

Comparative Study of the Nature and Legal Effects of Apartheid in Islam and International Law

Fateme Baegi Mirazizi ¹, Alimohammad Mokarrami ²

^{1,2} Department of law, College of law, Kermanshah Branch, Islamic Azad University, Kermanshah, Iran

^{1,2} Department of law, College of law, Kermanshah Science and Research Branch, Islamic Azad University, Kermanshah, Iran

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ABSTRACT

However, in the contemporary world, we apartheid violence and serious human rights component count, due to greed and interests of individuals, groups, organizations and governments, in certain cases, some of the key forms of discrimination, and Other groups on the basis of race, color, religion, race or national origin apply. In Islam, in particular the issue of discrimination and segregation, the verses of the Quran, as verse 13 Hojarat, is negated, and in various verses of the Holy Prophet (PBUH) we see that, in order to deal with racial discrimination and denial have. The results of this study indicate that, in many cases, the issue of apartheid, the system of Islamic law and international regulations, not inconsistent with the common, and in case of conflict principles, rationale and legal Islamic rules form, we will point. Including that in Islamic law, the absolute difference and distinction, and evil is not bad, but unjust and unreasonable differentiation in pay discrimination. On the other hand, international conventions, in relation to apartheid, it is sufficient to prohibit and punishment of apartheid, expressed, but unfortunately many of these laws to protect the colonial countries, the real world does not apply.

KEYWORDS: apartheid, Islam, international law, conventions, traditions

INTRODUCTION

Throughout the history of mankind is full of racism. Greek, Chinese handball, despite great service to humanity, in disregard of other ethnic groups have a lot of history, racism Major role in contemporary history, America has played. (Azranloo, 2007)

South Africa in the apartheid policy of racial discrimination is a system of suffering, and the oppressed. Racial discrimination, the distinguishing characteristic of the Zionist state of Israel.

In the era of the United Nations, and the emergence of international law, the principle of equality with the principle of non-discrimination provisions of international human rights around the main floor, and in the development of international law, human rights, was stressed. (Mozaffari, 1997) In general prohibition of apartheid (racial segregation), the United Nations Charter and the Universal Declaration of Human Rights and the International Covenant on Civil and Political raised and in particular the International Convention, the Elimination of All Forms of Racial Discrimination (1965) and International Convention on the Prohibition and Punishment of the Crime of Apartheid (1973) has emphasized. However, in addition to the Convention on the legal dispute, which seems to have segregation, apartheid is still in full and comprehensive international regulations, rules, cases and present evidence does not apartheid. Furthermore, according to the verses and traditions of Islam, all human beings are equal in dignity and innate knowledge, and no discrimination based on race, recognized but, in contrast to the severity of such discrimination, blame is placed. Islamic Republic of Iran, who rules according to Islam, is in opposition to parts of its constitution, has declared segregation. On the basis of this study, international regulations and rules and teachings of Islam, has been studied as its main objective, i.e. compare the nature and legal effects of apartheid, Islamic and international law appears.

*Corresponding Author: Ali Mohammad Mokarrami, Department of Law, College of Law, Kermanshah Branch, Islamic Azad University, Kermanshah, Iran. E-mail: Mokarrami@iau.ae

The definition of apartheid

Apartheid word literally means to keep separate and apart, and it actually means a system of racial, religious, ethnic and social isolation that is often set by the majority (ruling) is applied to minority groups be. In Article 2 of the International Convention on the prohibition and punishment of the crime of racism (apartheid), apartheid is defined as specific as follows: the "crime of apartheid", which includes similar policies and practices of racial segregation and racial apartheid that is, such as in South Africa will be applied as follows: inhumane acts for the purpose of establishing and maintaining domination by one racial group against another ethnic group Take place, and systematically put them under pressure the.

A denial of the right to life and personal liberty member, or members of a group or groups of ways:

Au killing members of a group, or ethnic groups

2. The acts of physical and psychological abuse, the members of a racial group or groups, lack of freedom and their dignity, and acts of torture and cruel, inhuman and degrading towards them .3-arbitrary arrest, detention or illegal members of a racial group

(B) Deliberately inflicting conditions and specific conditions of life on a racial group or groups, in order to eliminate all or part of them.

(C) Any legislative measures or other measures to prevent the participation of a group or ethnic groups in the political, social, economic and cultural, and the deliberate creation of conditions preventing the growth of ethnic groups, particularly the denial rights and fundamental freedoms such as the right to work, the right of association, the right to education, the right to leave the country and return to it, citizenship, freedom of movement and choice of residence, freedom of opinion and expression and freedom of assembly.

(D) Any action, including legislative measures, designed to divide the population into racial boundaries, and create separate sites for neighborhoods and ethnic groups, and prohibiting interracial marriages Mixed, and the confiscation of the property the group or groups racial, or members of a group.

5. The exploitation of the working members of a racial group or groups, or forcing them to forced labor.

(F) The pursuit of organizations and individuals and to deprive them of their rights and freedoms because opposition to apartheid (Mehrpoor, 2004)

Concept of racism and racial discrimination

Discrimination in terms of lexical, dividing and separating some of the meaning has some advantages over the others. (Moin, 2002) One of the forms of discrimination, racial discrimination as a result of racist behavior, there is.

