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HUMAN RIGHTS IN ISLAM
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CHAPTER - IV

HUMAN RIGHTS IN ISLAM

Introduction:

Right to life and personal liberty looms very large in the Universal Human Rights Charter. Obviously, the man and woman have been victims of the deprivation of this right for centuries and in many societies these rights is still trampled upon with impunity and brazen brutality. It was but natural for the charter of universal Rights to dwell on all aspects of this right. Several articles of the declaration and both covenants have proclaimed the concern and stipulated for the protection of this right without which all rights dwindle into insignificance.¹

Every religion contains some basic rights these are called as human rights which is essential for every community worldwide. Islam also have some human rights which are enshrined in the Quran in different verses.

1. Impact of Human Rights under Matrimonial Laws:

When there is denial of right, to choice and consent is lacking in the marriage contract, it has been seen that there is denial of human rights. It hampers the rights of the parties while they go for marriage contract. In the era of women emancipation, more emphasis for women education in every constitutional and social legislation is not enough, growing demand of right to equality among both the sexes must. It has been seen that still in Muslim marriage contract there is
clear denial of their human right by waiving her right to choose her life partner as well as also where in the marriage contract her consent is lacking. In this scenario under this chapter we can assess the impact of Human Rights under matrimonial cases.

The recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. And it has been seen that disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

The splendid sentences from the preamble to the Universal Declaration of Human Rights states as:

"Whereas the people of United Nation have in the charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standard of life in larger freedom...".

According to Article 16 which specify the age and importance of consent doctrine during marriage negotiation as:

Article 16 -

1. Men and women of full age, without any limitation due to race, nationality or religion have the right to marry and to found a
family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

This article clearly shows that the consent and right to choice during the marriage process is an important pillar for the marriage contract. It need not be over emphasized that the Universal Declaration of Human Rights is the keystone on which U.N. activities for the promotion and observance of Human Rights are based. The Universal Declaration was adopted on 10th Dec., 1948. Hence, 10th December is observed as Human Rights Day every year all over the world.³

The Declaration of Human Rights befits those systems of philosophy which agree with the Quranic verse:

"By the soul, that which shaped it and inspired it to lewdness and god fearing! and believe that human being is naturally disposed towards virtue". The Declaration of Human Rights content are based on Quranic verses. Human Rights should be that man is built with the intention of travelling towards the destination of:

"O Man! thou art striving unto thy Lord with a striving, and thou shalt encounter him."⁴
In another verse states as:

"We indeed created man in the fairest stature..." and man to have the most harmonious and the most perfect structure.

We also said that whatever laid down in the Universal Declaration of Human Rights in 1948, it was already enshrined in Quran centuries back. In other words we can say that the spirit and foundation of human right is upheld by Islam.

2. **Women's Rights are Human Rights**:

One United Nations human rights treaty directly addresses the right of women: the convention on the Elimination of All Forms of Discrimination against women. Although the other United Nations human rights treaties explicitly embody equal protection for women, the monitoring of those treaties has tended to overlook female experiences and needs. Dorothy Thomas of Human Rights watch believes that those traditionally in a position to determine what constitutes a human rights abuse have tended to view women's issue as marginal, as private matters happening in the home. But "I think that altitude is changing", she says.

A new partnership is developing between the human rights organizations and women's rights activists. According to Ms. Thomas, the latter have long been trying to get the human rights community to pay attention to the fact that women are being subjected to torture and to cruel and inhuman punishment and discrimination.

If it conferred the saying women's rights are human rights in
relation to domestic violence, then there is need to see the conditions of women human rights under marriage contract negotiations. So far as the domestic violence is concerned that counts post marriage hazards. But in the entire global world nobody has a say when their is curtailment of women's human rights while go for marriage. In the marriage where parents impose their wishes to marry with their parents choice or in other words consent is lacking, their is no right to choice in the hands of women. Can we not say in this picture there is abuse to her human rights. Why parents under the flag of regards or conservative thought impose their wishes ? If we thought over there small issues keenly we will not phase cancer like problems after marriage. today there is need to protect women human rights not in the form of marital violence but as a preventive measure before marriage contract.

Centuries back Islam talks about human rights and now United Naitons have generated more intense and widespread support than for the compain to promote and protect equal rights of women. The Charter of the United Nations was the intenrational agreement to proclaim gender equality as a fundamental agreement to proclaim gender equality as a fundamental human rights. Over the year, the organisation has helped to create an historic legacy of internationally agreed strategies, standards, programmes and goals to advance the status of women's human rights worldwide. While progress has been achieved, as the following statistics indicate, much work retains to be done.6
3. **Status of Women and Human Rights**

- Women have not achieved equality with men in any country.
- Of the world's 1.3 billion people, it is estimated nearly 70% are women.
- Between 75 and 80% of the world's 27 million refugees are women and children.
- The fourth World Conference on Women, held in Beijing, China from 4-15 September, 1995, resulted in agreement by 189 delegations on a five year plan to enhance the social, economical and political empowerment of women, improve their health, advance their education and promote their reproductive rights.
- Over 100 countries have announced new initiative to further the advancement of women as a result of the Beijing Women's Conference.
- The 1979 UN convention on the Elimination of All Forms of Discrimination against Women, often described as a Bill of Rights for Women, has now been ratified by 154 countries.

