



The “Right to Equality” in Universal Declaration of Human Rights (UDHR): A Qur’anic Analysis

Noor Mohammad Osmani- Md Fakar Uddin

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(UDHR): A Qur’anic Analysis**

Noor Mohammad Osmani¹, Md Fakar Uddin²

Abstract

The “Right to Equality” has been articulated in the first article of the “Universal Declaration of Human Rights (UDHR) 1948”. The Qur’an and Sunnah had also instructed about it centuries before. But the Right has been neglected and violated throughout the globe with impunity despite clear declaration and stern actions from the UN and paramount emphasis in the Qur’an and Sunnah for protecting this right. The purpose of this study therefore, is to explore how this “Right to Equality” has been enshrined in UDHR and in the Qur’an and Sunnah; how it is being protected by UN and by the Qur’an and Sunnah; and whether this right is compatible with the sacred texts of the Qur’an and the instructions of the Sunnah of Prophet (PBUH). This study has adopted descriptive, analytical, evaluative and critical methods to describe the fundamental human right in the UDHR and the Qur’an, to analyse and evaluate its stance in the light of the sacred texts and provide critical evaluation whenever necessary. The study found that the UDHR enshrined this “Right to Equality” with a clear statement wherein no clause appears to be contradictory with the teachings of the Qur’an and Sunnah. The contradictions appear when some interpreters misconstrue this right according to their whims, and personal interests. Consequently, the abuse of this right, inequality, discriminations against some particular people on the basis of race, gender, colour, religion and ethnicity are common across the world, though UN is diligent with its other entities for promoting and protecting this right. The Qur’an Sunnah’s noble approach seems strongly effective for promoting and protecting it, as the Qur’anic commands and declaration of rewards for its implementation make this right actively implemented and the strong prohibitions, warnings and declaring sever punishments for violations make it strongly protected.

Keywords: *Human Rights, Equality, Dignity, Violations, Discriminations, Implementations.*

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INTRODUCTION

The “Right to Equality” is a fundamental human right which has been enshrined in the first article of the historic human rights document “Universal Declaration of Human Rights” which UDHR declared on 10 December 1948 in response to the atrocities of the World War II.³ However, this right is considered an introducer of equality among all human beings in that all are born free and equal in the dignity and rights, and everyone has the Right to Equality. Also, this right deters all kinds of discrimination against a person based on race, gender, colour, religion, ethnicity and other status. Similarly, this “Right to Equality” is one of the universal human rights which has been confirmed in the Qur’an and Sunnah centuries ago. Allah (SWT) is the ultimate creator of all humanity, and He treats all with paramount justice and fairness that no one can raise any complaint of unjust behaviours towards Him. Whoever does a good job, whether male or female, white or dark, deserves noble rewards with the only condition of true Iman in God’s tawhid or unity.

As the Qur’an asserts:

“Whoever does good, whether male or female, and is a believer, We will surely bless them with a good life, and We will certainly reward them according to the best of their deeds.” [Qur’an, Surah an-Nahl 16:97].

Allah (SWT) never let the rewards of any noble jobs by anyone be deprived of, be he a man or woman. They all belong to one another.⁴ It is to be noted that almost all international, regional and Islamic human rights associations such as Universal Islamic Declaration of Human Rights and Cairo Declaration on Human Rights in Islam have also confirmed this “Right to Equality”.⁵ Despite being universally declared in all human rights organizations and being available in sacred texts of the Qur’an and Sunnah, the right is still often seen violated and ignored in the guise of impunity throughout the globe. Discriminations are common and widespread. People are oppressed, tortured and discriminated due to their race, gender, religion and ethnicity.

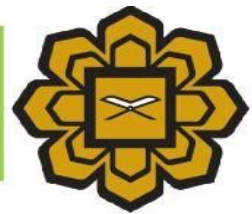
³ UN, “History of the Declaration”, United Nations, <https://www.un.org/en/about-us/udhr/history-of-the-declaration>, (accessed 13 Sep. 22).

⁴ [Al Qur’an *Surah Al Imran* 3:195]

⁵ Association of Southeast Asian Nations, “ASEAN Human Rights Declaration,” November 19, 2012, <https://asean.org/asean-human-rights-declaration/>, (accessed 12 Sep. 22).

See also, Islamic Council of Europe, “Universal Islamic Declaration of Human Rights,” adopted on 19 September 1981, Human Rights Library, University of Minnesota, http://hrlibrary.umn.edu/instree/islamic_declaration_HR.html, (accessed 12 Sep. 22).

See also, Organization of Islamic Cooperation, (OIC). “The Cairo Declaration on Human Rights in Islam,” Aug. 5, 1990, Human Rights Library, University of Minnesota, <http://hrlibrary.umn.edu/instree/cairodeclaration.html>, (accessed 27 January 2022).



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Therefore, this study analyses this Right to Equality from the perspective of the Qur’an and Sunnah which may alleviate the ongoing controversy and violations regarding this right and allowing it to be perfectly implemented over the world.

THE “RIGHT TO EQUALITY” IN UDHR

The “Right to Equality”, is articulated in the article 1 of the UDHR which states that:

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”⁶

In a simple glimpse, it is understandable from the excerpt above that this right is to make all human beings united and make them realise that as human beings, they must be in a spiritual relationship of brotherhood without humiliating or discriminating one another; this is because they all are born free and equal in dignity and rights and endowed with reason and conscience. The clause, “All human beings are born free” is very natural. No one is born a slave. No one is born to be humiliated or discriminated. All humans are born as pure human beings endowed with reason, conscience and human dignity. Slavery, servitude, domination, oppression and especially discriminations are the creations of ruthless traditions and not because some humans were born as slaves or in different traditions, races, colours, genders or religions.⁷ Therefore, everyone has the right to be equal and free from slavery, servitude and oppression, on the basis of being a human.

