



## ISLAMIC MODEL OF HUMAN RIGHTS AND HUMAN RIGHTS CONDITION IN PAKISTAN: SOCIAL POLICY MECHANISM AND PUBLIC POLICY ADMINISTRATIVE PERSPECTIVE

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### **Abstract**

*The examination and discussion of the convergence between Islamic values and global human rights have been the focus of scholarly discourse, particularly in nations with a substantial presence of Muslim communities. Pakistan, a country renowned for its deep-rooted Islamic legacy, presents an exceptional setting for exploring the compatibility and obstacles associated with implementing an Islamic approach to human rights within a modern context. This research article examines the complex dynamics surrounding human rights in Pakistan. It investigates how Islamic values intersect with international human rights norms and evaluates the country's advancements and obstacles in upholding individual freedoms. Specifically, it focuses on religious freedom, gender equality, minority rights, and the State's responsibility in safeguarding human dignity. This study additionally examines the historical, cultural, and political determinants that have impacted the evolution of human rights situations in Pakistan. This research study seeks to contribute to the ongoing discourse on human rights in Pakistan and other Muslim-majority nations by critically analyzing the legislative structure, social conventions, and practical application of human rights concepts.*

**Keywords:** Human Rights, Islamic Model, Quran, Sunnah, Pakistan, Constitution of Pakistan

### INTRODUCTION

The premise of human rights is a fundamental principle that governs modern democratic countries, firmly established in global treaties and accords aimed at safeguarding the inherent worth and welfare of every person, irrespective of their racial, religious, or national affiliations <sup>1</sup>. Within the framework of nations predominantly inhabited by Muslims, the discussion around human rights frequently converges with Islamic tenets, giving rise to a distinctive standpoint that amalgamates universal human rights ideas with Islamic moral standards. Pakistan, a nation with a largely Muslim population, presents an intriguing opportunity to explore the compatibility between an Islamic model of human rights and the prevailing realities of contemporary human rights<sup>2</sup>.

The Islamic human rights paradigm finds its foundation in the Quran and Hadith teachings, which establish fundamental guidelines for treating persons, encompassing values such as justice, equality,

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<sup>1</sup> An-Na'im, Abdullahi Ahmed. "Islam, Islamic Law and the Dilemma of Cultural Legitimacy for Universal Human Rights 1." In *Asian Perspectives on human rights*, pp. 31-54. Routledge, 2021.

<sup>2</sup> Ali, Shaheen S. "Gender and human rights in Islam and international law: equal before Allah, unequal before man?." In *Gender and Human Rights in Islam and International Law*. Brill, 2021.

and safeguarding human dignity<sup>3</sup>. Although these principles resemble certain facets of international human rights, their interpretation and application may exhibit substantial variations across states with a Muslim-majority population. Pakistan, characterized by its heterogeneous populace and intricate socio-political terrain, provides an optimal context for investigating the practical implementation of these ideas<sup>4</sup>.

This research study explores the intricate correlation between Islamic principles and the concept of human rights within the context of Pakistan. This study's objective is to comprehensively evaluate the degree to which Pakistan's legal system and societal norms align with international human rights standards and Islamic principles, focusing on critical analysis. This study explores the challenges and opportunities associated with incorporating an Islamic human rights model into the wider human rights framework. It has examined crucial aspects such as freedom of religion, gender equality, minority rights, and the State's role in protecting individual liberties by quoting different case studies. By analyzing these key areas, this research seeks to provide insights into integrating Islamic human rights within the broader context of human rights.

The research article aims to make a scholarly contribution to the ongoing discourse on human rights in Pakistan and other Muslim-majority countries. It provides valuable insights into the complex interplay between Islamic values and universal human rights norms while identifying areas that require attention and progress in pursuing a fair and inclusive society.

#### Explication of the matter of concern

A multifaceted and ever-evolving relationship characterizes the intersection between Islamic principles and human rights. Islamic tradition encompasses diverse values and principles that can be harmonized with various facets of internationally recognized human rights norms. It is imperative to acknowledge that a range of views regarding Islamic values exists, and applying these concepts might exhibit variations throughout Muslim-majority nations, such as Pakistan<sup>5</sup>.

#### Quranic proclamation

The Qur'an is a significant document outlining human rights, akin to the Magna Carta. A substantial portion of its content is dedicated to liberating individuals from various forms of oppression, such as traditionalism, authoritarianism (whether religious, political, economic, or otherwise), tribalism, racism, sexism, slavery, and any other factors that impede or restrict human beings from realizing the Qur'anic conception of human fate, as encapsulated in the timeless declaration<sup>6</sup>: "Towards Allah is thy limit" (Surah 53: An-Najm: 42)<sup>7</sup>.

The Quran places significant emphasis on the inherent value and dignity possessed by every individual. The verse 49:13 of Surah Al-Hujurat in the Quran asserts that humanity has been created from both male and female individuals and diversified into many communities and ethnic groups to facilitate mutual recognition and understanding among them. Undoubtedly, the individuals who are deemed most honorable in the eyes of Allah are those who exhibit the highest degree of righteousness<sup>8</sup>.

According to Surah 17: Al-Isra':70 of the Qur'an, it is said that the children of Adam have been bestowed with honor<sup>9</sup>. Human beings are considered deserving of admiration due to their unique decision to embrace the responsibility associated with the freedom of their will, as mentioned in

<sup>3</sup> Masud, Muhammad Khalid. "Modernizing Islamic Law in Pakistan: Reform or Reconstruction?." *Journal of South Asian and Middle Eastern Studies* 42, no. 2 (2019): 73-97.

