

## ***Fundamental Human Rights and UNO Charter: A Critical Analysis with Islamic Perspectives.***

**Dr. Inam Ullah Wattoo**

Assistant Professor, Department of Islamic Studies  
Cholistan University of Veterinary & Animal Sciences,  
Bahawalpur, Pakistan.

Email: [inam.ullah@ais.uol.edu.pk](mailto:inam.ullah@ais.uol.edu.pk)

**Yasir Farooq**

Lecturer, Department of Islamic Studies,  
Government Municipal Graduate College,  
Faisalabad, Pakistan.

Email: [yasirfarooq797@gmail.com](mailto:yasirfarooq797@gmail.com)

DOI: 10.33195/journal.v4i02.338

### ***Abstract:***

*This study presents a critical analysis on the charter of human rights of United Nations, as it was design to promote peace and justice in the world but unfortunately it was not come in true. So the concepts and impacts of human rights presented by UN will be examine in the light of Seerah, and to find out the reasons which caused its failure. It is historical observation that fundamental human rights are very essential for justice and peace in the world. All the peoples have equal rights in all respects. No one is allowed to disregard the rights of others on the basis of race, color and religion. Holy Prophet Muhammad (PBUH) founded the state of Yathrab and first time in the history declared the fundamental rights of human and vanished the differences based on race, color and gender. Rights for slaves, war prisoners and women were not only defined but were implemented by legal procedure in very short time. In 1948 United Nation declared a charter for human rights which proclaimed that inherent dignity and equal rights are the foundation of freedom, justice and peace of the world. This charter consist on 30 articles regarding individual and common rights of human. This charter of UN guaranteed the security of all fundamental rights of all human being. Although there are number of articles which caused uneasiness among the people of different religions such as article No. 19. Freedom of opinion and express must be observed but it should must be keep in mind that some irresponsible elements of different societies are using this for their criminal purposes as cartoon contest on Prophet Muhammad (PBUH) by Geert wilders of Holland in recent days caused huge disturbance for world peace. Whereas, the Prophet of Islām ordered the Muslim to respect the clergy of other religions even He (PBUH) halted the Muslims to abuse the idols.*

***Keywords:*** Fundamental; Human Rights; UNO Charter; Proclaimed; Inherent; Dignity; Interference

**Prelude:**

Everyone is seeking justice, peace, love and prosperity. Injustice, insecurity, hatred and poverty are disliked. All laws, institutions and regulations in the society are made to bring justice, peace, and prosperity to the people, and to prevent misconduct, injustice and deprivation, so this called human rights.

Synonym of right in Arabic is; Haq, and its meaning is 'correct' and 'accurate'. As the problem of human rights actually related to ethics, in terms of human rights, there are rules, values, and institutions upon which all humans have equal privilege. The basic condition is to be human only and difference of color, race, religion, sex, language, culture, social status, financial status, and political views has no effect on human rights.

**History of UN Charter of Human Rights:**

Worldwide Human Rights Day is celebrated on December 10. The purpose of celebration of this date is to remind and draw the attention of world toward Universal declaration of Human Rights ratified by the United Nations General Assembly on December 10, 1949. It is described as the first declaration of human rights globally and one of the earliest major works of the United Nations. The formal determination of human rights day was determined at the 317th session of General Assembly on December 4, 1950 When the General Assembly presented resolution 423 (V) Under which all member countries and other interesting organizations had been invited to celebrate this day in their own ways<sup>1</sup>.

**Sociopolitical background:**

61 countries participated in the Second World War, total population of these countries was 80 percent of the world's population, and the number of soldiers was more than one billion, about 40 countries were affected by the war, 5 million people were died. There was worst loss of Russia as about 2 million Russians were killed and more injured than that, 1710000,000 cities and towns. 70000 villages and 32,000 factories of Russia were destroyed. 600,000 men of Poland, 1700,000 of Yugoslavia, 600,000 of France, 375,000 of UK and 405,000 of US were died. About 6500,000 German soldiers died and around 1600,000 people of Italy and other German ally were killed. 1900,000 people were killed in Japan; the cruelest aspect of the war was America's nuclear attack on Hiroshima and Nagasaki. Japan was almost lost war but

America, the world's renowned contractor of human rights in order to demonstrate its power killed the millions of people.

The Second World War had transformed cities and counties settled with millions of people into graves and ruins and these terrors had deep impact on human mind and thought, the cities with happiest peoples were destroyed by their own hands, the human being had become beast for humans. Its example is difficult to find in human history. After the most horrific battle of human history, finally man was forced to recognize this fact that war does not solve any problem, but the war produces more problems.

Both the first and second world wars are the worst examples of this, and eventually man has to be sheltered under the flag of peace and for a peaceful, stable and prosperous world, the need for a global organization was felt for joint struggle and as a result, the organization of the UN has come into existence and among the main objectives of the establishment of this institution is protection and promotion of human rights.

#### **Sources:**

Islamic charter for human rights is a document presented by the Holy Prophet Muḥammad (pbuh) with the guidance and order of Allah almighty. Whole life of Muḥammad (pbuh) is a practical evidence of human rights and at the time of Ḥajj (first and last Ḥajj of Muḥammad (pbuh) a comprehensive declaration of human rights was declared and it was order to promote and preach to those who were not present.

Whereas, documents of human rights of UN was established with the consultancy of those power who were indulged in 1<sup>st</sup> and 2<sup>nd</sup> World wars and their hands were directly involved in the murders of millions innocent peoples.

