



ANNEX-H

Adopted Study titled:

Rights of Minorities in Islam

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1. Preface:

The issue of the rights and duties of minorities in Islam is one of crucial importance and value for all Muslims, if only to make sure that no one attributes to them anything in this regard that is unworthy of the authentic texts and the established principles. This also has been a matter of concern for diverse international circles. And beyond all, it has pertinence for those to whom the actual status of 'minority' currently applies.

The issue of rights today is at the core of the notion of civic rights, and the objective in this essay, is to demonstrate, as we possibly can, that Islam did institutionalize the civic rights for minorities, and that there is no room in Islam for anyone to question these rights (of minorities) or to use religion to obstruct any of these rights, inasmuch as civic rights (in Islam) are governed by the laws of the land, applicable to all, without discrimination.

All countries around the world include persons belonging to national or ethnic, religious and linguistic minorities, which enriches the diversity of their societies. Despite the diverse conditions of minorities, what is common among minorities, in many cases, is that they face multiple forms of discrimination resulting in marginalization and exclusion. To achieve an effective participation of minorities and to end exclusion, there should be an acceptance of diversity through the promotion and implementation of international human rights standards.

Protection of the rights of minorities is provided under Article 27 of the International Covenant on Civil and Political Rights, and under Article 30 of the Convention of the Child. In addition, the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is the document which sets principle standards and provide guidance to countries to take legislative and other necessary measures to ensure the rights of persons belonging to minorities.

In Islam, the first document that protects the rights of minorities is known as "the Madinah Constitution" or "the Madinah Pact", which we will talk about later in this document.

But before that, it should be pointed out that the Arabian Peninsula has known, before the emergence of Islam, a charter related to human rights, which is called "Hilf al-Fudul", which



translates as “the league of the virtuous”, this charter which dates back to the year 590 AD, was approved and praised by the Prophet Muhammad, peace be upon him. It was narrated that the Prophet Mohamed peace be upon him said: “I was with my cousins in Abdullah bin Juda’s home when this oath was affirmed. That oath is more pleasant to me than owning red-haired camels. And if I am summoned to it during the Islamic era, I will accept it”. I would also like to note “the Pact of Umar” which was held by the second Caliph Omar Ibn Khattab may Allah be pleased with him with the people of Elae in Jerusalem, in which he granted them security for their churches and properties when Muslims opened the city in 638 AD.

Indeed, we can always link rights to duties, because ‘right’ and ‘duty’ always go hand in hand and are interdependent. The right is all what is granted to the individual or the community or the two together, decided by law/Sharia in order to achieve an interest or to prevent a harm, while the duty is all what men are responsible for in this context.

Indeed, it is needed to present elements that may serve as a reference for the international drive towards evolving a fundamental document relevant to the issue of the rights of minorities, as a common framework that may be referred to, especially by those who are not so clear about the issue, a document that would benefit Muslims, minority-members, institutions, and such other concerned parties.

A minority is a social community representing a minor group within a particular demographic setting. A minority's status usually transcribes into a curtailment of rights, whether those that are meant to be shared equally with the majority or those that are specific to that minority. A minority status may refer, as we all know, to a racial, ethnic, religious or cultural affiliation. Our focus here will be on the religious minority.

2. Al Madinah Pact:

The Madinah Pact is considered as the first civil constitution evolved under Islam as established by the Prophet (PBUH) in the first year of the Hejira (Emigration to Madinah)/623 AC, we find the reference to the people of “Dhimma”, a term frequently used in pre-Islamic times to refer to neighbors and to the notion of neighborhood which involved a principal of mutual guardianship observed among Arab tribes in times of peace and war. The Prophet (PBUH) refashioned this pre-Islamic tribal paradigm into a religious duty by labeling it as “Allah’s ordained Guardianship”. In fact, under item fifteen of the said Madinah Pact, “Allah’s ordained Guardianship” is a right shared among all Muslims who are thus duty-bound to offer exclusive support (guardianship) to each other.

A pact, or covenant in such a context is also known as “Dhimma”, that is a contract of safe-conduct and guardianship. Suffice it that Islam has had the credit of introducing this notion, thus institutionalizing the Islamic State’s relation with the minorities, as a relation of protection and ensured safety on a basis of mutual responsibility, whereby whoever is granted “safety” is granted protection for his life, his religion, his livelihood and his culture. And, in no way does this bear any notion of disdain or ascendancy over the other as alleged by scores of ill-intentioned Western studies that took up the subject of Dhimma and People of Dhimma (protected people, under Allah’s witness). Indeed, the team has been used by



Muslim scholars to mean a ‘covenant’, and by some orthodoxy as indicating a “mandatory” nature.