With “Equal in dignity and rights”, here, all human beings are equal in dignity which means in honour and respect, as humans are endowed with reason and conscience which dignifies them and separates them from other creatures. Therefore, as far as one is a human, he is equally dignified with basic human dignity, honour which makes him different from other creatures, and saves him from inhumanity, slavery, servitude or degrading treatment. Since the dignity with reason and conscience is given to all human beings, they are the same in this attribute and are interconnected to one another. With regard to dignity, former Human Rights chief, Mary Robinson stated :

⁶ United Nations, “Universal Declaration of Human Rights,” United Nations General Assembly in Paris on 10 December 1948, (General Assembly resolution 217 A), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, (accessed 27 April 2022).

⁷ American Psychological Association, “Discrimination, what it is? And how to cope?” American Psychological Association, <https://www.apa.org/helpcenter/discrimination>, (accessed 24 Mar. 20).



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“Dignity as “an inner sense of self-worth,” a concept that “evokes an empathy with the other, connects us one to the other.” And, “in our inter-connected world, that empathy must expand to tackling the gross inequalities that raise issues of justice.”⁸

Therefore, all human beings are equal in dignity and must be treated with respect and honour. All human beings, therefore, must act with one another in the spirit of brotherhood with respect, love and affection.

In the aspect of “Rights”, all human beings are equal in rights. Here, “Rights” refers to the rights as declared in this UDHR document only. Article 2 of this document explains about the right when it states, “Everyone is entitled to all the rights and freedoms as set forth in this Declaration”⁹. Thus, all human beings are equal to enjoy all the rights as declared in this UDHR document equally. For instance, among the rights stated are that all are equal before the law, all are equal in enjoying freedom of religion, in the “Right to Life”, the right to family, and right to education etc.

From the above explanation, it is clear that the “Right to Equality” is to ensure that all human beings are equal in dignity and rights, they are dignified, they must enjoy all the fundamental rights equally regardless of race, colour, sex and religion. They must interact with one another in a spirit of brotherhood, and must not discriminate, humiliate and oppress each other on the grounds of different race, gender or ethnicity. It is clear that this “Right to Equality” does not establish that all humans are same in race, colour, ethnicity, religion and gender, and even not for changing the male gender to female, female to male, as gender equality is defined:

“Gender equality” refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men.”¹⁰

It is also clear that the UDHR declaration in this article does not aim to make all genders the same, rather establishing brotherhood and diminishing discrimination and humiliation. This can be seen in the UDHR original draft, of which this right began with the phrase “All men are

⁸ OHCHR, “30 Articles on the 30 Articles of the Universal Declaration of Human Rights,” Office of the High Commissioner for Human Rights, United Nations, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23871&LangID=E> (accessed 21 March 2020).

⁹ United Nations, “Universal declaration of Human Rights,” article 2, para 1. United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, (accessed 17 June 2022).

¹⁰ UN Women, “OSAGI Gender Mainstreaming - Concepts and definitions,” para 1. *UN Women*, United Nations, <https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>, (accessed 7 November 2021).



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Equal” whereby Eleanor Roosevelt did not support to change.¹¹ However in the final draft, it was changed to “all human beings” according to the argument of Hansa Mehta of India that people could use this wording to restrict the rights of women, rather than expand them.¹² Finally, it is understood that this article “Right to Equality” is not for establishing that all are same gender; rather, it is to ensure women’s rights and reduce discriminatory practices towards women are justified by referring to religious, historical, traditional and cultural attitudes. Not only for women, but also to reduce the discriminatory practices towards religious minorities, people with disabilities, members of ethnic, indigenous groups, elderly workers, migrants, and children.¹³

IMPLEMENTATIONS AND PROTECTIONS OF THE “RIGHT TO EQUALITY”

The “Right to Equality” has been one of the core objectives of the United Nations since its inception. This right is effective and for implementing this, there are diligent activities for which people’s minds are awaken to this “Right to Equality”. For instance, women used to be suppressed and denied basic rights, but now they are being empowered to claim their rights until they have been acknowledged as equals. Nowadays, they are able to demand positions for their capabilities and equal pay for equal work. They are aware of responsibilities, economic prosperity and especially are gaining more self-confidence.¹⁴

Moreover, the campaigns and activities for promoting this right is diligent, even in recent times. As, “All human beings are born free and equal in dignity and rights” established the basic premise of international Human Rights law 60 years ago, yet today, it still remains the activity for promoting and the battle against discrimination a daily struggle for millions across the world.¹⁵

¹¹ Farrior, Stephanie, “Equality and Non-Discrimination under International Law,” *Vermont Law School Research Paper*, Stephanie Farrior, ed. Ashgate Publishing, vol.2, no. 3-15, (2015), p 9.

¹² OHCHR, “30 Articles on the 30 Articles of the Universal Declaration of Human Rights,” Office of the High Commissioner for Human Rights, United Nations, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23871&LangID=E> (accessed 21 March 2020).

¹³ OHCHR, “30 Articles on the 30 Articles of the Universal Declaration of Human Rights,” *ibid*, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23871&LangID=E>

¹⁴ Dr. Melodena Stephens Balakrishnan, “The Negative Impact Of Reducing The Gender Gap 2008,” University Of Wollongong In Dubai, 2008, P14. <https://ro.uow.edu.au/dubaipapers/16>, (accessed 2 April 2020).

¹⁵ OHCHR, “A Special Focus on Discrimination,” Office of The High Commissioner for Human Rights, United Nations, <https://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx>, (accessed 24 Mar. 2020).

