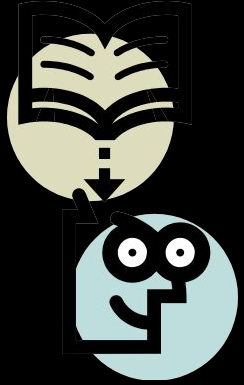


LAW AND INTERNATIONAL RELATIONS (PART II)

WEEK 9 (29 MAY - 2 JUNE 2023)

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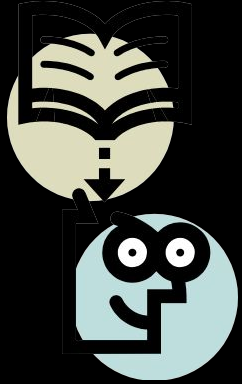




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Human rights are



- International norms that help to protect all people everywhere from severe political, legal, and social abuses.
- set of standard that guarantee a life befitting a rational human being.
- basic and minimum standards without which people can't live in dignity.
- the “Foundation of freedom, justice, and peace in the world.”

The background image shows two young children, likely from an indigenous community, sitting in a natural setting with a thatched roof. A large blue thought bubble is positioned above the child on the right, containing the title. A large black text box is overlaid on the left side of the image, containing four definitions of human rights characteristics.

BASIC CHARACTERISTICS OF HUMAN RIGHTS

INHERENT - essential part of our lives, intrinsic.

UNIVERSAL - people have human rights whoever they are and wherever they are.

INDIVISIBLE - human rights must be enjoyed by everyone in its full range.

INALIENABLE - can't be taken away or transferred (but can be limited when the exercise of it is an affront to the rights of others).



Human Rights can
be classified as...

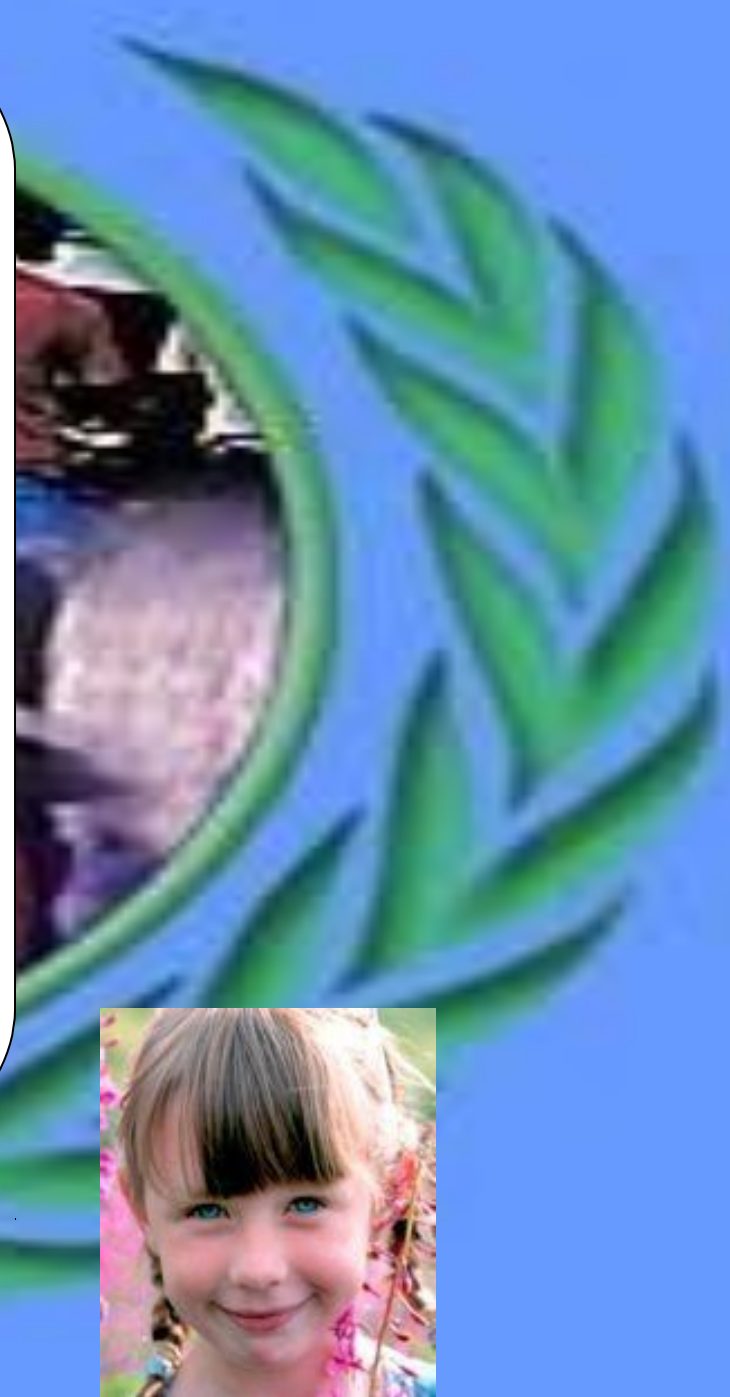
CIVIL RIGHTS – pertains to rights belonging to a person by reason of citizenship (e.g.. right to a name, right to freedom from discrimination, right to equality before the law, right to public trial, right to marry, right to leave a country, etc.)