4. **Women and Education**

- Of the world's nearly one billion illiterate adults, two-thirds are women.
- Two thirds of the 130 million children worldwide who are not in school are girls.
- During the past two decades the combined primary and secondary enrolment ratio for girls in developing countries increased from 38% to 78%.
5. Women and Violence:
- Each year an estimated two millions girls suffer the practice of female genital mutilation.
- Worldwide, 20 to 50% of women experience some degree of domestic violence during marriage.
- The primary victims of today's armed conflicts are civilian women and their children, not soldiers.
- The use of rape as a weapon of war has become more evident. In Rwanda from April 1994 to April 1995, estimates of the number of women and girls raped range from 15,700 to over 250,000.
- Rapes during recent conflicts in the former Yugoslavia and Rwanda are being investigated with a view to prosecution by International Tribunals established by the United Nations.

6. Women and Health:
- An estimated 20 million unsafe abortions are performed worldwide every year, resulting in the deaths of 70,000 women.
- Globally, 43% of all women and 51%, of pregnant women suffer from iron deficiency anemia.

7. Women and the Economy:
- The majority of women earn on average about three fourth of the pay of male for the same work, outside of the agricultural sector, in both developed and developing countries.
- In most countries, women work approximately twice the unpaid time men do.
- Women make up 31% of the official labour force in developing countries and 46.7% worldwide.
- Rural women produce more than 55% of all food grown in developing countries.
- The value of women's unpaid housework and community work is estimated at between 10-35% of GDP worldwide, amounting to $11 billion in 1993.
- By the year 2000, there will be as many women employees as men in many industrialized nations.

Former United Nations Secretary General Boutros Boutros Ghali says:

"Without progress in the situation of women, there can be no true social development. Human rights are not worthy of the name if they exclude the female half of humanity. The struggle for women's equality is part of the struggle for a better world for all human beings, and all societies".

8. United Nations Actions for Women:

United Nations actions for the advancement of women began with the signing of United Nations Charter. In its preamble, the members of the United Nations declared their 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...".

This happened 50 years ago, in October 1945, when the Charter entered into force and the United Nations was formally set up. Since then, the United Nation has been at the centre of a growing
global movement for women's right. By adopting international laws and treaties on women's right, the United Nations has helped to set a common standard for measuring how societies advance equality between men and women.

The Conventions, or international treaties, that the United Nations has adopted are legally binding for countries that recognize them. Among such treaties are:

- The convention on the Political Rights of Women (1952)
- The convention on the Nationality of Married Women (1957)
- The convention on Recovery Abroad of Maintenance (1956)
- The Convention on the Consent to Marriage (1962)
- The convention on the Elimination of all forms of Discrimination against women (1979)

The UN observed 1975 as International Women's Year and held the first World Conference on Women in Mexico City. Subsequently, two other UN conferences were held:

Copenhagen (1980) and Nairobi (1985). The fourth World Conference of Women will be held in Beijing (China) in September 1995. In Beijing the countries of the world will review the advancement of women in light of three guidelines. They will also adopt a platform for action, addressing the challenges and demands of the next century.

In December 1993, the United States adopted the Declaration on the Elimination of violence against Women, which defined what
constitutes violence against women and outlined actions Governments and communities violence against women and outlined actions Governments and communities should take to prevent such acts. Earlier, in June 1993, the World Conference on Human Rights in Vienna, Austria reaffirmed that Women's right are also human rights. One of the outcomes of the conference was the appointment of a special Rapporteur on violence against women. The Rapporteur, who seeks and receives information on violence against women, its causes and consequences, and recommends means and ways to eliminate them, reports to the United Nations Commission on Human Rights.

9. Islamic Approach About Human Rights:

Since God is the absolute and the sole master of men and the universe. He is the sovereign Lord, the Sustainer and Nourisher, the Merciful. Whose mercy enshrine all being; and since He has given each man human dignity and honour, and breathed into him of His own spirit, it follows that, united in Him and through Him, and apart from their other human attributes, men are substantially the same and no tangible and actual distinction can be made among them, on account of their accidental differences such as nationality, colour or race. Every human being is thereby related to all become one community of brotherhood in their honourable and pleasant servitude to the most compassionate Lord of the Universe. In such a heavenly atmosphere the Islamic confession of the oneness of God stands dominant and central, and necessarily entails the concept of the oneness of humanity and the brotherhood of mankind.
Although an Islamic state may be set up in any part of the earth, Islam does not seek to restrict human rights or privileges to the geographical limits of its own state. Islam has laid down some universal fundamental rights for humanity as a whole, which are to be observed and respected under all circumstances whether such a person is resident within the territory of the Islamic states or outside it, whether he is at peace or at war. The Quran very clearly states:

"O believers, be you securers of justice, witness for God. Let not detestation for a people move you not to be equitable; be equitable—that is nearer to God-fearing."  