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For example, “The Beijing Declaration and Platform for Action of 1995”¹⁶ is considered the most visionary agenda for women and girls rights. In its 25th anniversary, the “UN Women’s”¹⁷ campaign “Generation Equality: Realizing women’s rights for an equal future” demanded equal pay for equal work, an end to violence against women and girls, health care services, and equal participation in decision-making in all areas of life including political life.¹⁸ Within this similar demand, the “United Nations Sustainable Development Goals” (UNSDGs) 2030 agenda is committed for ensuring Gender equality and reducing inequality which have created a momentum in favour of equality and Non-Discrimination.¹⁹

Furthermore, for protecting the “Right to Equality” and combatting discrimination, UN has many active entities. For example, the “Office of the High Commissioner for Human Rights” (OHCHR) is a lead UN entity for Human Rights and stands against the forces of discrimination.²⁰ It works as the Secretariat to the UN Human Rights treaty bodies, which regularly addresses discrimination in numerous sectors. Staying against discrimination is the main focus of three of the treaty bodies, such as the “Committee on the Elimination of Discrimination against Women” (CEDAW), the “Committee on the Elimination of Racial Discrimination” (CERD), and the “Committee on the Rights of Persons with Disabilities” (CRPD). Combatting discrimination is also in the work of other treaty bodies, together with the “Human Rights Committee,” the “Committee on Economic, Social and Cultural Rights” (CESCR), the “Committee on the Rights of the Child” (CRC), the “Committee on Migrant Workers” (CMW) and the “Committee Against Torture” (CAT).²¹ It is specifically actively dedicated only for gender equality and the empowerment of women “UN Women”. It is a

¹⁶ The Beijing Declaration and Platform for Action of 1995, endorsed by 189 governments at the Fourth World Conference on Women held in Beijing, China, and powered by the 21st century women’s movement.

¹⁷ “UN Women is the global champion for gender equality, working to develop and uphold standards and create an environment in which every woman and girl can exercise her human rights and live up to her full potential. We are trusted partners for advocates and decision-makers from all walks of life, and a leader in the effort to achieve gender equality.” about UN Women, <https://www.unwomen.org/en/about-us/about-un-women> (accessed on 13 November 2021).

¹⁸ UN Women, “Generation Equality: Realizing women’s rights for an equal future,” *United Nations Entity for Gender Equality and the Empowerment of Women*, UN Women, 2019, <https://www.unwomen.org/en/digital-library/publications/2019/05/generation-equality>, (accessed 21 March 2020).

¹⁹ United Nations, “Transforming our world: the 2030 Agenda for Sustainable Development,” *Sustainable Development*, Department of Economic and Social Affairs, United Nations, <https://sdgs.un.org/2030agenda>, (accessed 19 June 2022).

²⁰ OHCHR, “A Special Focus on Discrimination, *ibid*,” <https://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx>, (accessed on 24 Mar. 2020).

²¹ OHCHR, “Enhancing Equality and Countering Discrimination, Office of the High Commissioner for Human Rights, United Nations,” <https://www.ohchr.org/EN/AboutUs/Pages/Enhancingequalityandcounteringdiscrimination.aspx>, (accessed 24 March 2020).



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global champion for women and girls, which was founded to accelerate movement on meeting their needs worldwide.²² The efforts of these bodies have assisted to clarify the extent of the obligations of States Parties to save individuals from discrimination on grounds of sex, race, colour, religion or other grounds where awareness about such inequality has increased in recent years.²³

VIOLATIONS OF THE “RIGHT TO EQUALITY”

As the principles of the “Right to Equality and Non-Discrimination” are at the heart of Human Rights, there are campaigns active today and UN has numerous active entities for promoting and protecting the “Right to Equality”. However, there are also violations of the “Right to Equality” across the world, such as the discriminations against religious, ethnic, and national minorities which persist throughout the world. Similarly, persons with disabilities, migrants, indigenous peoples, older persons, children, women, and LGBTI people also face discriminations. Conflict, racism, and xenophobia exist because of historic forms of prejudice combined with income and social inequality. In addition, there is still rising of discrimination because of the spread of hateful messages through social media which fuels discrimination.²⁴ Some violations are reported below to exemplify this.

According to the “Annual trends analysis report” (ATAR) of the “South African Human Rights Commission” (SAHRC) the “Right to Equality” is the most violated human right. The violations mostly were related to race in that it concluded the racism remained endemic. Then, discrimination based on disability and ethnic origin, unfair labour practices exist, such as discrimination in the workplace, in the access to healthcare, water, food, and social security.²⁵ Inequality and discrimination is an everyday reality for many people. Even most Americans feel they have experienced several discriminations according to the 2015 report of the “American Psychological Association” (APA) “Stress in America Survey”. Day-to-day discrimination is being experienced by people from racial or ethnic minorities and some are

²² “About UN Women,” *ibid*, <https://www.unwomen.org/en/about-us/about-un-women>, (accessed 13 Nov. 21).

²³ OHCHR, “Enhancing Equality and Countering Discrimination,” *ibid*, <https://www.ohchr.org/EN/AboutUs/Pages/Enhanceequalityandcounteringdiscrimination.aspx>, (accessed 24 March 2020).

²⁴ OHCHR, “Enhancing Equality and Countering Discrimination,” *ibid*, <https://www.ohchr.org/EN/AboutUs/Pages/Enhanceequalityandcounteringdiscrimination.aspx>, (accessed 24 March 2020).

²⁵ The South African Human Rights Commission, “Right to Equality” most violated human right - Human Rights Commission,” The South African Human Rights Commission, 11 January 2018, <https://www.sahrc.org.za/index.php/sahrc-media/news/item/1130-right-to-equality-most-violated-human-right-human-rights-commission>, (accessed 2 April 2020).

