

# Human Rights And Islam

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## Glossary

Ahadith	Plural of Hadith - Narration of a saying of the Holy Prophet.
Ambiyah	Messengers of God – who are given continuation of revelations of earlier prophets
Ansar	The Muslims of Madina who extended every help to the Holy Prophet and his companions on their migration to Madina
Bayhaqi	A book by the name of author, explaining Ahadiths
Bazzaz	A book by the name of author, explaining Ahadiths
Daroos	Plural of Dars - Learning to read, a lecture, a lesson.
Deen	A faith in Divine religion prescribing a complete code of life.
Diyyat	The blood money, fine or compensation paid for murder.
Farz	A duty, Divine command and obligation enjoined on all Muslims.
Fidyah	A ransom.
Fiqh	The science of Islamic law and jurisprudence.
Hadd	Punishment for non-observance of restrictive ordinance of God.
Haj	Pilgrimage
Hazrat people	Addressing name used for prophets, companions of prophet and pious people
Hijri	Islamic Calendar
Hudaibia	A place in Saudi Arabia, where the prophet reached an agreement with the rivals of Makkah
Imam	One who leads Muslims, prayers.
Jahez	Dowry and paraphernalia of a bride given by her parents.
Jehad	Holy war
Kaba	Holy house in Makkah, considered to be the house of Lord
Khateeb	A preacher giving sermons in mosque.
Khilafat	The office or dignity of a caliph.
Khula	The divorce obtained by a wife
Khutbat	Plural of Khutba (sermon).
Mahr	A marriage gift settled upon the wife by her husband.
Mohalla	A ward, street, quarter or a part of a town.
Momineen	Plural of Momin - A faithful believer and follower of Islam.
Muzdalfa	Holy place at Saudia Arabia, where pilgrims stay at pilgrimage
Nafaqa	Maintenance expenses of a wife borne by her husband.
Nikkah	Matrimonial binding of husband and wife.
Qazi	A judge, magistrate.
Qisas	The Islamic law that prescribe punishment for murder.
Quraish	A famous tribe of Arabia to which the Holy Prophet belonged.
(RA)	Razi Allah-o-Anho, used with the names of companions of prophet, means Allah is happy with them
Rasool	Messenger of God – Revealing new religion of God

Talaq	Divorce
Taloot	Name of King, mentioned in the Holy Quran
Sahaba	Plural of Ashab – companions of the Holy Prophet.
Surah	One of the 114 chapters or divisions of the Holy Qur'an.
Ulama	Plural of Aalim – the learned scholar of Islam.
Madina	A holy city located in Saudi Arabia
Makkah	A holy city located in Saudi Arabia
Zakat	A specific ratio of income tax liable by Muslims

## Foreword

The tension between secular and religious elements has deep historical roots in Pakistan and has a negative impact on the situation of human rights in the country. The thoughts of these two rival groups had been reining the minds and lives of the people since the country got its independence in 1947. Both sides have entrenched positions on a variety of issues related to several disciplines including human rights and social development. Each side is continuously trying to oppose the other and manipulate the existing socio-economic and political conditions to gain prominence/dominance in the country and use the state machinery in their favor through which they can further strengthen their respective positions. Their differing views, subsequent hard stands, lack of the culture of open debates on vital issues and little communication between the two sides have led to frequent disputes between them. In this process several important subjects of national importance have become controversial in the past. The key examples included family planning, blasphemy laws, hadood ordinance, appointment of women as ruler and their right to vote, role of NGOs in development etc. The post September 11 scenario and a string of its follow events, conflicts in Afghanistan, Iraq, the Middle East and Kashmir and its prevailing socio-economic condition in the country have further sharpened these differences.

The above-mentioned situation is leading to a growing dogmatism in the society and is creating hurdles for development workers to work smoothly. It is also a major cause of unfair treatment of individuals by the individuals in the society and state. It is high time to facilitate the two sides to better understand each other, build consensus on issues of vital interest and find common ground that exist between them in several fields including working together for the promotion of democratic values, peace and human rights.

In this context work was done on this booklet which highlights the Islamic human rights and its similarities with the International covenants on Human Rights. It also covers the applied side of the subject in Pakistan and the recommendations for upholding these rights through collective action of local communities at various levels.

NRDF is greatly grateful to Swiss Development Cooperation (SDC) for facilitating the preparation and publishing this booklet. The effort will hopefully go a long way to facilitate the development workers to cope with the challenges they face, properly understand the ground realities; cross culture barriers and other prevailing complexities in this regard. Furthermore, it will also be useful for SDC partners and other development and human rights workers to understand the realities of a deeply religious society, equip them with appropriate information and skills in order to be able to enter into a productive dialogue for ensuring pluralism and social transformation in the society in a peaceful manner.

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## **International Human Rights and Islam**

### **1. Introduction**

The journey of individual lives of human beings started with their advent to this world. Their mutual relationship and interaction increased with the passage of time and passed through many ups and downs. To regularize their collective lives the almighty Allah revealed Divine commands to them through their holy messengers (Rasools or Ambiya) from time to time as per the need of the local communities. These broader principles are available in its final shape in the Holy Quran. The Holy Prophet made its interpretation through his words and deeds as envoy of God. The combination of the two is known as Islamic Sharia or law. The main objective of these rules is that human beings should live together in peace, observe their rights and responsibilities, and all kinds of exploitations and injustices should be prevented in an organized manner. Thus, a broader divine framework was established as model. It demands from its followers to accord respect to human life, extend help to the oppressed and vulnerable sections particularly to women, children and elderly regardless of creed, colour, language, gender and nationality. This permanent framework also gives enough space to Islamic state to come up with rules within the limits prescribed by Allah to meet the requirements of the changing time.

Same efforts can be seen on the part of various individuals, communities, and nations in every point of human history. At times their culture, values, needs and understanding prompted them to take steps on their own for managing their collective and communal lives. These efforts resulted in the formulation of human made laws highlighting the duties and rights of individuals, communities, tribes and races at various levels. The objective is to protect human race (both male and female) from exploitation and ensure a happy and prosperous life to them. In the modern age these laws are available in a refined and documented form almost in each country of the world. The United Nations declaration on Basic human rights of 1948 carries with it the essence of such efforts.

