CHAPTER II

Islamic Perspective of Human Rights
The Islamic Perspective of Human Rights

The critics of Islam have unfortunately neglected the role and concept of human rights in Islam and its practical application to human beings. History bears the witness to the fact that Islam as a divine and universal religion contributed a lot to the development of the concept of human rights and fundamental freedom. Thus human right is not a new concept or idea formulated in 1948 or derived form Magna Carta, but is as old as Islam itself. In this connection the Qur'an and Sunnah made repeated references to rights of different sections of people of society. These rights are not for the Muslims alone but extended to the entire humanity as well. Thus Islam has granted a full fledged "bill of rights" to human beings at large without any discrimination. Further more, the human rights as envisaged in Islam denote the rights, which have been granted by Allah, not by any king or any legislative assembly. The rights granted by the kings or legislative assemblies, can be withdrawn in the same manner in which they are conferred. Same is the case with the rights accepted and recognized by the dictators. They confer them when they please and withdraw them when they wish; even the violation of such rights depends on their free will. On the other hand, in Islam, human rights have been conferred by Allah, and no legislative assembly in the world or any government on the earth has the right or authority to make any amendment or change in the rights conferred by Allah. 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. In short, human rights in Islam are inseparable part of the Islamic belief and the general look to the relations between man and his Lord, man and himself, man and other people, and man the Universe. In fact, holy Qur'an has given much emphasis on human rights. Almost hundred verse of the Qur'anic text exhort both believers and general human beings to employ Qur'nic injunctions with regard to human rights in their day to day affairs. According to the Qu'ranic verse, "Those who do not judge by what Allah has sent down are the disbelievers (Kafriun)."

The Sources of Human Rights in Islam:

The sources of Human Rights in Islam are composed of four primary sources.

1. Since the Qur’an is the primary and first source of Shariah and Human Rights, it ordains general provisions which are immutable and invar. Thus is permanent and sacred Constitution that is not subject to alternation and suspension. The provision of Holy Qur’an should be the base for any judgment and reasoning, whatever the basis is.

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4 Al-Qur’an, Al-Maida: 44
5 About Holy Qur’an S.P.Scott in his book History of the Moorish Empire in Europe observes, that the Qur’an commands relief of the oppressed, protection of the defenseless, mercy to the orphans and kindness to animals. It enjoins the strict performance of agreement, even though entered into with members of a hostile creed, in humiliating contrast with the policy of Catholic Rome, whose children were
II. The second source of Islamic teachings and Human Rights is the Prophet Muhammad’s Sunnah. Sunnah means the verbal, practical, implicit judgment, and approvals of the Prophet as interpretation of Holy Qur’an. Sunnah is the valid source of Islamic legislation after Holy Qur’an.

III. Ijma is a third source of Islamic law, and Human Rights, consensus can be defined as the unanimous opinion or judgment by the Islamic Scholars at a given time based on the Injunctions and rules of the Qur’an and Sunnah and their detailed implementations.

IV. Reasoning: is the fourth source of Islamic law and Human Rights. Reasoning or analogy (Qiyas) or opinion is the individual judgment proclaimed by Muslim Scholars at different places and times, and must be derived from the general objectives of Qur’an and Sunnah, as well as Consensus including the detailed details provide there in.

The rights which Islam provides to human beings are as under.

Human Rights Conferred by Islam

i) Right to Life:

Right to life is the most important and sacred human right. Therefore Islam has taken the responsibility to protect it. The perpetual absolved form the observance of contracts concluded with infidels. It pronounces awful penalties against the murderer. In its pages the proud deference that usually attaches to aristocratic birth and distinguished stationis ignored. Titled insolence is not permitted to assert superiority over the unpretentious worshipper, and the monarch and the beggar meet as brethren before throne of Almighty Allah". Cf. Prof. Masud ul Hassan, History of Islam Part I, Delhi, 1998, p 607.

6 The word Ijma is derived from Jam’a which means collecting or gathering together and Ijma carries the double significance of composing and settling a thing which has been unsettled and hence determing and resolving upon an affair, and also agreeing or uniting in opinion. In the terminology of the Muslim Jurists. Ijma means a consensus of opinion of the Companions of the Prophet only, while some maintain that it is an agreement of the Muslim jurists of a particular age on a point of law. Prof. Manzoor Ahmad, Survey of Muslim Institutions and culture, Delhi, 1998, p. 34.
human blood is impermissible, and no body dares shed it. Life is venerated and guarded that no one is allowed to neither cut it short nor threaten it. Qur'an says, "...that if anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land - it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind...."7

"Any one who kills a believer deliberately will receive as his reward (a sentence) to live in Hell for ever. God will be angry with him and curse him, and prepare dreadful torment for him."8 However, taking retaliation for murder or any other offences can only be decided by a competent court of law. Qur'an says, "...and kill not anyone whom Allah has forbidden, except for a just cause (according to Islamic law). This He has commanded you that you may understand."9

Thus in any case, the destruction of human life has been regarded as a great sin. And is considered endangering to the all mankind. 

The Prophet declared "homicide only next to the polytheism", "the greatest sins are to associate some thing with God (Allah) and to kill human beings."10 Prophet emphasized the sacredness of the right of life, "Your blood and property are the holy and sacred, the same way as this day of yours, in this month of yours, and in this town of yours..."11 Islam gives the right to life

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7 Al-Qur'an, Al-Maida : 32.
8 Al-Quran, An-Nisa : 93.
9 Al-Quran, Al-Anaam : 151.
even to the child in the womb of its mother, that is, "if a person ends the continuity of baby’s life by inflicting such a damage on its mother that the baby’s conception is aborted in either of the three forms, (sperm, embryo, and fetus), he has to pay a specific blood money and compensation as per the Islamic regulations, as the baby has died. This blood money will be paid to its parents; if one of its parents causes the miscarriage, the blood money is received by the other."\(^{12}\) Qur’an says “And kill not your children for fear of poverty. We provide for them and for you. Surely, the killing of them is a great sin”\(^{13}\).