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being targeted because of other factors, such as age, gender, education, income or weight. Day-to-day discrimination, like receiving poorer service at restaurants or stores, being treated as less intelligent or less trustworthy and with less courtesy and respect are more common. It is said that it comes frequently in the form of “microaggressions” such as insults, slights and unwise comments.²⁶

In recent years, many European countries experienced a disturbing increase in racist and xenophobic attacks on asylum-seekers and foreigners by neo-Nazi in general and other groups. Not only on persons of foreign origin but also such attacks have been perpetrated on those who are against the discriminatory or supremacist philosophy that groups represent. These philosophies and other grounds for discrimination are among the main reasons of the terrible increase, during the last decade, inflows of refugees and internally displaced people.²⁷

Similarly, “Human Rights Watch” has reported that there are numerous grave abuses committed by Ethiopian and Eritrean armed forces during the armed conflict which began in November 2020 in the Tigray region of Ethiopia, including rape, other sexual violence against women and girls, massacres, attacks on refugee camps and damage of crops and civilian infrastructure, including healthcare facilities and schools.²⁸ Another report shows that there is violence against women and girls in Kenya even during the Covid-19 Pandemic. Women, and girls especially those who were stuck at home because of lockdown, lost their jobs and had no school, faced sexual and physical domestic violence. There is widespread sexual violence not only against women and girls but also incidents of sexual violence against men and boys as documented by ‘Human Rights Watch’.²⁹

Amnesty International has reported that there are still many places around the world where gender inequality still persists. For example, exercising the “Right to Vote” is very difficult for women such as those in Syria, Pakistan and in Afghanistan. In Burkina Faso, a

²⁶ American Psychological Association, “Discrimination, what it is? And how to cope?” American Psychological Association, <https://www.apa.org/helpcenter/discrimination>, (accessed 24 Mar. 20).

²⁷ United Nations, “The Right to Equality and Non-Discrimination in the Administration of Justice,” *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers*, chapter 13, p 633.

²⁸ Human Rights Watch, “I Always Remember That Day: Access to Services for Survivors of Gender-Based Violence in Ethiopia’s Tigray Region,” *Human Rights Watch*, November 9, 2021, <https://www.hrw.org/report/2021/11/09/i-always-remember-day/access-services-survivors-gender-based-violence-ethiopia>, (accessed 13 November 2021).

²⁹ Human Rights Watch, “I Had Nowhere to Go: Violence Against Women and Girls During the Covid-19 Pandemic in Kenya,” *Human Rights Watch*, September 21, 2021, <https://www.hrw.org/report/2021/09/21/i-had-nowhere-to-go/violence-against-women-and-girls-during-covid-19-pandemic-kenya>, (accessed 13 November 2021).

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huge number of women and girls still fight against forced marriage, which affects them badly especially in rural areas. Globally, an average of 30% of women who have been in a relationship, have experienced physical or sexual violence committed by their partners. They are more likely to be victims of sexual assault, rape, and so-called “honour crimes”³⁰. Gender based discrimination in the workplace occur when women are denied access to a fair and equal wage for same work. Likewise, discrimination based on sexual orientation and gender identity that women are deprived of their rights on the basis of sexual orientation, gender identity. There is even violence against lesbian, bisexual, trans and intersex women and gender non-confirming people such as exclusion, harassment, and discrimination, extreme violence, including sexual violence or so called “corrective rape” and “honour killings”³¹ as “Amnesty International” has reported.³²

In spite of UNs strong mechanism for protecting the “Right to Equality” there are numerous violations of this right across the world where people continue to be excluded, marginalized, and restricted in the enjoyment of their rights on grounds of race, colour, language, sex, religion, national, ethnic or social origin, political affiliation, descent, birth, caste, age, disability, migration status, sexual orientation or gender identity and health status.

THE “RIGHT TO EQUALITY” IN THE QUR’AN AND SUNNAH

The Qur’an and Sunnah have instructed to “the “Right to Equality” with a comprehensive approach. It is clearly urged therein that all humans are born free. The Qur’an has made it clear how they are dignified and granted with equal rights by Allah (SWT) and that all should live in the world in a spirit of brotherhood.

Concerning “All are Born Free”, the Qur’an asserts:

“He is the One who created you from dust, then from a drop of semen, then from a clot. After that, He takes you out as an infant” [Qur’an, Surah Ghafir 40:67].

The Arabic word “*Tifl*” (infant) in this verse means the new-born as long as it is still clean. Therefore, there is no sign for being a slave or in servitude, being poor or rich. It is free, natural and neat. A hadith of the prophet (PBUH) clearly stated that all humans are born free, “There

³⁰ “Honour” crime involves violence, including murder, committed by people who want to defend the reputation of their family or community.” (<https://www.bbc.co.uk/ethics/honourcrimes/>), (accessed 19 Jun 2022).

³¹ “Honour killing is the murder of a person accused of bringing shame upon his or her family.” <https://www.bbc.co.uk/ethics/honourcrimes/>, (accessed 19 Jun 2022).

³² Amnesty International, “Women’s Rights,” Amnesty International, <https://www.amnesty.org/en/what-we-do/discrimination/womens-rights/>, (accessed 19 Jun 2022).

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is none born but is created to his true nature”.³³ No one is born to slavery and servitude. All human beings are born free, without any sign of being a slave, poor or rich. No one knows yet what this infant will become in future after growing up.

In the aspect of “All are Equal”, the Qur’an states:

“So, their Lord answered their prayer: “I do not allow the labour of any worker from among you, male or female, to go to waste. You are similar to one another.” [Qur’an Surah Ali Imran 3:195].

The Almighty Allah gives similar attention to the men and women that no one’s actions will be wasted but they are perfectly recorded and be granted noble rewards in the World and the Hereafter.

On “Equal in Rights”, the Qur’an asserts:

“To whoever, male or female, does good deeds and has faith, We shall give a good life and reward them according to the best of their actions.” [Qur’an, Surah Al-Nahl 16:97].

In this *ayah*, Allah (SWT) declares them equal in reward for their virtuous deeds without discrimination between genders or races.