Human blood is sacred in any case and can not be spilled without justification. And if anyone violates this sanctity of human blood by killing a soul without justification, the Quran equates it to the killing of entire mankind.

"Whose slays a soul not to retaliate for a soul slain, nor for corruption done in the land, should be as if he had slain mankind altogether."  

It is not permissible to oppress women, children, old people, the sick or the wounded. Women's honour and chastity are to be respected under all circumstance. The hungry person must be fed, the naked clothed and the wounded or diseased treated medically irrespective of whether they belong to the Islamic community or are from among its enemies.
When we speak of human rights in Islam we really mean that these rights have been granted by God; they have not been granted by any king or by any legislative assembly. The rights granted by the kings or the legislative assemblies, can also be withdrawn in the same manner in which they are conferred. The same is the case with the rights accepted and recognized by the dictators. They can confer them when they please and withdraw them when they wish; and they can openly violate them when they like. But since in Islam human rights have been conferred by God, no legislative assembly in the world or any government on earth has the rights or authority to make amendment or change in the rights conferred by God. No one has the rights to abrogate them or withdraw them. Nor they are basic human rights which are conferred on paper for the sake of show and exhibition and denied in actual life when the show is over. Nor are they like philosophical concepts which have no sanctions behind them.

The charter and the proclamations of the United Nations cannot be compared with the rights sanctioned by God; because the former are not applicable on anybody while the latter are applicable on every believer. They are a part and parcel of the Islamic faith. Every Muslim or administrator who claims himself to be Muslim, will have to accept, recognize and enforce them. If they fail to enforce them, and start denying the rights that have been guaranteed by God or make amendments and changes in them, or practically violate them while paying lip service to them, the verdict of the Holy Quran for such government is clear and unequivocal:
"Those who do not judge by what God has sent down are the disbelievers."¹⁰

10. Human Rights in an Islamic state

1. The Security of life and Property:

In the address which the Prophet (SAW) delivered on the occasion of the Farewell Hajj, he said: "Your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection." The Prophet has also said about the dhimmis (the non-Muslim citizens of the Muslim state): "One who kills a man under covenant (i.e., dhimmi) will not even smell the fragrance of paradise."

2. The protection of Honour:

The Holy Quran lays down:

"You who believe, do not let one (set of) people make fun of another set."
"Do not defame one another."
"Do not insult by using nicknames."
"Do not backbite or speak ill of one another."¹¹

3. Sanctity And Security Of Private Life:

The Quran has laid down the injunction:

"Do not spy on one another"¹²
"Do not enter any houses unless you are sure of their occupant's consent".¹³

4. The Security of Personal Freedom:

Islam has laid down the principle that no citizen can be imprisoned unless his guilt has been proven in an open court. To arrest a man only on the basis of suspicion and to throw him into a
prison without proper court proceedings and without providing him a reasonable opportunity to produce his defence is not permissible in Islam.

5. The Right to Protest Against Tyranny:

Among the rights that Islam has conferred on human beings is the right to protest against government's tyranny. Referring to it the Quran says:

"God does not love evil talk in public unless it is by someone who has been injured thereby."

In Islam, as has been argued earlier, all power and authority belong to God, and with man there is only delegated power which becomes a trust; everyone who becomes a recipient of such a power has to stand in awful reverence before his people toward whom and for whose sake he will be called upon to use these powers. This was acknowledged by Hazrat Abu Bakr who said in his very first address:

"Cooperate with me when I am right but correct me when I commit error; obey me so long as I follow the commandments of Allah and His Prophet (SAW); but turn away from me when I deviate."

6. Freedom of Expression:

Islam gives the right of freedom of thought and expression to all citizens of the Islamic state on the condition that it should be used for the propagation of virtue and truth and not for spreading evil and wickedness. The Islamic concept of freedom of expression is much superior to the concept prevalent in the West. Under no circumstances
would Islam allow evil and wickedness to be propagated. It also does not give anybody the right to use abusive or offensive language in the name of criticism. It was the practice of the Muslims to enquire from the Holy Prophet (SAW) whether on a certain matter a divine injunction had been revealed to him. If he said that he had received no divine injunction, the Muslims freely expressed their opinion on the matter.

7. Freedom of Association:

Islam has also given people the right to freedom of association and formation of parties or organizations. This right is also subject to certain general rules.

8. Freedom of Conscience And Conviction:

Islam has laid down the injunction:

"There should be no coercion in the matter of faith."

On the contrary, totalitarian societies totally deprive the individuals of their freedom. Indeed, this undue exaltation of the state authority curiously enough postulates a sort of servitude, of slavishness on the part of man. At one time slavery meant total control of man over man-now that type of slavery has been legally abolished but in its place totalitarian societies impose a similar sort of control over individuals.

9. Protection of Religious Sentiments:

Along with the freedom of conviction and freedom of conscience, Islam has given the right to the individual that his
religious sentiments will be given due respect and nothing will be said or done which may encroach upon his right.