#### **Human rights and Islāmic teachings:**

"ان لربك عليك حقًا ولنفسك عليك حقًا ولأهلك عليك حقًا"<sup>2</sup>

*"Your Lord has the right to you, your self has the right to you, your wife has the right to you, the guests who come to visit are entitled to you, so pay every right".*

"أعط كل ذي حق حقه"

*"Give the right to every person entitled"*

Islām has established balance between the rights of human and rights of Allah, the Holy Qur'ān stated:

"وَأَعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَالْجَارِ ذِي

الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ<sup>3</sup>

*"Worship Allah and associate nothing with Him, and to parents do good, and to relatives, orphans, the needy, the near neighbor, the neighbor farther away, the companion at your side, the traveler, and those whom your right hands possess. Indeed, Allah does not like those who are self-deluding and boastful."*

The principle of Islāmic teachings is that the rights of Allah are obligatory in the duties (Frāiz), but apart from duties, in case of *Nawāfil*, *Mustahbāt* and *Mubaḥāt* human rights are obligatory, if there come conflict regarding the rights of human and Allah than also in some cases human rights are preferred.

### **Discrimination based on color and race, language, community and region:**

Today it is said that there should be no discrimination among humans based on color, race, community, language and region, People living in various parts of the world, speaking different languages, different colors and race are entitled to the same behavior and rights and being human beings are equal in all respects. Islām said the same thing about 1400 years ago.

Social situation of ‘Arab tribes during the reign of Muḥammad (pbuh) was this that the People of Qurīsh and non-Qurīsh were not considered equal. If a man of another tribe was killed by a person of Qurīsh, Qurīsh was not killed in Qasās, murder of Qurīsh and non-Qurīsh was not equal. But if a man of Qurīshi was killed by another tribe, two men were killed in Qasās, it was a community in which non-‘Arab were not recognized equal to ‘Arabs.

The word "‘Arab" and "‘ajam" refers to the quality of this society, the meaning of "‘Arab" is to speak, while the word "‘ajam" is muted. People of ‘Arabia used to say that language is the language what we speak, all the rest are missing. Muḥammad (pbuh) announced the end of these differences.

Ḥazrat Jābir (R.A) reported that The Messenger of Allah (pbuh) said on the occasion of Ḥajj that:

"ان الله عز و جل يقول يا ايها الناس انا خلقنكم من ذكر وانثى وجعلنكم شعوباً وقبائل لتعارفوا ان اكرمكم عند الله اتقكم، فليس لعربي على عجمي فضل ولا لعجمي على عربي فضل ولا لاسود على ابيض ولا لابيض على

اسود فضل الا بالتقوى<sup>4</sup>

*“Allah Almighty says, "O people! I created you from the same man and woman (Adam and Eve) and divided into nations and tribes so that it is your source of mutual recognition indeed, near Allah, you deserve more respect than that which is bound to the limits, There is no superiority for an 'Arab over a non-'Arab, nor for a non-'Arab over an 'Arab. Neither is the white superior over the black, nor is the black superior over the white -- except by piety”.*

Muḥammad (pbuh) divided them in respect of rights and ranking. All human beings are equal in rights but different in ranks. In term *بالنقوى* Ḥaḏrat Muḥammad (pbuh) explained the same that the rights of all human beings are equal to color and race and caste, but are not equal in respect and supplication because the meditation of supreme is on the role, actions and divine.

Ḥaḏrat Muḥammad (pbuh) did not remove the discrimination of color and race only by sayings but but also eliminated the process and presented a comprehensive and complete sample of equality. When Mecca was victorious, He (pbuh) was with an army of ten thousand companions among them were most senior companions, *alsābiqūn al awwalūn*, *Muhājirīn* (migrated from Mecca to Madina) and *Ā'nṣār* (the host Muslims of Madina). But after cleaning the idols from the Ka'bah, who was chosed by Prophet (pbuh) for first *Āzān*? The Holy Prophet (pbuh) said to Ḥaḏrat Bilāl Ḥabshī, "Come and invite us to stand up on the roof of the Ka'bah, raise the name of Allah. Today, this power of Muslims will be inaugurated with you. Ḥaḏrat Bilāl went on the roof of Ka'ba, and said "Allah is greater", "The word of righteous with *Āzān* raised and declared the rule of Muslims in Mecca."

In the history of Islām with the order of Ḥaḏrat Muḥammad (pbuh) this action of Ḥaḏrat Bilāl poured down the difference between human on the basis of color and cost for ever.

### Protection of life, wealth and honor

Regarding human rights, it is said that protection of life, wealth and property in the society is the basic right of human beings. On the occasion of Ḥajj.ul.Widdah the Prophet (pbuh) said:

"ان دماءكم وأموالكم واعراضكم عليكم حرام كحرمت يومكم هذا في شهركم هذا وفي بلدكم هذا او كما قال

صلى الله عليه وسلم<sup>5</sup>

Your life and your possessions are forbidden to you, as on this day, and in this month there is a sanctuary in your city.

Similarly, on another occasion, He (pbuh) said:

"ألا، انما من أربع: أن لا تشرکوا بالله شيئاً، ولا تقتلوا النفس التي حرم الله الأ بالحق، ولا تنزوا، ولا تسرقوا"<sup>6</sup>  
*"Be aware Avoid these four things: Do not worship anyone except God, do not kill any person forbidden by God, do not commit adultery and do not steal"*.

