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 children's and women's 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.

Christian Salazar Volkmann was the UNICEF Representative in Iran at the time of writing. UNICEF Iran supported the production of the first edition of this special supplement of FMR on Islam, human rights and displacement as a contribution to international awareness and dialogue about child rights and Islam.

1. Now Organization of Islamic Cooperation.

The rights of refugee women and children in Islam

Saeid Rahaei

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 refuge have a particular place in shari’a, and Islam pays special attention to the suffering 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 indissoluble 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]. After being harassed by the Egyptians, Moses moved to Midian where he was provided with housing, employment and other amenities [28: 20-28].

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].

The holy Koran requires the faithful to comply with agreements and treaties on the rights of refugees [5:1]. It provides a set of instructions in dealing with refugees and migrants, praising those who go to the assistance of people in distress and requiring the faithful to protect refugees [9:100 and 117]. It recognises the rights of refugees and internally displaced persons, entitling them to certain rights and to humane treatment [8: 72-75, 16: 41]. It condemns people whose actions prompt mass migration and views them as lacking faith in God’s words [2: 84-86]. Article 12 of the 1990 Cairo Declaration on Human Rights in Islam says: “Every man shall have the right, within the framework of sharia, to free movement and to select his place of residence whether inside or outside his country and, if persecuted, is entitled to seek asylum in another country. The country of refuge shall ensure his protection until he reaches safety.”

The holy Koran puts forth certain regulations to lend additional support to women and children, who are considered more vulnerable [4: 2, 9, 36, 75, 98, 127, 17:34]. Besides, under the principle of justice, which is the basis of all Islamic regulations [42: 15, 16: 90], those who are more at risk as a result of migration and asylum should be offered extra support. This remains the case even in the case of non-Muslims or those who oppose the Muslim faith [5: 8].

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 relevant practical concepts in Islam

ıhsan (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].

ıkram (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].

eiwa (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].
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 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 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 interpretations of shari’a, 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 reunited with their families should be respected. If the 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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Human rights resources and links

Below are some starting points for anyone wishing to know more about human rights.

The United Nations Development Programme on Governance in the Arab Region (UNDP-POGAR) is dedicated to the promotion and development of good governance practices and related reforms in the Arab states; it works in partnership with key governance institutions including human rights institutions, legislatures, judiciaries and civil society organisations. www.pogar.org/

The Human Rights Index for the Arab Countries, sponsored by UNDP-POGAR [see above], is a repository for the entire set of UN documents pertaining to human rights and the responses, including formal reservations, by the Arab member states to the committees that monitor the core international human rights treaties. www.arabhumanrights.org/en/countries/country.aspx?cid=7

The Office of the UN High Commissioner for Human Rights (OHCHR) represents the world’s commitment to universal ideals of human dignity. www.ohchr.org

The Islamic Human Rights Commission is an independent, not-for-profit campaign, research and advocacy organisation based in London, UK, working in partnership with different organisations from Muslim and non-Muslim backgrounds. www.ihrc.org.uk/index.php

The Islam and Human Rights Fellowship Program at Emory University in the US explores the relationship between human rights and Islam and puts scholarship at the service of practical efforts to promote human rights in Islamic societies. www.law.emory.edu/ihrf/

The Institute for Human Rights of the Beirut Bar Association promotes the universal values stated in the Lebanese constitution and in the UN human rights conventions. www.bba.org.lb/subpage.php?lang=EN&cat=NDI3

The University of Minnesota Human Rights Library houses one of the largest collections of core human rights documents in nine languages – Arabic, Chinese, English, French, Japanese, Korean, Russian, Spanish and Swedish. www1.umn.edu/humanrts/

The Cairo Institute for Human Rights Studies (CIHRS) is an independent regional non-governmental organisation which promotes respect for the principles of human rights and democracy and analyses the difficulties facing the application of International Human Rights Law. www.cihrs.org/?lang=en

The human rights page on the UN website provides links to UN organisations, thematic issues, international courts and tribunals, and other resources, all focused on human rights. www.un.org/rights/index.shtml