PROTECTION OF HUMAN RIGHTS IN ISLAM

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Section One: The Concept of Human Rights in Islam

Islam actually knew more about the essence or values of Human Rights since 1400 centuries ago. Even though it is not a 'declaration' or formal affirmation that Islam recognizes Human Rights, the values contained in Islamic teachings clearly reflect that Islam is pro with Human Rights. It should be noted that the prophet Muhammad had previously mentioned the article on human rights in the Wada Hajj. This is summarized in a hadith "From Abu Umamah bin Tsa'labah, the Prophet said: '*Whoever seizes the rights of a Muslim, then he has the right to go to hell and unlawful to enter heaven ', A man asks: 'Even though it is something small, Apostle?' He replied: 'Even though it is only a piece of arak wood*".

The Islamic Human Rights system contains basic principles of equality, freedom and respect for fellow human beings. Equality means that Islam views all humans as equal and have the same position, have the same justice (proportional), the only advantage enjoyed by a human being on other humans is only determined by the level of piety. This is in accordance with the word of God in Sura Al-Hujarat verse 13, which means the following:

"*O mankind, verily We created you from men and women, and We made you nations and tribes so that you would know each other. Surely the noblest of the people is the most pious*."

Section Two: Types Human Rights in Islam

1. The Right to Life

The first and the foremost basic right is the right to live and respect human life. The Holy Quran lays down:

Whosoever kills a human being without (any reason like) man slaughter, or corruption on earth, it is as though he had killed all mankind ... (5:32)

As far as the question of taking life in retaliation for murder or the question of punishment for spreading corruption on this earth is concerned, it can be decided only by a proper and competent court of law.

If there is any war with any nation or country, it can be decided only by a properly established government. In any case, no human being has any right by himself to take human life in retaliation or for causing mischief on this earth. If anyone has murdered a human being, it is as if he has slain

the entire human race. These instructions have been repeated in the Holy Quran in another place saying:

Do not kill a soul which Allah has made sacred except through the due process of law ... (6:151)

The Prophet, may God's blessings be on him, has declared homicide as the greatest sin only next to polytheism. The Tradition of the Prophet reads: "*The greatest sins are to associate something with God and to kill human beings*." All these verses of the Quran and the Traditions of the Prophet applies to all human beings and the destruction of human life in itself has been prohibited.

2. The Right to the Safety of Life

Immediately after the verse of the Holy Quran which has been mentioned in connection with the right to life, God has said: "*And whoever saves a life it is as though he had saved the lives of all mankind*" (5:32).

In this regard, there can be several forms of saving man from death. A man may be ill or wounded, irrespective of his nationality, race or colour. If you know that he is in need of your help, then it is your duty that you should arrange for his treatment for disease or wound. If he is dying of starvation, then it is your duty to feed him so that he can ward off death. If he is drowning or his life is at stake, then it is your duty to save him.

✓ Respect for the Chastity of Women

Before the advent of Islam women were often treated worse than animals. The Prophet wanted to put a stop to all cruelties to women. He preached kindness towards them. He told the Muslims: *"Fear Allah in respect of women."* And: *"The best of you are they who behave best to their wives."* And: *"A Muslim must not hate his wife, and if he be displeased with one bad quality in her, let him be pleased with one that is good."* And: *"The more civil and kind a Muslim is to his wife, the more perfect in faith he is."*

The Prophet (peace be upon him) was most emphatic in enjoining upon Muslims to be kind to their women when he delivered his famous khutba on the Mount of Mercy at Arafat in the presence of one hundred and twenty-four thousand of his Companions who had gathered there for the Hajj al-Wada (Farewell Pilgrimage). In it he ordered those present, and through them all those Muslims who were to come later, to be respectful and kind towards women. He said:

"Fear Allah regarding women. Verily you have married them with the trust of Allah and made their bodies lawful with the word of Allah. You have got (rights) over them, and they have got (rights) over you in respect of their food and clothing according to your means."

Once Mu'awiyah asked the Prophet (peace be upon him), *"What are the rights that a wife has over her husband?"* The Prophet replied, *" Feed her when you take your food, give her clothes to wear when you wear clothes, refrain from giving her a slap on the face or abusing her, and do not separate from your wife, except within the house.*

- ✓ The Right to a Basic Standard of Life

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

And in their wealth there is acknowledged right for the needy and destitute. (51:19)

The words of this injunction show that it is a categorical and un- qualified order. Furthermore, this injunction was given in Makkah where there was no Muslim society in existence and where generally the Muslims had to come in contact with the population of the disbelievers. Therefore, the clear meaning of this verse is that anyone who asks for help and anyone who is suffering from deprivation has a right in the property and wealth of the Muslims; irrespective of the fact whether he belongs to this nation or to that nation, to this country or to that country, to this race or to that race.

- ✓ Individual's Right to Freedom

Islam has clearly and categorically forbidden the primitive practice of capturing a free man, to make him a slave or to sell him into slavery. On this point the clear and unequivocal words of the Prophet (S) are as follows: "*There are three categories of people against whom I shall myself be a plaintiff on the Day of Judgement*. Of these three, *one is he who enslaves a free man, then sells him and eats this money"* (al-Bukhari and Ibn Majjah). The words of this Tradition of the Prophet are also general, they have not been qualified or made applicable to a particular nation, race, country or followers of a particular religion.