10. Protecton from Arbitrary Imprisonment:

Islam also recognizes the right of the individual not to be arrested or imprisoned for the offenses of others. The Holy Quran has laid down this principle clearly

"No bearer of burdens shall be made to bear the burden of another."

11. The Right To Basic Necessities of Life:

Islam has recognized the right of the needy people for help and assistance to be provided to them:

"And in their wealth there is acknowledged right for the needy and the destitute."

12. Equality Before Law:

A woman belonging to a high and noble family was arrested in connection with theft. The case was brought to the Prophet (SAW), and it was recommended that she might be spared the punishment of theft. The Prophet replied: "The nations that lived before you were destroyed by God because they punished the common man for their offenses and let their dignitaries go unpunished for their crimes; I swear by Him Who holds my life in His hand that even if Fatima, the daughter of Muhammad, had committed this crime, I would have amputated her hand."
14. The Right to Participate in the Affairs of State:

"And their business is (conducted) through consultation among themselves."^18" 

The "Shura" or the legislative assembly has no other meaning except that the executive head of the government and the members of the assembly should be elected by free and independent choice of the people.

Lastly, it is to be made clear that Islam tries to achieve the above mentioned human rights and many others not only by providing certain legal safeguards but mainly by inviting mankind to transcend the lower level of animal life to be able to go beyond the mere ties fostered by the kinship of blood, racial superiority, linguistic arrogance, and economic privileges. It invites mankind to move on to a plane of existence where, by reason of his inner excellence, man can realize the ideal of the Brotherhood of man.

11. Western Approach and Islamic Approach: A Comparison

I. The Western Approach:

The people in the West have the habit of attributing every good thing to themselves and try to prove that it is because of them that the world got this blessing, otherwise the world was steeped in ignorance and completely unaware of all these benefits. Now let us look at the question of human rights. It is very loudly and vociferously claimed that the world got the concept of basic human rights from the Magna Carta of Britain; though the Magna Carta itself
came into existence six hundred years after the advent of Islam. But the truth of the matter is that until the seventeenth century no one even knew that the Magna Carta contained the principles of Trial by Jury; Habeas Corpus, and the Control of Parliament on the Right of Taxation. If the people who had drafted the Magna Carta were living today they would have been greatly surprised if they were told that their document also contained all these ideals and principles. They had no such intention, nor were they conscious of all these concepts which are now being attributed to them.19

As far as my knowledge goes the Westerners had no concept of human rights and civic rights before the seventeenth century. Even after the seventeenth century the philosophers and the thinkers on jurisprudence though presented these ideas, the practical proof and demonstration of these concepts can only be found at the end of the eighteenth century in the proclamations and constitutions of America and France. After this there appeared a reference to the basic human rights in the constitutions of different countries. But more often the rights which were given on paper were not actually given to the people in real life.

In the middle of the present century, the United Nations, which can now be more aptly and truly described as the Divided Nations, made a Universal Declaration of Human Rights, and passed a resolution against genocide and framed regulations to check it. But as you all know there is not a single resolution or regulation of the United Nations which can be enforced. They are just an expression of
a pious hope. They have no sanctions behind them, no force, physical or moral to enforce them. Despite all the high-sounding ambitious resolutions of the United Nations, human rights have been violated and trampled upon at different places, and the United Nations has been a helpless spectator. She is not in a position to exercise an effective check on the violation of human rights. Even the heinous crime of genocide is being perpetrated despite all proclamations of the United Nations. Right in the neighbouring country of Pakistan, genocide of the Muslims has been taking place for the last twenty eight years, but the United Nations does not have the power and strength to take any steps against India. No action has even been taken against any country guilty of this most serious and revolting crime.20

II The Islamic Approach:

The second point which researcher would like to clarify at the very outset is that when we speak of human rights in Islam we really mean that these rights have been granted by God; they have not been granted by any king or by any legislative assembly. The rights granted by the kings or the legislative assemblies, can also be withdrawn in the same manner in which they are conferred. The same is the case with the rights accepted and recognized by the dictators. They can confer them when they please and withdraw them when they wish; and they can openly violate them when they like. But since in Islam human rights have been conferred by God, no legislative assembly in the world, or any government on earth has the right or
authority to make any amendment or change in the rights conferred by God. No one has the right to abrogate them or withdraw them. Nor are they, the basic human rights which are conferred on paper for the sake of show and exhibition and denied in actual life when the show is over. Nor are they like philosophical concepts which have no sanctions behind them.