There are remarkable similarities in both the Islamic and UN charter on human rights. The reason is that both of them have evolved over centuries, deal with the human dignity and are aimed at ensuring peaceful and prosperous life to human race. All the basic human rights included in both the charters could be broadly divided into the following three categories and would be discussed in the Islamic perspective in detail.

- Basic rights in their capacity as human beings
- Rights as citizen of an Islamic State

- Rights in relation to their various roles and responsibilities in civil life

All the rights Islam has defined for the human beings under the above mentioned three categories clearly indicate no discrimination on the basis of gender, colour, creed and nationality.

## 2. Rights in their Capacity as Human Beings - Basic Rights

The basic human rights Islam has defined for the entire humanity including both women and men are:

### 2.1 Human Dignity

The Islamic teachings describes Human beings as the most dignified and crown of creation of almighty who has appointed him as his vicegerent on earth. Allah has praised them as his best creation in surah Tin-5 *"We have indeed created man in the best of mould"*. Allah has described knowledge and education as qualities of this finest creature in surah Al-Alaq-5 *"He has taught man that which he knew not."* *This has not been granted to any other creature"*. In surah Al-Baqara-31 it is further said *"And He taught Adam all the names (of every thing), then He placed them before angels, and said: 'Tell Me the names of these if you are right'. Adam replied and proved his superiority over the angels in knowledge"*. The love of Allah for Adam is obvious from a verse of sura Isrial-70, which says, *"We have honored the children of Adam, And we carried them on land and sea, And have provided them with lawful good things, and have preferred them above many of those whom We have created with a marked preferment"*.

### 2.2 Right to Life and it's Protection

Life is the most precious gift of God and the first and foremost right of every individual. The Holy Quran says (Al-Maidah-32) *"If any one killed a person, not in retaliation of murder, or (and) to spread mischief in the land - it would be as if he killed the entire humanity, and if any one saved a life, it would be as if he saved the entire humanity"*. The Holy Quran has made it clear that killing someone in retaliation, or for murder or spreading disorder can be made by a competent court and no individual has the right to take law in hand in this matter. The verse reads *"Do not kill a soul which Allah has made sacred except for a just cause and through the due process of court"* (Al-An'am-151, Bani Isrial-33, and Al-Furqan-68). There is a complete consensus amongst all the famous Islamic jurist jurists and commentators on the same issue. About the punishment of an intentional murder the Holy Quran says (Al-Nisa-93) *"If a man kill a Believer intentionally, his recompense is Hell, to abide therein (for ever), and the Wrath and the Curse of Allah are upon him, and a dreadful chastisement is prepared for him."*

Security of human being has been a critical issue to Islam and it has given full right to individuals to protect them. In a Muslim state it is the responsibility of a government to provide protection to its citizens irrespective of religion, caste and creed. The Holy Quran firmly conveys the message of destruction to those who violate this right (Al-Baqarah-195) “*And do not throw yourself into destruction*”. Similarly another verse (Al-Nisa-29) comprehend “*And do not kill yourself (nor kill one another) surely Allah is the Most Merciful to you*”.

The Holy Prophet (PBUH) also emphasized the prestige of human life. Hazrat Ibn Abbas (RA) says that *during the prophet time a dead body was found but murderer could not be traced. It prompted the Holy Prophet (PBUH) to deliver a sermon in anger and said “O people! What’s the matter? In my lifetime a man is murdered and the murderer is not traced. By Allah if all the creatures of skies and earth are jointly agreed on the murder of a human being even then Allah Almighty will not leave them unpunished.”* On another occasion the Holy Prophet stood in front of Kaba and said “*O The Holy Kaaba (the House of Allah Almighty in Saudi Arabia) your veneration is great but the blood of a human being is even more sacred than it.*”

The last sermon of the prophet reads “*Be careful! After me don’t lose your path that you start killing each other. O people! I forget everything of pre-Islamic period. All the murders of ignorance are abolished. First forgiven murder is of my family i.e., Ibn Rabeaa bin Altbis who was killed by Hazael. I forgive it. All the interests of ignorance are invalidated. First interest which I annul is of Abbas bin Abdul Mutalib, all of which is excused*”.

### 2.3 Right to Respect and Protection from Slander

Islam gives immense importance to the protection of honor, respect and reputation of human race. There are many commandments scattered place to place in Holy Book, which ratify this right. These strictly forbid the pious to be involved in mud slinging and backbiting. The Holy Quran says (Al-Humazah-1) “*Woe to every slanderer and backbiter.*” Backbiting is declared a sin because a person is blamed unnoticed. She/he is unable to justify her/his position and both may cause damage to personal respect of human beings.

Surah (Al-Hujarat-11) translates “*O you who believe! Let not some men among you laugh at others, it may be that the (latter) are better than the (former). Nor let some women laugh at others; it may be that the (latter) are better than the (former) nor defame nor be sarcastic to each other, nor call each by (offensive) nick names: ill seeming is a name a connoting wickedness, (to be used of one) after he has believed: and those who do not desist are (indeed) doing wrong.*”

Islam confers such a special status to the children of Adam that their insult both in their absence or presence is condemned in order to avoid devastation in society in the form of doubts, suspicions and misunderstanding. Surah (Al-Hujarat-12) says *“O you who believe! Avoid much suspicion; indeed some suspicions are sins. And spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? You would hate (so hate backbiting) and fear Allah. And verily, Allah is the One Who forgives and accept repentance, Most Merciful.”* Surah Al-Noor-12 also communicate the same message to the humanity in these words *“Why did not the Believers, men and women, when you heard of the affair, thought well of the people and say, ‘This (charge) is an obvious lie.’”*

Holy Prophet (PBUH) said (Maraaf-ul-Quran page 815-816): *“The worst among the people of Allah are those who commit the act of backbiting and create a disturbance among the friends to make them foe and find fault with innocent.”* Similarly, the Holy Prophet has asked the state not to interfere in the personal affairs of its masses. The hadith states *“If you will go for searching the weaknesses of people, you will spoil them”*.

