

# Convergences in Universal Human Rights: An Analytical Comparison of the Universal Declaration of Human Rights (Articles 1–15) and the Seerah of Prophet Muhammad ﷺ

**Dr. Hafiz M Mudassar Shafique (Corresponding Author), Dr. Atiq ur Rhman, Dr. Muhammad Riaz, Dr. Nazia Begum, Dr. Anwarullah**

Assistant professor, (HOD) Department of Islamic studies, University of Layyah, Layyah

EMAIL: mudassaraarbi@gmail.com

hafizmudassar@ul.edu.pk

Associate Professor, Department of Islamic studies, UET Lahore

EMAIL: dratiquet@gmail.com

Assistant Professor, Department of Islamic studies, Green International University, Lahore

dr.riaz@giu.edu.pk

Assistant Professor (visiting) Dawood University of Engineering and Technology, Karachi

EMAIL: naziabegum80@gmail.com

Lecturer, Faculty of Social Sciences, Department of Islamic studies, University of Okara, Okara

EMAIL: dr.anwarullah@uo.edu.pk

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In the second decade of the twentieth century, a war broke out between European countries, namely Britain and Germany, in which the whole world was directly or indirectly involved which is why it is called the “First World War”. In this war, the representative government of the Islamic world, the “Ottoman Caliphate”, had sided with Germany, so it too suffered defeat along with Germany and as a result, the Ottoman Caliphate came to an end. After millions of people were killed in the First World War, an international organization of nations and countries, the “League of Nations”, was established. Its main objective was to prevent conflicts arising between nations and countries from escalating into war and to prevent wars between nations and countries by resolving these conflicts through this international forum. However, the “League of Nations” failed in its objective and between the fourth and fifth decades of the twentieth century, another world war broke out, in which Germany and Japan were on one side and Britain, France, and Russia were on the other side. This war caused more destruction than the first war and in its final stages, the United States joined the war in support of the Allies and dropped atomic bombs on the two Japanese cities of Hiroshima and

Nagasaki, forcing them to surrender, ending the Great War. After this, in 1945, another international organization came into existence called the United Nations, which not only exists till now but also controls international affairs. The current term "human rights" is not very old but this term gained more fame when human lives were dealt a great blow in the First and Second World Wars and a large number of human lives suffered irreparable damage. Therefore, in this context, on December 10, 1948, a manifesto called the "Universal Declaration of Human Rights" was passed at the United Nations World Forum, which consists of 30 articles. It has been repeatedly reiterated about the freedom of the individual, equality among members of society and the establishment of justice and fairness in society. And which the world today is promoting with great vigor and enthusiasm by calling it the "standard of humanity". In this manifesto, respect for human rights has been emphasized a lot and a lot of emphasis has been placed on this. It has been stated that man should be granted his fundamental rights. There should be no hesitation in granting all human beings their legitimate rights without discrimination and in the exercise of these rights, no distinction should be made on the basis of colour, race, language, sex and religion. On the other hand, Islam also talks about human rights and the personality of the Holy Prophet presents the practical form of human rights. Therefore, it is necessary that the common aspects of the Charter of Human Rights stated in 1948 and the principles of human rights stated in the Prophet's biography be brought to light so that the human world can be convinced that the laws that are being stated today were stated by the greatest man of the world 1400 years ago. Therefore, in this article, the common aspects of the Prophet's principles of human rights and the human rights stated in the Charter of 1948 will be brought to light so that efforts for society and social peace in this global world can be further strengthened.

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#### **Introduction:**

The United Nations General Assembly <sup>1</sup>adopted the Universal Declaration of Human Rights in

1948 and made it a public declaration. After the declaration, this forum of the United Nations issued orders to its member countries<sup>2</sup> to implement this declaration, which consisted of publicizing this declaration and disseminating it throughout the world. That is, reading it in educational institutions, displaying it in public

<sup>1</sup> The structure of the United Nations is such that it has a General Assembly whose headquarters is in Manhattan, an island in New York, a city in the United States. The General Assembly meets every September. It is a global platform where every member country's representative can participate and say whatever they want. The General Assembly can pass any resolution on any issue

related to any region of the world. But this resolution has the status of only a recommendation.

<sup>2</sup> Today, 193 countries in the world are its members. (<https://ur.wikipedia.org/wiki/>)

places and using all means of publicity to reach every person. Along with this, it also explained the declaration and that no discrimination should be made in this regard based on the political status of any country or region.<sup>3</sup> As a preamble, the Universal Declaration of Human Rights states the following: "Whereas recognition of the inherent dignity and worth of the human person and of the inalienable rights inherent in them is the foundation of freedom, justice and peace in the world. Disregard for and violation of human rights has often been expressed in barbaric acts which have shocked the conscience of mankind and it is the highest aspiration of common humanity that a world should exist in which all human beings can freely hold opinions and beliefs and be free from fear and want. it is essential that human rights be protected by the rule of law. If we do not want man to be forced to rebel against oppression and tyranny, it is also important to promote friendly relations among the nations of the world. The Member States of the United Nations have reaffirmed in their Charter their belief in fundamental human rights, in the sanctity and dignity of the human person, and in the equal rights of women and men. The Member States have pledged themselves to promote, in cooperation with the United Nations, universal and in general respect for human rights and fundamental freedoms and to encourage other States to do the same. Whereas it is essential for the fulfilment of this promise that the nature of these rights and freedoms be widely understood, the General Assembly considers this Universal Declaration of Human Rights to be a common standard of achievement for all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall by teaching and preaching promote respect for these rights and freedoms and by national and international action strive progressively to achieve their observance and observance in Member States and among the peoples under their jurisdiction."<sup>4</sup>