The Holy Prophet (pbuh) said:

"الا لا تظلموا، الا لا تظلموا، الا لا تظلموا، انه لا يحل مال امرئ الا بطيب نفس منه"<sup>7</sup>  
*"Listen, do not do injustice. Do not do injustice, do not hurt, do not do injustice. It is not lawful to take a person's wealth without the pleasure of his heart"*

One person asked the Messenger of Allah (pbuh) if I see a flock of my uncle's brother goats and I take a goat out of them and slaughter them, will I have his sin?-. He (pbuh) said, "If you find a goat in the valley that he has knocked and (to burn the fire), do not touch it even then."<sup>8</sup>

The Holy Prophet (pbuh) said: العارية موداة "borrowed things to be returned" والمنحة مردودة "the animal that has been given to be returned should be returned"، والدين "the loan should be paid" "والزعيم غارم" and the debt consolidation (if the loan is not paid) will be responsible"<sup>9</sup>

The Messenger of Allah (pbuh) has told that such conversation is a great sin, which comes to the point of someone's disrespect. The person who deals with Adultery on someone is entitled to be punished that he has handled another's honor. The Holy Qur'an stated:

"وَلَا يَغْتَبِ بَعْضُكُم بَعْضًا أَيُحِبُّ أَحَدُكُمْ أَنْ يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ"<sup>10</sup>  
*And do not spy or backbite each other. Would one of you like to eat the flesh of his brother when dead? You would detest it.*

### **Awareness about the demand of their rights:**

Once the Prophet (pbuh) was sitting in the company of his companion, a companion had tied a cloth on the body and did not wear shirt, there was a stick of palm in the hands of the Messenger of Allah, in joke and love the Holy Prophet struck a stick on his waist, which scattered on his body. The companion said, "O Messenger of Allah!" You stick to me; I'll take revenge from you. The Prophet (pbuh) did not say that I am the ruler, and how do you think? The messenger of Allah gave the stick in his hand and presents his waist for revenge. He caught the stick and said that

revenge is not equal; my waist was naked while you have wear shirt put it off first, The Prophet took away the shirt and present the naked waist in front of him that you have the right to take full revenge; the companion took the Holy Prophet in his arms and said, "O Messenger of Allah!" I was looking for a chance to touch my body with your body. My intention was not to take revenge from you. But the Holy Prophet (pbuh) told the world that it is human right to demand his rights.

Similarly, once Amīr al-mu'minīn, 'Umer Farūq (R.A) was delivering a sermon 'Umar (R.A) about whom the Prophet (peace and blessings of Allah be upon him) used to say," The road on which 'Umar (R.A) use to travel, the devil does not have the courage to come to this path. He changes his way) thousands of companion were sitting there to listen his sermon, He said: listen to me, and obey me. A companion stood up and said, "I do not hear or listen." He asked what the matter is. The companion said first answer me a question then we will listen and obey you. Which is this, that you have distributed clothes in people a few days before from Bait-ul-Māl we all got one sheet, even I and you also got the same cloth, that sheet was not so long that, it could made a shirt for me but you are wearing the same clothes, how do you make this dress while your height is too long. 'Umar said, "Your question is correct, but it will be answer by my son Abdullah." Then he asked his son 'Abdullah to wake up and answer. 'Abdulla arose and explained that brother, I had gifted my sheet to my father and his shirt was made with two sheets. 'Umar asked, "Now should I call my sermon?" The companion said that we will hear and obey.

### **Rights of relatives:**

The Holy Prophet (pbuh) also advised for kindness and taught through practical examples at many times in his life. The behavior of the Holy Prophet (pbuh) with his relatives shows that there is a consistent pattern of family system that the example of which was not presented by any other personality or system of the world. The importance and status of parents in the life of a person was described in such a way that the disobedience of parents caused great sin and good behavior with parents and their services is a source of heaven. On an occasion the Messenger of Allah (pbuh) said:

"ان الله عز و جل يوصيكم بأمهاتكم"<sup>11</sup>

*"Allah advised you to treat with kindness to you mothers"*

The Prophet (pbuh) encouraged to spend on relatives by saying:

يد المعطى العليا، أمك و أباك وأختك وأخاك، ثم أدناك فأدناك<sup>12</sup>

The one who spend is superior, spend first on your parents, siblings and then on your close relatives. *Zainab*, the wife of 'Abdullah bin Masūd (R.A) asked the Prophet. "O Messenger of Allah, my husband is needy, is it permissible for me to give him charity, He (pbuh) said, you will get double reward for this virtue.

### **Rights of Women:**

The rights of women regarding human rights are also being discussed. Today, in our society, a woman is forced to get married, her dower digested with different hills and she cannot get her part form property and heritage. The Prophet (pbuh) said in the sermon of Ḥajj-tul-widd'a, remember:

"ألا، واستوصوا بالنساء خيرا، -- ان لكم على نساء حقاً ولهنّ عليكم حقاً"<sup>13</sup>

Accept my blessing advice about women, treat them with good behavior, your rights are on women and the rights of women are on you, if both men and women will entitled to the rights then the matter will proceed. Then He (pbuh) said, "I advise you much about women that the women are naturally weaker (from men by their structure)". It is the responsibility of powerful to pay the rights of weaknesses. Similarly, on another occasion He (@) said:

"فاتقوا الله في النساء فانكم أخذتموهن بأمان الله واستحللتم فروجهن بكلمة الله"<sup>14</sup>

*"Fear to Allah in the matter of women, because you have taken them in marriage under the law of Allah, it is permissible for you to take advantage of them".*

### **Neighborhood rights:**

In a Ḥadīth, the Holy Prophet (pbuh) said: "it is not desirable to be called a Muslim who sleep at night after having full meal whereas his neighbor is hungry. Abu A'mama Babli said that on the occasion of Ḥajj the Holy Prophet (pbuh) emphasized to take care of neighbor with such a stress that I thought that He (pbuh) would also be entitled the inherit the inheritance of neighbor. Jābir (R.A) that the Holy Prophet (pbuh) said that the neighbors are of three types:

- Relative Muslim neighbors: he has three rights: neighborhood, Muslim and sincerity.



