

HUMAN RIGHTS IN ISLAM AND THE WEST: A COMPARATIVE STUDY

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Introduction

One of the basic necessities of life is human rights. To live together in the society, human being requires enjoying their rights in every walks of their life. There have been the doctrine of human rights prescribed by Western or secular perspective, and also by Islamic viewpoint. This paper argues that the principle of human rights prescribed by Islam is the best compare to Western perspective of human rights. At the same time, this paper briefly illustrates the rights enjoyed by both Muslims and non-Muslims in Islamic perspective.

Throughout the history, we see that it was people who were the enemy of fellow people; and to live peaceful life, those people had to claim their rights to people of so-called superior status who failed to guarantee it. All the great civilisations of the world – Babylonian, Egyptian, Indian, and Greek, were either hierarchical or authoritarian in their set up.¹ In these civilisations the position of individuals was determined according to their birth or status in community. There were no rights for common people, women, weak and poor; since slavery was predominant, and women were treated as an object of enjoyment and procreative activity.

1. Dr. Niazul Haq Khan, "Human Rights", in S. M. Haider, (ed.), *Islamic Concept of Human Rights*, Lahore: The Book House, 1978, pp. 16

It was for the advent of Islam, when people started to enjoy their true fundamental rights as 'human being' in the society for the first time. Islam rewarded the entire humanity with liberty, brotherhood, equality, justice, dignity, peace and all the rights regardless of their religion, colour or nationality, but not giving them 'absolute freedom' to do anything they like; as the latter creates chaos in society by doing harm to others.

The world has seen the Universal Declaration of Human Rights, but certainly it has failed to guarantee the rights of common people in true sense. However, the rights that only recently the U.N. has recommended on suffering humanity, regardless of caste, colour, or religion, were prescribed more precisely by Islam fourteen centuries ago which only can ensure all the rights human being require to lead a peaceful life.

Human Rights – Definition, Origin and Development

The term 'Human Rights' implies that man, being "as a crowning creature and presiding being of this vast universe", is required to be provided with "all those opportunities and facilities which may enable him to ferret out all his talent and latent potentialities".²

Encyclopaedia Britannica has defined Human Rights as:

"...rights that belong to an individual or group of individuals as a consequence of being human. They refer to a wide continuum of values or capabilities thought to enhance human agency and declared to be universal in character, in some sense equally claimed for all human beings".³

2. Ibid., pp. 15

3. Encyclopaedia Britannica Deluxe Edition 2004 CD-ROM, Encyclopaedia Britannica Inc., 2004.

The expression of 'Human Rights' as a term is of recent origin.⁴ Even its French inspired form 'Rights of Man' goes back to only last decades of the 18th century, which was also influenced by the Magna Carta of Britain (1215). The elements of the protection of human rights can be traced back in the code of Babylonian king Hummurabi (about 2130 to 2088 B.C.), the most ancient code of law.⁵

Most scholars of human rights trace the origin of the concept to ancient Greece and Rome, where it was closely tied to the doctrines of the Stoics, who thought that human conduct should be judged according to, and brought into harmony with, the law of nature.⁶ A classic example of this view is given in Sophocles' play *Antigone*.

It was not until after the Middle Ages, that natural law became related to natural rights. In Greco-Roman and medieval times, principles of natural law concerned mainly the duties, rather than the rights, of "Man". Moreover, according to the writings of Aristotle and St. Thomas Aquinas, these principles recognized the legality of slavery and excluded perhaps the most important ideas of human rights as they are understood today — freedom and equality.

Review on Perspectives about Human Rights

Since the dawn of civilisation, there have been formulated numerous documents, plentiful books and articles containing scholars' views and opinions, and several declarations on human rights. Moreover, after World War II, it has been the major concern of the people all over the world, as Parvez Hassan (1978) points out, "the

4. A. Rashid Sheikh, "Evolution of the Concept of Human Rights and the Role of United Nations", in S. M. Haider, (ed.), *Islamic Concept of Human Rights*, Lahore: The Book House, 1978, pp. 193

5. Ibid.

6. Encyclopaedia Britannica Deluxe Edition 2004 CD-ROM.

traumatic events preceding the drafting of the U.N. charter were a shocking reminder of the barbarism and savagery of man towards man".⁷