<sup>3</sup> Final authentic text, *Universal Declaration of Human Rights*, Department of Public Information, United Nations, New York. June .1965

<sup>4</sup> Abid

This charter will be mandatory for all member states to accept. And along with acceptance, they will also disseminate it. As if it is an international constitution for the world. Whereas the Seerat Tayyiba (Quran and Hadith) contains instructions to send man as a vicegerent of Allah Almighty in this world. As Allah Almighty says:

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً<sup>5</sup>

In the light of this statement, man understands his relationship with Allah Almighty and His servants. On the one hand, he will be related to Allah Almighty as His representative, and on the other hand, as a human being, he will be related to human beings like himself. Therefore, man will have to establish two types of relationships: with the Creator and with the creation. In this relationship, man will have some rights and some duties, and it will be necessary to fulfill both rights and duties. And this division is not made by man, but is a division of the book revealed by Allah fifteen centuries ago which mentions the right of Allah and the right of the servant. Allah says,

وَأَعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِالْقُرْبَىٰ<sup>6</sup>

The verse mentions the right of Allah (worship of Allah) and the right of the servant (parents, relatives, orphans, needy, neighbors, travelers, and slaves). This makes it clear that there are two types of rights imposed on man and it is essential for man to fulfill both. When we look at the United Nations Universal Declaration of Human Rights, the world considers it a historical achievement, although the lesson of "human rights" was practically given to the world by the Prophet (peace be upon him) fifteen centuries ago and explained it on the occasion of his last sermon, "Farewell Pilgrimage", and the "United Nations Universal Declaration of Human Rights" is an imperfect attempt made in very recent times. The imperfection is because it only mentions human rights and not even mentions the rights of the Creator of the universe. Although along with

<sup>5</sup> *Qurān*: 2:30

<sup>6</sup> *Qurān*: 4:36

human rights, the rights of Allah are also important because it is because of this that we are attracted to the rights of our human beings.

Now when we look at this universal declaration of the United Nations, we clearly find indications of the latter topic in it. Because no word indicates what religion will give to man as a result of following this declaration? Or what punishment religion prescribes in case of not following it. In short, there is no concept of "worship of Allah" in this declaration. The concept of worship of Allah is also mandatory for man because when man (individually or collectively) makes a decision, he does it in view of temporary circumstances and he does not know when and how the circumstances will arise. Therefore, human efforts cannot be called final. On the contrary, under the principle of worship of Allah, the decision made in the Sharia regarding human conditions is not only in view of temporary circumstances but also for the future conditions of man. Therefore, those decisions are "final". What are the desires of the people living in society? And how can they fulfill their desires? This is the only thing that has been taken into account in the "Universal Manifesto". Therefore, according to this manifesto, everything that the members of society want should be done. Whether it is beneficial or harmful to others. Whereas Islam bases society on knowledge and revelation rather than on one's own likes and dislikes, as Allah Almighty has said,

وَأَنِ احْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاتَّقِ اللَّهَ

### Comparison of Article 2 of the Universal Declaration with the Seerah:

Article 2 states that everyone is entitled to all the rights and freedoms set forth in this Declaration without discrimination.<sup>8</sup> The term "discrimination" means any distinction made on the basis of race, color, language, national or social origin, political or religious opinion, birth or other status, and that no distinction shall be

made between people of any nationality, regardless of their nationality, political or other opinion, nationality, social origin, property or birth. No distinction shall be made between people of any nationality, regardless of their nationality, political or other opinion, national or social origin, property or birth, property or other. There is no such flaw in this case that contradicts any part of Islamic teachings. Because the example of the Seerat Tayyiba is before us, in which the world has been practically taught that all rights are equal for everyone. Whether Arab, non-Arab, white, black, African, European or American, everyone is equal in all human rights. At the same time, regardless of their political ideology, citizenship of any country, belief in any form of government, living under an imperial system of government, under a democratic system of government or adhering to any other system of government, in all cases all people (be they men, women, children, young or old) are equal in all human rights. As the Prophet Muhammad (peace be upon him) said in clear words on the occasion of the Farewell Pilgrimage:

خطبة رسول الله صلى الله عليه وسلم في وسط أيام التشريق فقال يا أيها الناس ألا إن ربكم واحد وإن أباكم واحد إلا لا فضل لعربي على أعجمي ولا لعجمي على عربي ولا لأحمر على أسود ولا أسود على أحمَر إلا بالتقوى<sup>9</sup>

O people! Your Lord is One. Beware! An Arab has no superiority over a non-Arab, nor a non-Arab over an Arab, nor a white over a black, nor a black over a white, except in piety. (For Allah, the Exalted, says:) Indeed, the most excellent of you is the most righteous.

### Article 3:

Everyone has the right to life, liberty and security of person.<sup>10</sup> This Article describes the life of a person and its protection. In this regard, Islamic teachings talk about the protection of the life of any human being. Humans are humans, but Islam talks about the rights of

<sup>7</sup> *Qurān*: 5:49

<sup>8</sup> Final authentic text, *Universal Declaration of Human Rights*, Department of Public Information, United Nations, New York. June .1965

<sup>9</sup>Ahmad bi Hussain behqi, Imam, *Shub ul imaan*, Beirut:Darul kutab ul ilmia, Hadith No:4774

<sup>10</sup> Final authentic text, *Universal Declaration of Human Rights*, Department of Public Information, United Nations, New York. June .1965

animals and their protection. Regarding human life, the Quran says,

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا.

