

Rights of Minorities in Islam and Situation of Minorities in Pakistan: Analysis from Public Policy Discourse

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Abstract: *This study focuses on the Islamic, Western, and Pakistani contexts as it examines the complex subject of minority rights. It starts by reviewing minority rights in the West and how the Universal Declaration of Human Rights supports them. The discussion of Islamic viewpoints on minority rights follows, emphasizing the values of equality, non-discrimination, and religious freedom while drawing on the teachings of the Prophet and the Quran. Discussion of the Magna Carta and the Charter of Madinah, two historical documents that impacted the defense of minority rights, allows for comparative study. A thorough examination of the Pakistani background demonstrates how minority rights have changed throughout three constitutions, with case studies used to highlight real-world difficulties and advancement. The study also discusses current problems and difficulties that minority communities in Pakistan are facing, highlighting how crucial it is to respect the UDHR's values to guarantee the safety and participation of minorities in a varied society.*

Keywords: *Rights of Minorities, Islam, Charter of Madinah, Magna Carta, Pakistan, Universal Declaration of Human Rights*

The Universal Declaration of Human Rights and Minority Rights in the West

In the West, the defense and advancement of minority rights have long been considered essential to democracy and human rights. These rights, recognized in several international agreements and conventions, are crucial for guaranteeing the respect, equality, and full inclusion of minority groups¹. The Universal Declaration of Human Rights (UDHR), approved by the United Nations in 1948², is one of the most important international documents supporting preserving minority rights.

What Minority Rights Mean

Understanding what minority rights entail is crucial before exploring the connection between those rights and the UDHR. When we talk about minority rights, we are talking about the privileges and safeguards offered to marginalized or disproportionately smaller persons and groups inside a given society. Numerous factors, such as ethnicity, race, religion, language, culture, gender, sexual orientation, and disability, can define these minorities. Minority rights protect these groups against prejudice, repression, and exclusion and guarantee equal access to opportunities and resources³.

Western Perspectives on Minority Rights

Minority rights are a topic that the Western world, especially Europe and North America, has long struggled with. Many Western nations are diverse, with many different ethnic, religious, and cultural groups coexisting inside their boundaries, which contributes to these problems. The historical fights for civil rights and the realization of the significance of preserving the rights and identities of marginalized populations led to the acceptance of minority rights in the West⁴.

Minority rights are an essential component of the larger Western human rights framework. The fundamental values of equality, non-discrimination, and inclusivity are upheld by Western nations and codified in domestic and international law. Equal treatment, non-discrimination, cultural preservation, and the capacity to fully engage in public and political life for all people, regardless of their membership in a minority, are essential components to protecting minority rights in the West⁵.

The Human Rights Declaration of 1948

On December 10, 1948, the United Nations General Assembly enacted the Universal Declaration of Human Rights (UDHR), the cornerstone for safeguarding minority rights in the West and elsewhere⁶. The UDHR comprises thirty articles outlining the fundamental freedoms and rights to which every person is entitled, regardless of race, gender, sexual orientation, language, religion, political opinion, country of origin, or other status⁷.

The UDHR has many articles that are particularly pertinent to minority rights*:

1. Following Article 1, "All Human Beings are Born Free and Equal in Dignity and Rights."
2. Article 2 states, "Everyone is entitled to all the rights and freedoms outlined in this Declaration, without distinction of any kind."
3. Article 7 states that "all are equal before the law and are entitled, without any discrimination, to equal protection of the law."
4. Everyone is free to engage in civic, artistic, and intellectual life, according to Article 27.

These and other articles emphasize the fundamental values of equality and non-discrimination that are essential for safeguarding the rights of minorities. They declare that everyone has the right to the same freedoms and human rights, regardless of whether they belong to a minority group⁸.

Influence of the UDHR on Western Democracies

The UDHR has significantly influenced the evolution of human rights law and practices in Western democracies. The UDHR's guiding principles have been integrated into many Western nations' constitutions, legislation, and rulings. These values provide a moral and legal framework for defending minorities' rights in these nations⁹.