### 2.4 Equality between Human Beings

Islam considers all the human beings as a family because they have same ancestors and instructs them to take care of each other irrespective of every criterion. The Holy Quran stresses (Al-Hujarat-13) *“O mankind! We have created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise each other). Verily the most honored of you in the sight of Allah is (he who is) the most righteous of you.”*

Before Islam, Arab nobles and chiefs used to stay at Muzdalifa at the time of pilgrimage. They never went to Arafat as they used to make lame excuses that they are the guardians of Holy Kaaba so, they could not come out from its boundaries while ordinary people used to go to Arafat. This tradition was abolished after Almighty Allah Himself ordered everyone to visit the same place. In this way an example of human equality was set. The verse says (Al-Baqarah-199) *“Then depart from the place whence it is usual for the multitude so to do, and ask for Allah’s forgiveness. For Allah is oft forgiving, Most Merciful”*. Some more verses teach us the lesson of showing best kind of affiliation, love and respect to the relatives. The Holy Quran declared (Al-Nahl-90) *“Allah commands justice, the doing of good and giving to Kith and Kin”*. In another verse (Al-Rum-38) Allah has said *“So give what is due to kindred, the needy, and the wayfarer.”*

All the mentioned teachings of Islam show that no differentiation between sons and daughters has been made, and both genders have been given equal rights. Allah has denounced those people who buried their daughters alive or get displeased on their birth. The Holy Prophet has called daughters a blessing of Allah and has narrated *“Ones who bring up three daughters in the best possible way they would go to heavens”*. In the

same way Islam has abolished gender discrimination. The Bayhaqi and Bazaz narrates from the Holy Prophet (PBUH) that he in his last sermon said; *“O people! All of you have the same Lord and same father. Ye are the descendents of Adam and he was created from clay. No Arab has superiority over non-Arab neither non-arab has the superiority over Arabs or black over white and vice versa. Parameter of excellence is piety.”*

### 2.5 Right to Equality Before Law

All the human beings are equal before the law and they have equal rights to justice in Islam. The Holy Quran has clear guidelines in this respect. Allah says (Al-Rahman-9): *“And observe the weight with equity and do not make the balance deficient”* At another point it says (Al-Nisa-58) *“Allah commands you to render back your Trusts to those to whom they are due; and when you judge between people that you judge with justice; Verily, how excellent is the teaching which He gives you! Truly, Allah is He who bears and sees everything”*. Surah Al-Najm-38 also read the same message of God *“Namely, that no bearer of burdens can bear the burden of another.”* Surah Al-Hadid-25 also points to the same direction *“We sent aforetime Our messengers with Clear Signs and sent down with them the Book and the Balance (of Right and wrong), that people may stand forth in justice.”* Allah Almighty granted prophet hood and rule to Hazrat Daud (AH). In this verse he was directed to do justice in his capacity as ruler and avoid self-desires and partial attitude.

Similarly, in (Al-Hujarat-9) it is mentioned that *“If two parties among the Believers fall into a fight, make peace between them: but if one of them transgresses beyond bounds against the other, then fight all (against) the one that transgresses until it complies with the command of Allah; but if it complies, then make peace between them with justice, and be fair: for Allah loves those who are fair (and just).”* The surah Al-Nisa-135 cite *“O you who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts) lest you avoid justice; and if you distort or decline to do give your witness, Verily Allah is well Acquainted with all that you do.”* The same meaning has conversed in surah (Al-Maidah-8) *“O you who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety, and fear Allah for Allah is well acquainted with all that you do.”*

### 2.6 Rights of Freedom/Abolishment of Slavery

The Islamic teachings negate the concept of slavery and declare that Adam was created and a full authority was given to him to live freely both in heaven and on earth. Surah Al-Baqarah-35 says *“And eat both of you freely with pleasure and delight.”*

The history of Muslims shows that they freed a good number of slaves on the instructions of the Holy Prophet who later on converted to Islam and rendered great

services to it. This is one of Hazrat Umer's (RA) quotes "How you can enslave those who are born free"

## 2.7 Right to Peaceful Life

The quest of peace has been the utmost desire of human beings since time immemorial and that is the reason that all the prophets and messengers of Allah have stressed the need of peace and tranquility for them. The sacred religion of Islam has also preached peace, tolerance and love. The name 'Assalam' is common in 99 names of Allah and names of the Holy Prophet (PBUH), which describes peace as the sole purpose of Islam. Muslims are instructed to greet one another with 'Assalam-o-Alaikum' means "*peace be on you*". In his maiden speech at Madina Holy Prophet (PBUH) used the words 'Assalam-o-Bainakum' by which he meant that the lesson of peace should be made common and conveyed to everyone.

Allah Almighty says in the Holy Quran (Al-Quraish 1-4) "*For the familiarity of the Quraish, their familiarity with the journeys by winter and summer, let them worship the Lord of this House, who provides them with food against hunger, and with security against fear (of danger)*". Like wise, surah Al-Anfal-61 says "*But if the enemy inclines towards peace, do you (also) incline towards peace, and trust in Allah: for He is the One that hears and knows (all things).*" In this verse Muslims were acquainted with a principle that how they should deal with nations at war with them. They were told to develop peace with those who are willing. The Holy Quran (Al-Araf-56) further asks the human beings "*Do not mischief on the earth, after it has been set in order, but call on Him with fear and longing (in your hearts): for the Mercy of Allah is (always) near to those who do good.*" Allah in another verse has directed (Al-Hujarat-10) "*The Believers are but a single Brotherhood: so make peace and reconciliation between your two (contending) brothers; and fear Allah, that you may receive Mercy.*" Islam is not confined to protect its followers but extends its message to the entire humanity as is mentioned in Al-Tawbah-6 "*If one amongst the pagans ask you asylum, grant it to him, so that he may bear the Word of Allah; and then escort him to where he can be secure.*"

The truce of Hudaibiyya is a key example from the life of the Holy Prophet when he made extra efforts to ensure peace with the people of Makkah. In 6<sup>th</sup> Hijri the Muslims proceeded to Makkah to perform pilgrimage but the Quraish tribe refused to let them enter into the holy city. It created a standoff between the two sides. Negotiations were initiated to resolve the dispute. Quraish were insisting that the Muslims must go back and offer the pilgrimage next year with prior permission for entry to Makkah from them. The Prophet accepted their conditions and preferred to leave without performing Haj that year regardless of the fact that some of his key companions were not happy over the decision. A deadlock again surfaced at the time of preparation of formal agreement for signature between the two parties. The Quraish objected to the word "prophet" with the name of Muhammad. No Muslim

was ready to accept its deletion. The prophet himself deleted the word only because he wanted to avoid bloodshed and ensure peace for both sides. The following guidelines can be deduced from the Accord of Hudaibiyya:

- Muslims must be sagacious and understand the advantages and disadvantages while maintaining relations with non-Muslims.
- They should try their level best not to indulge in armed conflicts rather should try to give peace a chance.
- They should accord respect to the beliefs, values, habits, customs and traditions and should not impose their own views on them.
- They should exercise politeness and foresightedness in the relationship with non-Muslims and should be tolerant to them.
- They should try their level best to solve conflict in amicable way through negotiations and discussions.