A person who kills someone unjustly or as punishment for spreading mischief in the country is as if he had killed all the people.<sup>11</sup>

Ibn Kathir (may Allah have mercy on him) said in his commentary on this verse: "Whoever kills a person without a lawful reason or spreads mischief on the earth and considers his action permissible and lawful, it is as if he killed all mankind, because there is no difference between one person and all mankind."<sup>12</sup>

Sahih Bukhari narrates that during the Farewell Sermon, the Prophet (peace be upon him) clearly stated the prohibition of killing unjustly and the protection of all humanity.

ثم قال أي يوم هذا قالوا يوم حرام ثم قال أي شهر هذا قالوا شهر حرام قال ثم قال أي بلد هذا قالوا بلد حرام قال فإن الله قد حرم بينكم دماءكم وأموالكم قال ولا أدري قال أو أعراضكم أم لا كحرمة يومكم هذا في شهركم هذا في بلدكم هذا<sup>13</sup>

In the sermon, the Prophet (peace and blessings of Allah be upon him) asked, "O people, what day is it today?" The people said, "It is a sacred day." He (peace and blessings of Allah be upon him) asked, "What is this city?" The people said, "It is a sacred city." He (peace and blessings of Allah be upon him) asked, "What is this month?" The people said, "It is a sacred month." He (peace and blessings of Allah be upon him) said, "Your blood, your wealth, and your honor are sacred to one another, just as the sacredness of this day, this city, and this month are sacred."

#### Article 4:

No one shall be deprived of his freedom and made a slave or maidservant. All forms of slavery and human trafficking are prohibited.<sup>14</sup>

<sup>11</sup> **Quran:** 5:32

<sup>12</sup> Imad ud deen, Ibn e kathir, Imam, **Tafseer Ibn e Kathir**, Beirut, Vol:3, P 92

<sup>13</sup> Muhammad bin Ismail Bukhri, **Al Sahi Al Bukhari**, Riaz: Darausalam, Kitab ul hajj, Hadith No:1739

<sup>14</sup> Final authentic text, **Universal Declaration of Human Rights**, Department of Public Information, United Nations, New York. June .1965

This time, the issue of slavery is discussed. Regarding slavery, the Western world objects to Islam, saying that we want to end slavery, and you too agree with us on this, but in practice, the Muslim world gives the concept of "slavery" and that is so that even today, you Muslims are teaching those verses of the Quran and hadiths in your institutions that contain the concept of "slavery", such as:

والمحصنت من النساء<sup>15</sup>

As it is narrated another verse.

لا على أزواجهم أو ما ملكت أيمانهم<sup>16</sup>

That is, in the Quran and Hadith, you (Muslims) still teach the lesson of a slave mentality. The West also agrees that with regard to the "Universal Declaration of Human Rights", Muslims are apparently standing with us on the abolition of slavery, but in terms of their minds, even today Muslims are not ready to abolish "slavery". So the answer to this is that there is no doubt that Muslims actually (what the West apparently calls slavery) want to abolish slavery. And the practical proof of this is that wherever the Islamic world has fought in defense of itself, in none of the wars have Muslims enslaved a single individual opponent. As for the fact that Islamic teachings teach "slavery", so in short, I would like to ask you (Westerners) to try to understand Islam closely. You say that Islamic teachings teach how to make humans "slaves", so amend these teachings or remove them from Islam. Whether it is in the Quran, Hadiths or in the collection of jurisprudential books. And if you cannot remove them, at least stop believing in them or stop studying them. As Muslims, it is our belief that no individual, society or authority has the authority to amend or abolish the commands of Allah Almighty and the orders of the Prophet (peace be upon him). No matter how big the madrasa, Darul Uloom or university, no one has this authority and this objection of the West is not new, rather their ancestors had said the same thing fifteen centuries ago, as the Quran says.

<sup>15</sup> **Quran:** 4:24

<sup>16</sup> **Quran:** 23:6

قُلْ مَا يَكُونُ لِي أَنْ أُبَدِّلَهُ مِنْ تَلَقُّاءِ نَفْسِي<sup>17</sup>

Say, "I have no authority to change it on my behalf."

Look, even the Messenger of Allah does not have the authority to change the commands of Allah Almighty. So who else can be authorized to change the teachings of the Quran? It turns out that this will be the only answer for people who ask such questions until the Day of Judgment. Now the question arises, what is slavery in its true nature? And what is the position of Islam in this regard? When the Prophet (peace be upon him) announced his prophethood, there were three ways to enslave any person.

1. A powerful person captured a weak person and forcibly enslaved him. In today's terminology, this is called "slave trafficking". Among the companions, Zaid bin Haritha<sup>18</sup> and Salman Farsi (may Allah be pleased with them) were enslaved in a similar way. Even today, in some parts of the world, someone is "kidnapped" and sold.

2. If a person committed a sin, or was responsible for some "debt", that person was made a slave as a punishment under their own judicial system. And it also happened that a slave (due to debt, etc.) was forced to give himself up as someone's slave.

3. The third method was that men from the opposing side were captured in war and a decision was made about them according to the wishes of the victorious nation. Either they were released for some money, or they were killed, or they were exchanged for their own prisoner of war and handed over to them, or they were

imprisoned. In case of imprisonment, since there were no collective prisons in those days, those prisoners were divided among different people. And those same people then took their services from them. Islam has definitely banned the first two cases. It has made slave trading and enslaving someone for ransom prohibited, as the Prophet (peace be upon him) said.

عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: قَالَ اللَّهُ: "ثَلَاثَةٌ أَنَا خَصْمُهُمْ يَوْمَ الْقِيَامَةِ، رَجُلٌ أَغْطَى بِي ثَمَّ عَذْرًا، وَرَجُلٌ بَاعَ خُرًّا فَأَكَلَ ثَمَنَهُ، وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا

فَاسْتَوْفَى مِنْهُ وَلَمْ يُعْطِ أَجْرَهُ"<sup>19</sup>

The Prophet (peace be upon him) said: Allah Almighty says: There are three types of people whom I will be a plaintiff against on the Day of Judgment: a person who made a covenant in My name and broke it, a person who sold a free person and ate his price, and a person who hired a worker and used him fully but did not pay him his wages.

This hadith clearly prohibits "slave trading". This is not a command of today but rather one given fifteen hundred years ago which Muslims have been following since fifteen hundred years ago. In contrast, the situation of those who claim to have abolished slavery was such that only a century ago, their human beings were being sold. The third method of enslaving, which is Islam, has allowed it to remain as an option. Islam has not made it necessary to enslave a prisoner of war, but has left it to the circumstances and individuals: whether they want to enslave a prisoner of war, kill him, exchange him for a prisoner, release him after taking a ransom, or release him completely for free. All these methods can be adopted depending on the time and circumstances. And Allah, the Exalted, says about these methods,

.. حَتَّىٰ إِذَا أَخْتَضَوْهُمْ فَشَدُّوا أَلْوَتَاكُ فَإِمَّا مَثًّا بِعْدُ وَإِمَّا فَنَاءً.....<sup>20</sup>

Then after that, one should either leave it with kindness or take some wealth until the (opposing party) lays down their weapons of war.

#### Article 5:

<sup>19</sup> *Sāhī Bukhārī*, Hādīth No:2227

<sup>20</sup> *Qurān*:47:4

<sup>17</sup> *Qurān*: 10:15

<sup>18</sup> He is Zaid bin Harithah bin Sharahil al-Kalbi. He is a great companion of the Prophet (peace be upon him). He is one of the first. He was the slave of Hazrat Khadija (may Allah be pleased with her). He was a gift to the Messenger of Allah (peace be upon him). He received favor from the Prophet (peace be upon him), while Usama bin Zaid (may Allah be pleased with him), Abdullah bin Abbas (may Allah be pleased with him), and Bara bin Azib (may Allah be pleased with him) received favor from him. He died in 8 AH/629 AD.) Asad al-Ghabah, vol. 3, p.443

No one shall be subjected to any punishment which is cruel, inhuman or degrading.<sup>21</sup>

This means that no human being will be treated in such a way that he is physically tortured or humiliated by punishment. Similarly, no human being will be subjected to physical violence. Islam teaches self-respect and wherever a person's self-respect is affected, it gives instructions for its restoration through wisdom. Since punishment affects human sanctity, punishment in itself is not a good thing in Islam, but punishment is used as a deterrent. Then, the punishments given for committing a criminal act in Islam are aimed at social reform. Allah Almighty says about retaliation:

وَكُتِبَ عَلَيْهِمْ عِلْمٌ فِيمَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالْيَدَ  
بِالْيَدِ وَالْجُرُوحَ قِصَاصٌ...<sup>22</sup>

"And We prescribed for them in the Torah: A life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for all wounds, the retribution is the same."

The Jews are being criticized further for "openly violating the clear wording of the commandment in their book and abandoning it with arrogance and heedlessness." Similarly, they have changed the commandment of stoning married adulterers and only release them with a black face, humiliation, and beating. That is why they are called infidels because of their denial.<sup>23</sup> Ibn Abbas (may Allah be pleased with him) said: "A life will be killed for a life, the eye of the one who puts out an eye will be put out, the nose of the one who cuts off a nose will be cut off, the tooth of the one who breaks a tooth will be broken, and the wound will be avenged."<sup>24</sup> Imam Tabri writes. In this, free Muslims are all equal. Men and women are under the same command. While these things have been done intentionally. In this, slaves are also equal among themselves, both their men and their women.<sup>25</sup>

<sup>21</sup> Final authentic text, *Universal Declaration of Human Rights*, Department of Public Information, United Nations, New York. June .1965

<sup>22</sup> *Quran*:5:45

<sup>23</sup> *Tafseer Ibn e Katier*, Vol, 10, P 121

<sup>24</sup> Tabri, Muhammad bin jarer , Imam, *Tafseer e tabri*, Beirut: darul kutab ul ilmia, Vol,10, P360

<sup>25</sup> Abid

Similarly, punishment was applied to adultery. The world will also be a place of social reform, where human dignity will be uplifted. Allah says in the Quran,

الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِئَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ<sup>26</sup>

Beat hundred times both the adulterous woman and the adulterous man with a whip. each of them. And do not pity them in the matter of the law, if you believe in Allah and the Last Day. And let a group of Muslims be present at their punishment.

Similarly, there are human punishments for theft as well,

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ...<sup>27</sup>

And if the thief is male or female, cut off their hands as a punishment for their theft. In this too there is a lesson, and Allah is Exalted in Might, Wise.

In short, there is no section in Islam regarding punishments that is not against the "Universal Declaration of Human Rights". That is why the world uses strange and strange words (such as barbaric, inhuman, cruel, etc.) about these punishments. In fact, it is this provision of this declaration that the world uses as a basis to give various hateful names to Qisas and Hudud and try to completely abolish the entire system of Hudud and Qisas in Islam. As stated earlier, Islam and Muslims are not bound by any agreement or anything else other than the divine commands. In addition, Islam recognizes custom and individual, national and international agreements in every matter.