- Muslim neighbors: he has two rights: neighborhood and Muslim.
- Non-Muslim neighbors: he has on right of neighborhood.

‘Abdullah bin ‘Amr ibn al-‘Ās expressed disappointment on his wife that she had cooked meat and distributed among neighbors but forget to send in the home of a Jews family. He asked to his wife, “do not you know that what the Prophet (pbuh) have advised about the neighbors?”

### **Protection of privacy and personal life:**

Protection of privacy is also one right among human rights. Everyone, has the right of protection of privacy, personal life and life within is four walls of the hose. Allah almighty said in the Holy Qur’ān that do not be indulged in personal matters of each other’s. The Holy Prophet (pbuh) said if you want visit someone’s house, do not enter without permission. Once the Holy Prophet (pbuh) went to the house of his companion to meet him, it was His (pbuh) routine that He (pbuh) used to said loudly Asslām o ‘alaikum, it was a way to ask for permission. If the answer come from inside, otherwise He (pbuh) returned from there. So it is ordered to ask for permission for three times, the way to ask for permission will be according to contemporary customs or situations. Today, there are bells out of the door, according to occasion after three time Salam or after three times bells if no one comes out then you should must not stand there. He (pbuh) said, Asslām o ‘alaikum for three times, but there was not answer from inside then the Holy Prophet (pbuh) just returned back when the same companion come out almost running, the Holy Prophet (pbuh) asked, why you did not answer on my Salaam, he replied, O messenger of Allah (pbuh) I responded three times but slowly because I wanted to hear Salām from you again and again.

So asking for permission is to protect the privacy of other’s homes. A person come to the Prophet (pbuh) and asked O messenger of Allah (pbuh), “should I ask for permission from my mother’s home? He (pbuh) replied, “Yes, ask her too” he again O messenger of Allah (pbuh) “my mother lives in a separate house. Do I ask for permission too? He (pbuh)said again, “yes, ask for permission also while going inside” he asked again for third time O messenger of Allah (pbuh) “I have to go form many times” He (pbuh) asked, “would you like to see if your mother is sitting in an unfair

condition?" he said, "no" He (pbuh) said, "then take permission. It's a protection of personal life.

The Holy Prophet (pbuh) said, " if you are asking for permission to enter someone's home, don not stand in front of the door, that's the reason to ask for permission that you may not see inside, do not stand on such a place from where when door open you may see inside the house while opening the door. It may be possible that a child may open the door suddenly and you see inside the house. Once He (pbuh) saw a man who was wondering inside of someone's home, He (pbuh) forbid him and said that if he (the owner of home) saw you doing this and he drag a rod in your eyes, then he got his right."

### **All are equal to the law:**

Once armor of 'Alī (R.A) was lost and it was found in the custody of a Jew. When 'Alī saw his armor with him he recognized it, whereas, the Jews said, that he had purchased it from anywhere. So there comes a conflict between a Jew and ruler of Islāmic realm. 'Alī (R.A) filed his case in the court of Qāzī Shuraiḥ, and claimed that his lost armor was found by a Jew. Qāzī Shuraiḥ was the chief justice in the government of 'Alī. As the case was filed by 'Alī (R.A) so he was defendant. The court demanded 'Alī to bring witness. Now both the Jew and 'Alī (R.A) were standing in the front of court for justice. 'Alī (R.A) did not get any judicial protection that the chief minister could not be asked for the court, there was no protocol even no chair was given to 'Alī (R.A) to sit, both stood in the front of the judge, 'Alī (R.A) presented two witnesses among which one was his son Ḥaẓrat Hassan (R.A). Qāzī said, "the testimony of son in the favor of father is not acceptable, is there any other witness except Ḥaẓrat Hassan (R.A), otherwise, I have to announce decision against you. Ḥaẓrat 'Alī (R.A) said, "I have no other witness". Qāzī said, I removed your case and he Jew is the owner of this armor.

World has not yet reached the place of equality despite the claims of civilizations which was presented by Islām.

### **Concept of slavery in Islām:**

In contemporary ages, it is attempted to criticize Islām regarding the matter of slavery, but the fact is that slavery was a tradition which was gradually eroded by Islām. When the Prophet (pbuh)

was bestowed with prophet hood, then there were three ways to make slaves.

First of them was that which is now known as human smuggling, it means a powerful man caught some one and sold him as slave, Ḥaḏrat Zaid bin Ḥārith (R.A) was also such a slave, he was not from any slave family, on the way some mighty caught and sold him. Same like this Ḥaḏrat Salmān Farsī (R.A) was also of this type, he was travelling in search of knowledge when some powerful criminals got up and sold him as slave. Even today criminals kidnapped children and sold them, this was the first type of slaves.