### **3. Rights as Citizen of Islamic State**

According to the teaching of Islam, the government and politics are the sacred trust of the Benevolent God. The trustees are the chosen people who establish rule on earth with fairness and equity. This is their duty to perform their role with dedication and a selfless manner. The Islamic state is responsible to ensure all the civic rights to its citizens. These include the following:

#### **3.1 Right to Education**

The Islamic teachings give high level of importance to education, order its followers (both women and men) to seek it and spread it to others. The first revelation of the Holy Quran (Al-Alaq-1) is regarding learning. *“Proclaim! (or Read!) in the name of your Lord and Cherisher, who created you”*. The Holy Quran further reveals (Al-Rahman 1-4) *“The Most Gracious! It is He Who has taught (you) the Holy Quran. He has created man. He has taught him an intelligent speech”*. Surah Al-Zumur-9 explains the importance of education in these words *“Are those who know equal to those who know not? It is clear4 from the verses that when Almighty Allah decided to create Adam, intended to make him His vicegerent on earth it was made necessary for him to seek knowledge. Allah Almighty says in the Holy Quran (Al-Baqarah-31) “And He taught Adam the names of all things”*.

Baihaqi narrates that the Holy Prophet (PBUH) who once said, *“Learn yourself and teach others, learn the duties yourself and teach it to others, learn the Holy Quran yourself and teach it to others because I am a human being and soon will die and knowledge will also end soon and sedition will be apparent and so much so that two men will differ regarding a duty and there will be*

*no one to decide between them.”* Imam Baihaqi quotes at another place that Holy Prophet (PBUH) said: *“Seek knowledge, no matter you has to go to China, certainly seeking knowledge is mandatory to all”*. like wise, another Hadith available in Tibrani (a book of Ahaidath) quotes the Holy Prophet *“What has happened to those nations who do not share knowledge with their neighbors, don’t want to educate them, are not ready to preach them and hesitate to ask them for doing good things and stop them from bad deeds; And what has happened to those nations who don’t want to learn from their neighbors and seek wisdom and guidance from them; Oh people By Allah (it is good for you) teach your neighbor, share wisdom with them, ask them for doing good things and stop them from indulging in bad deeds; Oh people, Seek knowledge, wisdom, and guidance from your neighbors”*.

### 3.2 Right to Health

Health is one of the very basic rights Islam has ensured to human beings and has made it obligatory for an Islamic state to provide the same service to its citizen. In this context, it has revealed guidance to its followers, from time to time, in matters related to health care. The Holy Quran says in surah Al-Baqarah-222 *“Truly, Allah loves those who turn unto Him in repentance and loves those who purify themselves (by taking a bath and cleaning and washing thoroughly their private parts and bodies for their prayers)”*. The prayers have an importance place in religious instructions yet it has only been allowed to the extent that it should not badly affect the health of individuals who perform it. The Holy Quran has addressed the Holy Prophet in words, which signifies importance of health care (Al-Muzammil 1-4) *“O you folded in garments, stand (to prayer) by night, but not all night. Half of it, or a little less, or a little more. And recite the Quran (loud) in a slow (present tone and) style”*. Surah Al-Naba-9 also explains the same point *“And made your sleep for rest”*.

Islam has termed the saving of a life to the saving of the entire humanity. Thus, it has made it imperative for all the Muslim women and men to go for all those initiatives, which may lead to saving of their lives and others. These initiatives may include exercising care to protect one owns health, resort to good eating habits, living a neat and clean life by regularly washing hands, teeth and body, donating blood, helping the suffering humanity, taking care of sleep, avoiding alcohol and other things which may harm their health.

Similarly, it has been made mandatory for nursing mothers to breastfed their children. The husbands have also been advised to take care of the health of their wives and if they are unable to provide breastfeeding to their children then it is his responsibility to arrange for other means. The intent of guidance is to protect the health of mother and child. The details of these verses are available in another publication of NRDF entitled “Women’s Rights in Islam”.

The God almighty has laid down certain conditions for those who aspire to rule. The eligibility criteria, beside others, included that they should be in a good health. The story of narrated in the Holy Quran says that some people refused to accept Taloot as a ruler because he was poor. Allah addressed them in (*Al-Baqarah-247*) in these words “*Allah has chosen him above you, and has gifted him abundantly with knowledge and stature.*”

### 3.3 Right to Protection of Wealth & Property and their Proper Distribution

Islam put emphasis on equal economic rights to every individual. This is the reason that several Divine commandments in the Holy Quran were revealed regarding the protection of wealth, property, and their fair distribution. Islam forbids bribery and orders the correct use of wealth. The Holy Quran reads as saying (*Al-Baqarah-188*) “*And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that you may eat up wrongfully and knowingly a little of (other) people’s property.*” Surah *Al-Baqarah-215* points to the same direction “*They ask you what they should spend (in charity). Say: whatever wealth you spend in good, is for parents and kindred and orphans and those in want and for way farers, and whatever you do that is good, Allah knows it well.*” The *Al-Baqarah-219* repeats the same message “*They ask you how much they are to spend, say what is beyond your needs. Thus does Allah make clear to you His signs in order that you may consider.*”