At the time of the emergence of Islam in seventh century, female infants were killed by parents themselves, and the same history is being repeated today with scientific tools and techniques. Today, the laws like pre-natal diagnostic technique (P.N.D.T Act) are being enacted to stop, such in-human practice. However, Islam has imposed a total ban on such barbarous practices and laid down that female child had the right to live and grow in the same way as the male infants. Qur’a’n Says, “And when the female (infant) buried

\(^{12}\) If the father dies while the sperm is in the mother’s womb and if father has other children who are the sisters and brothers of that baby and these sister and brother claims their inheritance of father’s legacy, the verdict of Islam steps forth to defend human rights and proclaims: either the brother and sisters should wait till the baby is born and its share is determined on the basis of whether it is male or female, and whether it is a single baby or twins, or to be on a safer side, protecting the rights of the oppressed, they should assume this sperm of unknown identity as two son’s. They should set a side these two one’s shares and divide the balance among themselves.Hujjatu-ul-Islam Muhammad Taqi Misbah Yezdi, The origin of Rights, Book Human Rights in Islam, presented 5th Islamic Conference Tehran 29-31 Jan., 1987, edited by Sayyid Khadim Husayn Naqavi, Islamic Propagation Organization, 1989, p.178.

\(^{13}\) Al-Qura’an, Al- Israa’ 31.
alive (as the pagan Arabs used to do) shall be Questioned, For what sin she was killed”

As such, these commandments of the Quran and the Prophet, read together, accorded full protection to human life, neither an individual would be allowed to take away the life of another individual, nor shall the state destroy any human life except in either case, when the law so requires or permits, all forms of manslaughter, homicide, infanticide, etc, are therefore, regarded in Islam as heinous crime.”

ii) The Right to Equality:

Islam is the religion of justice and equality and as such gives its citizens the right to absolute and complete equality in front of the justice. The superiority of one man over another is only on the basis of God-Consciousness, purity of character and high morals, and not colour, race, language or nationality. Quran says, “O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honorable of you with Allah is that (believer) who has piety (At-Taqua). Verily, Allah is All-Knowing, All-Aware.”

People are therefore not justified in assuming airs of superiority over other human beings. Nor do the righteous have any special

14 Al-Quran, Al-Takwir: 8-9: Prophet (saw) is reported to have said, “One who has two daughters, and no son, and spends his life in their proper upbringing and education, will be close to me in the Heaven.”
privileges over others." Therefore, Islam regards all human beings to be equal and descendants of common ancestors. The Prophet Muhammad ﷺ has declared in his speech on *Hujat-ul-Wida* (Farewell Hajj), "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 any superiority over a black man, or the black man has any superiority on the white man, you are all children of Adam and Adam was created from clay."¹⁸

The right to equality is a practical reality, and represents the spirit of Islamic law as is evident from, some historical incidents. During the Caliphate of Hazrat Umar (R.A), the son of Egyptian governor Amr -Ibn- Aas, hit an Egyptian during a horse race. He traveled to Madinah to complaint to the Caliph. Umar (R.A) ordered Amr and his son to come to Madinah. They all stood in front of the Caliph, who commanded the Egyptian to hit Amr's son until he was satisfied. Then he commanded him to hit the balaness of Amr himself, the governor of Egypt, because his position encouraged his son to hit the Egyptian, Umar uttered his great saying: "How do you enslave free born people."¹⁹

The history of Islam is full of such example, and this fact was admired by the non-Muslims as well."²⁰ The history bears

¹⁸ Al-hadith, *Muslim Sharief, Kitab-ul-Hajj*.
²⁰ Malcomy, the leader of African Negroes in America, once launched a bitter struggle against the white people of America in order to win civil rights for his black compatriots. But when he went to perform the *Haj*, he after seeing Muslims from around the globe chanting with one voice, wearing similar clothes with out any discrimination realized that this was the solution to the problem of colour and race, and not what he had been trying to seek or achieve in America. Today, a number of non-
testimony to the fact that Islam transcended the men of low ranks
to the most honorable and enviable position. The Arab's had no
regard for the people of Habasah (Ethiopia) but Bilal (R.A) was
appointed to the dignified position of Muzzin.21 By this spirit of
general equality, Islam could invade the hearts before the minds,
and people began to embrace Islam in groups. In Islam they saw
their ideal and dream realized practically and materially infront of
their eyes.22 Islam not only recognizes right of equality among men
but also between men and women, Qur'an in this context says,
"And from women, are rights over men similar to those for men
over women." Therefore, Islam has given man this right of equality
as a birth right, irrespective of colour, creed, caste, sex or birth.

iii) Right to Freedom:

Islam being a complete code of conduct honours the right of
freedom as a human demand. At the same time, "It had put
boundaries around human activities. The boundary which forbids
an individual from committing any wrong is called 'Hadd', and this
is synonymous with law (Hukm). It restrains believers from doing
certain things and gives permission to perform certain acts, so that
social life becomes beneficial both for the individual and the
society. Since the Qur'an has emphasized that life of man consists of
soul and body, both need nurture and protection and both should

Muslim thinkers's openly admit that no other religion has solved this problem with the
same degree of success as Islam did. Cited from Nayyar Shamsi, Human Rights and
Islam, p.190.
21 The slaves were treated like beast and had no respect. The Prophet (peace and
blessings be upon him) appointed his slave named Zaid-bin-Harith (Allah be pleased
with him) as commander-in-chief of the army in the Battle of Mu'ta. A.R.Shad, The
6-7.
be regulated, so that they work in harmony on the ‘straight path’.23 Thus Islam grants freedom to every person to live properly and decently without any hindrance, and lays great emphasis upon the veneration of human life. 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 are as follows. “There are three categories of people against whom I shall myself be a plaintiff on the Day of Judgment. Of these three, one is he who enslaves a free man, then sells him and eats this money.”24

The hadith is not confined to a particular nation, race, country or followers of a particular religion.25 This fact is also evident from the Qur'anic verses and glorious history of Islam that Islam did not come with slavery, it came with freedom. It has encouraged releasing slaves and promised great reward for that it has made easy the ways of emancipation. For many sins and mistakes, the atonement is releasing a slave”.26 The Qur'an says, “It is not for a believer to kill a believer except (that it be) by mistake, and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood money) be given to the deceased's family, ... And Allah is ever All-Knowing, All-Wise.” 27 And again Qur'an says, "As-Sadaqāt (here it means Zakāt) are only for the Fuqara (poor), and Al-Masākin (the poor) and those employed to collect (the funds); and for to attract the hearts of

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those who have been inclined (towards Islam); and to free the captives; and for those in debt; and for Allah’s Cause (i.e. for Mujāhidūn - those fighting in the holy wars), and for the wayfarer (a traveler who is cut off from everything); a duty imposed by Allah. And Allāh is All-Knower, All-Wise.”