Although the Islamic perspective on human rights had been criticised by the Western scholars, it can never be denied that Islam lays the true foundation of human rights; as Mayer (1995) has asserted, "the West does have its own history of egregious human rights violations – including an extensive record of torture, genocide, religious persecution, racism, sexism, and centuries of slavery".⁸

The position of man is regarded in Islam as superior to any other creatures in the world, contradicting to the Darwinian theory of "Origin of Species", which considers man as similar to apes. But Islam frees man from animalistic notion giving due respect as man has been sent in this world as the "vicegerent of God". Zafrullah Khan (1989) truly points out, "the most striking characteristics of Islam is its universality and the place that it assigns to man as the centre of the universe".⁹

In his book, Zafari (1999) makes a comparative study on the basis of two systems of human rights.¹⁰ The first part of the book describes the development of the concept of human rights starting from Greek to the present time; while the second part of the book illustrates

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7. Dr. Parvez Hassan, "Human Rights: Origins and Growth", in S. M. Haider, (ed.), *Islamic Concept of Human Rights*, Lahore: The Book House, 1978, pp. 9
 8. Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics* (2nd ed.), Boulder and San Francisco: Westview Press, 1995, pp. 5
 9. Muhammad Zafrullah Khan, *Islam and Human Rights* (4th ed.), Islamabad: Islam International Pub. Ltd., 1989, pp. 28
 10. See Muhammad Taqi Jafari, *A comparative Study of the Two Systems of Universal Human Rights*, Tehran: Alhoda Publishers, 1999.

the essential difference between the UN declaration of human rights and the Islamic point of view regarding it in a very graphic manner.

Mawdudi in his article describes the Western perspective regarding human rights and points out the advantages provided by Islam concerning human rights. He indicates:

“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.”¹¹

He further added that:

“...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. 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

11. Abu al-'A'la Mawdudi, "Human Rights in Islam", *Al Tawhid Journal*, vol. IV No. 3 Rajab-Ramadhan 1407, online at: <http://www2.iuu.edu.my/deed/articles/hr/hr.html>

resolution or regulation of the United Nations which can be enforced. They are just an expression of a pious hope.”¹²

Thus, there is a vital necessity to examine the rights provided by the Western perspective or more precisely ‘the Universal Declaration of Human Rights’ and the rights provided by Islam as manifested in ‘the Cairo Declaration on Human Rights in Islam’ to ensure the true right for the entire humanity.

Comparison Between Two Major Charter of Human Rights

It is generally presumed that the world has got the idea of human rights from the Magna Carta of Britain (June 15, 1215). Since then several declarations on human rights had been formulated, like ‘the French Declaration of the Rights of Man (1789)’, and ‘the Universal Declaration of Human Rights (December 10, 1948)’. The latter is the result of two world wars of brutality and great massacre of killing innocent civilians; and more or less influenced by the former.

However, Islam had prescribed the unique regulations for human rights fourteen centuries ago in the form of the Qur’an and Sunnah, which only can ensure all the rights of human being for all the ages to come. Moreover, the Charter of Madina compiled by the Prophet (SAW) appeared at the constitution of that state, which consist of 52 articles containing fundamental, legal, political, social, economic and religious rights and obligations of the state and citizens; approving of liberty, equality, fraternity, and recognising all men and women as equals above supremacy of colour, race etc.¹³ Since the Qur’an and Sunnah are complex books containing the vast Shari’ah; the Muslim world has formulated ‘the Cairo Declaration on Human Rights in Islam

12. Ibid.

13. Mrs. Nafisa Ahmad, “The Evolution of the Concept of Human Rights and the Role of United Nations”, in S. M. Haider, (ed.), *Islamic Concept of Human Rights*, Lahore: The Book House, 1978, pp. 150

(August 5, 1990)' to specify the rights of people in a comprehensive form.