In the same way, the Holy Quran has asked the guardians of the orphans to executrices care while managing the wealth of their dependents and avoid its misuse. The Holy Quran stresses (*Al-Nisa 5-6*) “*To those weak of understanding give not your property which Allah has assigned to you to manage, but feed and clothe them therewith, and speak to them words of kindness and justice. Make trail of orphans until they reach the age of marriage; if then you find sound judgment in them, release their property to them; but consume it not wastefully, nor in haste against their growing up. If the guardian is well off, left him claims no remuneration, but if he is poor, let him have for himself what is just and reasonable. When you release their property to them, take witnesses in their presence: but all-sufficient is Allah in taking account.*”

Islam has introduced the system of Zakat and charity to ensure the circulation of wealth and has given several instructions to its disciples in this regard. The Holy Quran in *Al-Baqarah-274* mentions “*Those who (in charity) spend of their goods by night and by day, in secret and in public, have their reward with their Lord: on them shall be no fear, nor shall they grieve.*” Likewise, *Al-Baqarah 261-262* reminds the same messages to the believer of Islam “*The parable of those who spend their wealth in the way of Allah is that of a grain of corn: it grows seven ears, and each ear has a hundred grains. Allah gives many fold increase to whom He wills, and Allah is all sufficient for his creature’s needs, All knower. Those who spend their wealth in the Cause of Allah, and do not follow up their gifts with reminders of their generosity or with injury, their reward is with their Lord. On them shall be no fear, nor shall they grieve.*”

The Holy Prophet (PBUH) had also said *“Work for this world as you will live here forever but work for your world here after as you will die tomorrow.”*

### **3.4 Right of Freedom of Expression**

Islam provides enormous right of freedom of expression to its followers in order to enable them for course correction in personal and collective matters. The foremost principle it has set for Muslims in this regard is that they should run their affairs with mutual consultation. The Holy Quran reads (Al-Shura-38) *“Who (conduct) their affairs by mutual consultation.”* In Surah Al-Imran-159 the rulers has also been *“And consult them in affairs (of moment). Then, when you have taken a decision, put your trust in Allah. For Allah loves those who put their trust (in Him).”* The freedom of expression granted in Islam has some moral limitations as well. It calls its people to come forward for truth and embrace it whole heartedly. The Holy Quran explain it this manner (Al-Nisa-135) *“Follow not the lusts (of your hearts) lest you swerve, and if you distort (justice) or decline to do justice, verily Allah is well acquainted with all that you do.”*

Many incidents regarding the freedom of opinion can be traced back in Islamic history. Once upon a time a person addressed the second Caliph of Islam Hazrat Umar Farooq (RA) *“Umer! Fear Allah’s. He repeated the sentence many times. Someone present on the occasion interrupted and advised the man to stop. Hazrat Umar immediately intervened by saying: “If people stop questioning then what is the utility and if we do not accept their inquiries it means that we are not for betterment” (Kitab-ul-Kharaj-129).*

During the journey of Syria, Hazrat Umer Farooq (RA) ordered the dismissal of Hazrat Khalid Bin Waleed (RA) as army chief. A person raised the objection and said, *“O Umar! By God you have not done the justice. You dismissed a person nominated by the Holy Prophet (PBUH). You put the sword of Holy Prophet (PBUH) in a sheath. You fragmented kindness. You developed jealousy with your first cousin.”* Hazrat Umar kept on listening quietly and later on replied in a soft manner *“You got angry in support of your brother.”*

### **3.5 Right to Justice and Fair Hearing**

Islam stresses the need for justice in order to save the society from leading to lawlessness and anarchy. It has asked the rulers of Islamic states to ensure justice to all its citizens. Some of the guidelines to the state and rulers in this regard are available in section 2.5 of this report. Similarly, it has asked the judges to be fair and has forbidden them to indulge in financial corruption. Furthermore, the citizens have been encouraged to record their testimony in court cases so that prompt justice

could be ensured. To this effect the Holy Quran has said (Al-Baqarah-282) *“The witnesses should not refuse when they are called on (for evidence).”*

There are several Ahadith of the Holy Prophet highlighting the need for justice. Hazrat Muaz, narrates that the Holy Prophet (PBUH) advised him (RA) *“to fear the call of an innocent as there is no distance between an oppressed and Allah Almighty”*. In the same way examples exist in the Islamic history when rulers set good examples for its followers. Once Hazrat Umar Farooq (RA) appeared in a court. The judge treated him as Caliph, which provoked him to tell the judge that you should have treated me in the same way you treated my rival. You have not done justice.

Similarly, Islam has given the right of fair hearing to the accused. The surah Al-Mumtahina was revealed when a pagan lady Sarah came to Madina at a time when people of Makkah had broken the treaty of Hudaibiyya. The Muslims were busy in their preparation to attack Makkah. The family members of a companion of Holy Prophet (PBUH) Hazrat Hatib bin Abi Baltaa were in Makkah, which the Quraish used to victimize. He wrote a letter regarding secret preparations of Muslims to the chief of Makkah in order to get some relief for their family members and handed it over to Sarah (the lady). Allah informed the Holy Prophet (PBUH) about this. Hazrat Ali (RA), Abu Mursad (RA) and Hazrat Zubair bin Awan (RA) were ordered to chase her, recover the letter and bring her back to Madina. The orders were followed and she was brought to the Holy Prophet. Hazrat Umar wanted to kill the lady when the letter was recovered from her. The Holy Prophet stopped Umar from doing so and asked Hazrat Hatib to explain the matter. He narrated the entire episode and his intention that he wanted to create a soft corner in the hearts of Quraish's chief infidels for his family members. The ever kind Prophet (PBUH) forgave him (Muslims and Sahih Bukhari). The Surah (Al-Mumtahinah-1) says: *“O you who believe! Take not My enemies and yours as friends (or protectors), offering them (your) love, even though they have rejected the Truth that has comes to you, and have (on the contrary) driven out the Messenger and yourselves (from your homes), (simply) because you believe in Allah your Lord! If you have come out to strive in My way and to seek My Good Pleasure, showing friendship unto them in secret: for I know fully well all that you conceal and all that you reveal. And any of you that does this has strayed from straight path.”* This verse explains that no one can be punished with out giving him/her an opportunity of being heard.