A covenant-partner is someone who may have been at war with Muslims and then those to conclude peace with them reaching an agreement with them on the grounds of mutually accepted terms to be observed by both parties.

It is a common knowledge that honoring an agreement is an obligation under Islamic Shari’ah. Allah Almighty says **“Honor your pledge – Indeed you are answerable for your pledge”**.

In the pact that was signed by the Prophet (PBUH) with the Christians of Najran, we find the terms “Dhimma” and “Jiwar” (Ensured safety and protection) carrying the meaning of a protection that goes hand in hand with the freedom enunciated in the agreement.

As for the Al-Quds Covenant which was concluded by Caliph Omar with the people of Al-Quds after its conquest, it uses the term “Allah’s covenant” instead of talking about protection rights and ‘Guaranteed freewill’, indicating that these two words are synonymous, bearing the same meaning.

Many earlier scholars have indeed explored the foundations of the Islamic approach in dealing with minorities, reasoning by deduction, on the basis of the Holy Book and the Sunnah (Prophet’s Tradition), to fathom the matter and the prescribed duties of either party. At this regard, these scholars emphasized that Islam is founded on three general principles in the light of which one can appreciate the great mass of rights introduced by this religion, including the very aspects of concern to us here:

First: Removing all the considerations that underlie the different types of segregation such as differences in ethnicity, gender, color or culture. Allah, glorified and exalted be He, created all humans from one single unit and made them then into communities and tribes so that they may connect and reach out to each other on the basis of solidarity, mercy and justice. He established fraternity and equality among them in terms of livelihood, community-building, and benefiting from the resources made available to them to perpetrate life, as a general honor graciously imparted by God Almighty on his creation. Indeed, within the fold of the Islamic State since its early days, multiple races and diverse people lived and merged together in the Islamic environment free from any segregation. In the very first generation of disciples we already find, for instance, Salman Al-Farsi, (the Persian) Bilal Al-Habashi, (the Ethiopian) Sohaib Al-Rumi, (the Frank) and so many others.

Second: Protecting the fundamental matters for Muslims and non-Muslims alike; that is protecting people’s life, religion, intellect, property and honor, in an all-embracing manner to ensure the continuity and integrity of life and its basic components. The issue of minority rights is left open as to the problems relating to sharing neighborhoods in the case of there being many religions living together.

Third: Refraining from exerting any coercion, thus acknowledging the principle of religious freedom, as illustrated in God’s injunction “No compulsion in religion”. Islam indeed gave



individuals and communities all types of freedom as long as they didn't encroach on religious fundamentals or on the rights of others, including the right to choose one's religion and perform freely one's religious rites and worshipping practices, as well as one's social mores, ceremonies, festivities and holidays, for non-Muslims living in the land of Islam.

These generic and holistic principles that were introduced by Islam, and other such fundamentals of concern to us here, form the key platform which Islam established for interactions among Muslims and between them on the one hand and other communities and peoples that have not embraced Islam. These are the fundaments, and whatever diversions a researcher may find across the history of Muslims, were only the result of misinterpretation or cases of erring applications that may have taken place in certain stages in its history.

3. Applications of the Islamic Pact/Al Madinah pact:

The Al Madinah Pact includes 47 articles (52 articles in some other calculations), of which the first 23 articles set the rights and duties of Muslims in Madinah, while the remaining articles set the rights and duties of the Jews.

Al Madinah Pact was written immediately after the migration of the Prophet Muhammad peace be upon him to Madinah. Indeed, this pact is considered to be the first civil constitution in history, and historians and Orientalists Throughout history have spoken about it. This constitution was designed primarily to regulate the relations among all sects and groups in Al Madinah, principally the immigrants from Makkah (Al Muhajirin) and the local Muslims (Al Anssar), and Jewish tribes and others. Many have considered this pact to be one of the prides and glories of Islamic civilization, mainly of its political and humanitarian glories and landmarks.

The main principles of the Al Madinah pact can be summed up as follows:

- First: The Islamic nation is over the Tribe.
- Secondly: Social solidarity between the factions of the people.
- Third: Deter treacherous of covenants.
- Fourth: Respect for the protection pledge granted by a Muslim.
- Fifth: protection of dhimmis and non-Muslim minorities.
- Sixth: Ensure Social Security and Blood Money.
- Seventh: The governance reference is Islamic law
- Eighth: Freedom of conscience and worship is guaranteed to all factions of the people.
- Ninth: Financial support for the defense of the State is everyone's responsibility.
- Tenth: Financial independence of every fraction of the people.
- Eleventh: Obligation of common defense against any aggression.
- Twelfth: Advise and mutual righteousness between Muslims and the People of the Book.
- Thirteenth: Freedom of each faction to have alliances that do not harm the state.
- Fourteenth: Obligation to defend the oppressed.
- Fifteenth: Right to security for every citizen.