On the subject of “Equal in Dignity”, the Qur’an explains:

“We have honoured the children of Adam and carried them by land and sea; We have provided good sustenance for them and favoured them specially above many of those We have created.” [Qur’an Surah Al-Isra 17:70].

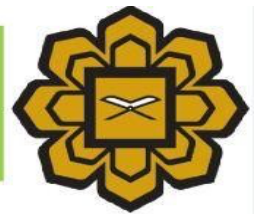
This verse has made it clear that Allah (SWT) has honoured all children of Adam, regardless of their colour, race, gender, ethnicity, and religion, have been bestowed the quality of gaining over the lands and seas, and providing good sustenance for their livelihood. They are granted supreme status over all other creatures by bestowing them with reason and conscience. In this Qur’anic context, human being is a honoured creation, and they should be treated with proper respect and dignity. They should not be dealt with inhumane treatments and barbaric approaches.

In the last sermon of the Prophet (PBUH), he declared to the thousands of audience, "All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; a White has no superiority over a Black, nor a Black has any superiority over a White except by piety and noble action.”³⁴

With regards to “All human beings are endowed with reason and conscience,” the Qur’an asserts:

³³ Muslim Ibn Al-Hajjaj Al-Qushairi, *Sahih Muslim*, Kitab al-Qadr, chapter 6, Muhammad Fuad Abdul-Baqi (Ed.), (Beirut: Dar Ihya Al-Turath Al-Arabi), No. 2658, 4/2047.

³⁴ “The last Sermon of Prophet Muhammad (PBUH), IIUM, <https://www.iium.edu.my/deed/articles/thelastsermon.html>, (accessed on 16 November 2021).



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“It is He Who brought you forth from the wombs of your mothers when ye knew nothing; and He gave you hearing and sight and intelligence and affections: that ye may give thanks (to Allah).” [Qur’an Surah Al-Nahl 16:78].

From this verse, it is understood that all human beings are gifted with the ability of “hearing” that they can hear, and “sight” that they can see, and “heart” and “intelligence” that they can think and understand. This quality of reason and conscience make them dignified and preferred from other creations.

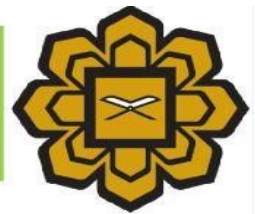
Concerning the point “All human beings should act towards one another in a spirit of brotherhood.” The Qur’an not only obligates for acting towards one another in a spirit of brotherhood, rather it reminds them about their relationship of brotherhood from their origin that they originated from one soul or from one mother and father. That is why they must act towards one another in a spirit of brotherhood. The Qur’an states:

“People, be mindful of your Lord, who created you from a single soul, and from it created its mate, and from the pair of them spread countless men and women far and wide; be mindful of God, in whose name you make requests of one another. Beware of severing the ties of kinship: God is always watching over you.” [Qur’an Surah Al-Nisa 4:1].

Since all human beings are created from one soul, they all have ties of kinship like siblings. They must remain vigilant to maintain this relationship and not to detach and sever this kinship among each other. For maintaining this kinship they must act towards one another in a spirit of brotherhood. If they fail to maintain it, there is a warning from Allah (SWT) that He is always watching over them and to Him they are accountable for their every single action.

In short, it can be proclaimed that the Islamic view about equality is that all human beings are born free and equal in dignity and rights, because Allah (SWT) has made them dignified and declared to reward them for their virtuous deeds. Indeed, He has endowed them with reason and conscience by nature and preferred them over all other creatures. The Qur’an has made it obligatory that all human beings need to behave towards each other in a spirit of brotherhood as they all originate from the same soul, same father and mother.

Therefore, all human beings must act towards one another in a spirit of brotherhood without any discriminations on grounds of race, gender, ethnicity, and religion or on other grounds. Because, the different races, genders, ethnicities are also creations of God for making the life of human beings easier. This is one of the significant signs of God that lead to the knowledge of the omnipotent creator. So, these differentiations of God’s creation are not for discriminating, insulting, or humiliating one another; but for making activities convenient. Since all human beings are from the same root and origin, there should no superiority or inferiority on the ground of origins; rather on account of their noble deeds, piety and sincerity of actions. Allah (SWT) has never discriminated his beloved creation on grounds of origins, ethnicities or races; rather He treated them all equally. Only those who are virtuous, pious and



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more conscious of Him are the most beloved to Him. This statement is clearly declared in the verse below:

“O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other)). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things).” [Qur’an, Surah Al-Hujurat 49:13].

PROTECTIONS OF THE “RIGHT TO EQUALITY” IN THE QUR’AN AND SUNNAH

The Qur’an and Sunnah adopted sound methods to implement the value of equality and protect it from violation. Allah (SWT) firstly commands for implementing this “Right to Equality”, then declares rewards for implementing it, and prohibits from violating the right, and finally threatens with punishments of violation.

Firstly, Allah (SWT) commands for implementing the “Right to Equality” by standing out firmly for justice to all equally with no discrimination. As it is expressed in the verses below:

“You who believe, uphold justice and bear witness to God, even if it is against yourselves, your parents, or your close relatives. Whether the person is rich or poor, God can best take care of both. Refrain from following your own desire, so that you can act justly- if you distort or neglect justice, God is fully aware of what you do.” [Qur’an Surah An-Nisa 4:135].

“God commands justice, doing good, and generosity towards relatives and He forbids what is shameful, blameworthy, and oppressive. He teaches you, so that you may take heed.” [Qur’an Surah An-Nahl 16:90].

Allah’s commands for justice include not just for an individual, rather all the governments and authorities whoever is responsible for taking care of any nations, institutions or business fields. All are responsible to be just to their subjects. Allah even has commanded the prophet (PBUH) particularly for doing justice. As it is in the verse below:

“So, (O prophet,) towards that (faith) invite (people), ... “and say, “I believe in whatever book Allah has sent down. And I have been ordered to do justice among you” [Qur’an Surah Ash-Shuraa 42:15].