The European Convention on Human Rights (ECHR), drafted in 1950 and accepted by all Council of Europe members, significantly illustrates the UDHR's influence. Many of the UDHR's tenets are included in the ECHR, which also creates a system of oversight through the European Court of Human Rights and permits people to file claims involving abuses of their rights, particularly minority rights¹⁰. Furthermore, Western nations frequently advocate for minority rights protection on a global scale. They promote minorities' rights in areas where they risk prejudice and repression by using their diplomatic influence and resources¹¹.

Minority Rights in Islam: The Prophetic Writings and the Quran

Islam, a comprehensive and all-encompassing faith, strongly emphasizes the value of justice, equality, and the defense of the rights of everyone, particularly marginalized groups. Islam's holy text, the Quran,

and the Prophet Muhammad's (peace be upon him) Hadith (sayings and deeds) offer a comprehensive foundation for comprehending and upholding minority rights in the Islamic tradition¹².

Equality and non-discrimination.

The message of equality and non-discrimination in the Quran is clear-cut. It continually emphasizes that regardless of race or social standing, all people are created equal in the eyes of Allah. For instance, Surah Al-Hujurat (49:13) declares, "O humanity, indeed We have created you from male and female, and have made you into peoples and tribes, that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you."¹³

Regardless of differences, this verse lays the groundwork for equality among all people and nations. It promotes communication and collaboration amongst various populations.

Safeguarding religious freedom

Islam upholds the value of religious liberty and the ability for people to exercise their religion without government interference. The Quran declares in Surah Al-Baqarah (2:256), "There shall be no compulsion in [accepting] the religion," which emphasizes the idea that one's faith should be a matter of personal choice and that no one should be coerced into becoming a Muslim¹⁴.

Through his deeds and words, the Prophet Muhammad ﷺ emphasized the defense of religious freedom even more. This phrase emphasizes the value of spiritual autonomy and the right to worship as one sees fit. He said in his Farewell Sermon, "No one has the right to be worshipped, but Allah and no one should be given any authority over his brother."¹⁵

Rights of Minority Non-Muslims (Dhimmis)

Islamic tradition acknowledges the protection and rights given to non-Muslim minorities residing under Islamic rule, also called Dhimmis. Specific rights and obligations for Muslim rulers and non-Muslim minorities are outlined in the Quran and the Hadith. These rights include¹⁶:

- Protection of Life and Property: The Prophet (peace be upon him) said: "Whoever kills a person who has a truce with the Muslims will never smell the fragrance of Paradise." This Hadith emphasizes the sanctity of life and the responsibility to protect non-Muslims living in Muslim-majority societies.
- Freedom of Worship: Dhimmis are entitled to maintain their places of worship and to practice their religion without hindrance.
- Judicial Rights: According to Islamic law, dhimmi are entitled to legal protection and remedy.
- Economic Rights: They can trade and conduct business with Muslims equally.

Inclusion and Tolerance in Society

Islam promotes social cohesiveness and teamwork among all members of society, regardless of their ethnicity or religious affiliation. The Quran emphasizes the value of cooperation for the common welfare by encouraging "cooperating in righteousness and piety" (Surah Al-Ma'idah, 5:2)¹⁷.

In addition, there are many instances of the Prophet Muhammad ﷺ interacting with and being kind to non-Muslims, such as Jews and Christians, in the Hadith. His conduct offers Muslims a blueprint for promoting interfaith understanding, tolerance, and harmonious coexistence with marginalized groups¹⁸.

Magna Carta vs. the Charter of Madinah: Minorities' Rights

Two historically significant documents that have influenced the growth of minority rights in their respective contexts are the Magna Carta and the Charter of Madinah (also known as the Madinah Constitution). Even though they were born in radically different eras and locations, they have some governance and minority community protection ideas in common¹⁹. Here is a comparison of minority

rights in the Charter of Madinah and the Magna Carta:

Historical Background and Prominence:

In 1215, during the reign of King John, England witnessed the signing of the Magna Carta, sometimes referred to as the Great Charter. It developed in response to the English nobles' complaints about the monarch's oppressive authority. It sought to prove that even the king was subject to the law and to restrict the king's authority. The Charter of Madinah, written during the Prophet Muhammad's lifetime in 622 CE, is significant because it signifies the founding of the first Islamic state in Madinah. It was a social agreement describing the rights and obligations of the city's many religious and ethnic populations, including Muslims, Jews, and others²⁰.