4. The requisites of international law in the field of minority rights:

Many international charters speak about rights of minorities, specifically article 27 the International Covenant on Civil and Political Rights, and article 30 of the Convention of the Child, and the UN Declaration of 1992 on Minorities Rights, main minorities rights can be summarized as follow:

- The right to protection against partisanship, segregation or social violence
- The right to equal protection irrespective of one's ethnic or racial origins
- The right for minorities to preserve their culture, their religion and their language.
- The right to benefit from the positive measures adopted by the State to encourage racial integration and promote minority rights.
- The right to seek asylum to flee from persecution based on their race, religion, ethnicity, social affiliation or political opinion.
- The right to appeal legal rulings and to resort to justice.

Let us take up these rights one by one, and note along the way the fundaments therein which tie them to the treatment advocated in Islamic Shari'ah.

I. **The Right of Minorities to Protection against Partisanship, Segregation and Racial Violence**

Here is an article on general protection rooted in people's commonality in humanity above all. If we refer to the Holy Scripture, we find, Allah's declaration:

"And we have certainly honored the children of Adam and carried them on the land and sea, and provided for them of the good things and preferred them over much of what We have created, with (definite) preference."

(Al Isra: 70)

God has indeed created all humanity from one single unit and made them into communities and tribes for them to exchange graces and reach out to each other on the basis of solidarity, compassion and justice. God made them into fraternal communities with equal rights to livelihood, to growth and to tapping into the resources made available to them for the perpetuation of life, with no distinction between races, black or white, Muslim or non-Muslim. This is an inclusive honor bestowed on man by God Almighty, and is apt in its essence to command fair and indiscriminate treatment between the Muslim majority and the non-Muslim minority wherever that may be.

As for individual honoring, it is based on Iman (firm belief in God) and Islam (Submission to God), proceeding from God's saying"

"...Indeed, the most noble of you in the sight of Allah is the most righteous of you."

[Al Moujadala (9)]



or based on knowledge and perception deduced from Allah's saying"

"... Allah will Raise those who have believed among you and those who were given knowledge, by degrees. And Allah is Acquainted with what you do".

(Al Hujurat: 13)

This individual honoring does not clash with the idea of equality at the general level which God Almighty has bestowed on all the masses of people, all descendants of Adam. It is rather a special favor and privilege accorded to the righteous believer and the learned Muslim. As for those who do not belong to the community of Islam, they are still looked upon with God's encompassing grace and honor accorded to all humans and with full rights under the Islamic Shari'ah whose key hallmark is indeed justice, equity and compassion.

Hence, the notion of mutual respect among humans, irrespective of their ethnicity or beliefs, is founded on the spirit of mutuality as advocated in the Quran and as dictated by the requisites of coexistence and communal living, amounting to recognition of the value of the other and of his rights. It is also built on the concept of freewill which God has instilled in man as an innate feature, enjoyed by all in their inter-relations, on an equal footing in their conduct, their labor, their coexistence, their intellectual appreciation, their freedom expression and argumentation.

In the Madinah Pact it is stated that "A neighbor is (to be treated) like, the self, (as long as) he is neither an aggressor nor a trespasser"

Also, Islam has ensured minorities against any aggression of whatever character. In his book "Al Furook" (Variations), Al Qourafi says:

(If someone is under a Dhimma (Protected status) pact in our land and some enemies come seeking him, we are duty-bound to rise to his defense with every available weapon, even laying our lives in the protection of he who is under such a pact of dhimmahood (protection) under God and His Messenger – Doing otherwise or handing him over would be a breach of the dhimmahood pact).

II. The Right to Equal Protection Irrespective of Ethnic or Racial Origins

Here we find that Islamic Shari'ah founded its interaction with non-Muslim minorities living in an Islamic State, on the principle of justice and equality, Allah, Exalted be He, says;

"O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And your Allah; indeed, Allah is acquainted with what you do."

[Al Maida: 8]

In this, one finds a clear reference to the need to spread justice and apply its principles to all irrespective of differences in ethnicity or culture, and a clear directive not to be swayed away from justice by any feelings of hatred, offense, disagreements or by the misconduct of some



individuals, since justice is posited as a divine injunction that must be honored and enforced. In his book “Koranic Tafsir” (Quranic Interpretations), *Ibn Katheer* states, regarding the above verse that it is meant to establish justice in dealing with the non-believers, and that it applies quite obviously to Muslims as well.