Racism is the belief that, in terms of an ethnic group is considered superior to other ethnic groups, and one of the strongest and most destructive forms of discrimination. (Cohen, 2001)

Racist behavior may not always be obvious expression, as though some of them because of their skin color, race or threaten; but these behaviors may sometimes be hidden and unusual, such as when a community has been systematically with different groups on the basis of prejudice, its behavior. Racist behavior often leads to discrimination which, negative impacts are identified, these behaviors may, in some cases, simple, and limited to the extent of ignoring the rights of individuals, and in some cases are complicated and dangerous, leading to deprive the people of their own rights. By definition of the Convention on the Elimination of All Forms of Racial Discrimination, 1965, racial discrimination means discrimination, exclusion, restriction, or privilege based on race, color, national or ethnic origins, to cancel, to the detriment of the recognition and enjoyment and implementation of equality, human rights and fundamental freedoms in the political, economic, social, cultural and other fields of public life, can be considered.

Apartheid in Islam

Undoubtedly, whenever you want, as a Muslim, the question about the relationship between humans comment, you must first know that the Book of Allah and the Sunnah of the Holy Prophet and the Hadiths of Imam Call. Now to explain the overall framework of the discussion, we tried the research topic, the more Search look.

We all know that in today's world, there is no unified society, all human groups to arbitrate the same position, the position of some of the groups, other minorities is higher, and the difference in the thinking of the ruling, the communities Minority rights and obligations which are considered to be different. In this way, the ideal Islamic society rudder for minorities in Islamic land rights and obligations is considered that resources should be made available and was extracted. their human rights, and history itself is testimony to the way they speak. Quran is the most important source of Islamic law, in Explanation of this fact, a special place.

National and ethnic prejudices that are the source of many of the world, Islam is considered useless, and sub Islamic law was not the slightest right. In Islam, any race, any nation, group and class and the material privileges, and historical records of the nation and class excellence and others not, and the man of virtue, self-care and God fearing and to observe each more justice, and justice. (Tajlil Tabrizi, 1985)

* Fight or racial, and ethnic Honors tribal dollars and exclude, to the measure of a man, in virtue, righteousness and other human virtues knows. Among the verses that refer to this point. Verse 13 of Surah Hojarat is:

"O mankind! We have created you male and female, and made you into nations, nationalities and ethnic tribes, so that you may know each other. In fact, you Noblest with God, you're the most pious.

Surely, Allah is Knowing, Aware. "

In this verse the true vision of Islam, the Racial Discrimination expressed. Allameh Tabatabai_R.i.p. in Al Mizan, in this verse says:

Commentators have noted, this verse to deny the pride of man. Thus the meaning of the word of God " Art and mentioned Female " Adam and Eve, and the meaning is this: We have created you from a single parent, all These two are the same, no difference between white and black, Arab and Ajam, and various branches of the clan, appointed, not for some of you excel others, but to get to know each other, as some of you know some other With this understanding, Social Affairs and Communications and deals you're right, so if we assume no knowledge, social communication between community members cut, and humanity will be destroyed. The premise of forgery branches and tribes is not pride to logarithms and pride, fathers and mothers.

In the narrative of worthless race, as well as a criterion for excellence stipulates that, examples of which we mention:

Prophet Mohammad PBUH said:

Who Ounces size of mustard seeds and ethnicity nervousness in his heart, God disposes him on the Day of Judgment ignorant Arabs.

Imam Sadeq (pbuh) also said:

Origin of man and his faith in him, and the value he created, is to His piety. Indeed, all people are the people of one race.

*** Apparent differences in Islam**

Islam, the apparent differences in human society, there are very informative. Islam sees it the same way that, with the effects of various natural phenomena looks. The transformation of the Holy Quran and the difference in color, due to the existence of God is mentioned, without a language or a color, and feature points give them a lot of Phenomenon considered that, should the precise that, in the Qur'an: "He created the heavens and the earth signs, and transformation language and is the color. It is precisely for those Wise, signs. "Islam is not the human world as it is, if it is a large garden with colorful flowers

Apartheid in International Law

Universal Declaration of Human Rights of 1948 in Articles 2 and 7 to negate discrimination is discussed, and the enjoyment of equality and freedom for all human beings, insists.

In addition to this statement, there are a lot of international human rights instruments, the issue of discrimination and denial have been addressed, and including the most important ones are:

International Covenant on Economic, Social and Cultural Rights (1966), the International Covenant on Civil and Political Rights (1966), Convention on the Prevention and Punishment of mass destruction (genocide), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the Convention Against Torture and treatment of cruel, inhuman or degrading,

Convention on the Elimination of All Forms of Discrimination against Women, the Declaration of the Rights of Persons belonging to national minorities, ethnic, religious, linguistic and ... developed and approved, and in some mechanisms for monitoring compliance with, and enforcement of the rights provided, and some of them are lacking such a mechanism.