In the following part, we will see the comparison between the two major declarations as mentioned in *Appendix A* and *Appendix B* respectively – 'the Universal Declaration of Human Rights' and 'the Cairo Declaration on Human Rights in Islam', on the basis of their implications on the life of every human being.

a) The Universal Declaration of Human Rights

As mentioned in *Appendix A*, 'the Universal Declaration of Human Rights' consists of 30 articles which include civil, political, economic and cultural rights. Articles 1 and 2 are general articles, proclaiming that "all human beings are born free and equal in dignity and rights" and are "entitled to all the rights and freedoms set forth in this Declaration, without distinction of an kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

The articles from 3 to 21 include: the right to life, liberty, and security of person; freedom from slavery and servitude; freedom from torture or cruel, inhuman, or degrading treatment or punishment; the right to recognition as a person before the law; equal protection of the law; the right to an effective remedy; freedom from arbitrary arrest, detention or exile; the right to a fair and impartial trial; the right to be presumed innocent until proved guilty; freedom from interference in privacy, home, or correspondence; freedom of movement; the right of asylum; the right to a nationality; to marry and raise a family; the rights of every person to own property; freedom of thought, conscience, religion, opinion, expression, association, and assembly; the right to take part in the Government, and the right of equal access to public services.

Articles 22 to 27 cover the right to social security; right to work under favourable conditions; the right to rest and leisure; the right to a standard of living adequate for health and well-being; right to

participate in the cultural life of the community; and right to enjoy the arts and to share in scientific advancement and its benefits.

The concluding articles 28 to 30 recognise that everyone is entitled to social and international order in which these rights and freedom may fully be realised; and stress the duties and responsibilities which individuals owe to the community.

It should be noted that this Universal Declaration is not a treaty. It only provides for protection and encouragement of human rights without guaranteeing their observance.¹⁴ It was aimed to declare “a common standard of achievement for all peoples and all nations” rather than enforceable legal contracts. It was thus morally granted but remained devoid of legal force.¹⁵ However, the Universal Declaration has gained a status juridically more important than originally intended, and it has been widely used, even by national courts, as a means of judging in agreement with human rights obligations under the UN Charter.

b) The Cairo Declaration on Human Rights in Islam

At the same time as, it could be noted from *Appendix B* that ‘the Cairo Declaration on Human Rights in Islam’ comprises 25 articles covering all the fundamental rights, which can be applied to the entire human being – Muslim and non-Muslim. The Declaration has been based on the Qur’an and the Sunnah and, therefore, in accordance with Shari’ah. There are two ways to observe and evaluate this Declaration:¹⁶ as an Islamic Declaration, which it says it is, for Muslims in Islamic

14. M. Yousuf Saraf, “Evolution of the Concept of Human Rights and the Role of United Nations”, in S. M. Haider, (ed.), *Islamic Concept of Human Rights*, Lahore: The Book House, 1978, pp. 122

15. Ibid.

16. Syed Shahabuddin, “Islamic Declaration of Human Rights”, online at: www.milligazette.com/Archives/2004/16-31Oct04-Print-Edition/163110200425.htm

States and even for those in non-Islamic Muslim or non-Muslim States, but essentially for Muslims. Another approach would be to assess it as a truly universal model applicable for the entire mankind, living in Muslim or non-Muslim States, under Islamic or non-Islamic Governments.

Article 1 and 2 assert the universal values of human beings stating *"all men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations"* as they are *"form one family whose members are united by their subordination to Allah and descent from Adam"*. It also declares the protection of human life even after death showing respect to it.

The article 3 states the regulations during war time that the civilians must not be killed. It also indicates the protection of environment during that period. Article 4 stresses on the right of individuals to personal respect, and the protection of dead body and burial. Article 5 asserts the right of individuals to marry in order to build society.

Articles 6, 7 and 8 affirm the equal right of women in society claiming *"Woman is equal to man in human dignity"*, and issues related to child bearing and rearing. Article 9 announces right of education making it obligatory for all. Article 10 recognises freedom of religion. Article 11 and 12 frees men from slavery and imperialism, and gives the right to be free within the boundary of Shari'ah. People also have the right of free movement and get asylum. From articles 13 to 16 guarantee individuals to work and owning property, but without monopoly.

Article 17 affirms the right to live in an environment free from evil and corruption, and to get the basic necessities of life. Article 18 ensures security and privacy in life, while article 19 and 20 asserts the equality before law and freedom from arbitrary arrest. Article 21 prohibits taking a person as hostage; and article 22 confirms freedom of expression, and right to enjoy good and forbid evil. Articles 23 to 25 give the right to take part in government activities.