#### Article 1.

"All human beings are created free. All human beings are equal in dignity and rights. Since man has been endowed with reason and conscience, it is incumbent upon him to treat other human beings as brothers."<sup>28</sup> One thing to keep in mind

<sup>26</sup> *Quran*:24:2

<sup>27</sup> *Quran*:5:38

<sup>28</sup> Final authentic text, *Universal Declaration of Human Rights*, Department of Public Information, United Nations, New York. June .1965

regarding rights is that the United Nations has mentioned rights in the light of Western philosophy as a way of demanding them because it teaches the individual that this is your right, while Islam teaches the teaching of giving rights. This is where the difference is clearly seen: the West talks about taking rights, while Islam teaches the teaching of giving rights, that it is your responsibility to fulfill this right of so and so. Now, if the result of this difference is considered, then the difference between the two will be as big as heaven and earth. When all the members of the society come to demand, how will the condition of that society change? And in the light of Islamic teachings, when all the members of the society come to fulfill their rights, what kind of a welfare and successful society will come into being? Islamic teachings regarding human life, dignity and legal status are very clear and fair. No discrimination is allowed in this. Quran says,

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا<sup>29</sup>

And We have honored the children of Adam and given them rides in the forests and the seas and provided them with good things and preferred them over many of Our creations.

Here, as a human being, there is no difference that only Muslims should have these facilities, rather the command is general and includes all Muslims and non-Muslims that everyone has been created honorable and dignified by Allah Almighty. Islam has repeatedly given instructions about human equality which are necessary for every Muslim to follow. Sayyiduna Umar (may Allah be pleased with him) was the second Caliph of the Muslims. One of his governors killed a person without any reason. Umar (may Allah be pleased with him) summoned him and questioned him regularly and then reprimanded him, as is narrated, An Egyptian man came to Sayyiduna Umar Farooq (may Allah be pleased with him) with a complaint about the governor's son. We were participating in a competition in which the

governor's son was also participating. When I won the competition, he started beating me with a whip and kept saying that I was from a respectable family. Sayyiduna Umar (may Allah be pleased with him) called the governor along with his son. In the crowded court, the Egyptian was told to take this whip and beat him. They kept saying, "Keep beating Ibn Al-Yameen." Anas (may Allah be pleased with him) said, "We watched him beating him until we kept wishing that it would be enough." Then Umar (may Allah be pleased with him) said to the Egyptian, "Now tell me about Amr (may Allah be pleased with him)." The Egyptian said, "The son of the Commander of the Faithful killed me. I took revenge on him (what do I have to do with his father?)." Then Umar Farooq (may Allah be pleased with him) addressed Sayyiduna Amr (may Allah be pleased with him) and said, "Since when did you people start enslaving other people?" Although his mother had set him free, Amr (may Allah be pleased with him) said: "O Commander of the Faithful, I had no knowledge of the injustice done to this Egyptian, nor had this man come to me." See here: He also punished the governor's son and said:

مَذَكُم تَعْبُدُمُ النَّاسَ وَقَدْ وَلَدْتُهُمْ أَمْهَانَهُمْ أَحْرَارًا<sup>30</sup>

Since when did you people start enslaving free people?

Now we review Article 1 of the Universal Declaration of Human Rights in the light of the Seerat Tayyaba. There is no two opinions on this matter that there is equality among human beings. Rather, Islam teaches "equality" more than any other religion and law in the world. So there is no contradiction between this provision and Islam but in the light of the Declaration, while applying both, there is a certain protection in Islam because in this provision of the Declaration, all human beings are equal in terms of self-respect and that protection is that there are two states of a human being. In one state, he is worthy of respect, regardless of which religion, country, nation or race he belongs to.

<sup>29</sup> **Quran**:17:70

<sup>30</sup> Abdul Rahman bin Abdullah, Ibn Abdul Hakim, **Fatuh Misr wa Akhbarha**, Beirut: Dar al-Fikr, vol.1 p. 183 ,1416 AH

And in the other state, he is not worthy of this respect, but rather he becomes subject to criticism. Both states are mentioned in Islamic teachings. As an introduction, we will mention some Islamic teachings in this regard, after which we will come to this section. Quran says,

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ... ثُمَّ رَدَدْنَاهُ أَسْفَلَ سَافِلِينَ...<sup>31</sup>

The interpretation of this verse is, "This is what has been sworn by: Allah Almighty created man in a good shape and form, with the right height and stature, with correct and proportionate limbs, with a beautiful and lovely face, then He made man the lowest of the low as a result of his deeds, that is, he became a person of Hell. If he did not obey Allah Almighty and obey the Holy Prophet (peace and blessings of Allah be upon him), then He separated the Muslims from him."<sup>32</sup> In Hadith,

عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم إن الله لا ينظر إلى صوركم وأموالكم ولكن ينظر إلى قلوبكم وأعمالكم<sup>33</sup>

It was narrated that Abu Hurairah said: The Messenger of Allah (PBUH) said: "Verily Allah does not look at your (outward, apparent) forms and wealth; rather He looks at your hearts and deeds.

After this preamble, the application of this section of the Declaration shows a conflict between the Universal Declaration of Human Rights and Islam. The Declaration talks about the respect and honor of the human soul, while in Islam the standard of respect and honor is "piety". The honor of both a criminal and a non-criminal is not the same. Islam teaches the principle that a person who leads society to destruction is not worthy of respect, just as a useful citizen is worthy of praise.