The charter and the proclamations and the resolutions of the United Nations cannot be compared with the rights sanctioned by God; because the former is not applicable to anybody while the latter is applicable to every believer. They are a part and parcel of the Islamic Faith. Every Muslim or administrators who claim themselves to be Muslims will have to accept, recognize and enforce them. If they fail to enforce them, and start denying the rights that have been guaranteed by God or make amendments and changes in them, or practically violate them while paying lip-service to them, the verdict of the Holy Quran for such governments is clear and unequivocal:

"Those who do not judge by what God has sent down are the disbelievers" (Kaffirun). 21

The following verse also proclaims: "They are the wrong-doers (zalimun)" while a third verse in the same chapter says: "They are the evil livers (fasiqun)" 23

In other words this means that if the temporal authorities regard their own words and decisions to be right and those given by God as wrong they are disbelievers. If on the other hand they regard God's commands as right but wittingly reject them and enforce their
own decisions against God's, then they are the mischief-makers and the wrong-doers. Fasiq, the law-breaker, is the one who disregards the bond of allegiance, and zalim is he who works against the truth. Thus all those temporal authorities who claim to be Muslims and yet violate the rights sanctioned by God belong to one of these two categories, either they are the disbelievers or are the wrong-doers and mischief-makers. The right which have been sanctioned by God are permanent, perpetual and eternal. They are not subject to any alterations or modifications, and there is no scope for any change or abrogation.

Contents of the Basic Human Rights as follows:


12. BASIC HUMAN RIGHTS IN ISLAM:

A description according to Allam Abu al-Ala Mawdudi, he has envisaged following basic human rights as enshrined in Quran:

The first thing that we find in Islam in this connection is that it lays down some rights for man as a human being. In other words it means that every man whether he belongs to this country or that, whether he is a believer or unbeliever, whether he lives in some forest or is found in some desert, whatever be the case, he has some basic human rights simply because he is a human being, which should be recognized by every Muslim. In fact it will be his duty to fulfil these
1. The Right to Life

The first and the foremost basic right is the right to live and respect human life. The Holy Quran lays down: "Whosoever kills a human being without (any reason like) man slaughter, or corruption on earth, it is as though he had killed all mankind ... "

As far as the question of taking life in retaliation for murder or the question of punishment for spreading corruption on this earth is concerned, it can be decided only by a proper and competent court of law. If there is any war with any nation or country, it can be decided only by a properly established government. In any case, no human being has any right by himself to take human life in retaliation or for causing mischief on this earth. Therefore it is incumbent on every human being that under no circumstances should he be guilty of taking a human life. If anyone has murdered a human being, it is as if he has slain the entire human race. These instructions have been repeated in the Holy Quran in another place saying:

"Do not kill a soul which Allah has made sacred except through the due process of law..."

Here also homicide has been distinguished from destruction of life carried out in pursuit of justice. Only a proper and competent court will be able to decide whether or not an individual has forfeited his right to life by disregarding the right to life and peace of other human beings. The Prophet (SAW), may God's blessings be on him, has declared homicide as the greatest sin only next to polytheism.
The Tradition of the Prophet (SAW) reads: "The greatest sins are to associate something with God and to kill human beings". In all these verses of the Quran and the Traditions of the Prophet (SAW) the word 'soul' (nafs) has been used in general terms without any distinction or particularization which might have lent itself to the elucidation that the persons belonging to one's nation, the citizens of one's country, the people of a particular race or religion should not be killed. The injunction applies to all human beings and the destruction of human life in itself has been prohibited.

'The Right to Life' has been given to man only by Islam. You will observe that the people who talk about human rights if they have ever mentioned them in their Constitutions or Declarations, then it is clearly implied in them that these rights are applicable only to their citizens or they have been framed for the white race alone. This can clearly be gleaned by the fact that human beings were hunted down like animals in Australia and the land was cleared of the aborigines for the white man. Similarly the aboriginal population of America was systematically destroyed and the Red Indians who somehow survived this genocide were confined to specified areas called Reservations. They also penetrated into Africa and hunted down human beings like wild animals. All these instances go to prove that they have no respect for human life as such and if they have, it is only on the basis of their nationality, colour or race. Contrary to this, Islam recognizes this right for all human beings. If a man belongs to a primitive or savage tribe, even then Islam regards him as a human being.
2. The Right to the Safety of Life

Immediately after the verse of the Holy Quran which has been mentioned in connection with the right to life, God has said: "And whoever saves a life it is as though he had saved the lives of all mankind." A man may be ill or wounded, irrespective of his nationality, race or colour. If you know that he is in need of your help, then it is your duty that you should arrange for his treatment for disease or wound. If he is dying of starvation, then it is your duty to feed him so that he can ward off death. If he is drowning or his life is at stake, then it is your duty to save him. You will be surprised to hear that the Talmud, the religious book of the Jews, contains a verse of similar nature, but records it in altogether different form. It says: "Whoever destroyed a life of the Israelite, in the eyes of the Scripture, it is as if he destroyed the whole world. And whoever protected and saved one life of the Israelite, in the light of the Scripture, it is as if he saved the whole world." Talmud also contains the view that if a non-Israelite is drowning and you tried to save him then you are a sinner. Can it be given a name other than racialism? We regard it as our duty to save every human life, because it is thus that we have been enjoined in the Holy Quran. On the other hand, if they regard it necessary to save the life of a human being at all, it should be the life of an Israelite. As far as other people are concerned, according to this view, they do not seem to be human enough to deserve protection of their persons. In their literature the concept of 'Goyim' for which the English word 'Gentile' and the Arabic word ummi (illiterate) is used, is that they enjoy no human rights; human
rights are reserved only for the children of Israel. The Quran has mentioned this belief of the Israelites and quotes the Jews saying: "There is no blame on us (for anything we may do) with regard to the unlettered folk (i.e. the ummi".  