Regarding the idea of banishing injustice to a (peace) covenant – partner (Dhimmi), the Hadith is clear, insisting on the right of the said partner to undiminished rights and to full equality with Muslims. Also, the Shari’ah law has guaranteed for this group the honoring of every commitment taken with them. Indeed, a Muslim is enjoined to abide by his commitment with others as long as the said commitment does not cause any harm to Muslims – *Ibn Qaiem* says: “It was the practice for the Prophet (PBUH) that if any of his enemies entered in a commitment with one of his disciples, provided no harm is entailed for Muslims, he would put his signature to it.”

Also it is further stated in the Madinah Pact that a person is not to be held accountable for a wrong committed by a covenant-partner of his, but that reaching out to ensure justice for a wronged person is a duty for all, irrespective of the wronged person’s religion.

III. The Right for Minorities to Preserve their Culture, Religion and Language

Here we find that Islamic Shari’ah has guaranteed the right for non-Muslim communities to practice their religious creed and rites, according them religious freedom, proceeding from God Almighty’s injunction (No coercion in matters of faith). This was well epitomized in the message addressed by the Prophet (PBUH) to the People of the Book of the Yemen in which he invited them to Islam in these words: “Whoever chooses to join Islam amongst the Jews or the Christians becomes a member of the Muslim Community of Believers, enjoying equal rights and equal duties, and whoever chooses to stand by his Jewishness or Christianity must not be tempted (away from their beliefs)”.

In the Madinah Pact, it is stated that Jews are entitled to their faith and Muslims to theirs. Likewise, the Najran Pact includes a provision for non-interference in the Christians’ religious affairs, as an inviolable right for each and for their dependents.

IV. The Right to the Benefit of Positive Measures Taken by the State to Encourage Racial Harmony and Promote Human Rights

When we refer back to Islamic literature we find that it has guaranteed for non-Muslims the right to mutual cooperation and mutual righteous treatment. This is well illustrated in the prescribed duties to cover the needs of the relatives, to honor one’s debts to honor your guest, to forgive even when capable of meeting punishment, to be affable to the incoming, and to provide for the defenseless, ensuring proper livelihood for non-Muslims in the land of Islam, as they form an integral part of its citizenship and as the state is responsible for the wellbeing of all its citizens. Prophet Mohamed (PBUH) says: “Each one of you is a steward and each is responsible for (the safety and wellbeing of) those under his stewardship. Indeed an Imam (local religious leader) is a steward accountable for the wellbeing of his dependents, the husband is a steward in his family accountable for its wellbeing, etc....”



Islam also commands compassion for the weak and the vulnerable among the people of the Book who are affable to (refraining from aggressing) Islam. It also instructs that a share of the Zakat levied from by Muslims be allocated to the People of the Book, as established in the Quran: "***The alms are only for the poor and the needy, and for those employed in connection therewith, and for those whose hearts are to be reconciled, and for the freeing of slaves, and for those in debt, and for the cause of Allah and for the wayfarer***"

Neither has Islam denied Muslim men the right to marry non-Muslim women and to accept non- Muslims as in-laws. In this, Islam's perception is predicated on the ideal of equal coexistence, whereby the wife maintains her faith freely when she marries a Muslim, thus causing the two religions to converge in the same household and to coexist under the same roof.

Even more admirable than all the above, is the right for the non-Muslim community for proper coverage of their needs from the Islamic State's treasury (Beitulmel) in the case of incapacity, old age or destitution. This is well established in what Abu Ubeid reported (in his book "Financial Assets") on the authority of Ibn Al Musseib, that "The Prophet (PBUH) offered a 'Sadaqa' (Charity) to a Jewish household, a 'standing' (perpetual) Sadaqa that was offered to them regularly even after his death. Also, in the Madina Pact, it is stated that "The Jews of Beni Awf are to be treated by Muslims as they treat themselves".

In the Dhimmahood Contract established by Khaled Ibn Al-Waleed for the benefit of the people of Al Hayra in Iraq, who were Christians, one finds the following: (I have taken it upon myself that whoever among them is incapacitated because of old age or ill health, and whoever is stricken by poverty after ease and becomes the receiver of charity from the people of his own faith, shall be exempted from the payment of Jezya (tax) as well as shall enjoy life-coverage from Beitulmel (the Islamic State treasury) for himself as well as for his dependents).