The second way was to become a slave, which is also mentioned in Bible, and it had also been practiced in ancient nations that if a man was entitled to pay fine and he was unable to pay it then judiciary made him slave for punishment. And sometimes some financially compelled man had given himself to somebody's slavery. For example, there would be a loan on someone whom he could not afford, he would say helplessly that I am your servant and sell me to fulfill you debt.

The third way was that war prisoners were enslaved, war prisoners were treated in different manner according to situations:

1. Leave aside
2. To be released in exchange of prisoners
3. To be released after paying money
4. To be killed
5. To be imprisoned

If war criminals were decided to imprison, then there were two ways to put them in prison, or to be enslaved to different families. Imprisoned in prison or to give half freedom, as there were no jails in 'Arab during the period of Ḥaḏrat Muḥammad (pbuh) and it was difficult to imprison thousands of war prisoners so these prisoners were divided in families as slaves for services.

So these three methods were used to make slaves. The Holy Prophet (pbuh) declared all these types illegal, Ḥarām and crime but according to maintain administrative needs only the last situation that the war prisoners should be distributed as servant among different families.

The Holy Prophet (pbuh) said, "sale and purchase of human is Ḥarām (crime)" and it was also forbidden to make slave someone who is unable to pay fine (Tawān). In the period of prophet hood

prisoners of wars either left or exchanged, in the war of Ḥunain all prisoners were released for free of charge. In single or two wars, when it was seen that captivity was necessary, the prisoners were made slaves but their rights were also described.

On an occasion the Holy Prophet (pbuh) said, “they (slaves) are your brother, give them to eat what you eat and provide them the clothes of same quality which you wear yourself, further He (pbuh) order to no put on them burden which more than his capacity, and help them if given task is more than his /their abilities or physical power.

Abu Mas‘ūd Anṣārī (R.A) narrated: I slapped my slave, I heard a voice from back, Abu Mas‘ūd, there is more powerful over you than the power you keep on him, you have slapped himself considering yourself a master, and you also have a master, Abu Mas‘ūd says that when I turned back I saw he was the Messenger of Allah, I said, “O messenger of Allah I freed him for the sake of Allah, He (pbuh) said: “if you did not free him, then the fire of hell would cover you”

Ḥaḏrat ‘Aīsha (R.A) narrated that the Holy Prophet (pbuh) in his last time, last sentence of his life states three times, “be careful about your Ṣalāh (prayers) and treat with kindness to your subordinates.

The Holy Prophet (pbuh) made the problem of slavery by his apostles so sensitive that his companions started to liberate the slaves on a minor basis, and thus in Muslim society slavery was banned and reduced practically.

### **UN Charter of human rights and Islāmic teachings:**

Human rights charter of UN consists of 30 sections and dully signed by all member states. It is mandatory for all member states to implement on the recommendations of said charter. But there are many sections in this charter which are logically contrary to the basic principles of Islām, so it is not easy for Muslim state to implement on it as it is. In the following passages critical review on certain objections is presented.

### **Section No.1-3: double standard of United Nations policy:**

From section 1 to 3, we actually agree and Islāmic teachings are being followed by these references in the same manner, but in present circumstances, the implementation of these principles, and the Western countries, as well as the UN's role in the UN, For

instance, the "ethnic difference" has been denied between humans, while the Jewish state based on ethnic discrimination and superiority are being fully patronized.

#### **Section 4: ban on slavery:**

Section 4, "About the ban on slavery", we do not have any difference, and Islām has accepted it. Thus, during the last century, anywhere on the shari'ah basis, 'Jajad' has been made in the world, no one was made a slave or slave, nor in the present time, in any part of the world Fighting groups are making a slave or bondage, but about Islām and slavery, since internationally-conferred is found, there are some things to be mentioned in this context.

However, this case of slavery is not as an order, but a reason for which one reason is to say that there were no mass arrests in that period and this was the custom of whole world not only of Islām, therefore today Accepting the global Alias, Islām has adopted the practice of avoiding making any slave or bondage in Shari'ah wars. The principle of Islām regarding international agreements is that whatever opposes any permanent and clear order of Qur'ān and Sunnah will not be accepted and if there is any alternative situation in the matter or in the scope of Sharia rules If any option can be accepted under the rules of Sharia, then it can be accepted if there is an international agreement. Human Rights Commission regarding slavery and the international treaty in the case of Geneva Convention, Islām has been accepted under this principle, and it is also implementing the Islāmic realms.

In the context of this clause, the west object on us that when the Islāmic world has accepted the end of slavery, then the Qur'ānic verses, the teachings of Prophet Muḥammad (pbuh) and Islāmic jurisprudence about slave are being taught in the curriculum and why are not removed from the curriculum? Our answer in this concern is that the principles and laws of the Qur'ān and Sunnah are eternal; there is no authority to cancel them. And we have accepted the current international agreements regarding slavery not on the basis of cancelation of rules and law of Qur'ān and Sunnah, but on the basis of the context, in the present situation, according to their implementation.

And it is as long as the current situation and the global allies remain, it is not a prescription, but it is a practical matter of implementation, in the next round, if the earlier circumstances and

the global sentiments are returned, these verses and rules of Qur'ān and Sunnah It will be as if it was in the past.

### **Section No 5. The basis of objections on Islāmīc Ḥudūd and T'azirāt:**

Section 5 states that no person will be treated or punished, which is cruel, physical violence and cheap behavior.