3. Respect for the Chastity of Women

The third important thing that we find in the Charter of Human Rights granted by Islam is that a woman's chastity has to be respected and protected under all circumstances, whether she belongs to our own nation or to the nation of an enemy, whether we find her in the wild forest or in a conquered city; whether she is our co-religionist or belongs to some other religion or has no religion at all. A Muslim cannot outrage her under any circumstances. All promiscuous relationship has been forbidden to him, irrespective of the status or position of the woman, whether the woman is a willing or an unwilling partner to the act. The words of the Holy Quran in this respect are: "Do not approach (the bounds of) adultery". Heavy punishment has been prescribed for this crime, and the order has not been qualified by any conditions. Since the violation of chastity of a woman is forbidden in Islam, a Muslim who perpetrates this crime can not escape punishment whether he receives it in this world or in the Hereafter. This concept of sanctity of chastity and protection of women can be found nowhere else except in Islam. The armies of the Western powers need the daughters of their nation to satisfy their carnal appetites even in their own countries, and if they happen to occupy another country, the fate of its women folk can better be
imagined than described. But the history of the Muslims, apart from a few lapses of the individuals here or there, has been free from this crime against womanhood. It has never happened that after the conquest of a foreign country the Muslim army has gone about raping the women of the conquered people, or in their own country, the government has arranged to provide prostitutes for them. This is also a great blessing which the human race has received through Islam, and Islam will not curtail Women human rights in any form.  

4. The Right to a Basic Standard of Life

Speaking about the economic rights the Holy Quran enjoins upon its followers:

> And in their wealth there is acknowledged right for the needy and destitute.  

The words of this injunction show that it is a categorical and unqualified order. Furthermore this injunction was given in Makkah where there was no Muslim society in existence and where generally the Muslims had to come in contact with the population of the disbelievers. Therefore the clear meaning of this verse is that anyone who asks for help and anyone who is suffering from deprivation has a right in the property and wealth of the Muslims; irrespective of the fact whether he belongs to this nation or to that nation, to this country or to that country, to this race or to that race. If you are in a position to help and a needy person asks you for help or if you come to know that he is in need, then it is your duty to help him. God has established his right over you, which you have to honour as a Muslim.
5. Individual's Right to Freedom

Islam has clearly and categorically forbidden the primitive practice of capturing a free man, to make him a slave or to sell him into slavery. On this point the clear and unequivocal words of the Prophet (SAW) are as follows: "There are three categories of people against whom I shall myself be a plaintiff on the Day of Judgement. Of these three, one is he who enslaves a free man, then sells him and eats this money'. The words of this Tradition of the Prophet (SAW) are also general, they have not been qualified or made applicable to a particular nation, race, country or followers of a particular religion. The Europeans take great pride in claiming that they abolished slavery from the world, though they had the decency to do so only in the middle of the last century. Before this, these Western powers had been raiding Africa on a very large scale, capturing their free men, putting them in bondage and transporting them to their new colonies. The treatment which they have meted out to these unfortunate people has been worse than the treatment given to animals. The books written by the Western people themselves bear testimony to this fact.

6. The Right to Justice

This is a very important and valuable right which Islam has given to man as a human being. The Holy Qurah has laid down: "Do not let your hatred of a people incite you to aggression". "And do not let ill-will towards any folk incite you so that you swerve from dealing justly. Be just; that is nearest to heedfulness". Stressing this point the Quran again says: "You who believe stand steadfast before
God as witness for (truth and) fairplay. This makes the point clear that Muslims have to be just not only with ordinary human beings but even with their enemies. In other words, the justice to which Islam invites her followers is not limited only to the citizens of their own country, or the people of their own tribe, nation or race, or the Muslim community as a whole, but it is meant for all the human beings of the world. Muslim therefore, cannot be unjust to anyone. Their permanent habit and character should be such that no man should ever fear injustice at their hands, and they should treat every human being everywhere with justice and fairness.

7. Equality of Human Beings

Islam not only recognizes absolute equality between men irrespective of any distinction of colour, race or nationality, but makes it an important and significant principle, a reality. The Almighty God has laid down in the Holy Quran: "O mankind, we have created you from a male and female." In other words all human beings are brothers to one another. They all are the descendants from one father and one mother."And we set you up as nations and tribes so that you may be able to recognize each other." This means that the division of human beings into nations, races, groups and tribes is for the sake of distinction, so that people of one race or tribe may meet and be acquainted with the people belonging to another race or tribe and cooperate with one another. This division of the human race is neither meant for one nation to take pride in its superiority over others nor is it meant for one nation to treat another with contempt or disgrace,
or regard them as a mean and degraded race and usurp their rights. "Indeed, the noblest among you before God are the most heedful of you." In other words the superiority of one man over another is only on the basis of God-consciousness, purity of character and high morals, and not on the basis of colour, race, language or nationality, and even this superiority based on piety and pure conduct does not justify that such people should play lord or assume airs of superiority over other human beings. Assuming airs of superiority is in itself a reprehensible vice which no God-fearing and pious man can ever dream of perpetrating. Nor does the righteous have more privileged rights over others, because this runs counter to human equality, which has been laid down in the beginning of this verse as a general principle. From the moral point of view, goodness and virtue is in all cases better than vice and evil.