V. The Right to Asylum for Fear of Persecution on Account of One's Race, Religion, Ethnicity, Social Affiliation or Political opinion

Here, Islamic Shari'ah guarantees the right to neighborly succor and to protection:

"And if any one of the poly theists seeks your protection, then grant him protection that he may hear the word of Allah. Then deliver him to his place of Safety. That is because they are a people who do not know."

(Al Tawba: 6)

Allah, Mighty and Sublime Be He, tells His Messenger: "And if one of the polytheists seeks your protection" (that is your succor), then do respond to this call for help. Offer them the opportunity to listen to the word of God (that is the Quran of which you may read for him, introducing him to the faith) as a duty on your part, after which you must help him reach a safe place". In other words, after you recue him and offer him some insights of the word of God, if he still declines your offer to embrace Islam and is not inclined to accept what you



have read out to him from the word of God, then it is still your duty to help him reach a safe place, where he would feel safe from you and from those under your command, until he reunites with his own homeland and people among the unbelievers. This is a command that applies not only to that past era. It is applicable at all times and in all places. Indeed, Saeed *Ibn Jabeir* reports that "One man among the polytheists came to Ali (May the satisfaction of Allah be with Him) and said: "What if one of us comes to Mohamed (seeking relief and succor) after having already been through this stated condition, that is having already heard passages from the word of God, would he be killed? And Ali (MSAH) answered: Not at all, for Allah Almighty says: "In case any of the polytheists seeks your succor..." (See the full verse).

VI. The Right to Appeal Before the Court:

Here, Islamic Shari'ah has guaranteed for all non-Muslims living within its borders the right to resort to court under their own law, while still offering them the free option to resort to either their own law or that of Islam. *Mohammad Ibn Al Qacem Al Shibani* said: (If two adversaries among the Dhimma – partners choose on the basis of a common agreement between them, to resort to a Muslim judge, the latter may only take up their case after the approval of their priests, failing which, he must refrain. And the same applies in case the priests' approval does not have the consent of both adversaries'.

In parallel to this, Islam having imparted upon this social category so many rights which honor and dignify them in the land of Muslims, it also required of them certain duties which they had to honor on their side, so that society at large may enjoy collective security, symbiosis and peace. These duties include the following:

1. Abiding by the General Terms of Islamic Law

As a matter of fact, there is a need for all non-Muslims living within the fold of the Islamic society to abide by the same Islamic provisions applicable to Muslims. As long as they have chosen to live within the fold of the Muslim society, it becomes a duty for them to abide by its laws without prejudice to their own creeds and religious freedom. Indeed, under Islam, they are not required to abide by any of the worshiping rites of Muslims, nor are they required to cede any of their civilian or social particulars permitted to them by their religion, even if prohibited by Islam, as in the cases of marriage and divorce and all that has to do with their food and drink. They are also free to practice their religious rites and not to renounce what is permissible under their religion. However, they have (in all collective civil matters) to accept and abide by the law of the state where they are living, under the umbrella of its ruler.

2. Be Considerate of the Feelings of Muslims

Non-Muslims living in a Muslim State need also to be considerate of the feelings of Muslims and be respectful of the dignity of the state under whose umbrella they are living, by being respectful of the Islamic religion and its sanctuaries and refraining from any manifestations likely to offend the feelings of Muslims.

3. Paying Financial Dues



Another requirement for non-Muslims living in a Muslim state is to settle all the required fiscal duties and contributions, in which they are in fact equal to Muslims, in terms of taxes levied on all types of assets, commerce, agriculture and trading.

4. To Refrain from Causing Prejudice to Religious Sanctities

Anyone living within the fold of the Islamic state enjoys full freedom to practice their own religious rites and are entitled to all the manifestations of their rituals, subject however to steering away from any public manifestations offending Muslims or prejudicing their religion or their Prophet.

Thus Islam has defined the foundations of peaceful coexistence between Muslims and non-Muslim minorities living within the territories of Islam. It offered thus a template for modalities of dialogue and interplay between Muslims and the followers of other religions, in favor of building a well-integrated society enjoying peace, security, equality and mutuality, it being known that this has been the subject of a wide spectrum of texts (in the Quran and Hadith) that may be referred on the matter, all of which converge around what we have expounded in terms of the inviolability of the rights of religious minorities in the land of Islam.

5. Conclusion:

Minority rights are fundamental rights derived from the ground rules of international human rights law. These rules dictated the development of protective measures for the rights of these minorities, to ensure that all races and ethnicities that exist in a country, enjoy all the rights enjoyed by the rest of society components, as well as to ensure their participation in development of countries they are in, and to participate in public life, and to protect their own identities from any damage or harm that may inflict these minorities.