Secondly, Allah (SWT) declares the rewards for those who implement the “Right to Equality” by doing justice that, Allah favours them with His love and acceptance. As asserted in the verse below:

“Surely, Allah loves those who do justice” [Qur’an Surah Al-Maidah 5:42].

Thirdly, Allah strongly prohibits from violating the “Right to Equality” by discriminating, defaming, and mocking one another. As it is very clearly explained below:

“O you who have believed, let not any people scoff at (another) people who may be more charitable than they; neither let women scoff (other) women who may be more charitable (i.e., better) than they. And do not defame one another, (Literally: do not defame yourselves) nor revile one another by nicknames.

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Miserable is the name, evident immorality, after belief! And whoever does not repent, then those are they who are the unjust.” [Qur’an Surah Al-Hujurat 49:11].

Finally, Allah (SWT) threatens and declares severe punishment for those who violate this “Right to Equality”. For example, Allah warns that He (Allah) is well aware of those who do not stand with equality and avoid justice. As it is in the verse below:

“O you who believe, be steadfast for (obeying the commands of) Allah, (and) witnesses for justice. Malice against a people should not prompt you to avoid doing justice. Do justice. That is nearer to Taqwā. Fear Allah. Surely, Allah is All-Aware of what you do.” [Qur’an Surah Al-Maidah 5:8].

Another severe warning against those who discriminate boys and girls, is that when they are blessed with baby boys, they get overjoyed, and when they were informed of newly born girls, their faces darken and later decide to bury them alive or face the terrible shame in their lives due to girls. Allah (SWT) warned those who buried infant girls alive:

“And when the girl-child that was buried alive will be asked, for what sin she was killed.” [Qur’an Surah At-Takwir 81: 8-9].

Allah declares severe punishment for those who violate the “Right to Equality” and discriminate the people by humiliating or by mocking or backbiting them, that they will be severely punished because they are considered as oppressors due to such discriminations. Oppressors will face painful punishment in the hereafter. The two verses below are clear on this:

“O you who have believed, let not any people scoff at (another) people who may be more charitable than they; neither let women scoff (other) women who may be more charitable (i.e., better) than they. And do not defame one another, (Literally: do not defame yourselves) nor revile one another by nicknames. Miserable is the name, evident immorality, after belief! And whoever does not repent, then those are they who are the unjust (oppressors).” [Qur’an Surah Al-Hujurat 49:11].

“Surely, there is a painful punishment for the unjust.” [Qur’an Surah Ibrahim 14:22].

A COMPARATIVE OVERVIEW ON THE “RIGHT TO EQUALITY”

After the above discussion on the “Right to Equality” in the UDHR and in the Qur’an and Sunnah, it can be categorically mentioned that there is no reason for this right being incompatible with Islam. Rather, “Right to Equality” can be said a fundamental right of Islam. Because every single clause of this “Right to Equality” as drafted in the UDHR document, such as “all human beings are born free and equal in dignity and rights” and “all are endowed with reason and conscience and should act towards one another in a spirit of brotherhood,” is akin to what the Qur’an sunnah has instructed about all of them in a noble manner to establish this fundamental right among all humankind. As the revelation from Allah (SWT), the Qur’an



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commanded all humans to live in a spirit of brotherhood as they all originate from the same being, Adam and Eve.

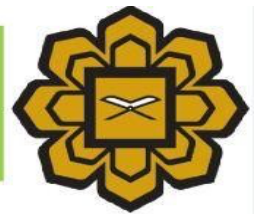
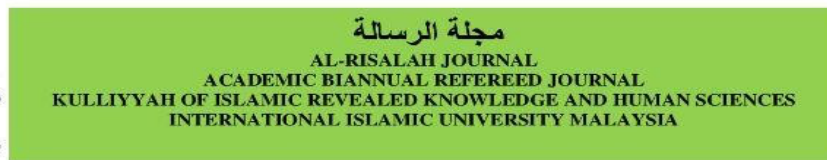
All humans are bestowed with reason and conscience that dignified and favoured them than other creations for which they are commanded to be grateful to Allah (SWT). They must use this reasoning and conscience for the welfare of mankind, and not for discriminating and oppressing them. Allah (SWT), the creator of human beings never distinguishes one from the other based on physical appearances, race, colour, gender and ethnicity. Rather, Allah (SWT) looks into inner state of minds, taqwa and piety for supremacy of one from the other, and it is the virtuous actions indeed that will bring equal rewards for all qualifying individuals.

Although the point “Equal in Rights” in article 1 is a source of confusion among some Islamic scholars about its compatibility with Islam as this point is ignored in the two major Islamic Human Rights declarations³⁵, while mentioning the “equality in dignity and responsibility” left the “equality in rights”, because of the wrong assumption about the inheritance law in Islam which is generally assumed to be discriminatory except among the learned and the wise who are convinced that it is just and equitable. A thorough analysis in the Qur’anic *ayat* and *ahadith* of the Prophet proves that “equal in rights” in UDHR does not contradict with Islamic values and principles. Because firstly, the “Rights” in this point of UDHR document includes only the rights declared in the UDHR document. As it is explained in article 2 of this declaration that “Everyone is entitled to all the rights and freedoms set forth in this Declaration”,³⁶ and as much as 30 articles did not mention about the right of inheritance while dealing with human fundamental rights. Secondly, the right of Inheritance is an independent field of a different right after the basic human fundamental rights. In fundamental Human Rights, there should not be any discrimination among human beings because of their equal status. Islam instructed about inheritance depending on the responsibility of a particular individual, and not based on human dignity. This is absolutely logical that as long as the responsibilities and actions are different, their rights will also be different. Equal rights and equal pay shall only be for equal work and equal responsibility. Different pay and different rights shall only be for different work and different responsibility. Since Islamic law of

³⁵ Islamic Council of Europe, “Universal Islamic Declaration of Human Rights,” adopted 19 September 1981, Human Rights Library, University of Minnesota, http://hrlibrary.umn.edu/instree/islamic_declaration_HR.html, (accessed 1 January 2021).