### **3.6 Right to Religious Freedom**

Islam has granted complete religious freedom to human being. The Holy Quran s says (Al-Baqarah-256) *“Let there be no compulsion in religion.”* The Holy Quran has asked the Muslims to invite the believers of all other religions for building a consensus on whatever is common between them. Surah Al-Imran-64 Says *“O people of the Book! Come to common terms as between us and you”*. At another place it says (Al-Ankabut-46)

*“And dispute not with the people of the Book, except in the best way.”* The Holy Quran further describes the need for establishing good working relationship with non-Muslims. It has said in another place (Al-Maidah-2) *“You may hunt and let not the hatred of some people in (once) stopping you out of the sacred Mosque lead you to transgression (and hostility on you part). Help one another in righteousness and piety, but help not one another in sin and rancor.”* In these verses Allah highlight the importance of working-relationship between Muslims and believers of other faiths.

There are verses in the Holy Quran that tell about the respect Allah has accorded to the holy places of all religions and has asked the human being to take care of these worship places. Surah Al-Hajj-40 says *“(They are) those who have been expelled from their homes in defiance of right, (for no cause) except that they say, “Our Lord is Allah”. Did not Allah check one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of Allah is commemorated in abundant measure. Allah will certainly aid those who aid His (cause); for verily Allah is full of Strength, Exalted in Might, (able to enforce His Will).”*

In another verse (Al-Yunus-87) the Holy Quran says *“We inspired Moses and his brother with this Message: “Provide dwellings for your people in Egypt, make your dwellings into places of worship, and establish regular prayers: and give Glad Tidings to those who believe.”* These verses were revealed after Pharaoh destroyed the worship places of Bani Israel and they were prohibited to worship. Allah asked them to change their houses into worship places and permitted them only to perform all the religious obligations at home. Subsequently, the act of Pharaoh was severely condemned and Bani Israel were greeted with a good news that soon Pharaoh will perish destroyed and they will get complete religious freedom.

The Holy Quran while according respect to other religions says that all the human beings have had one religion, which gradually was divided into several more religions with the passage of time. Therefore they must respect each other religion and beliefs. The Holy Quran in Surah Al-Safat-181 says *“And Peace be on Prophets.”* This verse has brought all human beings under the one category of humanity. In Surah Al-Anam-108 Allah Almighty stresses *“Revile not those whom they call upon besides Allah, lest they out of spite revile Allah in their ignorance. Thus have We made alluring to each people its own doings. In the end they return to their Lord and He shall then tell them the truth of all that they did.”*

In this verse Allah addresses not to curse the gods of pagans as they might do the same about Him by mistake.

All the above mentioned verses prove that Islam accord equal respect to other religions, its worship places, prophets and those commonalities exist between them which could be made use of for establishing a good working relationship based on

mutual respect. It is also a broadminded view of Islam that it has even forbidden to curse the gods of pagans and stressed the need to live in a stable and peaceful society. The accord of Madina which the Holy Prophet had signed with the Jews of the city is a practical example of the implementation of the same verses by the Prophet himself.

### **3.7 Right to Privacy**

Almighty Allah has made this world a habitat of human beings with a major purpose of their satisfaction and happiness which can be help attained when people don't interfere in each other's matters. Same is the instructions for an Islamic state. In this context the privacy of human beings becomes highly important.

In surah Al-Noor-27 almighty Allah has said *“O you who believe! Enter not houses other than your own, until you have asked permission and saluted those in them: that is best for you, in order that you may heed (what is seemly).”* The same point is stressed in another verse (Al-Hujarat-12). It says *“And spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, you would abhor it but fear Allah, for Allah is Oft Returning, Most Merciful.”*

Similarly a number of hadith of the Prophet (PBUH) protect the privacy of individuals. The Holy Prophet has said (Abu Daud) *“If you will go for searching the weaknesses of people, you will spoil them”* Another hadith of the Holy Prophet also forbids the state to trample the sanctity of the house and private premises *“When the rulers search for the weaknesses of general public, will spoil them”*. Some details on the same subject can be seen in section 2.5 of this report.

### **3.8 Right to Vote**

Islam favors consultation in collective matters and gives the right of participation to both women and men in running the affairs of the state. This consultation included the right to vote for every human being as well. Surah Al-Imran-159 reads *“And consult them in affairs (of moment).”* Similarly, Islam asks every individual to return the trust to the trustees. Islamic scholars are of the opinion that the trust include peoples right to caste vote in favor of the candidates of their choice. Surah Al-Nisa-58 communicates the same message *“Allah commands you to render back your Trusts to those to whom they are due; and when you judge between people that you judge with justice: verily how excellent is the teaching which He gives you! For Allah is He Who hears and sees all things”*. Likewise, Surah Al-Nisa 85 correspond the same tip *“Whoever intercedes in a good cause become a partner therein: and whoever recommends and helps an evil cause, shares in it burden, and Allah has power over all things.”* This implies to the best utilization of right of vote

because it is a recommendation and have left it to the people to choose that whether they would like to be partner in virtuous suggestion or vice.

According to a hadith (Bukhari-593) narrated by Hazrat Ayesha (RA) that the *Holy Prophet (PBUH)* used to take oath of allegiance from women regarding the Oneness of Almighty Allah but he never touched the hand of any lady except his own wives. It reflects the Holy Prophet (PBUH) affirmation for fealty in religious matters. Islamic scholars believe that in the present era vote is a substitution to fealty.

### **3.9 Right to Choose Political Leaders**

Islam recognizes the right of individuals to choose their own rulers. Surah Al-Nisa-59 says: “*O you who believe! Obey Allah, and obey the Messenger, and those charged with authority among you.*” This verse indicates that the ruler should be a chosen person by the people. It may be the way it is done through a democratic process in the modern era. The method of selection/election of the first four pious caliphs were different from each other, which show that any method preferred by the people can be adopted for it.

### **3.10 Right to Accountability and Protest against Tyranny**

Islam stresses accountability at individual and state levels. Surah Al-Baqarah-44 says “*So you enjoin right conduct on the people, and forget (to practice it) yourselves.*” This refers to the fact that every one is accountable for his/her deeds and he/she must go for it before he/she talk of the accountability of others. Similarly, Surah Al-Maidah-2 declares “*Help one another in righteousness and piety, but help not one another in sin/rancor.*” Islamic jurists interpret that stopping someone from doing bad deed as help to them which in a way promotes the accountability process.