In 25-27 January 2016, a meeting organized by the Ministry of Awqaf and Islamic Affairs in Morocco, was held in Marrakech, in partnership with the Forum for the promotion of peace in the Muslim communities of the United Arab Emirates, under the patronage of His Majesty King Mohammed VI, King of Morocco. During this meeting, about three hundred scholars from the Muslim world have issued the Marrakesh declaration, which guarantees basic principles in the field of protection of minority rights.

In sum, the rights of minorities in Islam have been guaranteed to ensure a full and comprehensive treatment, within the scope of maintaining all concerned covenants and conventions. Indeed, it may be appropriate to put an Islamic Charter regarding this matter, to be published by the Organization of Islamic Cooperation.

References:

- "Provisions of the Dhimmis", Ibn AlQayim Al-Jawziya
- "Sultanic Provisions", Abu al-Hassan Ali bin Mohammed al-Mawardi
- "Behavior to know the nations", Maqrizi



- International Covenant on Civil and Political Rights, December 16th 1966
- Convention on the Rights of the Child, 20th November 1989

Annexes:

- The Constitution of Madinah, 623 AC
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 18th December 1992
- The Marrakech Declaration, 27th January 2016

The Constitution of Madinah, 623 AC

- This is a document from Muhammad the Prophet (may Allah bless him and grant him peace), governing relations between the Believers i.e. Muslims of Quraysh and Yathrib and those who followed them and worked hard with them. They form one nation -- Ummah.
- The Quraysh Mohajireen will continue to pay blood money, according to their present custom.
- In case of war with any body they will redeem their prisoners with kindness and justice common among Believers. (Not according to pre-Islamic nations where the rich and the poor were treated differently).
- The Bani Awf will decide the blood money, within themselves, according to their existing custom.
- In case of war with anybody all parties other than Muslims will redeem their prisoners with kindness and justice according to practice among Believers and not in accordance with pre-Islamic notions.
- The Bani Saeeda, the Bani Harith, the Bani Jusham and the Bani Najjar will be governed on the lines of the above (principles)
- The Bani Amr, Bani Awf, Bani Al-Nabeet, and Bani Al-Aws will be governed in the same manner.
- Believers will not fail to redeem their prisoners they will pay blood money on their behalf. It will be a common responsibility of the Ummah and not of the family of the prisoners to pay blood money.
- A Believer will not make the freedman of another Believer as his ally against the wishes of the other Believers.
- The Believers, who fear Allah, will oppose the rebellious elements and those that encourage injustice or sin, or enmity or corruption among Believers.
- If anyone is guilty of any such act all the Believers will oppose him even if he be the son of any one of them.
- A Believer will not kill another Believer, for the sake of an un-Believer. (i.e. even though the un-Believer is his close relative).
- No Believer will help an un-Believer against a Believer.



- Protection (when given) in the Name of Allah will be common. The weakest among Believers may give protection (In the Name of Allah) and it will be binding on all Believers.
- Believers are all friends to each other to the exclusion of all others.
- Those Jews who follow the Believers will be helped and will be treated with equality. (Social, legal and economic equality is promised to all loyal citizens of the State).
- No Jew will be wronged for being a Jew.
- The enemies of the Jews who follow us will not be helped.
- The peace of the Believers (of the State of Madinah) cannot be divided. (it is either peace or war for all. It cannot be that a part of the population is at war with the outsiders and a part is at peace).
- No separate peace will be made by anyone in Madinah when Believers are fighting in the Path of Allah.
- Conditions of peace and war and the accompanying ease or hardships must be fair and equitable to all citizens alike.
- When going out on expeditions a rider must take his fellow member of the Army-share his ride.
- The Believers must avenge the blood of one another when fighting in the Path of Allah (This clause was to remind those in front of whom there may be less severe fighting that the cause was common to all. This also meant that although each battle appeared a separate entity it was in fact a part of the War, which affected all Muslims equally).
- The Believers (because they fear Allah) are better in showing steadfastness and as a result receive guidance from Allah in this respect. Others must also aspire to come up to the same standard of steadfastness.
- No un-Believer will be permitted to take the property of the Quraysh (the enemy) under his protection. Enemy property must be surrendered to the State.
- No un-Believer will intervene in favor of a Quraysh, (because the Quraysh having declared war are the enemy).
- If any un-believer kills a Believer, without good cause, he shall be killed in return, unless the next of kin are satisfied (as it creates law and order problems and weakens the defense of the State). All Believers shall be against such a wrong-doer. No Believer will be allowed to shelter such a man.
- When you differ on anything (regarding this Document) the matter shall be referred to Allah and Muhammad (may Allah bless him and grant him peace).
- The Jews will contribute towards the war when fighting alongside the Believers.
- The Jews of Bani Awf will be treated as one community with the Believers. The Jews have their religion. This will also apply to their freedmen. The exception will be those who act unjustly and sinfully. By so doing they wrong themselves and their families.
- The same applies to Jews of Bani Al-Najjar, Bani Al Harith, Bani Saeeda, Bani Jusham, Bani Al Aws, Thaalba, and the Jaffna, (a clan of the Bani Thaalba) and the Bani Al Shutayba.
- Loyalty gives protection against treachery. (loyal people are protected by their friends against treachery. As long as a person remains loyal to the State he is not likely to succumb to the ideas of being treacherous. He protects himself against weakness).