POLITICAL RIGHTS – enables the people to participate in running or influencing the administration of the government (e.g. right to vote, right to freedom of expression, right to free and periodic elections, etc.)

ECONOMIC RIGHTS – pertains to access to resources- such as land, labor, physical, and financial capital- that are essential for the creation, legal appropriation, and market exchange of goods and services (e.g. right to work, right to own property, right to adequate standard of living, etc.)

SOCIAL RIGHTS – relates to living together or enjoying life in communities or organized groups (e.g. right to social security, right to social welfare, etc.)

CULTURAL RIGHTS – ensures the well-being of the individual and foster the preservation, enrichment and dynamic evolution of arts, manners and way of living of a group with principles of unity in diversity of expression (e.g. right to take part in the cultural life, right to enjoy the benefits of scientific progress and its application.



2. International Instrument on Human Rights



.....
Eleanor Roosevelt led and chaired the commission that developed the historic Universal Declaration of Human Rights.



■ The Universal Declaration of Human Rights

The idea of human rights did not begin with the establishment of the United Nations - its roots can be found in all world cultures and religions. However, the adoption of the Universal Declaration by the UN General Assembly in 1948 was a landmark achievement in world history as it was the first time that the international community set down formal standards of human rights and freedoms that should be enjoyed by everyone, everywhere. The Universal Declaration proclaims that respect for human rights "is the foundation of freedom, justice and peace in the world". Since agreeing on the Universal Declaration, the

international community has pursued what is a continuing task, to make the Declaration's ideals effective.

The Universal Declaration is now available in over three hundred languages, which makes it the most translated document in the world.

A) UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948

(UDHR 1948)

- The UDHR was drafted by the UN Commission on Human Rights chaired by, then first lady, Eleanor Roosevelt.
- The Declaration arose directly from the experience of the **Second World War** and represents the first global expression of what many people believe to be the rights to which all human beings are inherently entitled
- The UDHR was adopted by the 56 member nations of the UN General Assembly on 10th December 1948 in Paris



- The Declaration consists of **thirty articles** which, although **not legally binding**, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws.
- December 10th is celebrated around the world as International Human Rights Day. The member states in the U.N., upon membership, agreed to educate their citizens about the principles of the UDHR. Most of these states countries have incorporated the principles of the UDHR into their constitutions.



B) CAIRO DECLARATION OF HUMAN RIGHTS





- The **Cairo Declaration on Human Rights in Islam** (CDHRI) is a declaration of the member states of the OIC adopted in Cairo, Egypt, in 1990, which provides an overview on the Islamic perspective on human rights, and affirms syariah as its sole source.
- declares its purpose to be "***general guidance for Member States [of the OIC] in the field of human rights***"
- This declaration is widely acknowledged as an Islamic response to the UDHR, **adopted in 1948**.

3. Human Rights in Islam



All information on day to day affairs including Human Rights are explicitly given in Quran.

Hadith Provides Detailed Explanations and Interpretations

- The Quran is the primary source of every Muslim's faith and practice.
- It is the first document dealing with all the possible aspects of Human Rights.
- It deals with all the subjects which concern human beings, such as, wisdom, doctrine, worship, trade, day to day affairs, transactions and law.
- It provides guidelines and detailed teachings for a just society, proper human conduct and an equitable economic system.
- The other source of knowledge on Human Rights in Islam is Hadith which comprises traditions and sayings of Prophet Mohammad.

What Quran Says?