Comparison Between The Two Declarations

From the two above mentioned Declarations we can compare the aspects where the right for the humanity prevalent, and at the same time which are beneficial for them.

There are some similarities between them. They are: both the Declarations agree upon suitable rights of life, liberty, security, eradication of oppression and injustice, self respect, guaranteeing personal dignity and privacy. Also both the Declarations are in agreement on equality of men and women, and giving women the due status, freedom from enslavement, freedom of thought and expression, freedom of religion, legal rights, right to work, fare treatment of weak, old and disabled.

They also possess similarity in terms of the principle of education for all, right to fair trial, participation in political decision making, and getting the basic necessities of life.

However, despite their similarities there are some essential and ideal differences between them. They are: the Islamic Declaration differentiates between the original dignity and the dignity acquired by him during his progress on the course of moral development and his good deeds in service of people. The Islamic Declaration stresses that all creatures are Allah's family and equal in terms of dignity and good deeds, and not being merely satisfied with its legal aspects. In the Islamic Declaration, the protection and continuation of life is the duty of everyone, and so nobody is free to do to his life as one wish. That's why, suicide is prohibited in Islam. But the Universal Declaration neglects this point giving men the mandate to do whatever he/she likes.

To the above can be added the provision of protecting the foetus, as contained in article 7, which is ignored by the Universal Declaration. Islam gives the right to the life even to the unborn child in the womb of its mother. The Prophet (SAW) once delayed execution of

capital punishment for a convict woman for the protection of the life of the child in her womb.¹⁷

Article 3, refers to the ethics covering conflicts and war, for which Islam suggests the most wonderful regulations in human history. Life is protected to the ultimate extent as Allah chooses, and human dignity is preserved even after death, including protecting the body and burial, as mutilation is prohibited in Islam. The like of this article can not be found in the Universal Declaration.

In the aspect of women rights, which is the mostly misunderstood by the West, Islamic Declaration formulates a unique guideline. Despite the fact that both Declaration confirms that the family is the foundation of society, and men and women have the right to marriage regardless of race, colour or nationality, there are some differences between them. The Universal Declaration grants equal rights to men and women, covering such matters as alimony, marriage portion, divorce and the like, but the Islamic Declaration elaborates these points stating that women has rights equal to her obligations, has her civil rights, independent financial responsibilities, and the right to retain her name and lineage; whereas the responsibility for maintaining family and there expenses rests on man. Also the Islamic Declaration asserts that the state and the society should remove all the barriers in the way of marriage to protect the family institution, but it has not been considered in Universal Declaration.

The Islamic Declaration confers certain rights on parents and the relatives as well, but the Universal Declaration has not made any reference to it.

17. Dr. Sheikh Showkat Hussain, *Islam and Human Rights*, Petaling Jaya: Budaya Ilmu Sdn Bhd, 1991, pp. 15

In the field of education, the Islamic Declaration makes it compulsory on society without limits and at all stages, whereas the Universal Declaration confirms only primary level should be compulsory and free.

The Islamic Declaration rejects imperialism in all its appearances, condemning it altogether, and giving people the right to strive for liberty and self-determination. However, the Universal Declaration does not mention this point. Article 14 of the Islamic Declaration confirms the right to earn a rightful living without monopoly, cheating or causing harm to oneself and to others, and it also strongly prohibits usury; whereas the Universal Declaration has not made any reference to it.

Another noteworthy characteristic of the Islamic Declaration is that it regards the ethical question to be an important human rights issue, confirming it in its article 17. The Universal Declaration guarantees the absolute freedom of expression and speech, but it is not allowed in Islam as it creates morally destructive effects like insulting others. Also the Islamic Declaration grants man the right to “enjoy good and forbid evil”, which is not mentioned in the Universal Declaration. From the above discussion, it is crystal clear that the sequence in the Islamic Declaration is more logical than that in the Universal Declaration.

Human Rights In Islam

Islam is the only religion which provides guidance on every aspects of life. This guidance encompasses the following aspects;

- a) The Right to Basic Necessities of Life:

The Qur'an and Sunnah contain individuals' rights in the society in the best form.