This has been exemplified by the Prophet (SAW) in one of his sayings thus: "No Arab has any superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab. Nor does a white man have any superiority over a black man, or the black man any superiority over the white man. You are all the children of Adam, and Adam was created from clay" (al-Bayhaqi and al-bazzaz). In this manner Islam established equality for the entire human race and struck at the very root of all distinctions based on colour, race, language or nationality. According to Islam, God has given man this of equality as a birth right. Therefore no man should be discriminated against on the ground of the colour of his skin, his place of birth, the race or the nation in which he was born.
13. The United Nations on the Rights of Women Declaration:  

Under the declaration United Nations emphasize the feeling of respect, equality, Kindness and humanity towards Mankind so there is need to know about the contents of this declaration as follows:

* Article 6 --

1. Without prejudice to the safeguarding of the unity and the harmony of the family, which remains the basic unit of any society, all appropriate measures, particularly legislative measures, shall be taken to ensure to women, married or unmarried, equal rights with men in the field of civil law...

2. All appropriate measures shall be taken to ensure the principle of equality of status of the husband and wife, and in particular:

   (a) Women shall have the same right as men as to free choice of a spouse and to enter into marriage rights with men during marriage and at its dissolution. In all cases the interest of the children shall be paramount.

   (b) Parents shall have equal rights and duties in matters relating to their children. In all cases the interest of the children shall be paramount.

3. Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.
Article 7 -- All provisions of penal codes which constitute discrimination against women shall be repealed.

Article 8 -- All appropriate measures, including legislation, shall be taken to combat all forms of traffic in women and exploitation of prostitution of women.

Article 9 -- All appropriate measures shall be taken to ensure to girls and women, married or unmarried, equal rights with men in education at all levels...

Article 10 --

1. All appropriate measures shall be taken to ensure to girls and women, married or unmarried, equal rights with men in the field of economic and social life...

2. In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work, measures shall be taken to prevent their dismissal in the event of marriage or maternity and to provide paid maternity leave, with the guarantee of returning to former employment, and to provide the necessary social services, including child-care facilities.

3. Measures taken to protect women in certain types of work, for reasons inherent in their physical nature, shall not be regarded as discriminatory.

Article 11 -

1. The principle of equality of rights of men and women demands implementation in all States in accordance with the
principles of the Charter of the United Nations and of the Universal Declaration of Human rights.

2. Governments, non-governmental organizations and individuals are urged, therefore, to do all in their power to promote the implementation of the principles contained in this Declaration.

So it can be easily inferred from the above declaration during marriage negotiations paramount considerations are women shall have rights as men as to free choice of a spouse, she should be major and have consent is essential. This decorum should be maintained in all the conditions.

14. Universal Islamic Declaration of Human Rights\textsuperscript{38}

Objective of this Declaration:

Islam gave to mankind an ideal code of human rights fourteen centuries ago. These rights aim at conferring honour and dignity on mankind and eliminating exploitation oppression and injustice.

Human rights in Islam are firmly rooted in the belief that God, and God alone, is the law giver and the Source of all human rights. Due to their Divine origin, no ruler, government, assembly or authority can curtail or violate in any way the human rights conferred by God, nor can they be surrendered.

Human rights in Islam are an integral part of the overall Islamic order and it is obligatory on all Muslim governments and organs of society to implement them in letter and in spirit within the
framework of that order.

It is unfortunate that human rights are being trampled upon with impunity in many countries of the world, including some Muslim countries. Such violations are a matter of serious concern and arousing the conscience of more and more people throughout the world.

This Declaration of Human Rights will give a powerful impetus to the Muslim peoples to stand firm and defend resolutely and courageously the rights conferred on them by God.

This Declaration of Human Rights is the second fundamental document proclaimed by the Islamic Council to mark the beginning of the 15th century of the Islamic era, the first being the Universal Islamic Declaration announced at the International Conference on The Prophet Muhammad (peace and blessings be upon him) and Message, held in London from 12 to 15 April 1980.

The Universal Islamic Declaration of Human Rights is based on the Qur'an and the Sunnah and has been compiled by eminent Muslim scholars, Jurists and representatives of Islamic movements and thought. May God reward them all for their efforts and guide us along the right path.

This is a declaration of mankind, a guidance and instruction to those who fear God.39

O men! Behold, we have created you all out of a male and a female, and have made you into nations and tribes, so that you
might come to know one another. Verily, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is all-know, all aware.  