UN agencies and international lobbies make it clear that physical violence, mental torture and humiliating behavior will not be done to anyone. This is also not only acceptable to us for the extent of behavior, but it is a part of Islāmīc teachings and the Holy Prophet (pbuh) has directed it with a very clear explanation, but the sentence has also been added to this by saying "or will not be punished" Which means that any punishment given in any crime should not be include physical violence, mental torture and humiliating, and in which punishment it is found to be one of them, the it will be consider the violation of human rights.

Islāmīc punishment for social crimes is therefore attributed to human rights hypocrisy that they include cases of killing, stoning, cutting hands, physical organs in Qiṣāṣ in front of people. These punishments described in the Holy Qur'ān and Sunnah are not only known as human rights hypocrisy, but are also interpreted as cruel and non-human punishment.

One of the aspects of our stand in this regard is that these punishments are not described the Holy Qur'ān only, but these are all the sentences described by Turah and as well as in the Bible. The Holy Qur'ān has kept the continuation of these punishments of the Turah with some reforms. Whereas, the second point is that experience and observation has proved that the end of crime in human society is not possible without strict penalties. Today, the rate of crime in Sa'ūdi-'Arabia is described as less, even though the people of various colors, races and cultures in Ḥarḥain Sharīfain are gathered together all the time but there is no crime. Due to this, there are also severe sentences of the judiciary system of Sa'ūdi-'Arabia as well as the religious commands of Islām. Similarly, the world recognizes that in the era of the Islāmīc rule of the Ṭalibān in Afghanistan, the crime was completely eliminated, due to the fact that the Ṭalibān in Islāmīc government Afghanistan used to implement the penalties of Islām, as a result crime rate was reduce to zero percent.

## Section 16: Family system and Islāmic teachings:

However, Section 16 is very important in which the structure of the family system is described and following points are more important:

The right of marriage is to adulterate men and women, and younger boy and girl's right of marriage was not recognized, so in every country, for marriage there is a minimum age limit for both male and female, and before the age of marriage, it is not legally recognized. For example in Pakistan there is a law of minimum 18 years for male and 16 for female. The one who violate this law considered a punishable crime. In this way, principles regarding marriage in younger and elder ages along with supervision which are existed in our books of Ḥadīth and Fiqh will be dismissed. The matter becomes more surprising that men and women commit adultery with mutual consent, they are not considered guilty according to contemporary international customs, as it is determined If a child or a girl commits adultery, it is not a crime, and if you do regular marriage, then it will be a crime.

Color, race, nation and religion should not be interrupted in the male and female mutual marriage; in this section we have different order reference to religion. Because Islām does not allow marriage of a Muslim woman with non-Muslim, and the marriage of a Muslim man is also not permissible with any non-Muslim women, except the girl who belongs to the people of book (Jews and Christians) and believes in the basic beliefs of our religion as well as God, Messenger and the Day of Judgment. There is a big dispute between Muslims and contemporary philosophy in the laws of marriage, such as the issues of family life, that this section of human rights manifestation is being demanded that mutual marriage of Muslims and non-Muslim should be allowed, Muslim scholars are not ready to grant permission due to the clear orders of the Qur'ān and Sunnah. Especially in western countries when a Muslim girl is married to non-Muslim men or a Muslim male married to a non-Muslim woman, then the courts do not accept this object and validates this marriage.

Equality of male and female in marriage life denied the rights of male regarding the matter of headship of home. It is not only contrary to Islāmic teachings that Islām has declared a man as a ruler of the house, but it is also unusual about referring to the

management of house, because it is not possible to run the system of house without recognizing one's administrative power.

There are equal rights of divorce for man and woman, it is not consistent with Islāmic teachings, because as per Islāmic teachings women do not have the same rights as man the rights of direct divorce but a women can get divorce by presenting herself before court. And in the name of equality of men and women in human rights, it is demanding that equality between women and men should be established by giving equal legal right of divorce to woman. Islām has not given the woman right to divorce, but has given the right to demand for divorce, which is called *Khula'* and fulfilling this demand is not merely obligatory to the husband, but if the demand of a woman is valid and the reasons for demand are correct, there are alternatives to accepting her demand. Because if the demand of woman is vailed then the judge can cancel the marriage without the consent of husband Therefore, it is not correct for Islāmic law that women have been completely left on the mercy of men, but it is correct that Islām has given the direct right of divorce to man, but the woman have the same but indirect which due to a clear difference in the psychology of male and female is reasonable and logical, as well as necessary for the survival and protection of family.

However, referring to family laws, it is a fundamental dispute between Western philosophy and Islāmic teachings that stands on the basis of this human rights manifestation based on this section and continues. Along with this, in the context of complete equality of woman and man, one point should be focused that the difference of rules, laws, and social traditions regarding man and woman is considered as "gender based discrimination "and gender-based discrimination rules are demanded to be removed. Its main concept is that there should be no difference between the male and female in the context of commands, law and principles and wherever any difference is existing, by declaring it a discrimination attitude or discrimination law it is emphasized to remove it. In this context, to understand this point study of followings aspect clear the claim of elimination of discrimination laws more evident.

- Women in Islām have been exempted from the right to rule.
- Women are exempted from the responsibility of *Khiṭābat* and *Imāmat* in religious matters.



• Men and women have not been given equal rights in inheritance. And there are many other types of matters where the Qur'ān and Sunnah have described different rules and regulations for men and women. These are all against the equality of men and women and called laws or behavior of discrimination.

There is a difference in the creation of men and women, physical structure, mental trends, psychology, power, nature, and behavior, which cannot be eliminated in any manner. The difference of the rules and regulations for them is also an indispensable requirement, without which social system and especially family systems cannot be run properly.