“It is He Who hath made you (His) agents, inheritors of the earth: He hath raised you in ranks, some above others: that

He may try you in the gifts He hath given you: for thy Lord is quick in punishment: yet He is indeed Oft-forgiving, Most Merciful.” (Al – Ana’m: 165)

Islam has recognized the right of the common people proclaiming, “*And in their wealth there is acknowledged right for the needy and the destitute*” (51:19). In this ayat, the Qur’an has not only conferred a right on every man who asks for assistance in the wealth of the Muslims, but has also laid down that if a Muslim comes to know that a certain man is without the basic necessities of life, then irrespective of the fact whether he asks for assistance or not, it is his duty to reach him and give all the help that he can extend.¹⁸ The Prophet (SAW) has said:

“The Head of state is the guardian of him, who has nobody to support him” (Abu Dawud, al-Tirmidhi).

b) The Right to Life:

The first and the foremost basic right is the right to live and respect human life. The Holy Qur’an lies 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 ...” (5:32)

Islam provides human rights even after the death of the person. In a Hadith, Prophet (SAW) said: “*breaking a bone of a deceased is equal in sin to breaking a living person’s bone*”.¹⁹ Here also homicide has been distinguished from destruction of life carried out in pursuit of justice. The Hadith of the Prophet (SAW) reads: “*The greatest sins are to associate*

18. Abu al’ A’la Mawdudi, “Human Rights in Islam”, op. cit.

19. This Hadith is reported by Ibn Majah, Hadith no. 1616.

something with God and to kill human beings." The ruling applies to all human beings and the destruction of human life has been prohibited.

c) The Right to the Safety of Life:

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 Qur'an mentions:

"And whoever saves a life it is as though he had saved the lives of all mankind" (5:32).

d) 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 Holy Qur'an mentions:

"O mankind, we have created you from a male and female".

In other words all human beings are brothers to one another. 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. The Qur'an says:

"Indeed, the noblest among you before God are the most heedful of you" (49:13).

This has been further exemplified by the farewell speech of the Prophet (SAW):

"All human beings are from Adam and Eve; an Arab has no superiority over a non-Arab, nor does a non-

Arab have any superiority over an Arab. Also a white has no superiority over a black, nor does a black have any superiority over a white; except by piety and good action.”

e) 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”

(al-Bukhari and Ibn Majjah).

The words of this Tradition of the Prophet are also general, they have not been qualified or made applicable to a particular nation, race, country or followers of a particular religion.

f) The Position of Slavery in Islam:

Islam tried to solve the problem of the slaves that were in Arabia by encouraging the people in different ways to set their slaves free. The Muslims were ordered that in compensation of some of their sins they should set their slaves free. Freeing a slave by one’s own free will was declared to be an act of great merit. The number of slaves freed by ‘Aishah was 67, ‘Abbas liberated 70, ‘Abd Allah ibn ‘Umar liberated one thousand, and ‘Abd al-Rahman purchased thirty thousand and set them free. Similarly other Companions of the Prophet liberated a large number of slaves.²⁰

20. Abu al-‘A’la Mawdudi, “Human Rights in Islam”, op.cit.

g) The Right to Justice:

This is a very important and valuable right which Islam has given to man as a human being. The Holy Qur'an has mentioned:

"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" (5:8).

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 of to the citizens 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.

h) The Security of Life and Property:

In the address of the Farewell Hajj, the Prophet (SAW) said:

"Your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection."

Along with security of life, Islam has conferred the right of security of ownership of property, as mentioned earlier with reference to the address of the Farewell Hajj. The Qur'an says:

"Do not devour one another's wealth by false and illegal means" (2:188).

i) The Protection of Honour:

In the address delivered on the occasion of the Farewell Hajj, the Prophet (SAW) did not only prohibit the life and property of the Muslims to one another, but also any encroachment upon their honour, respect and chastity were forbidden to one another. The Holy Qur'an clearly lays down:

- (a) "You who believe, do not let one (set of) people make fun of another set.
- (b) Do not defame one another.
- (c) Do not insult by using nicknames.
- (d) And do not backbite or speak ill of one another" (49:11-12).

This is the law of Islam for the protection of honour which is indeed much superior to and better than the Western Law.

j) The Sanctity and Security of Private Life:

Islam recognizes the right of every citizen of its state that there should be no undue interference or encroachment on the privacy of his life. The Holy Qur'an has laid down the injunction:

"Do not spy on one another" (49:12),

and

"Do not enter any houses except your own homes unless you are sure of their occupants' consent" (24:27).