On one of the occasions the “Messenger of Allah” while discouraging slavery, urges the believers to free slaves saying , “He who emancipates a Muslim slave, fro every organ of his, Allah will emancipate from Hell fire, an organ of the emancipators.” Hazrat Ali (R.A) frequently emphasized that God (Allah) created man as a free being with sound senses and reason, and led him with His grace to the right path, but it was man who chained himself with false desires and misguided ambitions.”

Therefore, Islam does not only recognize freedom of inner conviction, it allows freedom of expression too. Islam leaves room for the utterance of different points of view. As the idea of freedom is not compatible with injuring others by spoken or written word, not every expression is to be approved for. It is important to

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28 Al-Qur’an, Al-Tuba : 60.
30 Dr. Syed Waheed Akhter, “Freedom in the Islamic framework of Human Rights with special references to Nahj-al-Balaghah”, Papers presented at 5th Islamic Thought conferences Tehran 29th-31st January, 1987, in Sayyid Khadim Hussayn Naqvi, (Ed.), Human Rights in Islam, Islamic Propagation Organization, Tehran, 1989, p.381. The problem of slavery was thus solved by Islam in short span of time. However the only form of slavery left in Islamic society was the prisoner’s of war. The treatment towards the prisoner’s of war is most humane and proper then existing in any religion or society. These prisoner’s of war were retained by the Muslim government until their government agreed to receive them back in exchange for Muslim soldier’s captured by them, or arranged the payment of ransom on their behalf. If the soldier’s they captured were not exchanged with Muslim prisoner’s of war, or their people did not pay their ransom money to purchase their liberty, then the Muslim government used to distribute them among the soldier’s of the army which had captured them. A.A.Mawdudi, Human Rights in Islam, p.27.
establish a climate in which these rights can be exercised without fear.31

iv) **Right to Expression:**

Right to expression has been given an important place in the teachings of Islam. No man can be forbidden from expressing himself unless it is harmful or against the injection of the Islam or it causes corruption to the social or ideological welfare. Thus, Islam gives right of freedom of thought and expression to all human beings. This freedom of expression is not only granted when there is some tyranny against them. But the citizens of the Islamic state are free to have different opinions and express themselves regarding various issues. This freedom of opinion must, however, be used for propagation of virtue and truth and not for spreading evil or wickedness.32 The main purpose behind the right to speech has been defined by Almighty Allah in the Qur'an as follows. “If we give authority to these men on earth they will keep up prayers, and offer welfare due, bid what is proper and forbid what is improper.”33 And again Qur'an says, “You are the best community which has been brought forth for mankind. You command what is proper and forbid what is improper and you believe in Allah.”34

Islam never imposes any restriction whatsoever on its followers freedom of speech and expression, except, of course, to keep them

away from blasphemy and spreading ill-will. The Prophet himself patiently listened to all that was talked about in his court both formally and informally. So did the succeeding Caliphs. Never did the Prophet impose his personal views in worldly matters on his followers, either individually or collectively. He allowed all of them to differ from him. Unequivocally he declared, “I am a human being so, when I advise you in respect of any worldly matters don’t forget that I am a human being.”

In addition to this, man’s right to protest against tyranny and injustice is given by Islam to all human beings. Be it the state, the ruler, or an individual howsoever highly placed who is guilty of such tyranny or injustice. One who protests against a tyrant is the greatest crusader”, said the Prophet of Islam.” There are scores of instances which signify the freedom of thought and expression that prevailed in the ideal Islamic society under the leadership of the Prophet. This atmosphere of free expression of opinion without any fear continued after the demise of Prophet as well. The Prophet warned, “The people who endorse the wrong doings of the rulers after me are not my followers”. Caliph Umar (R.A) and Abu Bakar (R.A) invited people to criticism in their speeches everywhere and the people criticized them without hesitation.

The right of expression is not theoretical in Islam; it has practical application, as any other right. The freedom of expression in Islam

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37 Al-hadith, Muslim Sharief, Kitab-ul-Hajj
gained great momentum, that personal opinion (Ijtihad) became one of the important sources of the Islamic Jurisprudence.

V) **Right to Religion or Consciousness:**

Islam recognizes and ensures right to freedom of consciousness and conviction to all human beings. Muslims can invite non-Muslims to Islam but they can’t compel them to embrace Islam and can’t enforce their faith on them. *Qur’an* says, “There is no compulsion in religion. Verily, the Right Path has become distinct from the wrong path. Whoever disbelieves in *Ta’aghūt* and believes in *Allāh*, then he has grasped the most trustworthy handhold that will never break. And *Allāh* is All-Hearer, All-Knower.” And again *Quran* says, “Say (O Muhammad ﷺ to these Mushrikūn and Kāfirūn): O Al-Kāfirūn disbelievers in *Allāh*, in His Oneness, to you be your religion, and to me my religion (Islamic Monotheism).”

No force will be applied in order to compel them to accept Islam. Whoever accepts it he does so by his own choice. Muslim ought to welcome such a convert to Islam with open arms and admit him to their community with equal rights and privileges. However, if some one doesn’t accept Islam, Muslims will have to recognize and respect his decision, and no moral, social or political pressure will be put on him to change his mind. Islam also forbids using of abusive language against the deities and other religions. *Qur’an* says, “Do not abuse those they appeal to instead of *God.”

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39 *Al-Quran, Al-Baqara:* 256.
40 *Al-Qur'an, Al-Kafirun:* 109.
42 *Al-Qur'an, Al-Inam:* 108.
Moreover, no Islamic government can ban propagation of any other religion on its territory. The followers of other religions are also entitled to construct their places of worship and Muslims cannot interfere with them.\(^43\) Islam does not prohibit people holding debate and discussions to be conducted in decency. "Do not argue with the people unless it is in the politest manner,"\(^44\) says the Qur'an.

This order is not limited to the people of the scriptures, but applies with equal force those following other faiths.\(^45\) "Regarding religious rights of non-Muslims, Islam is very liberal and extends to them full freedom to observe their respective religions. It ensures all types of social rights to non-Muslims. Non-Muslims enjoy full security of their lives and properties, and enjoy full rights of educational facilities and political rights.\(^46\) Although, Islamic state is an ideological state. It classifies its citizens in the light of their adherence to the ideology of the state. The people are divided into two groups: that is Muslims (who believe in the ideology of the state) and non-Muslims (who do not believe in the ideology).\(^47\) As such, along with the freedom of religion and freedom of


\(^{44}\) Al-Qur'an, Al-Anqabui: 46.