- **Do not kill a soul (this implies animals too) which Allah has made sacred except through the due process of law ... (Quran 6:151)**
- **Whosoever kills a human being without (any reason like) man slaughter, or corruption on earth, it is as though he had killed all mankind ... (Quran 5:32)**
- **"And whoever saves a life it is as though he had saved the lives of all mankind" (Quran 5:32).**
- **"Co-operate with one another for virtue and heedfulness and do not co-operate with one another for the purpose of vice and aggression" (Quran 5:2).**
- **"One who kills a man under covenant will not even smell the fragrance of Paradise" (al-Bukhari and Abu Dawud).**
- **"Do not kill any old person, any child or any woman" and do not kill the people who are sitting in places of worship" (Abu Dawud & Musnadof Ibn Hanbal).**

The Islamic Approach to Human Rights

- Human Rights in Islam - rights granted by God and not by any Government.
- The rights granted by Government can be changed or withdrawn in the same manner in which they are conferred.
- In Islam, Human Rights have been conferred by God and therefore these are permanent and can not be changed.
- Any charter, proclamations or resolutions on Human Rights by Governments or the United Nations therefore can not be compared with the Rights sanctioned by God.

Human Rights in Islam and Other Human Rights Declarations

Magna Carta	1215
American Constitution	1776
French Constitution	1789
Universal Declaration of Human Rights by UNO	1948

Human Rights in Islam

610-632

- **Human Rights came in to being in Islam even 600 years before Magna Carta of Britain which mentions some civil rights.**
- **American and French Constitutions are first documents in the west dealing with some aspects of Human Rights.**
- **First Document entirely dedicated to Human Rights related issue came after the 2nd World War in 1948 when United Nations Organization issued the Universal Declaration on Human Rights.**
- **Human Rights identified in Islam 1400 years ago are still relevant in Islamic Countries and adhered to by Practicing Muslims world over.**

Summary of Various Human Rights in Islam

- **The Right to Life**
- **The Right to the Safety of Life**
- **Respect for the Chastity of Women**
- **The Right to a Basic Standard of Life**
- **Individual's Right to Freedom**
- **The Right to Justice**
- **Equality of Human Beings**
- **The Right to Co-operate and Not to Co-operate**

Rights to Life and Safety of Life

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

- **Whosoever kills a human being without (any reason like) man slaughter, or corruption on earth, it is as though he had killed all mankind (5:32)**
- **Do not kill a soul which Allah has made sacred except through the due process of law (6:151)**
- **Saving a life it is as though he had saved the lives of all mankind (5:32).**

Implication

Islam is clearly against terrorism of all kinds and those who are involved in such activities can not be called Muslims

Respect for the Chastity of Women

- Another important thing that we find in the Charter of Human Rights as granted by Islam (given in both Quran and Hadith) is that:

- “A woman's chastity has to be respected and protected under all circumstances, whether she belongs to our own nation or to the nation of an enemy, whether we find her in the wild forest or in a conquered city; whether she is our co-religionist or belongs to some other religion or has no religion at all.”

Right to a Basic Standard of Life

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

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

- **The above given quote from Holy Quran is a categorical and un-qualified order, which was given in Makkah where there were no Muslims that time and Muslims were in contact with the population of Non – Muslims only.**
- **Therefore the clear meaning of this verse is that anyone who asks for help and anyone who is suffering from deprivation has a right in the property and wealth of the Muslims. If a Muslim is in a position to help poor and destitute, it is his duty to do so. God has established the right of poor over wealthy Muslims, honouring which is one of the 5 mandatory acts of a Muslim.**
- **This act in Islam of helping poor and needy persons is called Zakat.**

Right to a Basic

Standard of Life

Contd

- **Zakat is one of the 5 Pillars (absolutely mandatory acts) which makes it mandatory for Prosperous Muslims to help poor and needy people.**

- **Zakat is a tax that rich people have to pay by way of helping destitute.**

- **The purpose of Zakat is TO PROVIDE BASIC STANDARD OF LIFE to poor in the neighborhood and among those acquainted.**

Individual's Right to Freedom

- **Islam has clearly and categorically forbidden the primitive practice of capturing a free man, to make him a slave or to sell him into slavery.**
- **On this the clear and unequivocal words of the Prophet Mohammad are that he hated those who enslaves a free man, sells him and eats this money.**
- **Slavery was common at the time of the advent of Islam but Prophet Mohammad encouraged his followers to free slaves and slavery was thus abolished during the lifetime of Prophet.**
- **This aspect needs to be compared with the Western World where during only one century (from 1680 to 1786) the total number of free people who were captured and enslaved only for British Colonies amounts, according to the estimate of British authors, to 20 million human beings.**
- **Over the period of only one year (1790) 75,000 human beings were captured and sent for slave labor in the Colonies.**
- **Slavery continued in USA till 19th Century and in a way came to an end only after South Africa finally shed anti-apartheid policy in 1980's.**

The Right to Justice

The Holy Quran has laid down:

- **Do not let your hatred of a people incite you to aggression" (5:2).**
- **Do not let ill-will towards any folk incite you so that you swerve from dealing justly. Be just; that is nearest to heedfulness" (5:8).**
- **Truly God commands you to give back trusts to those to whom they are due, and when you judge between people, to judge with justice.... (4:58)**
- **Act justly. Truly, God loves those who are just. (49:9)**
- **Let not the hatred of others make you avoid justice. Be just (5:8).**

This makes the point clear that Muslims have to be just not only with ordinary human beings but even with their enemies. Justice to which Islam invites is meant for all the human beings of the world.