In the following discussion, not to mention the comments, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Prevention and Punishment of the Crime of racism (apartheid) that specifically address the issue of apartheid, we have considered.

International Convention on the Elimination of All Forms of Racial Discrimination

In addition, losses and risks that, for the removal of discrimination, unjust and false ego of the segregation, led the United Nations, to target the elimination of racial discrimination, and thus the rise of international concern, Racial discrimination is the first step of the UN General Assembly in 1965 with the adoption of the Declaration on the Elimination of Racial Discrimination, in this harvest.

Declaration referred to four important points:

1. Any doctrine and theory, or superiority based on racial differences, scientifically false, morally condemnable and socially unjust terms and dangerous, and there is no scientific justification.

2. Racial Discrimination, the fundamental rights of every human defect, the relationships between people, working people and world peace, endanger.

3. Racial discrimination is not only to those who are discriminated against damages, but also harmful and dangerous for the perpetrators of discrimination.

4. The basic objective (basic), the United Nations is an international community of segregation and racial animosity and division factors are free. (Mehrpoor, 1998)

The Convention contains a preamble and 25 articles, which have been prepared in two parts. In the first part of the definition of racial discrimination and obligations of Member States expressed, and in the second part of the regulatory body in relation to the Convention, the Committee on the Elimination of Racial Discrimination and the pursuit of the provisions of the Convention, the Committee's (Article 8), and in this way provisions to guarantee adequate performance, it is important. This Convention is the most comprehensive, and most obvious treaty to express ideas of racial equality has been described. (Askari, 2011) Article 1 of the Convention defines racial discrimination is offered, and Articles 2, 3 and 4 of the Convention states that members are "obligations" has been set.

Article 2 provides that Member States are committed, condemn racial discrimination and without delay, through appropriate policies and establish national reconciliation on the Elimination of Racial Discrimination variety, put into force, of any law, act or practice of racial discrimination against individuals or groups do not support effective action on appeal in state politics, national and local, as well as modify or abolish laws on racial discrimination, to take action. Member States are committed, not only to racial discrimination goes, but it should be banned and the appropriate measures, including legislation to prevent racial discrimination, by any person or group (Mehrpoor, 1998). Member States are obliged under Article 3, in particular to reject segregation and apartheid, and any action that would be normal, and prohibit it in their territory, their elimination.

Article 4 Member States have undertaken to make any promotions or thought-based organizations, and the theory of the superiority of one race or ethnic group of people belonging to a particular color condemned, and immediately, and positive for the elimination of the theory of and actions to do so, they should Any discrimination or promoting it by law, declare punishable offense.

Organizations and organized propaganda, racial discrimination are illegal.

International Convention prohibits and punishes the crime of racism (apartheid)

Recalling the provisions of the UN Charter, the Universal Declaration of Human Rights, human rights represent fundamental freedoms for all persons without any distinct in terms of race, gender, or religion is harmful and that all human beings are born free, and the dignity and equal rights, and everyone without any distinction, in every respect, including race, color, national origin researcher enjoyment of all rights and fundamental freedoms. And also to emphasize the international Convention on the prohibition of racial discrimination and denial and considering that the UN General Assembly adopted several resolutions which, during its apartheid policies and procedures, as treason against humanity and sentenced and the Security Council has emphasized that apartheid and its continued

expansion and intensification of international peace and security, disrupt, and threatened, and finally the fact that despite all these efforts, in The International racism existed in some systems and, therefore, following the continuous efforts of the United Nations, to eliminate apartheid, especially those in South Africa, there was the UN General Assembly, on 30 November 1973 through Resolution No. 3068 International Convention prohibits and punishes the crime of racism (apartheid) as adopted.

In Article 2 of the Convention, in particular the definition of the crime of apartheid will be implemented:

A company committed to direct stimulation, or Exchange the acts listed in Article 2 of the Convention.

(B) The direct hand, encourage or assist in the commission of the crime of apartheid. In accordance with Article 5 of the Convention individuals accused of committing the acts described in Article 2 may be the competent court of any state party to the Convention on the character of the accused, the reform of the judiciary, prosecution or by the International Criminal Court On behalf of the parties that it has jurisdiction, the court accepted.

Conclusion

The issue of apartheid, as a perfect example of human rights in different societies and historical, one of the problems was dead, and serious damage to the different ethnic groups has arrived, according to the Quran and Islamic traditions, discrimination, giving racial, ethnic, tribal and negated, and has been heavily criticized, and Islam the only criterion of superiority and righteousness knows, of course, if it is to please God, not to express pride and superiority over others.

The International Convention, also considered the issue of discrimination, such as the Convention on Certain Convention, the elimination of all forms and ways to deal with it is paid. In Iran, racial discrimination was one of the examples, and since the constitution of the Islamic Republic of Iran, Islamic norms and principles of human rights, it has been emphasized in Islam, racism as one of the best human rights violations is negated. Article 19 of the constitution of equality for all citizens, and to reject all discrimination in Article 3 of undue stress. Iran's opposition to racial discrimination by joining the international conventions related to racial discrimination proved, and a country like Israel has condemned racist behavior.

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