\(^{47}\) Since Islamic state is an ideological state; therefore, it is to be run primarily by those who believe in its ideology. The services of non-Muslims living with territory can be utilized for this purpose. But only to the extent that they do not influence the policies of the state. Islam declares that non-Muslims living with in the territory of an Islamic state can not hold the posts of the state where from they can influence the ideological structure of the state. Their specific rights are mentioned in the Qur'an and Hadith and an Islamic state is bound to confer all these rights on them. The state can not affect even the slightest curtailment of these rights. S.Showkat Hussain, *Islam and Human Rights*, p.54.
consciousness Islam has given full protection to the non-Muslim citizens in an Islamic state.

VI) Right to Justice:

Justice being the moral equipment has been given important place in Islamic law. This is very important and valuable right which Islam has given to man as a human being. The Qur'an has laid down: "Do not let your hatred if a people incite you to aggression,"48 "O ye who believe. Be steadfast witness for Allah in equality, and let not enmity of any people seduce you that ye deal not justify. Deal justly that is nearer to your duty. Observe your duty to Allah..."49 Stressing this point the Qur'an again says, "you who believe stand steadfast before Allah as witness for (truth and) fair play," 50

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, it is meant for all human beings of the world. Muslims, therefore, can not be unjust to anyone.51 Qur'an says, "O you who believe! Stand out firmly for justice, as witnesses to Allâh; even though it be against yourselves, or your parents, or your kin, be he rich or poor, Allâh is a Better Protector to both (than you). So follow not the lusts (of your hearts), lest you may avoid justice, and if you distort your

48 Al-Qur'an, Al-Maidah: 03.
49 Al-Qur'an, Al-Maidah: 08.
50 Al-Qur'an, An-Nisa' 133.
51 A. A. Mawdudi, The Islamic Law and Constitution, p.29.
witness or refuse to give it, verily, Allah is Ever Well Acquainted with what you do."\(^{52}\)

In an Islamic set up the lawyers are to be paid by the government and their work was only to give free legal opinion to the people. This institution was known as *ifta*. Only competent *Muftis* were entitled to give legal opinions.\(^{53}\) Under the Islamic system of judicial procedure, there are no 'secret trials' or proceedings in camera. All trials have to be in the open court, the accused is to be given hearing and chance of defense and no punishment or award can be given except on the basis of the proven facts. *Qur'an* describes, "And when ye judge between persons judge with justice."\(^{54}\) It is for the purpose of protecting the right to justice and fair trial to the widest possible extent.

**VII) Right to Property:**

Islam with equal intelligibility and definiteness conferred the right of security of ownership of property. As *Qur'an* clear it as, "O ye who believe! Eat not up your property among yourselves in vanities."\(^{55}\) Almighty Allah in the *Qur'an* clearly declares that the taking of people possession or property is completely prohibited unless they are acquired by lawful means as permitted in the laws of God (Allah). The law of God (Allah) categorically declares,

\(^{52}\) Al-Qur'\(\text{a}^n, \text{An-}\text{Nisa}: \text{135}.
\(^{53}\) This Institution of *IFTA* has no parallel in any judicial system of the world. This system continued in the Muslim society even after the pious Caliphate and prevailed even in the sub-continent just before the advent of English rule. S. Showkat, *Hussain, Human Right in Islam*, p. 66.
\(^{54}\) Al-Qur'\(\text{a}^n, \text{An-}\text{Nisa}: \text{29}.
\(^{55}\) Al-Qur'\(\text{a}^n, \text{An-}\text{Nisa}: \text{29}.
"Don't devour one another's wealth by false and illegal means." Islam has thus contended with this critical, social and economic problem. This is also evident from the Islamic rule as well. The specific guideline laid down by the Qur’an about the accusation and the use of property. During the Caliphate of Hazrat Umar (RA), once a Syrian cultivator complained that the army had trampled down his crops. Hazrat Umar ordered the payment of ten thousand dirham to him as compensation out of the public treasury. A famous Hanafiite jurist declares, "Government can not acquire the property of its subjects unlawfully."

When the central mosque of Kufa was constructed during the Caliphate of Hazrat Umar (RA), using the remains of some old forts which happened to be situated on the land of the Zimnis the amount of compensation to be paid by the state was adjusted in the account of their jazya. Islam determines the lawful ways for appropriation of property and how to develop it. It doesn't recognize or protect whatever property that has been a product of illegal means, such as the growth that yielded from usury, sale of alcoholic drinks, narcotics and gambling. Islam also makes it mandatory on private property that a certain part must be given to the needy, such as Zakat and other charities. In addition Islam does not allow individuals to make a will that exceeds one third of the total property in order to safeguard the rights of the heirs.

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56 Al-Qur’an, Al-Hood: 188.
57 S. Showkat Hussain, Islam and Human Rights, p. 44.
59 Moin-ud-din Nadvi, Deen-e-Rahmat, p. 249.
VIII) **Right to Privacy:**

Among other rights Islam also recognizes the right of privacy of every human being. This basic human right was protected by Islam with great deal. The Holy Qur'an audiences, "O you who believe! Enter not houses other than your own, until you have asked permission and greeted those in them, that is better for you, in order that you may remember. And if you find no one therein, still, enter not until permission has been given. And if you are asked to go back, go back, for it is purer for you, and Allah is All-Knower of what you do." Further Allah says in the Holy Qur'an, "And spy no each other."

The Prophet went to the extent of saying, "That a man peeping unlawfully into another person's house could be lawfully rendered blind. Also he specifically asked his people not to poke their nose into others personal affairs, not to bug confidential conversations between others, and not to glance through what was being written for or by others." In another hadith, the Prophet prohibited people from reading letters of the others, and warned that even if a man casts sidelong glances in order to see a letter of another person his conduct become reprehensible." Prophet once said, "If anyone of you asked permission three times and not permitted, let him go back." As such, Islam infact, tries to achieve every human right not only by providing certain

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62 Al-Qur'an, Al-Hujurat: 12.
63 Tahir Mahmood, (Ed.), Human Rights in Islam, p. 44.
legal safeguards, but also mainly by inviting mankind to espouse highest level of decency.