The Prophet has gone to the extent of instructing his followers that a man should not enter even his own house suddenly.

k) The Security of Personal Freedom

Islam has also laid down the principle that no citizen can be imprisoned unless his guilt has been proved 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.

l) 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 spread of virtue and truth and not for spreading evil and wickedness. This 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.

m) 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 invade upon this right. The Qur'an says: "*Do not argue with the people of the Book unless it is in the politest manner*" (29:46)-says the Qur'an. This order is not merely limited to the people of the Scriptures, but applies with equal force to those following other faiths.

n) Equality before Law

Islam gives its citizens the right to absolute and complete equality in the eyes of the law. As far as the Muslims are concerned, there are clear instructions in the Holy Qur'an and Hadith that in their rights and obligations they are all equal: "*The believers are brothers (to each other)*" (49:10).

o) Respect of Women

Islam granted 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. The Holy Qur'an says: "*Do not approach (the bounds of) adultery*" (17:32). Heavy punishment

has been prescribed for this crime, and the order has not been qualified by any conditions.

Conclusion

Most of the societies in the world have a set of regulations and principles that assure its individuals' security and rights. These facilitate them to carry out their duties in a suitable manner. In the recent period, world order have changed, every thing related to the world also changed dramatically, from colonial imperialism to Neo-Globalization, from direct and brutal wars to indirect and cold wars, and to the current war on terror. In these cases we find the topic of Human Rights became the core-issue of the world today significantly in framing strategies and policies.

In this paper, we have illustrated and compared the point of view of 'the Universal Declaration of Human Rights' and 'the Cairo Declaration on Human Rights in Islam' respectively from their perspectives. The comparison between the two Declarations indicates that the Universal Declaration has many short-comings compared to the Islamic Declaration of Human Rights. From the above discussion, it is evident that the rights prescribed by Islam is the best in all its forms and ideologies. However, further research in this field will prove the uniqueness of Islamic ideologies and rights for human beings.

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APPENDICES

Appendix A

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Preamble

Whereas 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, Whereas 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, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations 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 standards of life in larger freedom, Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge;

Now, therefore, The General Assembly, proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and

observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs ' whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty without any limitation due to race, of any penal offence on account of nationality or religion, have the any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor be denied the right to change his nationality.

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.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Source: http://www.state.gov/www/global/human_rights/irf/irf_

rpt/irf_appendixa.html

Appendix B

THE CAIRO DECLARATION ON HUMAN RIGHTS IN ISLAM

Keenly aware of the place of mankind in Islam as vicegerent of Allah on Earth;

Recognizing the importance of issuing a Document on Human Rights in Islam that will serve as a guide for Member states in all aspects of life; Having examined the stages through which the preparation of this draft Document has so far, passed and the relevant report of the Secretary General; Having examined the Report of the Meeting of the Committee of Legal Experts held in Tehran from 26 to 28 December, 1989;

Agrees to issue the Cairo Declaration on Human Rights in Islam that will serve as a general guidance for Member States in the Field of human rights; Reaffirming the civilizing and historical role of the Islamic Ummah which Allah made as the best community and which gave humanity a universal and well-balanced civilization, in which harmony is established between hereunder and the hereafter, knowledge is combined with faith, and to fulfil the expectations from this community to guide all humanity which is confused because of different and conflicting beliefs and ideologies and to provide solutions for all chronic problems of this materialistic civilization.

In contribution to the efforts of mankind to assert human rights, to protect man from exploitation and persecution, and to affirm his freedom and right to a dignified life in accordance with the Islamic Shari'ah. Convinced that mankind which has reached an advanced stage in materialistic science is still, and shall remain, in dire need of faith to support its civilization as well as a self motivating force to guard its rights; Believing that fundamental rights and freedoms according to Islam are an integral part of the Islamic religion and that no one shall

have the right as a matter of principle to abolish them either in whole or in part or to violate or ignore them in as much as they are binding divine commands, which are contained in the Revealed Books of Allah and which were sent through the last of His Prophets to complete the preceding divine messages and that safeguarding those fundamental rights and freedoms is an act of worship whereas the neglect or violation thereof is an abominable sin, and that the safeguarding of those fundamental rights and freedom is an individual responsibility of every person and a collective responsibility of the entire Ummah;

Do hereby and on the basis of the above mentioned principles declare as follows:

Article 1:

(a) All human beings form one family whose members are united by their subordination to Allah and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations. The true religion is the guarantee for enhancing such dignity along the path to human integrity.