Equality of Human Beings

This has been exemplified by the Prophet in one of his sayings:

"No Arab has any superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab. Nor does a white man have any superiority over a black man, or the black man any superiority over the white man."

Islam has provided a vivid example of how racism can be ended. The annual pilgrimage (*Hajj*) to Makkah shows brotherhood of all races and nations, when about 3.5 million Muslims from all over the world come to Makkah to perform the pilgrimage.

Islam is totally devoid of racial or caste feelings of any kind. Racial feelings are still prevalent in the West and India still has deep rooted caste divide.

Right to Co-Operate and Not to Co-Operate

Quran Says:

"Co-operate with one another for virtue and heedfulness and do not co-operate with one another for the purpose of vice and aggression" (5:2).

This means that the man who undertakes a noble and righteous work, irrespective of the fact whether he is living at the North Pole or the South Pole, has the right to expect support and active co-operation from the Muslims.

On the contrary he who perpetrates deeds of vice and aggression, even if he is our closest relation or neighbour, does not have the right to win our support and help in the name of race, country, language or nationality, nor should he have the expectation that Muslims will co-operate with him or support him.

Rights of Citizens in an Islamic State

- **The Security of Life and Property**
- **The Protection of Hon or**
- **The Sanctity and Security of Private Life**
- **The Security of Personal Freedom**
- **The Right to Protest Against Tyranny**
- **Freedom of Expression**
- **Freedom of Association**
- **Freedom of Conscience and Conviction**
- **Protection of Religious Sentiments**
- **Protection from Arbitrary Imprisonment**
- **The Right to Basic Necessities of Life**
- **Equality Before Law**
- **Rulers Not Above the Law**
- **The Right to Avoid Sin**
- **The Right to Participate in the Affairs of State**

Quotations from Quran and Hadith on Rights of Citizens

- **"Do not devour one another's wealth by false and illegal means" (2:188).**
- **"You who believe, do not let one set of people make fun of another set. Do not defame one another. Do not insult by using nicknames. And do not backbite or speak ill of one another" (49:11-12).**
- **"Do not spy on one another" (49:12). "Do not enter any houses except your own homes unless you are sure of their occupants' consent" (24:27).**
- **"When- ever you judge between people, you should judge with (a sense of justice" (4:58)**
- **"God does not love evil talk in public unless it is by some- one who has been injured thereby" (4:148).**

Quotations from Quran and Hadith on Rights of Citizens Contd...

- **"Do not abuse those they appeal to instead of God" (6:108).**
- **"No bearer of burdens shall be made to bear the burden of another" (6:164).**
- **Your Lord has commanded that you worship none but Him, and that you be kind to your parents. If one of them or both of them reach old age with you, do not say to them a word of disrespect, or scold them, but say a generous word to them. Act humbly to them in mercy, and say: "My Lord, have mercy on them, since they cared for me when I was small." (Quran, 17:23- 24).**
- **Pay the wages of a laborer before his sweat dries (Hadith)**

Other Human Rights Related Issues in Islam

- **The Rights of the Non-Combatants**

These apply to women, children, old and sick people not participating in war. There are clear instructions that non-combatants are not to be killed, tortured or taken prisoners. People sitting at place of worship not harmed.

- **The Rights of the Combatants**

- 1. No Torture with Fire**
- 2. Protection of the Wounded**
- 3. The Prisoner of War Should not be Slain**
- 4. No one Should be Tied to be Killed**
- 5. No Looting and Destruction in the Enemy's Country**
- 6. Sanctity of Property**
- 7. Sanctity of a Dead Body**
- 8. Return of Corpses of the Enemy**

4. MALAYSIA AND HUMAN RIGHTS

In Malaysia, provisions on human rights can be found in the Federal Constitution, Part II, Fundamental Liberties (Arts. 5 to 13).

PART II

FUNDAMENTAL LIBERTIES

5. Liberty of the person
6. Slavery and forced labour prohibited
7. Protection against retrospective criminal laws and repeated trials
8. Equality
9. Prohibition of banishment and freedom of movement
10. Freedom of speech, assembly and association
11. Freedom of religion
12. Rights in respect of education
13. Rights to property