IX) Right to Education:

No other religion or system other than Islam has given so immense importance to education which is evident that the first verse revealed on the Prophet ﷺ was called for knowledge and praised the means of knowledge. The Holy Qur’an says, “Read! In the Name of your Lord, Who has created (all that exists)... Has taught man that which he knew not.”66 The essence of seeking knowledge in Islam came to save humanity from the darkness of deviation to the light of truth and guidance, and from the blindness of ignorance to the light of knowledge.67 Qur’an Says, “…And say, O My Lord! Increase me in knowledge”68 Again Quran says, “…Say: Are those who know equal to those who know not? It is only men of understanding who will remember (i.e. get a lesson from Allah’s Signs and Verses).”69 Education being the basic necessity of life, Prophet ﷺ says, “Of all that the father can give to his children the best is their good education and training.”70 Prophet ﷺ asked some prisoners of war, after the battle of Badr, to redeem themselves by teaching some Muslim children how to read and write.”71 In another hadith, the Prophet ﷺ said...
emphasized that, "Seeking knowledge is a sacred duty; it is obligatory on every Muslim, male and female."^72

Thus, Islam, by making obligatory on every person to seek education, surpassed the recommendatory nature of this right as prescribed in the International Covenant and the UN Declaration of Human Rights. The Islamic state can enforce this obligation mentioned in the hadith reported above through its administrative machinery. Even non-Muslim citizens of an Islamic state will have the right to make arrangements for imparting knowledge of their own religions to their children in their own schools.^73

X) Right to Protection of Honour:

The Holy Qur'an clearly with regard to ones honour and prestige says, "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. And do not backbite or speak ill of one another."^74 By this Qu'ranic Injunction, it is quite obvious that the practice of insulting each other, defamation, backbiting, libel, and sarcasm, all have been prohibited in Islam. The Prophet of Islam^75 on many occasions declares that, "speaking ill (ghibat), of a person in his absence, was (haram), prohibited. He further said, "What you say is 'ghibat' only if it is true (and ghibat is haram), if it is false, it is

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^72 C.F. Kavther Al-Minwai, Human Rights in Islam, p.52. The book of knowledge, witnessed "Until there will remain no more scholars, so people will adopt ignorant leaders who will be asked so they will offer farwas (verdicts and opinions) without (true) knowledge. Consequently, these leaders will go astray themselves and lead others astray as well." Nehjul Balaja, beautifully portrayed the significance of knowledge as Hazrat Ali (RA) said, "The beautiful dress does not reflect beauty, the beauty is, the beauty of knowledge and morals."


^74 Al-Qur'an, Al-Hujurat: 11-12.
slander, a worse crime." So not only slandering was prohibited by Islam. It is also prohibited mud-slugging by saying that even if someone does have a weakness others have no business to talk about it in his absence. Qur'an says, "Verily, We created man of the best stature (mould).""76

XI) Right to Protest Against Tyranny:

Islam also recognized the right to protest against tyranny. Regarding this right Qur'an says, "God does not like evil talk in public unless it is someone who has been injured thereby."77 On the other hand the Prophet referred to protest against a tyrant ruler to be the best form of Jihad (Holy War). Prophet says, "Whosoever see's evil with his eyes should stop it with his hands, if this is not possible then with the word of mouth, and if ever this is not possible (at least) hate it heartily; and this is the weakest state of faith."79

It is evident, from these holy verses and sayings of prophet mentioned above that, if an individual or a group of people or a party usurps power and after assuming the reins of authority begins to tyrannize individuals or groups of men or the entire population of the country then to raise the voice of protest against it openly is the God-given right of men and no one has the authority to usurp or deny the right.80

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75 Tahir Mahmood, (Ed.), Human Rights in Islam, p. 43.
76 Al-Qur'an, At-Tin : 04.
79 C.F. A.A.Mawdudi, Human Rights in Islam, P.42.
XII) **Right to Freedom of Association:**

Islam also recognizes the right to freedom of association and formation of organizations or parties. As is quite clear from this verse of Holy Qur'an, "Let there arise out of you a band of... Dreadful penalty". It means that, populace are free to organize meetings and utilize all other ways of association. But, it should be exercised for propagation of virtue and righteousness and should never be used for spreading evil. In the history of Islam, during the Caliphate of Hazrat Ali (RA), Kharijities used to abuse the Caliph openly and threatened him with murder. Whenever they were arrested for these offences Hazrat Ali would set them free and tell his officers; "As long as they do not actually perpetrate offences against the state the mere use of abusive language or threat of the use of force are not such offences for which they can be imprisoned. The freedom which Hazrat 'Ali gave to the opposition has no parallel in human history. He did not arrest even those who threatened him with murder."  

XIII) **Right to Protection from Arbitrary Imprisonment:**

The Holy Qur'an has laid down this principle clearly, "No bearer of burdens shall be made to bear the burden of another." This means that every man is responsible for his actions; if another man has not shared this action then he cannot be held responsible for it. Thus Islam recognizes right of individual not to be arrested or

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81 Al-Qur'an, Al-Imran: 103-104.  
82 S. Showkat Hussain. Islam and Human Rights, P.35.  
83 Al-Qur'an, Al- Inam : 164.
imprisoned for the offences of others. “Every man is responsible for it; even through he may be closely related to the wrong doer.” 

XIV) Rights of Enemies of War:

Being universal religion Islam has dealt with every aspect of human life. The rules with regard to war enacted by Islam were to ensure and demonstrate the humane phase of Islamic principles e.g. Muslims have been prohibited from opening hostilities against their enemies without properly declaring war against them, unless, there adversaries has already started aggression against them. Wounded soldiers, who are not fit to fight, should not be attacked. “Do not attack a wounded person” thus said the Prophet, “No Prisoner should be put to the sword”, a very clear and unequivocal instruction given by the Prophet. “The prophet has prohibited the killing of any one who is tied or is in captivity.” Prophet says, that “Punishment by fire does not behave anyone except the Master of the fire.” That is adversary should not be burnt alive; Prophet has strongly instructed the Muslim’s that they should not, indulge pillage or blunder, nor destroy the residential areas, nor touch the property of any one except those

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84 When a Muslim ruler, Hajaj bin Yousuf, wanted to punish a man for the offence committed by his brother, he desisted from doing so, when his attention was drawn toward the foretasted Qu’ranic injection. Tahir Mahmood, (Ed.), Human Rights in Islam, p 92: See Also Sheikh Showkat Hussain, Islam and Human Rights, p. 49.  
85 A.A.Mawdudi, Human Rights in Islam, pp. 54-58. “If you (O Muhammad (saw) fear treachery from any people throw back (their covenant) to them (so as to be) on equal terms (that there will be no more covenant between you and them). Certainly Allah likes not the treacherous”. Al-Qur'an, Al- Anfal. 58.
who are in fighting.\textsuperscript{86} "The prophet \(\text{ﷴ} \) has prohibited the believer, from loot and blunder".\textsuperscript{87}