### **Section 18 and 19: Freedom of Religion and Freedom of Opinion:**

Article No. 19 says:

*“Everyone has the right of freedom of opinion and express; 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”*

However, I will discuss the Section 18 and 19, because these two phases have two major conflicts between the Islāmic world and the West. A conflict is entitled “Freedom of religion” and the other “freedom is the opinion”. What are the limits of freedom of religion and freedom of opinion and what is the dispute of Muslims world with western world? Its practical terms refer to declare Qāadianīs as non-Muslim and the death sentence on blasphemy, which has been for a period. Therefore, it is very important to understand the present global conflict and debate in its original context.

As west have denied the role of religion in the state, government and social matters, for them religion is the matter of person's personal opinion and priority. Therefore, it is believed that the state and the government should not be a part of religious matters, it is the individual's right to keep or not hold any belief, do worship or not, abandoning a religion, leaving another religion, openly propagate his religion, invite others to accept his religion and perform his religious rituals freely, the government or state does not have the right to intervene in it. Similarly, the state and government does not have the right to make any difference between its citizens regarding religion and enforce separate laws and regulations for the people of different religions. If the government intervenes in the religious affairs of a person or group,

it is called interference in religious freedom, and if the state applies different rules for the followers of various religions, it is called the law of religious discrimination. And it is emphasized on ending it.

On the basis of the limits of religious freedom described in Section 18, constitutional section of Pakistan which declared Qāadianīs as non-Muslim and to prevent them from propagating their religion in the name of Islām is being described as a violation of the human rights and it is being called for a worldwide demand for ending it. Similarly, some other minorities, especially Christian population also considered some state laws as against the freedom of religion and religious discrimination laws and demanded to end it.

In fact, in this regard, Pakistan is an ideological Islāmic state with both its existence and its craft, which is responsible for not only protecting this ideology and religion in its limits, but to enforce its rules and regulations. Brought into action and form an Islāmic society in the country.

Therefore, the security of Islāmic religion and culture and the implementation of Islāmic rules and regulations is official responsibility of the Government of Pakistan. As it is the prior responsibility of the government of any country to protect, implement its mandate, it does not allow anything contrary to its interests. It is a different matter to agree or disagree with the basis and principles of the constitution of a country but its protection and implementation within the country is different from that.

As Pakistan was formed on the basis of “two nation ideology” based on cultural and social differences from Hindus and its constitution was established on Islāmic basis. On both occasions non-Muslim minorities of this region were involved in this process and they have recognized Islām based Pakistan and its theoretical based constitution, which is a social contract between Muslims and non-Muslims living in the boundaries of the Islāmic Republic of Pakistan.

And as the United Nations has accepted its membership despite this discrimination status of Pakistan and Pakistan is the UN member in the presence of its Islāmic identity and ideological constitution, so Pakistan has been accepted with its discrimination identity on international level.

And it is also a fact that on both occasions at the time Pakistan resolution and at the selection of constitutional assembly, the

decision to make Pakistan; an Islāmic ideological state has not been ruled by the oppression on the subject of country, but in the form of free public opinion and full democratic process with elected representatives of the public. In the presence of these ground realities no one in the world is right full to deny the Islāmic ideological identity of Pakistan and try to create barriers to initiate for Islāmic ideological identity.

Freedom of opinion has been discussed in Section 19 and it is said that critics on religion and its holy personalities is also a part of freedom, punishment of death sentence on this act is against freedom of opinion. It is totally false because there is a great difference between difference of opinion and insult. Muslims have always responded to academic differences in a scientific way, since centuries, Orientalists are objecting to Islām, Qur'ān, personality and role of Prophet (pbuh) and Muslims are answering their views, but they never tolerated the insult of any true messenger and the prophet nor could it ever bear any further. I would like to present two examples here.

a western thinker sir William Muir, wrote a book on the life of the Holy Prophet Muḥammad (pbuh) and raise some objections in it, his objections were answered by Muslims in writings, but Salman Rushdie compiled a set of myths entitled "Satanic verses" which was not based on academic or historical contexts or objection, but was insulting intuitive and intimate, therefore it was not tolerated.

Similarly, one and half century ago, a Hindu scholar Pandit Saraswati wrote a book titled "Satyart Prakash", , and in a chapter he raised more than a hundred objections about the Holy Qur'ān and the Holy Prophet (pbuh), Muslim scholars wrote detailed answer to his book and answered in a direct discussion in a meeting with the Pandit Saraswati. But in Lahore only another Hindu writer, Raj Pal, wrote a book entitled "Rangila Rasool" its name also was humiliated, it was not tolerated, and Ghāzī'Ilm-u-dīn Shahīd killed him. There is a difference between discrimination and humiliation and objection to determine blasphemy a crime, in fact is a struggle to include humiliation as human rights which is totally unreasonable and unacceptable. In every country of the world citizens have right to avail legal protection on defamation, and "Compensation for defamation" provide legal protection to citizens. If defamation of a common man is a legal offense then

defamation of Prophets is a worse crime because it includes the humiliation of the feelings of billions of their followers.

We demand to the UN to recognize the difference between humiliation and freedom of opinion and as respect of national personalities and national symbols of a country are protected with legal protection similarly, rights of legal protection of Prophets, religions and their symbols/signs should be recognized.