#### Article: 6

Everyone has the legal right to recognition of his or her identity.<sup>34</sup>

This right is present in Islam with its original spirit. Islam recognizes the personality of a human being in all stages of his life. Be it in pregnancy, childbirth, child, youth, old age, male or female, married or unmarried. Be it father or son, healthy or sick, ruler or subject. In short, in all walks of life, Islam recognizes the personality of a human being and gives him his rights. Islam everywhere recognizes human personality, just as it recognizes the personality of the fetus (pregnancy). Islam says,

أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى فِي امْرَأَتَيْنِ مِنْ هَذِيلٍ، افْتَتَلَا "عَنْ أَبِي هُرَيْرَةَ فَرَمَتْ إِحْدَاهُمَا الْأُخْرَى بِحَجَرٍ، فَأَصَابَ بَطْنَهَا وَهِيَ حَامِلٌ، فَتَنَلَتْ وَلَدَهَا الَّذِي فِي بَطْنِهَا، فَأَخْتَصَمُوا إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَضَى أَنَّ دِيَّةَ مَا فِي بَطْنِهَا عُزَّةٌ عَبْدٌ أَوْ أَمَةٌ<sup>35</sup>

Abu Hurairah (may Allah be pleased with him) reported: There were two women, one of whom threw a stone at the other, causing her to miscarry. The Prophet (peace and blessings of Allah be upon him) ruled that a slave or a maidservant should be given as ransom in this case. This shows that the child has not yet been born and Islam recognized his status and ordered the payment of a "slave" or "slave girl" as compensation for him. Similarly, there is a prohibition against killing children due to the threat of hunger and pov

- وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ.....<sup>36</sup>

And do not kill your children for fear of poverty. We provide for you and for them. Indeed, killing them is a grave sin.

Islam's teachings are clear on respecting elders, honoring parents, and upholding women's rights.

#### Article 7:

All persons are equal before the law, have the right to security and protection.

The Farewell Sermon is of great importance in Islam. It is called the universal manifesto of Islam. By the way, the entire life of the Prophet (peace be upon him) was a practical example of

<sup>31</sup> Quran:95:4,5

<sup>32</sup> Ibn e Kathir, Imad dud deen, Tafsir Ibn Kathir, Beirut: darul kutab ul ilmia, Vol. 4 p. 435,

<sup>33</sup> Muslim BIN Hujaj, Sahi Muslim, Riaz: Darusalam, kitab ul bir, Hadith No:6707

<sup>34</sup> Final authentic text, Universal Declaration of Human Rights, Department of Public Information, United Nations, New York, June .1965

<sup>35</sup> Bukhari, Sahi Bukhari, kitab ut Tib, Hadith No:5759

<sup>36</sup> Quran:17:31

equality. In addition, in view of the importance of "equality", the Prophet (peace be upon him) spoke about it in that sermon along with other important matters. The guidance is:

خطبة رسول الله صلى الله عليه و سلم في وسط أيام التشريق فقال يا أيها الناس ألا إن  
ركم واحد وإن أباكم واحد إلا لا فضل لعربي على أعجمي ولا لعجمي

على عربي ولا لأحمر على أسود ولا أسود على أحمر إلا بالتقوى<sup>37</sup>

And it is narrated in Musnad Ahmad,

عن أبي ذر أن رسول الله صلى الله عليه وسلم قال له : إنك لست بخير من أحمر ولا  
أسود إلا أن تفضلته بتقوى<sup>38</sup>

It is narrated from Abu Dharr (may Allah be pleased with him) that the Prophet (peace and blessings of Allah be upon him) said: "Your excellence is not because of your whiteness or blackness, but because of your piety."

#### Article 9:

No one shall be deported, detained or arrested without due process of law, solely at the will of the ruling class.<sup>39</sup>

Man is born free by nature. Neither Islam nor other religions can tolerate any compromise on his freedom. Different people are assigned different responsibilities to run administrative affairs while living in the world. This is the reason for the concept of ruler and subjects, otherwise it is not allowed to impose one's will on a person. As has been stated earlier, if the ruler is ruling on the principles of equality, then not only obedience to him is necessary, but also all possible cooperation with him is necessary. It has been emphasized to take care of the honor, respect and dignity of such rulers. On the contrary, if a ruler considers his subjects as his slaves, does not give them their rights and tries to impose his personal unfair decisions on them by considering the subjects as "convicted" and tries to arrest, detain or exile the subjects whenever he wants, then neither Islam nor the

Universal Declaration allows this. Even when dealing with the enemy, Islam takes care that the ruler does not subject anyone to injustice of his own free will while giving punishment and reward. As Allah Almighty says,

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاَنُ قَوْمٍ عَلَىٰ أَلَّا ...  
تَعْدِلُوا أَعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ<sup>40</sup>

O you who believe! Stand firm for justice for Allah, witnesses for justice. And let not the hatred of the people prevent you from doing justice. Do justice; that is the righteousness and fear Allah. Indeed, Allah is Aware of what you do.

The ruler should not be such that he forces people to distance themselves from him, but rather the ruler should behave with such gentleness towards his subjects that people like to live with him. The supplication of the Prophet (peace be upon him) is also narrated in this regard, as it is said,

اللَّهُمَّ مَنْ وَلِيَ مِنْ أُمَمِي شَيْئًا فَشَقَّ عَلَيْهِمْ فَاشْفَعْ عَلَيْهِ، وَمَنْ وَلِيَ مِنْ أُمَمِي شَيْئًا  
فَرَفَّقْ بِهِمْ فَارْفُقْ بِهِ<sup>41</sup>

The Prophet (peace be upon him) said: O Allah! Whoever becomes a ruler of my nation and acts harshly towards the people, then deal with him harshly. And whoever becomes a ruler of my nation and acts leniently towards the people, then deal with him leniently.