Although, the booty of war (wealth, provisions and equipment) captured from the Battle grounds, camps, and military headquarters is allowed. However, Muslims have been prohibited from taking anything from the general public of a conquered country without paying for it, or use the belongings of enemies without their consent. Islam has categorically prohibited its followers from disgracing or mutilating the corpses of their enemies as was practiced in Arabia before the advent of Islam. Islam audience and make a provision of return of the corpses of the enemy. The Prophet \(\text{ﷴ} \) himself made this example in the battle of \textit{Ahzab}.\textsuperscript{88}

The Holy \textit{Qur'an} and the \textit{Hadith} repeatedly ordained the Muslims for prohibition of breach of treaty. Prophet \(\text{ﷴ} \) used to give instructions to the Muslim warrior’s while sending them to the battle fields, "Do not be guilty of breach faith".\textsuperscript{89} Furthermore, if the enemy acts treacherously, let him do so, you should never go

\textsuperscript{86} Cited From A.A.Mawdudi, \textit{Human Rights in Islam}, p. 55.
\textsuperscript{88} On the battle of \textit{Ahzab}, when a very renowned and redoubtable warrior of the enemy was killed and his body fell down in the trench which the Muslims had dug for the defense of Madina, the unbelievers presented ten thousand \textit{damans} to the Prophet and requested that the dead boy of their fallen warrior may be handed over to them. The Prophet replied, "I do not sell dead bodies, you can take away the corpse of your fallen comrade."
\textsuperscript{89} A.A.Mawdudi, \textit{Human Rights in Islam}, p. 57.

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back on your promise. Prophet ﷺ proved this unparallel example during the breach treaty of Hudibiya⁹⁰.

In addition, to the Human Rights, prescribed in Qur’an and Sunnah, to which a reference has been made Islam provides safeguards against dissatisfaction of the rights.

**XV) Safeguards against Violation:**

a) Sovereignty of Allah

The first and foremost belief in the Islamic system is that everything rests with Allah, he alone is the Creator, Sustainer and Master of this Universe and all of that exists in it – visible or invisible. He alone has the right to command or forbid. Therefore the sovereignty of this kingdom is vested only in Him alone. “This is also the first safeguard against the violations of Human Rights. This concept erodes the very basis of rule of man over man which has always been the basic cause of the violation of Human Rights”.⁹¹ This principle of Oneness of God altogether negates the concept of the legal and political sovereignty of Human beings. This very concept being a working idea, follow the concept of accountability as well, thus limitize the violation of any rights.

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⁹⁰ In the peace Treaty of Hudaybiya, when after the settlement of the terms of treaty, Abu Jandal, the son of the emissary of the unbelievers who had negotiated this treaty with the Muslims, came, fettered and blood stained rushing to the Muslim camp and crying for help. The Prophet told him, “Since the terms of the treaty have been settled, we are not in a position to help you. You should go back with your father. God will provide you with some other opportunity to escape this persecution”. The entire Muslim army was deeply touched and grieved at the sad plight of Abu Jandal and many of them were moved to tears. But when the Prophet (saw) declared that “we can not break the agreement”, not even a single person came forward to help the unfortunate prisoner so that unbelievers forcibly dragged him back to Makkah.

b) Vicegerency:
Every believer is vicegerent of Allah on this earth. They are supposed to act as viceroy’s of Allah and have to perform all their functions in accordance with the instructions and injunction of Allah, they have no right to change, amend or restrict any of the rights provided by Allah, at their own will or for own interests.

c) Concept of Trusteeship:
In Islam, the pious of all can be trustee and he has to act in accordance with the law provided by Almighty. The trustee is both accountable before Almighty in the life hereafter and also before the citizens. This is the important safeguards against the violation of Human Rights.

Although 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. Nevertheless, eminent Muslim scholars, jurists and representatives of Islamic movements and thought. Compiled a bill of rights known as, The Universal Islamic Declaration of Human Rights (UIDHR) based on the injunctions of holy Qur'an and the Sunnah of the Prophet. The preamble of the declaration ends with the statement that, "as servants of Allah and as members of the Universal Brotherhood of Islam, at the beginning of the Fifteenth Century of the Islamic Era, affirm our commitment to uphold the following inviolable and inalienable human rights that we consider are enjoined by Islam."^{92}

Article 1 of the Declaration says that, 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. 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.^{93} Man is born free. No inroads shall be made on his right to liberty except under the authority and in due process of the Law. Every individual and every people has the inalienable right to freedom in all its forms—physical, cultural, economic and political—and shall be entitled to struggle by all available means against

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^{92}Universal Islamic Declaration of Human Rights, 21 Dhul Qaidah 1401, September 1981.

^{93}Universal Islamic Declaration of Human Rights, Right to Life, Article 1.
any infringement or abrogation of this right; and every oppressed individual or people has a legitimate claim to the support of other individuals and/or peoples in such a struggle.\textsuperscript{94} All persons are equal before the Law and are entitled to equal opportunities and protection of the Law. All persons shall be entitled to equal wage for equal work. No person shall be denied the opportunity to work or be discriminated against in any manner or exposed to greater physical risk by reason of religious belief, colour, race, origin, sex or language.\textsuperscript{95} Every person has the right to be treated in accordance with the Law, and only in accordance with the Law. Every person has not only the right but also the obligation to protest against injustice; to recourse to remedies provided by the Law in respect of any unwarranted personal injury or loss; to self-defense against any charges that are preferred against him and to obtain fair adjudication before an independent judicial tribunal in any dispute with public authorities or any other person. It is the right and duty of every person to defend the rights of any other person and the community in general (\textit{Hisbah}). No person shall be discriminated against while seeking to defend private and public rights. It is the right and duty of every Muslim to refuse to obey any command which is contrary to the Law, no matter by whom it may be issued.\textsuperscript{96} No person shall be adjudged guilty of an offence and made liable to punishment except after proof of his guilt before an independent judicial tribunal. No person shall be adjudged guilty except after a fair trial and after reasonable opportunity for defense.