- The freedmen of Thaalba will be afforded the same status as Thaalba themselves. This status is for fair dealings and full justice as a right and equal responsibility for military service.
- Those in alliance with the Jews will be given the same treatment as the Jews.
- No one (no tribe which is party to the Pact) shall go to war except with the permission of Muhammed (may Allah bless him and grant him peace). If any wrong has been done to any person or party, it may be avenged.
- Any one who kills another without warning (there being no just cause for it) amounts to his slaying himself and his household, unless the killing was done due to a wrong being done to him.
- The Jews must bear their own expenses (in War) and the Muslims bear their expenses.
- If anyone attacks anyone who is a party to this Pact the other must come to his help.
- They (parties to this Pact) must seek mutual advice and consultation.
- Loyalty gives protection against treachery. Those who avoid mutual consultation do so because of lack of sincerity and loyalty.
- A man will not be made liable for misdeeds of his ally.
- Anyone (any individual or party) who is wronged must be helped.
- The Jews must pay (for war) with the Muslims. (this clause appears to be for occasions when Jews are not taking part in the war. Clause 37 deals with occasions when they are taking part in war).
- Yathrib will be Sanctuary for the people of this Pact.
- A stranger (individual) who has been given protection (by anyone party to this Pact) will be treated as his host (who has given him protection) while (he is) doing no harm and is not committing any crime. Those given protection but indulging in anti-state activities will be liable to punishment.
- A woman will be given protection only with the consent of her family (Guardian). (a good precaution to avoid inter-tribal conflicts).
- In case of any dispute or controversy, which may result in trouble the matter must be referred to Allah and Muhammed (may Allah bless him and grant him peace), The Prophet (may Allah bless him and grant him peace) of Allah will accept anything in this document, which is for (bringing about) piety and goodness.
- Quraysh and their allies will not be given protection.
- The parties to this Pact are bound to help each other in the event of an attack on Yathrib.
- If they (the parties to the Pact other than the Muslims) are called upon to make and maintain peace (within the State) they must do so. If a similar demand (of making and maintaining peace) is made on the Muslims, it must be carried out, except when the Muslims are already engaged in a war in the Path of Allah. (so that no secret ally of the enemy can aid the enemy by calling upon Muslims to end hostilities under this clause).
- Everyone (individual) will have his share (of treatment) in accordance with what party he belongs to. Individuals must benefit or suffer for the good or bad deed of the group they belong to. Without such a rule party affiliations and discipline cannot be



maintained.

- The Jews of al-Aws, including their freedmen, have the same standing, as other parties to the Pact, as long as they are loyal to the Pact. Loyalty is a protection against treachery.
- Anyone who acts loyally or otherwise does it for his own good (or loss).
- Allah approves this Document.
- This document will not (be employed to) protect one who is unjust or commits a crime (against other parties of the Pact).
- Whether an individual goes out to fight (in accordance with the terms of this Pact) or remains in his home, he will be safe unless he has committed a crime or is a sinner. (i.e. No one will be punished in his individual capacity for not having gone out to fight in accordance with the terms of this Pact).
- Allah is the Protector of the good people and those who fear Allah, and Muhammad (may Allah bless him and grant him peace) is the Messenger of Allah (He guarantees protection for those who are good and fear Allah).

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 18th December 1992

Adopted by General Assembly resolution 47/135 of 18 December 1992

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in the Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles contained in the Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious and linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,



Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular by the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the bodies established pursuant to the International Covenants on Human Rights and other relevant international human rights instruments in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Taking into account the important work which is done by intergovernmental and non-governmental organizations in protecting minorities and in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the need to ensure even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
4. Persons belonging to minorities have the right to establish and maintain their own associations.
5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with



persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

1. Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.
2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favorable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programs shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programs of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, *inter alia*, exchanging information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights set forth in the present Declaration.