(b) All human beings are Allah's subjects, and the most loved by Him are those who are most beneficial to His subjects, and no one has superiority over another except on the basis of piety and good deeds.

Article 2:

(a) Life is a God-given gift and the right to life is guaranteed to every human being. It is the duty of individuals, societies and states to safeguard this right against any violation, and it is prohibited to take away life except for a Shari'ah prescribed reason.

(b) It is forbidden to resort to any means which could result in the genocidal annihilation of mankind.

(c) The preservation of human life throughout the term of time willed by Allah is a duty prescribed by Shari'ah.

(d) Safety from bodily harm is a guaranteed right. It is the duty of the state to safeguard it, and it is prohibited to breach it without a Shari'ah-prescribed reason.

Article 3:

(a) In the event of the use of force and in case of armed conflict, it is not permissible to kill non-belligerents such as old men, women and children. The wounded and the sick shall have the right to medical treatment; and prisoners of war shall have the right to be fed, sheltered and clothed. It is prohibited to mutilate or dismember dead bodies. It is required to exchange prisoners of war and to arrange visits or reunions of families separated by circumstances of war.

(b) It is prohibited to cut down trees, to destroy crops or livestock, to destroy the enemy's civilian buildings and installations by shelling, blasting or any other means.

Article 4:

Every human being is entitled to human sanctity and the protection of one's good name and honour during one's life and after one's death. The state and the society shall protect one's body and burial place from desecration.

Article 5:

(a) The family is the foundation of society, and marriage is the basis of making a family. Men and women have the right to marriage, and no restrictions stemming from race, colour or nationality shall prevent them from exercising this right.

(b) The society and the State shall remove all obstacles to marriage and facilitate it, and shall protect the family and safeguard its welfare.

Article 6:

(a) Woman is equal to man in human dignity, and has her own rights to enjoy as well as duties to perform, and has her own civil entity and financial independence, and the right to retain her name and lineage.

(b) The husband is responsible for the maintenance and welfare of the family.

Article 7:

(a) As of the moment of birth, every child has rights due from the parents, the society and the state to be accorded proper nursing, education and material, hygienic and moral care. Both the fetus and the mother must be safeguarded and accorded special care. (b) Parents and those in such like capacity have the right to choose the type of education they desire for their children, provided they take into consideration the interest and future of the children in accordance with ethical values and the principles of the Shari'ah. (c) Both parents are entitled to certain rights from their children, and relatives are entitled to rights from their kin, in accordance with the tenets of the Shari'ah.

Article 8:

Every human being has the right to enjoy a legitimate eligibility with all its prerogatives and obligations in case such eligibility is lost or impaired, the person shall have the right to be represented by his/her guardian.

Article 9:

(a) The seeking of knowledge is an obligation and provision of education is the duty of the society and the State. The State shall ensure the availability of ways and means to acquire education and shall guarantee its diversity in the interest of the society so as to enable man

to be acquainted with the religion of Islam and uncover the secrets of the Universe for the benefit of mankind.

(b) Every human being has a right to receive both religious and worldly education from the various institutions of teaching, education and guidance, including the family, the school, the university, the media, etc., and in such an integrated and balanced manner that would develop human personality, strengthen man's faith in Allah and promote man's respect to and defence of both rights and obligations.

Article 10:

Islam is the religion of true unspoiled nature. It is prohibited to exercise any form of pressure on man or to exploit his poverty or ignorance in order to force him to change his religion to another religion or to atheism.

Article 11:

(a) Human beings are born free, and no one has the right to enslave, humiliate, oppress or exploit them, and there can be no subjugation but to Allah the Almighty.

(b) Colonialism of all types being one of the most evil forms of enslavement is totally prohibited. Peoples suffering from colonialism have the full right to freedom and self-determination. It is the duty of all States peoples to support the struggle of colonized peoples for the liquidation of all forms of and occupation, and all States and peoples have the right to preserve their independent identity and control over their wealth and natural resources.