### **Section 21: The basis of right rule in Islām:**

Section 21 is about the political system in which the United Nations member states have accepted the responsibility globally that their political system and government order will be subject to the collective opinion of the citizens. Any government formed against the will of subject will not consider legitimate government by this manifesto. It is called democracy and is defined by the sovereignty of the people. In this context, it is important to present some reports in the light of Islāmic teachings, intentions of the Holy Qur'ān and Sunna and practices of pious Caliphs:

- Rather than the sovereignty of the people in Islām, the rule of Almighty Allah and rules of the Holy Qur'ān and Sunnah is the basis of an Islāmic government, and the ruling person or group is bound to enforce the rules of Holy Qur'ān and Sunnah instead of implementing the decisions of the people.
- in Islām People or their representatives do not have authority to change any interpretation in the clear and straightforward rules of Qur'ān and Sunnah, it is necessary for rulers, people and their representatives to protect and implement these rules.
- Formation of Islāmic government and selection of caliph will be on the public opinion, as after the death of the Holy Prophet (pbuh) his successor was selected with open public debate and selection.

### **Section No. 25 social classification of society:**

However, in section 25, is referred to "standard of life" and "economic protection", that is why it is appropriate to present little discussion in this context.

It is important to keep in mind while discussing about the 'standard of life' that when after the death of the Holy Prophet (pbuh) Ḥaẓrat Abū bakar (pbuh) was selected as fist Caliph, the members of Shūrā made determined two principled decisions; first: as Caliph will remain busy in different social and political affair of the state and will not be able to do any business, so his

expenditures will be the responsibility of state and will be paid from Bait-ul-Māl.

Second: his expenditures were fixed according to the expenditures of a common middle class citizen of Madīnah.

Amīr-ul-mu'minīn had banned his officials for that:

- They will not be able to construct Threshold in front of their home.
- They will not ride on turkey horses.
- They will not wear soft garments.
- They will not eat the bread of thrashed flour.

These were the symbols of social discrimination at this time, which means that the ruling class would have to make sense of equality of economic as well as social equality with common subject.

This means that Islām's temperament is not to promote social classes and classification in the Islāmic state and to make every effort to maintain social integrity.

In second part of Section 25, it is mentioned in reference to the help of mother and child and, it has been explained that the child will be entitled to equal rights, whether the child is born after marriage or without marriage in both cases child is entitled equal rights. We have no word about the child because he/she has no guilt, and discrimination behavior with him/her is not appropriate. But in both cases, equal rights formother is beyond our understanding, and it has an impression that even in the case of unmarried children, the mother is entitled to be treated with equal rights. While Islām distinguishes both of them, the mother who born a child without marriage and man who is the father of this child both men and women are criminal in Islāmic view and there is a fixed punishment for them.

A woman came to the prophet (pbuh) and said that she had committed adultery and child born by this adultery was in her lap, so she should be punished, the prophet (pbuh) said that the child is not guilty, Go, feed the baby, when he does not need your milk then come. It is narrated that she came after a period with her child, who had a piece of bread in his hand and was eating it, she said, "This child now eats bread and does not require my milk." Now, let me be punished, so the prophet (pbuh) ordered to stone the woman.

This means that the prophet (pbuh) has protected the child born in adultery and has facilitated his mother as much as required for protection of child, but the crime of mother was not forgive and she was punished. It is, therefore, equal social protection of both mothers is not legitimate by the Islāmic point of view.

### Conclusion:

Human rights declaration of UN is a comprehensive document and UN is intended to implement it in all member states. As now almost all Muslim states are permanent member of UN and it is demanded to implement it in their respective jurisdictions. But there are many sections which are contrary to basic Islamic rules as well as there are some objections raised by modern world as now slavery is illegal in all the world including Islamic countries. Now it is demanded to remove the teachings of Islam regarding slavery from the educational curriculum as these teachings are no more require. same like this strict punishments for criminals prescribed by the Holy Qur'ān and all previous religious scriptures are also considering violation of human rights whereas, historical evidences proved that strict punishments are mandatory for entire peace of the world.

UN charter demanded to allow the marriage of Muslims with non-Muslims which is quite against Islamic laws and equality of right to divorce for men and women is also unacceptable for the survival of family system. This charter demanded that government should constitute with the will of subject but Islām order to rule according the rules of Allah almighty described in Holy Qur'ān and Sunnah.

Worse thing of this charter is "freedom of speech" Extremist non-Muslims humiliating the religion and religious personalities and seeking protection under this section which is quit unbearable.

### References:

<sup>1</sup>United Nations General Assembly Resolution A / RES / 423 (V) December 4, 1950

<sup>2</sup>- بخاری: رقم الحدیث: 1968

<sup>3</sup>- سورة النساء: 36

<sup>4</sup>- المعجم الکبیر، ۱۲/۱۸، رقم ۱۶

<sup>5</sup>- بخاری، رقم ۵۴۰۵۳، ۶۵۵۱

<sup>6</sup>- مسند احمد، ۱۸۲۲۰

7- مسند احمد، ۱۹۷۷ء

8- بیہقی، السنن الکبریٰ، ۱۱۳۰ھ

9- ترمذی، ۲۰۳۶ء

10- سورة الحجرات: ۱۲

11- المعجم الکبیر، ۷۶۴ء

12- مسند احمد، ۱۶۰۱۸ء

13- ترمذی، ۳۰۱۲ء

13- مسلم، ۲۱۳۷ء



@ 2017 by the author, Licensee University of Chitral, Journal of Religious Studies. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) (<http://creativecommons.org/licenses/by/4.0/>).