causes) as well as optional alms constitute a fund that can be used to meet the basic needs of refugees. That part of khums and zakat which is originally reserved for travellers in distress, orphans and the needy could be spent for migrants and refugees.

Some rights in Islam of refugees and asylum seekers, especially women and children

- All people fleeing persecution are entitled to asylum and the rights associated with that status.
- Measures to meet the needs of these individuals are a public duty.
- Refugees should not be left vulnerable to persecution and injustice.
- The rights of the women and children of the host country are the same as the rights of women and children who are taking refuge there [8: 75]. That was why the the Prophet declared brotherhood among the Muhajirun and Ansar and stated that “The rights of migrants are the same as those of their hosts.” In other words, such women and children, whether accompanied by their families or not, should be offered the same protection as women and children of the host country, in keeping with local or international law.
- Any decision with regard to refugee children should take account of their basic interests [2: 220]. They are entitled to a healthy upbringing and education. From

Some relevant practical concepts in Islam

Ihsan (compassion): All those who are in dire straits, particularly children, should be treated compassionately both in word and deed [2: 83; 4: 36; 37; 17: 26].

Ikram (respect): The needs of children and the needy should be met respectfully, in a way conforming to human dignity. Respect for children and efforts to meet their needs are a divine requirement [89: 17, 18].

Iltwa (full support): Children, especially migrant children and those who have no caregivers, should be offered shelter and protection without expecting anything in return [93: 6, 10, 75: 8, 90, 24: 22]. Not paying attention to these children constitutes a failure in practice to comply with Islamic regulations [107: 1-7, 2: 177].
an Islamic perspective, children are innocent, their talents should be fostered [4: 2-4] and they should not be discriminated against.

- Children and women, according to some interpretation of sharia, and being more vulnerable, should be treated with affirmative action (positive discrimination). The Muslim prophet reiterated the rights of women and children more than any other groups. Refugee children and women are among the most deprived people in the world and Muslims should allocate part of their charitable efforts to their support. From a religious perspective, what is offered to these individuals is theirs by right [70: 24, 25].

- If the guardian of a child is granted asylum, the child has to be offered the same status, thus preserving the right of children to remain with their family.

- The right of these individuals to be united with their families should be respected. If parents of these children are not found, the children's relatives should provide protection.

- The stage should be set for these refugees to return to their place of origin when such movement is deemed safe [9: 6].

- They should be treated well at all times.

**Conclusion**

Islamic rules and regulations constitute a valuable source for protection of the rights of refugees, migrants and asylum seekers. In addition to contractual responsibilities, they could serve as a faith-based guarantor of the rights of refugees, particularly women and children. Further exploration of respected Islamic sources could result in new mechanisms in this regard.

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**Child rights and Islam**

**Christian Salazar Volkmann**

**A greater engagement with Islamic thinkers is overdue in order to facilitate debate about child rights in Muslim societies and beyond.**

Interpreting, and applying, the Convention on the Rights of the Child (CRC) is complicated. There are international organisations whose mandate is to interpret the meaning of children's rights and monitor the Convention's application in individual countries. However, the norms and standards set by international bodies are also debated by national government officials, civil society activists and intellectuals.

Religious leaders often play a pivotal part in this process. They have a strong influence in many societies and guide the thinking and action of millions of believers. They possess the moral authority to influence social opinions and behaviour especially in regard to marriage, family life and education. This is true not only for a country like the Islamic Republic of Iran, where since 1979 religion has become the political foundation of the state, but also in societies where state and religion have been separated.

It is important for the worldwide application of child rights to foster deeper understanding about them and Islam. UNICEF has entered into dialogue with Islamic scholars by highlighting congruencies between Islam and international standards. This dialogue started before the adoption of the CRC in 1989. In 1985 a study was undertaken by Al Azhar University in Cairo on child care in Islam. In 2005 a joint report by the Organization of the Islamic Conference (OIC), the Islamic Educational, Scientific and Cultural Organization (ISEESCO) and UNICEF underlined common goals in realising children's rights. The focus of these studies was mainly on social rights, leaving aside the more controversial areas of civil and political rights.

In Iran now, UNICEF is collaborating with Mofid University in Qom in a comprehensive research project: the analysis of the different articles of the Convention on the Rights of the Child from an Islamic perspective. The research is based on the Koran, relevant hadiths, fatwas and other religious and scientific sources and aims at generating and contributing to a comprehensive body of theological guidance and interpretation for Islamic researchers and academics on child rights.

It is not only important that Muslim religious leaders increase their understanding of international child rights standards. The non-Islamic world needs to benefit more from Islamic thinking on this matter. Therefore we must make the most of opportunities for international dialogue between Islamic and non-Islamic, religious and non-religious thinkers, researchers and practitioners on child rights and on the more difficult issue of women's right.

A greater engagement of Islamic thinkers and researchers with child rights is overdue as Western legal experts and academics have largely dominated international interpretations of human rights norms. There is also rich Islamic thinking on matters related to child rights and social justice which can help to advance the realisation of social rights of children in many countries of the world. International human rights institutions therefore should maximise opportunities for dialogue on children's and women's rights. In my experience there is a space for such a dialogue between child rights advocates and Islamic leaders. The common ground for improving the situation of children is much larger than the areas where differences exist.

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