The ruler should be a refuge for his subjects so that they can live a life of peace and tranquility under his protection, and not that he should deprive his subjects of their freedom and bind them in chains, according to a tradition from Muslim,

It was narrated from Abu Hurairah (may Allah be pleased with him) that the Prophet (peace and blessings of Allah be upon him) said: "A ruler is like a shield under whose shadow people fight and through which they protect themselves. So if a ruler commands people to fear Allah and acts justly, there is a reward for

<sup>37</sup> Ahmad bin Husayn, Al-Bayhaqi, *Shaab al-Iman*, Riyadh :Maktab al-Rushd Publication, Hadith No. 4774,1423 AH.

<sup>38</sup> Ahmad Bin Hanbal, *Musnad Ahmad*, musnad ul Ansar

<sup>39</sup> Final authentic text, *Universal Declaration of Human Rights*, Department of Public Information, United Nations, New York. June .1965

<sup>40</sup> *Quran*:5:8

<sup>41</sup> Muslim Bin Hujaj, Imam, *Sahi Muslim* , Kitab ul Amarah, Hadith No:4826

him, and if he does otherwise, there is a calamity for him."<sup>42</sup>

#### Article 10:

Every citizen has the right to have any case brought against him heard in open court.<sup>43</sup>

In this regard, the entire life of the Prophet (peace be upon him) himself is like an open book. After determining the rights and duties of humans, if anyone (individual, government or any other legal or illegal means) interferes with these rights and duties in any way, then the case will go to court. Then the court will determine what rights the plaintiff has and how they can be obtained. Similarly, if a person etc. is charged with a crime, any hearing or decision made about him will be an open place, that is, action will be taken about him in the presence of other citizens. There are many incidents in the Hadiths regarding this. For example, adultery is a crime punishable by stoning (for a married person) and whipping (for an unmarried person). For this, it is necessary that four witnesses testify against the adulterer in a specific manner or that the perpetrator of the act himself testify against himself four times. As the incident of Sayyiduna Ma'iz (may Allah be pleased with him) is mentioned in the books of Hadith,<sup>44</sup> it is clear that after the "plaintiff" testified against himself four times, he was sentenced in an open court and then executed in an open court in front of everyone.

#### Article: 12

Everyone has the right to complete privacy.<sup>45</sup>

There is no room for disagreement with this provision in principle. Because every human being has the right to his "privacy", which includes his individual life, family life and social life. There are clear instructions in this regard in the Seerat Tayyaba. For example, it is not

allowed to enter someone's house or room without their permission. As Allah Almighty says in Surah An-Nur,

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْأَلُوا أَهْلَهَا عَلَيْهِمْ سَلَامًا ۚ ذَٰلِكُمْ خَيْرٌ لَّكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

O you who believe! Do not enter the houses of others except your own until you have asked permission from them and greeted them. That is better for you, and We advise you that perhaps you may remember.

Ibn Kathir has this commentary under this verse: "Here the Sharia literature is being explained: "Ask permission before entering someone's house. When permission is granted, go and greet them first. If there is no response to the first request for permission, ask permission again. Ask permission three times. If permission is still not granted, then return."<sup>47</sup> And declared it a crime to interfere with someone's "privacy" as stated.

عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ أَبُو الْقَاسِمِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ "لَوْ أَنَّ امْرَأً اطَّلَعَ عَلَيْكَ بِغَيْرِ إِذْنٍ، فَخَذَفْتُهُ بِعَصَا، فَفُتَّتْ عَيْنُهُ، لَمْ يَكُنْ عَلَيْكَ جُنَاحٌ"<sup>48</sup>

Abu al-Qasim (may Allah be pleased with him) said: "If someone peeks at you (while you are inside your house) without your permission and you throw a pebble at him and his eye is put out, there is no sin on you."

#### Article: 13

(1) Everyone has the right to freedom of movement and residence within the State.

(2) Everyone has the right to leave and enter the country.<sup>49</sup>

In principle, this article also does not contradict Islamic teachings, that is, Islam also gives every citizen the right to live or travel within and outside the country. Because wherever someone lives, it is necessary for him to live a happy life

<sup>42</sup> **Sahi Muslim**, Kitab ul amarah, Hadith No:4878

<sup>43</sup> Final authentic text, **Universal Declaration of Human Rights**, Department of Public Information, United Nations, New York, June .1965

<sup>44</sup> **Sahi Bukhari**, Hadith no:5270

<sup>45</sup> Final authentic text, **Universal Declaration of Human Rights**, Department of Public Information, United Nations, New York, June .1965

<sup>46</sup> **Quran**:24:27

<sup>47</sup> **Tafseer Ibn e katir**, Vol,4, P324

<sup>48</sup> **Sahi Bukhari**, Hadith No:6902

<sup>49</sup> Final authentic text, **Universal Declaration of Human Rights**, Department of Public Information, United Nations, New York, June .1965

that there is no restriction on his movement so that he can easily obtain the necessities of life. Similarly, if he leaves or returns to the country for any legitimate purpose, he should be given the full right to travel and travel.

## Article: 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked to evade prosecution for purely non-political crimes or for acts contrary to the purposes and principles of the United Nations.<sup>50</sup>

Even in a state of refugee status, Islam believes in the same status of a "human being" as he/she lives in his/her own country, meaning that a human being is still a human being, and Allah Almighty says about his/her respect,

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَىٰ ۝٥١..  
كثير مِمَّنْ خَلَقْنَا تَفْضِيلًا

And We have honored the children of Adam  
and given them rides in the forests and the seas  
and provided them with good things and  
preferred them over many of Our creations.