Equal Treatment Under the Law

Magna Carta set the groundwork for the idea that no one was above the law, not even the king. Due process was created, and the right to a fair trial was guaranteed. By recognizing the rights and autonomy of many religious sects, the Charter of Madinah reinforced the notion of equality before the law. It emphasized the freedom for every community to practice their religion without hindrance²¹.

Minority community protection

While initially addressing the concerns of the English lords, the Magna Carta also indirectly aided in the protection of individual rights, which may eventually include minority groups as the document's tenets developed. The Charter of Madinah specifically recognized the rights of minorities to their own religious and legal practices, particularly those of the Jewish tribes. It supported religious diversity and upheld non-Muslims' rights²².

Local Self-Government and Autonomy:

In England, where several communities could participate in local self-government, the Magna Carta laid the path for developing parliamentary institutions. The Charter of Madinah acknowledged the autonomy of diverse ethnic and religious groups within the city and gave them the right to manage their affairs and preserve their identities²³.

Continuity of Effect:

Magna Carta is frequently cited as a key document in developing contemporary constitutionalism and defending individual rights. It created the framework for constitutional law's development and protected minorities' rights in democratic societies. The charter of Madinah fostered religious tolerance and safeguarded minority rights within the context of an Islamic kingdom, which is significant historically. Subsequent Islamic governing principles have been inspired by it²⁴.

A Comparative Analysis with Case Studies of Minority Rights in Pakistani Constitutions

Due to Pakistan's unique religious and ethnic environment, the issue of minority rights is of the utmost importance. Since its founding in 1947, Pakistan has had three constitutions, each reflecting a different level of dedication to defending minorities' rights²⁵.

I. The Pakistani Constitution of 1956:

Minority rights were initially protected by the 1956 adoption of Pakistan's first constitution. While Article 21 protected minorities' rights to create and run their educational institutions, Article 20 secured the freedom to profess, practice, and promote religion²⁶.

The Ahmadiyya Community was involved in one of the most prominent instances under the 1956 Constitution. Ahmadis were declared non-Muslims when the Pakistani government revised the constitution in 1974. Their right to practice their religion was severely curtailed by this amendment,

which also fuelled widespread prejudice towards the group²⁷.

2. The Pakistani Constitution of 1962:

Some articles of the 1962 Constitution still covered minority rights. Article 22 protected religious freedom, while Article 21 reaffirmed minorities' rights to create and run educational institutions²⁸.

Under General Ayub Khan's administration, the Christian community experienced discrimination in employment, education, and other areas. Despite constitutional protections, the government's practices resulted in unequal access to resources and opportunities²⁹.

3. Pakistan's Constitution of 1973:

The 1973 Constitution, which serves as Pakistan's current constitution, has various clauses that protect the rights of minorities. While Article 22 safeguards minorities' access to cultural and educational institutions, Article 20 preserves the freedom to profess, practice, and spread religion³⁰.

The Hindu Community in Pakistan has suffered difficulties such as forced conversions and discrimination in property and marriage problems despite enjoying constitutional protections. However, some of these problems have been addressed by legal means³¹.

The Kalash people are a distinctive polytheistic society living in Chitral and have fought to maintain their traditions and culture. Although the constitution safeguards their cultural legacy, they must contend with outside pressures and encroachment³².

Pakistan's adherence to the Universal Declaration of Human Rights (UDHR) in terms of minorities' rights

Respect for minority rights, as stated in the Universal Declaration of Human Rights (UDHR) in Pakistan, has been a difficult and developing problem. The full realization of minority rights continues to face difficulties and concerns, notwithstanding Pakistan's major attempts to align its domestic laws and policies with international human rights norms³³.