The Holy Prophet in relation to the people who extend support to rulers in their lies and cruelty has said, “They don’t belongs to me nor I am to them (Bazaz). In another hadith it is said: “*The best form of Jehad is to say right words in front of a cruel ruler*”. Correspondingly, It is also available in the history books of Islam that Hazrat Umar (RA) used to repeat many times in his sermons to the people “you should stop me for wrong and direct me towards right according to the commandment of Allah Almighty and His Prophet (PBUH).”

### **3.11 Right to Form Associations**

Islam has given the right to individuals to form associations and organizations with a purpose of social welfare and to call people for virtue and stop them from vice. The Holy Quran declares such people as successful human beings. The Holy Quran

asserts (Al-Imran-113) *”You are the best community which has been brought forth for mankind. You command what is proper and what is improper and you believe in God”*. Surah Al-Imran-104 also says the same message with different words *“Let there be a community among you who will invite (people) to good, command what is proper and what is improper”*. This means that it is essential for every Muslims to preach right thing and stop people to indulge in wrong acts. Islamic jurists firmly believe that the verses ask the Muslims to be ready to convince people through advance arguments in their favors. If they are not ready to change their minds is up to them. Their duty is only to do their job. They are not supposed to use force or exert any moral, political or any other pressure on them to change their faith and views. The argument they put forward is that Islam is the highest of truths Allah has sent to far. *“There should be no coercion in the matter of faith”*.

It is worth-mentioning that a pact under the name of ‘Hilfal-Fuzul’ was concluded between the people of Makkah for checking the cruelty, barbarianism and injustice. The Holy Prophet (PBUH) was one of the key architects of treaty although he was not blessed with prophethood at that time. After his prophethood he (PBUH) always talked very highly of the event and used to call this pact as a very important step towards the protection of human rights. The important features of this pact are as follows:

- To ensure peaceful environment in the city of Makkah.
- To provide security to passengers without any discrimination.
- To stop strong from exploiting the weak sections of the community.

### **3.12 Right of Marital Life**

The basic urge of married life is satisfaction, which is to be attained by mutual trust of husband and wife. Islam has described their limits so that they could perform their duties and responsibilities in a proper manner. Allah orders human beings marry and choose partner of their choice in order to extract the happiness and comforts of this world. It is said in Al-Rum-21 *“And among His Signs in this, that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your hearts: verily in that are Signs for those who reflect.”*

## **4. Social Rights of Human Beings in Different Capacities**

In every society of the world people perform different tasks and certain specific rules are available for regularizing their functioning. Same is the case in Islam, which accords great importance to the institutions of family. It is evident from many verses of the Holy Quran and teachings of the Holy Prophet. The way Islam views the institutions of family can be divided into three types: the nucleus family consists of a

husband, wife and children; the extended family includes all the near relatives; while on an even larger scale all human beings comprise one unit. The reason of this categorization, according to the Holy Quran, is to help ensure people recognize each other in a proper way. It is not aimed to create some distinction between them. Allah Almighty says (Al-Hujarat-13): *“O mankind! We have created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise each other). Verily the most honored of you in the sight of Allah is (he who is) the most righteous of you.”*

Like wise, Islam has described various duties of individuals together with their rights in relation to their various capacities in the society. In a family the parents, brother, sister, husband, wife and role of children is that of a give and take. They support each other at various stages and moments of life. Proper brought up of children is the utmost responsibility of the parents while children are supposed to take care of them in their old age. Husband and wife have been delegated with different marital responsibilities. Similarly, the relatives and neighbors have been advised to help each other and maintain good relations between them. The same mechanism exists in other societies of the world with certain level of changes.

## **5. Islamic Principles of War and Peace**

Islam advocates harmony between individuals and has given strict advises to its followers to avoid wars and entering into battles to the ultimate end. However, if it becomes indispensable for them to go into it, in that case, they have to observe certain rules. These have been deduced from various ahadiith of the Holy Prophet and some historical events of the first four caliphs. These are available in the books of ahadith like Bukhari, Abu Daud, and Muslim etc. These principles were made a binding on all the soldiers who took part in various battles at the time of the Holy Prophet and his companions. These rules and regulations can be broadly categorized into the following three types:

### **5.1 General Principles of War**

- Muslims states should enter into wars only as the last resort.
- They should have clear objectives for it.
- Treaties should be respected and it should not be breached.
- The war should not be aimed to have material gains.
- It should be undertaken to eradicate disorder from earth.
- The war should be declared and there will be no war without proclamation.

- The Muslim army should avoid destroying buildings, worship-places and natural resources including cutting of green trees. Slaughtering of animals was forbidden except utilizing them for eating purposes.
- The armies should not enter into the houses and worship places.
- The religious clerics and saints should not be killed and harmed in any way.

## **5.2 The Rights of Non Combats Citizens**

- The creatures should not be troubled and their lives should be protected.
- Human peace should not be endangered.
- The lives of children, women, elderly and ailing people should be respected.
- The sanctity of houses and worship places should be protected.
- Peace ensuring acts should be promoted.
- The army should not take away the valuables without payment.

## **5.3 Rights of Fighting Citizens**

- The retreated enemy should not be traced.
- Medical help should be extended to the injured prisoners.
- Prisoners should be treated nicely.
- Proper meal should be given to the prisoners.
- Injured prisoners should not be ordered to carry load.
- The prisoners should not be tortured.
- The human organs should not be cut in any case.
- The armies should not indulge itself in loot and plunder.
- Dead bodies should never be disgraced.
- The dead bodies of the enemy soldiers should be returned honourably.

## **6. Key Peace Accords of the Holy Prophet**

The Holy Prophet has entered into three formal major peace accords with non-Muslims during his lifetime. All these formal agreements are highly important in relation to protection of human rights. These are:

## **6.1 Hilfal-Fuzul**

The Holy Prophet signed this pact with the non-Muslims of Makkah before Allah appointed him as Prophet. Some details of the agreement are available under section 3.11 of this report.