Preamble enshrined as:

WHEREAS the age-old human aspiration for a just world order wherein people could live, develop and prosper in an environment free from fear, oppression, exploitation and deprivation, remains largely unfulfilled;...........

Whereas Allah (God) has given mankind through his revelations in the Holy Quran and the Sunnah of the Blessed Prophet Muhammad (SAW) an abiding legal and moral framework within which to establish and regulate human institution and relationships.

WHEREAS the human rights decreed by the Divine Law aim at conferring dignity and honour on mankind and are designed to eliminate oppression and injustice;"

Brief points under this Declaration:

Article I. Right to Life

a) Human life is sacred and inviolable and every effort shall be made to protect it. In particular no one shall be exposed to injury or death, except under the authority of the Law.

b) Just as in life, so also after death, the sanctity of a person's body shall be inviolable. It is the obligation of believers to see that a deceased person's body is handled with due solemnity.
Article XIX. Right to Found a Family and Related Matters

a) Every person is entitled to marry, to found a family and to bring up children in conformity with his religion, traditions and culture. Every spouse is entitled to such rights and privileges and carries such obligations as are stipulated by the Law.

b) Each of the partners in a marriage is entitled to respect and consideration from the other.

c) Every husband is obligated to maintain his wife and children according to his means.

d) Every child has the right to be maintained and properly brought up by its parents, it being forbidden that children are made to work at an early age or that any burden is put on them which would arrest or harm their natural development.

e) If parents are for some reason unable to discharge their obligations towards a child it becomes the responsibility of the community to fulfill these obligations at public expense.

f) Every person is entitled to material support, as well as care and protection, from his family during his childhood, old age or incapacity. Parents are entitled to material support as well as care and protection from their children.

g) Motherhood is entitled to special respect, care and assistance on the part of the family and the public organs of the community (Ummah).
h) Within the family, men and women are to share in their obligations and responsibilities according to their sex, their natural endowments, talents and inclinations, bearing in mind their common responsibilities toward their progeny and their relatives.

i) No person may be married against his or her will, or lose or suffer diminution of legal personality on account of marriage.

**Article XX. Rights of Married Women**

Every married woman is entitled to:

a) live in the house in which her husband lives;

b) receive the means necessary for maintaining a standard of living which is not inferior to that of her spouse, and, in the event of divorce, receive during the statutory period of waiting (iddah) means of maintenance commensurate with her husband's resources, for herself as well as for the children she nurses or keeps, irrespective of her own financial status, earnings, or property that she may hold in her own rights;

c) seek and obtain dissolution of marriage (Khul'a) in accordance with the terms of the Law. This right is in addition to her right to seek divorce through the courts.

d) inherit from her husband, her parents, her children and other relatives according to the Law;

e) strict confidentiality from her spouse, or ex-spouse if divorced, with regard to any information that he may have obtained about her, the disclosure of which could prove detrimental to her
interests. A similar responsibility rests upon her in respect of her spouse or ex-spouse.

**Article XXI. Right to Education**

a) Every person is entitled to receive education in accordance with his natural capabilities.

b) Every person is entitled to a free choice of profession and career and to the opportunity for the full development of his natural endowments.

**Article XXII. Right of Privacy**

Every person is entitled to the protection of his privacy.

**Article XXIII. Right to Freedom of Movement and Residence**

a) In view of the fact that the World of Islam is veritably *Ummah Islamia*, every Muslim shall have the right to freely move in and out of any Muslim country.

b) No one shall be forced to leave the country of his residence, or be arbitrarily deported there from without recourse to due process of Law.

**Conclusion**

After detailed study about Human Rights impact on family laws it is crystal cleared that Islam is the first religion which provides human rights to mankind. Than Universal Declaration of Human Rights and Universal Islamic Declaration of Women Rights further elaborated the human rights jurisprudence.
Although women constitute a majority of the world population, there is still no society except Islamic society in which women enjoyed full equality and freedom with men.

The international women's human rights movement functioned as the antidote to government complacency and lack of commitment. In every arena, women's human rights activists challenged government's cursory commitment to women's human rights. In an ongoing campaign by women's human rights activists, the particular insecurity of women into marriage contract, during marriage and after marriage as well as 14 times of armed conflict. These activists explored the intersection between race, ethnicity, or religion and gender and the impact of this intersection on women's ability to enjoy human rights and fundamental freedoms. Women often experienced violation of their rights based on their race as well as on their sex. In most of the countries, violated women's right to enter into marriage contract with their free and full consent as well as their right to dissolve a marriage. Even judgement related to women's issue is not always in consonance with their welfare.

Human Rights NGOs in Muslim countries are struggling valiantly to advance the cause of human rights, and they should be able to make more progress, since human rights law addresses precisely the kinds of repression, abuses, deprivations and discrimination from which people in Muslim countries sufferings due to phoneticism. Now people will realise soon that human rights are not merely the tools of hegemonic agendas of the government.
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