Article 12:

Every man shall have the right, within the framework of the Shari'ah, to free movement and to select his place of residence whether within or outside his country and if persecuted, is entitled to seek asylum in another country. The country of refuge shall be obliged to provide protection to the asylum-seeker until his safety has been attained, unless asylum

is motivated by committing an act regarded by the Shari'ah as a crime.

Article 13:

Work is a right guaranteed by the State and the Society for each person with capability to work. Everyone shall be free to choose the work that suits him best and which serves his interests as well as those of the society. The employee shall have the right to enjoy safety and security as well as all other social guarantees. He may not be assigned work beyond his capacity nor shall he be subjected to compulsion or exploited or harmed in any way. He shall be entitled - without any discrimination between males and females - to fair wages for his work without delay, as well as to the holiday's allowances and promotions which he deserves. On his part, he shall be required to be dedicated and meticulous in his work. Should workers and employers disagree on any matter, the State shall intervene to settle the dispute and have the grievances redressed, the rights confirmed and justice enforced without bias.

Article 14:

Everyone shall have the right to earn a legitimate living without monopolization, deceit or causing harm to oneself or to others. Usury (riba) is explicitly prohibited.

Article 15:

(a) Everyone shall have the right to own property acquired in a legitimate way, and shall be entitled to the rights of ownership without prejudice to oneself, others or the society in general. Expropriation is not permissible except for requirements of public interest and upon payment of prompt and fair compensation.

(b) Confiscation and seizure of property is prohibited except for a necessity dictated by law.

Article 16:

Everyone shall have the right to enjoy the fruits of his scientific, literary, artistic or technical labour of which he is the author; and he shall have the right to the protection of his moral and material interests stemming therefrom, provided it is not contrary to the principles of the Shari'ah.

Article 17:

(a) Everyone shall have the right to live in a clean environment, away from vice and moral corruption, that would favour a healthy ethical development of his person and it is incumbent upon the State and society in general to afford that right.

(b) Everyone shall have the right to medical and social care, and to all public amenities provided by society and the State within the limits of their available resources.

(c) The States shall ensure the right of the individual to a decent living that may enable him to meet his requirements and those of his dependents, including food, clothing, housing, education, medical care and all other basic needs.

Article 18:

(a) Everyone shall have the right to live in security for himself, his religion, his dependents, his honour and his property.

(b) Everyone shall have the right to privacy in the conduct of his private affairs, in his home, among his family, with regard to his property and his relationships. It is not permitted to spy on him, to place him under surveillance or to besmirch his good name. The State shall protect him from arbitrary interference.

(c) A private residence is inviolable in all cases. It will not be entered

without permission from its inhabitants or in any unlawful manner, nor shall it be demolished or confiscated and its dwellers evicted.

Article 19:

(a) All individuals are equal before the law, without distinction between the ruler and the ruled.

(b) The right to resort to justice is guaranteed to everyone.

(c) Liability is in essence personal.

(d) There shall be no crime or punishment except as provided for in the Shari'ah.

(e) A defendant is innocent until his guilt is proven in a fast trial in which he shall be given all the guarantees of defence.

Article 20:

It is not permitted without legitimate reason to arrest an individual, or restrict his freedom, to exile or to punish him. It is not permitted to subject him to physical or psychological torture or to any form of maltreatment, cruelty or indignity. Nor is it permitted to subject an individual to medical or scientific experiments without his consent or at the risk of his health or of his life. Nor is it permitted to promulgate emergency laws that would provide executive authority for such actions.

Article 21:

Taking hostages under any form or for any purpose is expressly forbidden.

Article 22:

(a) 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.

(b) 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.

(c) 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.

(d) It is not permitted to excite nationalistic or doctrinal hatred or to do anything that may be an incitement to any form or racial discrimination.

Article 23:

(a) Authority is a trust; and abuse or malicious exploitation thereof is explicitly prohibited, in order to guarantee fundamental human rights.

(b) Everyone shall have the right to participate, directly or indirectly in the administration of his country's public affairs. He shall also have the right to assume public office in accordance with the provisions of Shari'ah.

Article 24:

All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah.

Article 25:

The Islamic Shari'ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.

Source: http://www.humanrights.harvard.edu/documents/regionaldocs/cairo_dec.htm