## **6.2 Accord of Madina**

The Holy Prophet made this important peace agreement with the Jews and is known as Misaq-i-Madina (Madina agreement). Some important features of this deal are as follows:

- Most probably it was the first written agreement of the human history in which the Madina based followers of all the religions were declared equal citizens of the city. It provided them with good guiding principles for maintaining a smooth working relationship.
- The agreement highlights the rights and responsibilities of Muslims and non-Muslims to promote peace and stability in the area.
- The agreement outlines the relationship of state administration and its inhabitant.
- The state was given the mandate of protection of human rights.
- It is a comprehensive document of brotherhood, justice, freedom, fraternity and peace through which the blessed Prophet (PBUH) significantly contributed to the development of a society that allowed religious freedom to the inhabitants of the city as per the requirements of their own belief.

## **6.3 Truce of Hudaibiyya**

The truce was concluded with the inhabitants of Makkah during sixth Hijra of the Muslim calendar. Some features of the agreement can be read in section 2.7 of this report.

## **7. Commonalties between Islamic and International Human Rights Charter**

A comparison of the above-mentioned Islamic human rights with the international human rights charter reveals a number of common grounds between the two. These can be described and grouped under the following three types:

## **7.1 Complete Conformity between Two**

This category include all those laws and guiding principles, which are in complete conformity in both the covenants of Human Rights. However, both of them have their own methodology for the implementation purposes. These common features included various aspects of human dignity. Both kinds:

- View the need to accord and ensure respect to humanity, safety of life, protection of individual respect and right to live a peaceful life as basic rights.
- Accord great importance to the abolishment of slavery and ensure equality of human beings.
- Agree to the need for the provision of basic facilities of health, education etc. to the human being.
- Unanimous to ensure basic social, political and economic rights to all individuals.
- Consider justice as the undeniable right of every citizen of the earth at all levels.

## **7.2 Partial Commonalities**

This category covers all those points common between the two to a considerable level with certain differences:

- Both whole-heartedly recognize the religious freedom. However, the UN human rights charter does not condemns the change of religion while majority of Muslim scholars simply categorize it as illegal and against the basic philosophy of Islam. The liberal scholars of Islam do not support the death penalty for those who change their faith.
- The clause (25 -2) of UN human rights charter gives equal protection to all the illegal and legal children. However, Islam has no place for illicit relations between the two genders outside marital relationship. The Muslim jurists view this clause of UN charter as an open invitation to unmarried couple to enter into illicit relations.
- Human Rights Charter of UN (16-1) allow all the human beings (both women and men) to marry as per their choice without citing any compulsion of religious beliefs, race or nationality. The grown up individuals has the right to go for marriage and its termination as per their will. Islam also allows the same rights to grown up Muslims but with certain restrictions. The Muslim women and men are not allowed to marry Infidels. However, the Muslims men can go for marriage with women of the people of the Book (Jews and Christians).

### **7.3 Contradiction Exist but the Objective is same**

This category includes all the Islamic laws of capital punishments including Qisas, Diyyat, Qazaf (imputations), witnesses, proved from the Holy Quran and hadith. There is little flexibility for changes in these Islamic laws. These laws are not in conformity with the UN charter of human rights, which forbid capital punishments. However, it is worth mentioning that Islam views these punishments as deterrence and has set certain standards for their award. It does not allow any one to exploit. It has given the sole authority to a true Islamic state, which is fully aware of its rights and responsibilities to implement these punishments. The UN charter also allows member states (in relation to their sovereignty) to make legislations as per their requirements and local situations. This creates a room between the two for searching common grounds.

In the light of above mentioned points it can be concluded that:

- The laws falling in this category (both charters) are not the same. However, to some extent commonalties exist between the two and that is where the objectives of the two documents are concerned. The major difference lies in the implementation methodology of the two.
- Capital punishments exist in several European countries, United States of America and Islamic and other countries. This implies that Islam is not the only religion which differs with the UN charter on many accounts.

## **8. The Pakistani Society and Human Rights**

The Pakistani society is not depicting the true spirit of an Islamic way of life regardless of the fact that Islam guarantees all fundamental rights to its followers. People in general have adopted a habit just to talk of Islam and its glory. All they do is to justify their own misdeeds through the selected text of Islam. The rule of law and democratic system and attitudes are missing. The rules and responsibilities are increasingly ignored. Little care is exercised to take care of human live and its protection. The basic necessities of life are not available to a major part of the population particularly to the vulnerable sections of the society including women and children. Killing on the name of religion, sectarian beliefs, honor, customs and traditions is a common phenomenon. Corruption, nepotism and violation of the rights of others are on sharp rise.

It is absolutely no pride for the society that basic human rights are violated everyday. A Muslim society in modern perspective should follow the same footings of Islam, which the Holy Prophet (PBUH) and his pious companions practiced. It should

ensure equality and brotherhood and demonstrate a strong will to uproot evil practices at various levels.

## 9. Conclusion and Recommendations

### **Conclusion:**

Islam protects all the basic rights of human beings in several ways. All the laws Islam prescribes for humanity in general, citizens of Muslim states and at individual and community levels are in line with the laws of nature. It supports and facilitates the individuals and state through the provision of a training system for enabling them to work side by side as partners. Like UN charter, it gives enough room to the state to do legislations for the benefit of the masses. Furthermore, other good similarities subsist between the two charters, which can be made the basis for promoting the human rights and democratic norms, peace, pluralism, tolerance, and establishing good working relationship between human beings.

The recommendation at various levels may include the following:

- Awareness campaigns highlighting the common aspects of both the charters should be initiated for general public. The formal and informal media including mosques should be utilized to communicate the same information.
- The development workers and human rights activities should utilize the moderate interpretation of religion to support their work.
- The common points between the two charters should be made basis for initiating result-oriented activities at the community and other levels.
- Various forums at the policy levels should be organized to sensitize the policy makers and senior most religio-political leaders about the commonalities between the two deeds.
- The Ulama should be facilitated to raise awareness regarding human rights issues on the forum of mosques and religious institution (Deeni Madaris).
- A discussion at the United Nations level should be initiated between the secular and Muslim states for bridging the ideological differences.
- The international agencies should support the local groups working for the promotion of understanding between the two opinion-holders.
- The international community should support more research work aimed at findings commonalities between the two sides.
- The international organizations should support projects aimed at bringing changes from within the religious communities.

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