Article 8



1. Nothing in the present Declaration shall prevent the fulfilment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.
2. The exercise of the rights set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.
3. Measures taken by States to ensure the effective enjoyment of the rights set forth in the present Declaration shall not *prima facie* be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.
4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in the present Declaration, within their respective fields of competence.

The Marrakech Declaration, 27th January 2016

In the Name of God, the All-Merciful, the All-Compassionate

Executive Summary of the Marrakesh Declaration on the Rights of Religious Minorities in Predominantly Muslim Majority Communities 2016

25th – 27th January 2016

WHEREAS, conditions in various parts of the Muslim World have deteriorated dangerously due to the use of violence and armed struggle as a tool for settling conflicts and imposing one's point of view;

WHEREAS, this situation has also weakened the authority of legitimate governments and enabled criminal groups to issue edicts attributed to Islam, but which, in fact, alarmingly distort its fundamental principles and goals in ways that have seriously harmed the population as a whole;

WHEREAS, this year marks the 1,400th anniversary of the Charter of Medina, a constitutional contract between the Prophet Muhammad, God's peace and blessings be upon him, and the people of Medina, which guaranteed the religious liberty of all, regardless of faith;

WHEREAS, hundreds of Muslim scholars and intellectuals from over 120 countries, along with representatives of Islamic and international organizations, as well as leaders from diverse religious groups and nationalities, gathered in Marrakesh on this date to reaffirm the principles of the Charter of Medina at a major conference;



WHEREAS, this conference was held under the auspices of His Majesty, King Mohammed VI of Morocco, and organized jointly by the Ministry of Endowment and Islamic Affairs in the Kingdom of Morocco and the Forum for Promoting Peace in Muslim Societies based in the United Arab Emirates;

AND NOTING the gravity of this situation affecting Muslims as well as peoples of other faiths throughout the world, and after thorough deliberation and discussion, the convened Muslim scholars and intellectuals:

DECLARE HEREBY our firm commitment to the principles articulated in the Charter of Medina, whose provisions contained a number of the principles of constitutional contractual citizenship, such as freedom of movement, property ownership, mutual solidarity and defense, as well as principles of justice and equality before the law; and that,

The objectives of the Charter of Medina provide a suitable framework for national constitutions in countries with Muslim majorities, and the United Nations Charter and related documents, such as the Universal Declaration of Human Rights, are in harmony with the Charter of Medina, including consideration for public order.

NOTING FURTHER that deep reflection upon the various crises afflicting humanity underscores the inevitable and urgent need for cooperation among all religious groups, we

AFFIRM HEREBY that such cooperation must be based on a "Common Word," requiring that such cooperation must go beyond mutual tolerance and respect, to providing full protection for the rights and liberties to all religious groups in a civilized manner that eschews coercion, bias, and arrogance.

BASED ON ALL OF THE ABOVE, we hereby:

Call upon Muslim scholars and intellectuals around the world to develop a jurisprudence of the concept of "citizenship" which is inclusive of diverse groups. Such jurisprudence shall be rooted in Islamic tradition and principles and mindful of global changes.

Urge Muslim educational institutions and authorities to conduct a courageous review of educational curricula that addresses honestly and actively any material that instigates aggression and extremism, leads to war and chaos, and results in the destruction of our shared societies;

Call upon politicians and decision makers to take the political and legal steps necessary to establish a constitutional contractual relationship among its citizens, and to support all



formulations and initiatives that aim to fortify relations and understanding among the various religious groups in the Muslim World;

Call upon the educated, artistic, and creative members of our societies, as well as organizations of civil society, to establish a broad movement for the just treatment of religious minorities in Muslim countries and to raise awareness as to their rights, and to work together to ensure the success of these efforts.

Call upon the various religious groups bound by the same national fabric to address their mutual state of selective amnesia that blocks memories of centuries of joint and shared living on the same land; we call upon them to rebuild the past by reviving this tradition of conviviality, and restoring our shared trust that has been eroded by extremists using acts of terror and aggression;

Call upon representatives of the various religions, sects and denominations to confront all forms of religious bigotry, vilification, and denigration of what people hold sacred, as well as all speech that promote hatred and bigotry; AND FINALLY,

AFFIRM that it is unconscionable to employ religion for the purpose of aggressing upon the rights of religious minorities in Muslim countries.

Marrakesh
January 2016 ,27th