First, Pakistan is committed to maintaining equality, non-discrimination, and religious freedom for all its residents, including racial and religious minorities, as a signatory to the UDHR. The right to practice one's religion freely and to protect and advance minority languages and cultures are guaranteed by Pakistan's constitution, notably Articles 20 and 36. Protecting religious minorities has presented unique difficulties for compliance with these requirements. Accusations of blasphemy, forced conversions, and instances of religious discrimination continue to raise questions about how minority rights are put into practice³⁴.

Second, there is still a fundamental problem with minority communities' access to economic and educational possibilities in Pakistan. Minorities in Pakistan frequently encounter obstacles to receiving a good education and moving up the economic ladder despite the UDHR's emphasis on the right to education and equitable access to financial resources. These inequities constrain their capacity to engage in society fully and contribute to economic growth³⁵.

Last but not least, despite legal protections, there is a critical need for the security and protection of minority communities in Pakistan. Violence incidents, including assaults on houses of worship, have made people wonder if the government can adequately protect racial and religious minorities. The UDHR emphasizes the right to life, liberty, and security of persons, and Pakistan must seek to guarantee that all of its inhabitants, regardless of their status as minorities, can equally enjoy these rights³⁶.

The state of minorities' rights now and how they are applied in Pakistan

Religious discrimination and persecution are among the most urgent current challenges affecting

minority rights in Pakistan. Particularly, Christians, Hindus, and Ahmadis are targeted for persecution because of their religion. The freedom of religion guaranteed by the Pakistani constitution and international human rights norms continues to be compromised by violent incidents, forced conversions, and attacks on houses of worship³⁷.

Laws against blasphemy have been abused and are frequently used to target religious minorities and dissenting viewpoints in Pakistan. Blasphemy accusations can have serious repercussions, like prison time or the death penalty. The abuse of these rules continues to pose a serious obstacle to defending minority rights and free speech³⁸.

Inadequate Legal Protections-Despite constitutional protections, minority communities frequently encounter legal obstacles relating to marriage, inheritance, and property rights. Discriminatory laws and biased judicial procedures may hamper access to justice and equality for minorities³⁹.

In Pakistan, minority communities frequently experience economic and educational gaps, which restrict their access to high-quality education and job prospects. This injustice prevents them from participating fully in society, which feeds the cycle of marginalization and poverty⁴⁰.

Lack of Political Representation- In Pakistan, minorities have little political influence, which limits their capacity to shape public policies that affect their rights and interests. To successfully address their issues, it is essential to guarantee equal representation in legislative bodies and governmental organizations⁴¹.

To uphold its obligations under its constitution and international human rights treaties to preserve the rights of minority communities, Pakistan must address these modern problems and concerns. It necessitates thorough legal changes, better law enforcement, and initiatives to support social inclusion and tolerance in Pakistani culture.

Conclusion

Finally, this research study has offered a thorough investigation of minority rights, covering assorted topics, including Western perspectives, Islamic principles, historical analogies, and the particular instance of Pakistan. We looked at how the Universal Declaration of Human Rights addresses minority rights, emphasizing the essential values of equality, non-discrimination, and religious freedom that support minority rights protection in the West.

After researching the Islamic viewpoint, we discovered that the Quran and the Prophet's teachings strongly emphasize protecting minority communities, non-coercion in faith, and equality. We compared the Magna Carta and the Charter of Madinah, two ancient agreements establishing minority rights in their respective settings.

We next turned our attention to Pakistan, where we compared the three constitutions and looked at case studies to see how they affected the actual world. Despite constitutional protections, it is nonetheless difficult to guarantee the fulfillment of these rights. The current difficulties minority populations in Pakistan face highlight the necessity for continuing vigilance and initiatives to safeguard and advance their rights. It is critical to work towards a society that promotes the values of justice, equality, and the dignity of every one of its inhabitants, regardless of whether they are members of a minority, as Pakistan continues to develop.

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