See, OIC, “Cairo Declaration on Human Rights in Islam,” Aug. 5, 1990, U.N. GAOR, World Conference on Human Rights., 4th Session, Agenda Item 5, U.N. Doc. A/CONF.157/PC/62/Add.18 (1993), Human Rights Library, University of Minnesota, <http://hrlibrary.umn.edu/instree/cairodeclaration.html>, (accessed 1 January 2021).

³⁶ United Nations, “Universal declaration of Human Rights,” article 2, para 1, *ibid*, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, (accessed 17 November 2021).



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inheritance declares the allocated portions depending on responsibility of male and female, and it is the male inheritors alone who are made responsible for taking care of the whole family with food, clothing and accommodation³⁷, and the female heirs are exempted from such responsibilities. Hence, male heirs will inherit double the females in Islamic law.³⁸ It could be derived that because of dignity they are getting equal right 1-1, man gets 1 because of his dignity, and woman gets also 1 because of her dignity. They are of equal status in terms of dignity. But man will get an extra portion because of his responsibility of taking care of full family which help him fulfil his responsibility.

With regard to protecting the “Right to Equality”, the UN has several entities which cover every corner of the world and they are sincerely active and consciously working and campaigning for promoting, protecting and implementing the “Right to Equality” which are very much comprehensive and easily visible. Yet, still this UDHR document is not legally binding³⁹ and there is no clear punishment for the one who violates it. Moreover, backbiting, insulting, or mocking others are not considered even punishable crimes in the eyes of UDHR document of UN. While in the Qur’anic perspective, they are not minor offences, but are severely punishable crimes. Allah (SWT) addressed them very strongly and prohibited humans from these offenses and declared painful torment for those who commit it with no grounds. The Qur’an declares:

“O you who have believed, let not any people scoff at (another) people who may be more charitable than they.... And do not defame one another... And whoever does not repent, then those are they who are the unjust. (oppressors).” [Qur’an Surah Al-Hujurat 49:11]. “Surely, there is a painful punishment for the unjust.” [Qur’an Surah Ibrahim 14:22].

Therefore, it can be asserted that these UN mechanisms are not perfectly successful in the control of violations from over the world as there are abuses of this right with impunity everywhere. Therefore, UN should regard the Qur’an Sunnah’s useful protecting techniques for this “Right to Equality”, as the Qur’an Sunnah introduced the “Right to Equality” and bestowed a protecting method that develops the minds of human beings for accepting this right eagerly due to good encouragement, direct commands and declaration of interesting rewards for implementing it. It also makes the people’s minds aware of its obligatory status by declaring

³⁷ “Men are caretakers of women, since Allah has made some of them excel the others, and because of the wealth they have spent.” [Al-Quran, Surah An-Nisa 4:34]. “And clothing and maintenance must be borne by the father in a fair manner.” [Al-Quran, Surah Al-Baqarah 2:233].

³⁸ Allah said: “Allah directs you concerning your children: for a male there is a share equal to that of two females.” [Al-Quran, Surah an-Nisa’ 4:11].

³⁹ See, edited by Nancy flowers, “Human Rights Here and Now Celebrating the Universal Declaration of Human Rights,” (Human Rights Educators' Network, Amnesty International USA, Human Rights Resource Center, ISBN 0-929293-39-8, First Edition, 1998. part 1 Human Rights Fundamentals.



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severe punishments for the offenders that are awaiting them in this World and also in the Hereafter. Allah (SWT) Himself would be judging on observing the implementation and violations which is faultless to reward or to punish. So, this comprehensive techniques of the Qur’an and Sunnah for protecting the “Right to Equality” seems more useful in fact.

CONCLUSION

At the end, it can be asserted that this “Right to Equality” as declared in UDHR 1948, is in agreement with the instructions in the Qur’an and Sunnah. The similar rights of UDHR were enshrined effectively in the divine texts many centuries ago. Despite being promoted and protected by UN with its active entities and being recognized by almost all international and regional human rights instruments, the gross violations of this right to equality are widespread. There is no point in this article of UDHR that could be proved to be inconsistent with the Qur’an and Sunnah unless someone intends to misinterpret this article or the commands in the sacred texts. The aim of this right to equality is not transforming the males or females into the same in gender or into opposite gender, which is contradictory with Islam. Rather, the purpose of it is to ensure a person’s dignity and rights without any discrimination on the basis of gender, colour and ethnicity. No one should be discriminated and deprived of his right to equal pay for equal work, right to equality before the law, right to recognition as a person before the law and right to education, etc. on grounds of his gender, race, religion or ethnicity which is the general teaching of the Qur’an and Sunnah as well. Similarly, in the clause “equal in dignity and rights”, here the “rights” do not include all the rights, whatever it can be in different cultures, it only includes the fundamental human rights that are mentioned in UDHR’s thirty rights. Therefore, depending on the Right of Inheritance in Islam, which is not directly motioned as one of the 30 fundamental rights of UDHR, there is no room for saying this right to equality of UDHR is incompatible with Islam. Finally, though UN promotion and protection of this right which are appreciable, it is unable to perfectly reduce violations properly. Comparatively, the comprehensive way that has been bestowed by the Qur’an and Sunnah for promoting and protecting this right seems effective, as it makes people eager to implement the right through advising, commanding and declaring rewards, and making them obligated and warned through strong prohibitions and declaring severe punishments for violating it.