\textsuperscript{94} \textit{Universal Islamic Declaration of Human Rights}, Right to Freedom. Article II.
\textsuperscript{95} \textit{Universal Islamic Declaration of Human Rights}, Right to Equality and Prohibition against Impermissible Discrimination. Article III.
\textsuperscript{96} \textit{Universal Islamic Declaration of Human Rights}, Right to Justice. Article IV.
has been provided to him. Punishment shall be awarded in accordance with the Law, in proportion to the seriousness of the offence and with due consideration of the circumstances under which it was committed. No act shall be considered a crime unless it is stipulated as such in the clear wording of the Law. Every individual is responsible for his actions. Responsibility for a crime cannot be vicariously extended to other members of his family or group, who are not otherwise directly or indirectly involved in the commission of the crime in question. Every person has the right to protection against harassment by official agencies. He is not liable to account for himself except for making a defense to the charges made against him or where he is found in a situation wherein a question regarding suspicion of his involvement in a crime could be reasonably raised. No person shall be subjected to torture in mind or body, or degraded, or threatened with injury either to himself or to anyone related to or held dear by him, or forcibly made to confess to the commission of a crime, or forced to consent to an act which is injurious to his interests. Every person has the right to protect his honour and reputation against calumnies, groundless charges or deliberate attempts at defamation and blackmail. Every persecuted or oppressed person has the right to seek refuge and asylum. This right is guaranteed to every human being irrespective of race, religion, colour and sex. Al Masjid Al Haram (the sacred house of Allah) in Mekkah is a sanctuary for all

97 Universal Islamic Declaration of Human Rights, Right to Fair Trial, Article V.

98 Universal Islamic Declaration of Human Rights, Right to Protection Against Abuse of Power, Article VI.

99 Universal Islamic Declaration of Human Rights, Right to Protection Against Torture, Article VII.

100 Universal Islamic Declaration of Human Rights, Right to Protection of Honour and Reputation, Article VIII.
The Islamic Perspective of Human Rights

Muslims.\textsuperscript{101} The Qur'anic principle "There is no compulsion in religion" shall govern the religious rights of non-Muslim minorities. In a Muslim country religious minorities shall have the choice to be governed in respect of their civil and personal matters by Islamic Law, or by their own laws.\textsuperscript{102} Subject to the Law, every individual in the community (\textit{Ummah}) is entitled to assume public office. Process of free consultation (\textit{Shura}) is the basis of the administrative relationship between the government and the people. People also have the right to choose and remove their rulers in accordance with this principle.\textsuperscript{103} Every person has the right to express his thoughts and beliefs so long as he remains within the limits prescribed by the Law. No one, however, is entitled to disseminate falsehood or to circulate reports which may outrage public decency, or to indulge in slander, innuendo or to cast defamatory aspersions on other persons. Pursuit of knowledge and search after truth is not only a right but a duty of every Muslim. It is the right and duty of every Muslim to protest and strive (within the limits set out by the Law) against oppression even if it involves challenging the highest authority in the state. There shall be no bar on the dissemination of information provided it does not endanger the security of the society or the state and is confined within the limits imposed by the Law. No one shall hold in contempt or ridicule the religious beliefs of others or incite public hostility against them; respect for the religious feelings of others is obligatory on all Muslims.\textsuperscript{104} Every

\textsuperscript{101} \textit{Universal Islamic Declaration of Human Rights}, Right to Asylum, Article IX.
\textsuperscript{102} \textit{Universal Islamic Declaration of Human Rights}, Rights of Minorities, Article X.
\textsuperscript{103} \textit{Universal Islamic Declaration of Human Rights}, Right and Obligation to Participate in the Conduct and Management of Public Affairs, Article XI.
\textsuperscript{104} \textit{Universal Islamic Declaration of Human Rights}, Right to Freedom of Belief, Thought and Speech, Article XII.
person has the right to freedom of conscience and worship in accordance with his religious beliefs. Every person is entitled to participate individually and collectively in the religious, social, cultural and political life of his community and to establish institutions and agencies meant to enjoin what is right (ma'roof) and to prevent what is wrong (munkar). Every person is entitled to strive for the establishment of institutions where under an enjoyment of these rights would be made possible. Collectively, the community is obliged to establish conditions so as to allow its members full development of their personalities. In their economic pursuits, all persons are entitled to the full benefits of nature and all its resources. These are blessings bestowed by God for the benefit of mankind as a whole. All human beings are entitled to earn their living according to the Law. Every person is entitled to own property individually or in association with others. State ownership of certain economic resources in the public interest is legitimate. The poor have the right to a prescribed share in the wealth of the rich, as fixed by Zakāh, levied and collected in accordance with the Law. All means of production shall be utilized in the interest of the community (Ummah) as a whole, and may not be neglected or misused. In order to promote the development of a balanced economy and to protect society from exploitation, Islamic Law forbids monopolies, unreasonable restrictive trade practices, usury, the use of coercion in the making of contracts and the publication of misleading advertisements. All economic activities are permitted provided they are not detrimental to the interests of

105 *Universal Islamic Declaration of Human Rights, Right to Freedom of Religion, Article XIII.*
106 *Universal Islamic Declaration of Human Rights, Right to free Association, XIV.*
the community (Ummah) and do not violate Islamic laws and values. No property may be expropriated except in the public interest and on payment of fair and adequate compensation. Islam honours work and the worker and enjoins Muslims not only to treat the worker justly but also generously. He is not only to be paid his earned wages promptly, but is also entitled to adequate rest and leisure. Every person has the right to food, shelter, clothing, education and medical care consistent with the resources of the community. This obligation of the community extends in particular to all individuals who cannot take care of themselves due to some temporary or permanent disability. 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. Each of the partners in a marriage is entitled to respect and consideration from the other. Every husband is obligated to maintain his wife and children according to his means. 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. If parents are for some reason unable to discharge their obligations towards a child it becomes the responsibility of the community to fulfill these

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107 *Universal Islamic Declaration of Human Rights*, The Economic Order and the Rights Evolving Therefrom. Article XV.
108 *Universal Islamic Declaration of Human Rights*, Right to Protection of Property. Article XVI.
109 *Universal Islamic Declaration of Human Rights*, Status and Dignity of Workers. Article XVII.
110 *Universal Islamic Declaration of Human Rights*, Right to Social Security. Article XVIII.
obligations at public expense. 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. Motherhood is entitled to special respect, care and assistance on the part of the family and the public organs of the community (Ummah). 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. No person may be married against his or her will, or lose or suffer diminution of legal personality on account of marriage. Every married woman is entitled to: live in the house in which her husband lives; 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; 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. Inherit from her husband, her parents, her children and other relatives according to the Law; 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

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111 Universal Islamic Declaration of Human Rights, Right to Found a Family and Related Matters, Article XIX.
prove detrimental to her interests. A similar responsibility rests upon her in respect of her spouse or ex-spouse. Every person is entitled to receive education in accordance with his natural capabilities. Every person is entitled to a free choice of profession and career and to the opportunity for the full development of his natural endowments. Every person is entitled to the protection of his privacy. 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. No one shall be forced to leave the country of his residence, or be arbitrarily deported therefrom without recourse to due process of Law.