- ✓ Equality of Human Beings

Islam not only recognizes absolute equality between men irrespective of any distinction of color, race or nationality, but makes it an important and significant principle, a reality. The Almighty God has laid down in the Holy Quran: "*O mankind, we have created you from a male and female." In other words all human beings are brothers to one another. They all are the descendants from*

one father and one mother. "*And we set you up as nations and tribes so that you may be able to recognize each other*" (49:13).

Prophet Muhammad ﷺ said: "*O mankind, your Lord is One and your father is one. You all descended from Aadam, and Aadam was created from earth. He is most honored among you in the sight of God who is most upright. No Arab is superior to a non-Arab, no colored person to a white person, or a white person to a colored person except by Taqwa* (piety)." [Ahmad and At-Tirmithi]

In another narration, the Prophet ﷺ was asked: "*Who among men is most favored by Allah?' He, ﷺ replied: "A man who does the most good to people*." [At-Tabaraani]

- ✓ The Security of Life and Property

In the address which the Prophet delivered on the occasion of the Farewell Hajj, he said: "*Your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection*." God Almighty has laid down in the Holy Quran: "*Anyone who kills a believer deliberately will receive as his reward (a sentence) to live in Hell for ever. God will be angry with him and curse him, and prepare dreadful torment for him*" (4:93). The Prophet has also said about the dhimmis (the non-Muslim citizens of the Muslim State): "*One who kills a man under covenant (i.e. a dhimmi) will not even smell the fragrance of Paradise*" (al-Bukhari and Abu Dawud). Allah also declares "*Do not devour one another's wealth by false and illegal means*" (2:188).

- ✓ The Protection of Honour

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

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

- ✓ The Sanctity and Security of Private Life

Islam recognizes the right of every citizen of its state that there should be no undue interference or encroachment on the privacy of his life. The Holy Quran has laid down the injunction: "Do not spy on one another" (49:12). "Do not enter any houses except your own homes unless you are sure of their occupants' consent" (24:27). The Prophet has gone to the extent of instructing his followers that a man should not enter even his own house suddenly or surreptitiously. He should somehow or other inform or indicate to the dwellers of the house that he is entering the house, so that he may not see his mother, sister or daughter in a condition in which they would not like to be seen, nor would he himself like to see them in that condition. Peering into the houses of other people has also been strictly prohibited, so much so that there is the saying of the Prophet that if a man finds another person secretly peering into his house, and he blinds his eye or eyes as a punishment then he cannot be called to question nor will he be liable to prosecution. The Prophet has even prohibited people from reading the letters of others, so much so that if a man is reading his letter and another man casts sidelong glances at it and tries to read it, his conduct becomes reprehensible. This is the sanctity of privacy that Islam grants to individuals.

- ✓ Freedom of Expression

This Islamic concept of freedom of expression is much superior to the concept prevalent in the West. It does not give anybody the right to use abusive or offensive language in the name of criticism. The right to freedom of expression for the sake of propagating virtue and righteousness is not only a right in Islam but an obligation. *One who tries to deny this right to his people is openly at war with God, the All-Powerful.* The Holy Quran has described this quality of the Faithful in the following words: "They enjoin what is proper and forbid what is improper" (9:71).

- ✓ Freedom of Association

Islam has also given people the right to freedom of association and formation of parties or organizations. This right is also subject to certain general rules. It should be exercised for propagating virtue and righteousness and should never be used for spreading evil and mischief. We have not only been given this right for spreading righteousness and virtue, but have been ordered to exercise this right. Addressing the Muslims, the Holy Quran declares:

"*You are the best community which has been brought forth for mankind. You command what is proper and forbid what is improper and you believe in God*" ... (3:110)

This means that it is the obligation and duty of the entire Muslim community that it should invite and enjoin people to righteousness and virtue and forbid them from doing evil. If the entire Muslim community is not able to perform this duty then "let there be a community among you who will invite (people) to (do) good, command what is proper and forbid what is improper, those will be prosperous" (3:104).

- ✓ Freedom of Conscience and Conviction

Islam also gives the right to freedom of conscience and conviction to its citizens in an Islamic State. The Holy Quran has laid down the injunction: "*There should be no coercion in the matter of faith*" (2:256). Though there is no truth and virtue greater than the religion of Truth-Islam, and Muslims are enjoined to invite people to embrace Islam and advance arguments in favour of it, they are not asked to enforce this faith on them. No force will be applied in order to compel them to accept Islam. Whoever accepts it he does so by his own choice. Muslims will welcome such a convert to Islam with open arms and admit him to their community with equal rights and privileges. But if somebody does not accept Islam, Muslims will have to recognize and respect his decision, and no moral, social or political pressure will be put on him to change his mind.

- ✓ The Right to Basic Necessities of Life

Islam has recognized the right of the needy people that help and assistance will be provided for them. "*And in their wealth there is acknowledged right for the needy and the destitute*" (51:19). In this verse, the Quran has not only conferred a right on every man who asks for assistance in the wealth of the Muslims, but has also laid down that if a Muslim comes to know that a certain man is without the basic necessities of life, then irrespective of the fact whether he asks for assistance or not, it is his duty to reach him and give all the help that he can extend. For this purpose, Islam has not depended only on the help and charity that is given voluntarily, but has made compulsory charity, zakat as the third pillar of Islam, next only to profession of faith and worship of God through holding regular prayers. The Prophet has clearly instructed in this respect that: "*It will be taken from their rich and given to those in the community in need*" (al-Bukhari and Muslim). In addition to this, it has also been declared that the Islamic State should support those who have nobody to support him or her.