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REFERENCES

Al-Qur’an

- Muslim Ibn Al-Hajjaj Abu Al-Hasan Al-Qushairi. *Sahih Muslim*. Muhammad Fuad Abdul-Baqi (Editor). Beirut: Dar Ihya Al-Turath Al-`Arabi.
- American Psychological Association. (2020). “Discrimination, what it is? And how to cope?” *American Psychological Association*. <https://www.apa.org/helpcenter/discrimination>. Accessed 24 March 2020.
- Amnesty International. (2022). “Women’s Rights,” *Amnesty International*. <https://www.amnesty.org/en/what-we-do/discrimination/womens-rights/>. Accessed 19 Jun 2022.
- Association of Southeast Asian Nations. (November 19, 2012). “ASEAN Human Rights Declaration.” <https://asean.org/asean-human-rights-declaration/>. Accessed 12 Sep. 22.
- Balakrishnan, M. S. and D’Lima, M.: “The negative impact of reducing the gender gap 2008.” University Of Wollongong In Dubai, 2008, P.14. <https://ro.uow.edu.au/dubaipapers/16>. Accessed 2 April 2020.
- Farrior, Stephanie. (2015) “Equality and Non-Discrimination under International Law.” Vermont Law School Research Paper. Stephanie Farrior, ed. Ashgate Publishing. Vol.2, No. 3-15.
- Human Rights Commission. (11 January 2018). “Right to Equality: most violated human right.” The South African Human Rights Commission. <https://www.sahrc.org.za/index.php/sahrc-media/news/item/1130-right-to-equality-most-violated-human-right-human-rights-commission>. Accessed 2 April 2020.
- Human Rights Watch. (2021). “I Always Remember That Day: Access to Services for Survivors of Gender-Based Violence in Ethiopia’s Tigray Region.” Human Rights Watch. November 9, 2021. [https://www.hrw.org/report/2021/11/09/i-always-remember-day/access-services-survivors-gender-based-violence-ethiopias#./](https://www.hrw.org/report/2021/11/09/i-always-remember-day/access-services-survivors-gender-based-violence-ethiopias#/)
- Human Rights Watch. (2021). “I Had Nowhere to Go: Violence Against Women and Girls During the Covid-19 Pandemic in Kenya.” Human Rights Watch, September 21, 2021. <https://www.hrw.org/report/2021/09/21/i-had-nowhere-to-go/violence-against-women-and-girls-during-covid-19-pandemic-kenya>
- International Islamic University Malaysia. (IIUM). (2021). “The last Sermon of Prophet Muhammad (PBUH), IIUM.



The “Right to Equality” in Universal Declaration of Human Rights (UDHR): A Qur’anic Analysis

Noor Mohammad Osmani- Md Fakar Uddin

<https://www.iium.edu.my/deed/articles/thelastsermon.html>. Accessed 16 November 2021.

Islamic Council of Europe. (19 September 1981). “Universal Islamic Declaration of Human Rights.” Human Rights Library. University of Minnesota. http://hrlibrary.umn.edu/instree/islamic_declaration_HR.html. Accessed 27 January 2021.

Nancy, flowers. Edited. (1998). 1st Edition. Human Rights Here and Now Celebrating the Universal Declaration of Human Rights. Human Rights Educators' Network. Amnesty International USA. Human Rights Resource Center. ISBN 0-929293-39-8.

Office of the High Commissioner for Human Rights. (2018). “30 Articles on the 30 Articles of the Universal Declaration of Human Rights: UDHR: 30 articles on the 30 Articles. United Nations.

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23871&LangID=E>. Accessed 21 March 2020.

OHCHR. (2020). “A Special Focus on Discrimination,” Office of The High Commissioner for Human Rights. United Nations. <https://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx>. Accessed 24 March 2020.

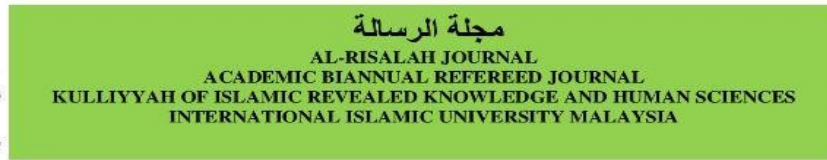
Office of the High Commissioner for Human Rights. (2020). “Enhancing Equality and Countering Discrimination.” United Nations. <https://www.ohchr.org/EN/AboutUs/Pages/Enhancingequalityandcounteringdiscrimination.aspx>. Accessed 24 March 2020.

Organization of Islamic Cooperation, (OIC). “The Cairo Declaration on Human Rights in Islam.” (Aug. 5, 1990). Human Rights Library. University of Minnesota. <http://hrlibrary.umn.edu/instree/cairodeclaration.html>. Accessed 27 January 2020.

United Nations. “Universal Declaration of Human Rights.” (10 December 1948). United Nations General Assembly resolution 217 A. Paris. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>. Accessed 30 April 2022.

UN Women. (2021). “OSAGI Gender Mainstreaming - Concepts and definitions.” UN Women. United Nations. <https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>. Accessed 7 November 2021.

UN Women. (2019). “Generation Equality: Realizing women’s rights for an equal future.” United Nations Entity for Gender Equality and the Empowerment of Women. UN Women. <https://www.unwomen.org/en/digital-library/publications/2019/05/generation-equality>. accessed 21 March 2020.



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Dec (1443-2022)

The “Right to Equality” in Universal Declaration of Human Rights (UDHR): A Qur’anic Analysis

Noor Mohammad Osmani- Md Fakar Uddin

United Nations. (2022). “Transforming our world: the 2030 Agenda for Sustainable Development.” Sustainable Development. Department of Economic and Social Affairs. <https://sdgs.un.org/2030agenda>. Accessed 19 June 2022.

United Nations. (2022). “The Right to Equality and Non-Discrimination in the Administration of Justice.” Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers. United Nations.