A person may seek refuge in another country due to extreme compulsion. In such situations, the issue of dignity and respect for a person becomes even more acute. But, as stated in the second clause of the section, if this refuge is not to escape any judicial proceedings, then this refugee person is entitled to this right, otherwise. This means that someone has done something illegal in his own country due to which he deserves punishment, and to avoid that punishment, he flees and takes refuge somewhere. In such situations, this fugitive person does not have any rights. Because the laws of the United Nations also state that any person is deprived of all rights in case of committing a violation of the laws stated by the United Nations.

## Article: 15

(1) Everyone has the right to a nationality.

50 Abid

<sup>51</sup> *Quran:17:70*

(2) No one shall be deprived of his nationality arbitrarily nor denied the right to change his nationality.<sup>52</sup>

From the study of the Seerat-e-Tayyaba, it is clear as day that for a person, "nation" or nationality is not a criterion of any excellence. It is only an introductory sign through which people can recognize each other. As Allah Almighty says in His saying,

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ 53  
اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

O people! We have created you from a male and a female and made you into nations and tribes, that you may know one another. And the most honorable of you in the sight of Allah is the most righteous. Indeed, Allah is Knowing and Aware of all things.

In its interpretation, Ibn Kathir (may Allah have mercy on him) says: "Allah Almighty states that "He created all mankind from a single soul" meaning that from Adam (peace be upon him) He created his wife Eve (peace be upon him) and then from them both the human race spread. "Nations" is common to tribes. For example, the Arabs are included in "Nations", then the Quraysh and the non-Quraysh, then all these tribes are included in their division. Some say that "Nations" refers to non-Arab people and tribes refers to Arab groups. For example, the Children of Israel are called "Asbat". The purpose of this blessed verse is that in relation to Adam (peace be upon him), who was created from clay, all the people of the world are equal. Now, whatever excellence someone will achieve will be due to religious matters, obedience to Allah and following the Prophet. This is the secret that was introduced in this verse after prohibiting backbiting and preventing one from insulting and humiliating another, that "all people are completely equal in terms of their birth relationship, families Tribes, communities,

<sup>52</sup> Final authentic text, *Universal Declaration of Human Rights*,

Department of Public Information, United Nations, New York; June 1965

<sup>53</sup> *Ouran*:49:13

and groups are only for identification so that grouping and sympathy can be maintained. So-and-so can be called a member of such-and-such a tribe, and thus it becomes easier to recognize each other, otherwise, in terms of humanity, all nations are the same.<sup>54</sup>

There are also instructions in the blessed hadiths regarding nationality, as in a tradition from Tirmidhi that,

عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "تَعَلَّمُوا مِنْ أُنْسَابِكُمْ مَا تَصِلُونَ بِهِ أَزْوَاجَكُمْ"

Hazrat Abu Hurairah (RA) narrated from the Holy Prophet (PBUH) that he said: "Learn your lineages. Through them you establish ties of kinship among your relatives."

Arguing from this holy verse and the noble hadiths, scholars have said that nationality and lineage are not conditions for marriage, and no other condition is valid except religion. This shows that nationality is not a criterion for any virtue, but rather it is a means of getting to know and cooperating with each other. Nationality is common, whether it is based on race, color, language, or homeland. All of them have this in common: it is merely a means through which worldly affairs are facilitated.

### Conclusion:

1. This article discusses the United Nations Charter in relation to human rights in detail. It also mentions the reservations of the Muslim Ummah that some of the clauses in the Charter conflict with Islamic beliefs and the teachings of the Quran and Sunnah.

2. Since this Charter has been made to protect the interests of specific nations under a specific ideology and in a specific context, it is practically impossible for Islam and Muslims to accept it in its entirety.

3. If the superiority and effectiveness of Islamic laws were explained in the modern terms of the

present world, then the Western world and non-Muslim nations would see these rights clearly in terms of human rights.

4. This manifesto is neither completely acceptable to Muslims nor can the entire manifesto be rejected.

5. The concept of human rights was given by Islam fifteen hundred years ago and was demonstrated by its practical implementation. And it is not unreasonable to say that before this UN Declaration, there was no comprehensive concept of human rights anywhere. The Farewell Sermon of Hajj is its most important document.

6. This sermon contains the concept of one Lord, one Father, the standard of virtue, piety, the end of all the wrong customs and usury of the pre-Islamic era, the end of the bloodshed of the pre-Islamic era, the protection of life, property and honor, the respect for Hajj and the city of Hajj and the avoidance of injustice, brotherhood, respect for oneself, honor and wealth, the observance of trust, the repayment of debts, obedience to husbands, the protection of lineage, the exhortation to be kind and forgiving to women, slaves and the elderly avoiding unnecessary quarrels, avoiding polytheism, murder, adultery and theft, prayer, fasting, Hajj and the payment of zakat and voluntary charity, the advice to acquire knowledge, the benevolence of Muslims, obedience to the ruler and the prohibition of actions (all are present).

7. This divine and prophetic manifesto not only respects human rights but also defines and clarifies the standards of politics, transactions, and worship.

8. The common elements in Islam and the Charter are equality, justice and individual freedom, but the interpretations differ greatly.

9. It is certainly possible to implement the manifesto, but for this it is necessary to address the concerns of people of different religions, especially the Muslim community.

<sup>54</sup> *Tafseer Ibn e Katir*, P,388, Vol,7

<sup>55</sup> Muhammad Bin Isa Tirmizi, Imam, *Jami Tirmizi*, Riaz: Darusalam, Kitab ul Bir, Hadith No:1979

10. It will be necessary for the Muslim Ummah to do a constant homework to present Islamic teachings in modern terms.