112 Universal Islamic Declaration of Human Rights, Rights of Married Women, Article XX.
113 Universal Islamic Declaration of Human Rights, Right to Education, Article XXI.
114 Universal Islamic Declaration of Human Rights, Right of Privacy, Article XXII.
115 Universal Islamic Declaration of Human Rights, Right to Freedom of Movement and Residence, Article XXIII. Explanatory Notes: the term 'person' refers to both the male and female sexes. The term 'Law' denotes the Shari'ah, i.e. the totality of ordinances derived from the Qur'an and the Sunnah and any other laws that are deduced from these two sources by methods considered valid in Islamic jurisprudence. Each one of the Human Rights enunciated in this declaration carries a corresponding duty. In the exercise and enjoyment of the rights referred to above every person shall be subject only to such limitations as are enjoined by the Law for the purpose of securing the due recognition of, and respect for, the rights and the freedom of others and of meeting the just requirements of morality, public order and the general welfare of the Community (Ummah).
The Cairo Declaration of Human Rights in Islam (1990)

The Cairo Declaration of Human Rights in Islam (CDHRI) is a declaration of the member states of the Organisation of the Islamic Conference, which provides an overview on the Islamic perspective on human rights, and affirms Islamic Shari'ah as its sole source. CDHRI declares its purpose to be "general guidance for Member States [of the OIC] in the Field of human rights". This declaration is usually seen as an Islamic response to the post-World War II United Nations' Universal Declaration of Human Rights (UDHR) of 1948. Predominantly Muslim countries, such as Sudan, Iran, and Saudi Arabia, frequently criticized the Universal Declaration of Human Rights for its perceived failure to take into account the cultural and religious context of non-Western countries. In 1981, the post-revolutionary Iranian representative to the United Nations articulated the position of his country regarding the Universal Declaration of Human Rights, by saying that the UDHR was "a secular understanding of the Judeo-Christian tradition", which could not be implemented by Muslims without trespassing the Islamic law. The CDHRI was adopted on August 5, 1990 by 45 foreign ministers of the Organisation of the Islamic Conference to serve as guidance for the member states in the matters of human rights.

The Declaration starts by forbidding "any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations". It continues on to
proclaim the sanctity of life, and declares the "preservation of human life" as "a duty prescribed by the Shariah". In addition the CDHRI guarantees "non-belligerents such as old men, women and children", "wounded and the sick" and "prisoners of war", the right to be fed, sheltered and access to safety and medical treatment in times of war. If affirmed, this would indicate that acts of terrorism are violations of human rights. The CDHRI gives men and women the "right to marriage" regardless of their race, colour or nationality, but not religion. In addition women are given "equal human dignity", "own rights to enjoy", "duties to perform", "own civil entity", "financial independence", and the "right to retain her name and lineage", though not equal rights in general. The Declaration makes the husband responsible for the social and financial protection of the family. The Declaration gives both parents the rights over their children, and makes it incumbent upon both of them to protect the child, before and after birth. The Declaration also entitles every family the "right to privacy". It also forbids the demolition, confiscation and eviction of any family from their residence. Furthermore, should the family get separated in times of war, it is the responsibility of the State to "arrange visits or reunions of families". Article 10 of the Declaration states: "Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism." Thus Article 10 clearly enumerates the ways in which it is forbidden to convert someone from Islam to another religion or to atheism. Exploitation of "ignorance" is one of the forbidden ways. But since in an Islamic state, "ignorance" can be attributed to anyone who is
non-Muslim, Article 10 can be used to outlaw apostasy from Islam whatever the circumstances. This result accords with all the main schools of Islamic law, which prescribe the death penalty for sane, adult males (and perhaps females, though that is more debated) who leave the Islamic faith. The Declaration protects each individual from arbitrary arrest, torture, maltreatment and/or indignity. Furthermore, no individual is to be used for medical or scientific experiments. It also prohibits the taking of hostages of any individual "for any purpose" whatsoever. Moreover, the CDHRI guarantees the presumption of innocence; guilt is only to be proven through a trial in "which he [the defendant] shall be given all the guarantees of defense". The Declaration also forbids the promulgation of "emergency laws that would provide executive authority for such actions". Art. 19 stipulates that there are no other crimes or punishments than those mentioned in the Shari'ah, which include corporal punishment (whippings, amputations) and capital punishment. The right to hold public office can only be exercised in accordance with the Shari'ah, which forbids Muslims to submit to the rule of non-Muslims. The Declaration also emphasizes the "full right to freedom and self-determination", and its opposition to enslavement, oppression, exploitation and colonialism. The CDHRI declares the rule of law, establishing equality and justice for all. The CDHRI also guarantees all individuals the "right to participate, directly or indirectly in the administration of his country's public affairs". The CDHRI also forbids any abuse of authority 'subject to the Islamic Shari'ah.' Article 22(a) of the Declaration states that "Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari'ah."
22(b) states that "Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari'ah." 22(c) states: "Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society or weaken its faith." 22(d) states "It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form of racial discrimination." The CDHRI concludes in article 24 and 25 that all rights and freedoms mentioned are subject to the Islamic Shariah, which is the declaration's sole source. The CDHRI declares "true religion" to be the "guarantee for enhancing such dignity along the path to human integrity". It also places the responsibility for defending those rights upon the entire Ummah.

To conclude, the above sketch of some fundamental rights, for humanity clearly indicates that these laws are divine, in nature, universal in application and not man made laws. The aim and the purpose behind these laws is that, Allah the Creator of the Universe wishes human life to be enriched, with qualities of purity beauty, goodness, virtue, success and prosperity. These laws does not seek to restrict or privilege to the geographical limits of its own state, but are by and large applicable to the humanity as a whole as is evident from the History of Islam. Thus Human Rights is not a new concept or idea declared and formulated in 1948 or derived form Magna Carta, but is as old as Islam itself, M.I.Patwari, while arguing to Louis Henkin rightly admits that, "... In fact Human
Rights are not an idea of our time. It is an idea which took a positive shape fourteen hundred years earlier under Islamic law as found in the Qur'an and Sunnah. Human rights took an international charter in Islam. Islam guaranteed some fundamental rights and freedoms which found themselves expressed in the international laws of our time."^{117}