<sup>4</sup> Madhok, Sumi. *On Vernacular Rights Cultures: The Politics of Origins, Human Rights, and Gendered Struggles for Justice*. Cambridge University Press, 2022.

<sup>5</sup> Pamment, Claire. "Performing piety in Pakistan's transgender rights movement." *Transgender Studies Quarterly* 6, no. 3 (2019): 297-314.

<sup>6</sup> Philpott, Daniel. *Religious freedom in Islam: the fate of a universal human right in the Muslim world today*. Oxford University Press, 2019.

<sup>7</sup> Al-Quran- Surah 53: An-Najm: 42

<sup>8</sup> Al-Quran- Surah 49: Al-Hujarat 13

<sup>9</sup> Al-Quran- Surah 17: Al-Isra':70

Surah 33: Al-Ahzab: 72<sup>10</sup>. The capacity for human beings to exercise freedom of the choice is attributed to their possession of the intellectual faculty, a distinguishing characteristic that sets them apart from all other creatures (Surah 2: Al-Baqarah: 30-34)<sup>11</sup>. According to the Qur'an, despite the potential for individuals to reach a state of moral degradation, they are inherently created in an exemplary manner (Surah 95: At-Tin: 4-6)<sup>12</sup>. This divine creation endows human beings with cognitive faculties, enabling them to engage in rational thought, discern between ethical principles, do virtuous actions, and refrain from engaging in immoral behavior. Therefore, due to the inherent promise associated with human beings, including the capacity to serve as God's representative on Earth, it is imperative to uphold and regard the humanity of all individuals as intrinsically valuable and worthy of reverence. Surah Al-Baqarah (2:256) of the Quran underscores the significance of freedom of belief and worship, stating, "There shall be no compulsion in matters of faith." A distinction has emerged between the correct course of action and the incorrect one<sup>13</sup>. Verse 4:135 of Surah Al-Nisa emphasizes the importance of believers maintaining a steadfast commitment to justice and acting as impartial witnesses for Allah, even if it means testifying against themselves, their parents, or their relatives<sup>14</sup>.

The Quran upholds the rights and dignity of women. The verse 33:35 of Surah Al-Ahzab highlights the inclusion of various categories of individuals within the Muslim community. It emphasizes the presence of Muslim men and women, believing men and women, obedient men and women, truthful men and women, patient men and women, humble men and women, charitable men and women, fasting men and women, as well as men who exercise self-restraint and women who do the same in guarding their private parts<sup>15</sup>.

#### Sunnah's proclamation

The Farewell Sermon delivered by Prophet Muhammad ﷺ emphasized the principle of equality among Muslims, affirming that the entirety of humanity traces its origins back to Adam and Eve. There is no inherent superiority of an Arab individual over a non-Arab individual, and vice versa. Similarly, a white individual has no intrinsic worth over a black individual, and vice versa. The only basis for power among individuals is their purity and adherence to virtuous actions<sup>16</sup>.

The Charter of Medina, established by Prophet Muhammad, acknowledged and upheld the rights of many religious communities to exercise their respective religions without hindrance. The focus of Prophet Muhammad on justice and fairness in his judgments and interactions with others is a noteworthy illustration<sup>17</sup>.

The Sunnah encompasses a multitude of instances wherein Prophet Muhammad ﷺ actively supported the cause of women's rights, notably through his advocacy for their entitlement to inheritance and safeguarding them against instances of abuse<sup>18</sup>.

#### Proclamations of the Constitution of Pakistan

The Constitution of Pakistan ensures equality among all individuals under the law while also prohibiting discrimination based on factors such as religion, race, caste, or place of birth<sup>19</sup>.

<sup>10</sup> Al-Quran-Surah 33: Al-Ahzab: 72

<sup>11</sup> Al-Quran-Surah 2: Al-Baqarah: 30-34

<sup>12</sup> Al-Quran- Surah 95: At-Tin: 4-6

<sup>13</sup> Al-Quran- Surah 2: Al-Baqarah 256

<sup>14</sup> Al-Quran- Surah 4: An-Nisa 135

<sup>15</sup> Al-Quran- Surah 33: Al-Ahzab 35

<sup>16</sup> Lasmi, Salamatul, Zhang Wei, and Shanshan Xu. "Human Rights in Islamic Perspective." *International Journal of Educational Narratives* 1, no. 2 (2023): 86-94.

<sup>17</sup> Osmani, Noor Mohammad, and Md Fakar Uddin. "The "Right to Equality" in Universal Declaration of Human Rights (UDHR): a Qur'anic Analysis." *Al-Risalah: Journal of Islamic Revealed Knowledge and Human Sciences (ARJIHS)* 6, no. 2 (2022): 459-477.

<sup>18</sup> Alarashi, Akram Hussein. "HUMAN RIGHTS IN THE SERMONS OF PROPHET MUHAMMAD ﷺ AN ANALYSIS." *Journal of Integrated Sciences* 2, no. 2 (2022).

<sup>19</sup> Ahmed, Naveed. "A Critical Analysis of Fundamental Rights Under the Constitution of Pakistan, 1973." *Journal of Political Studies* 28, no. 1 (2021): 11-21.

According to Article 14 of the Constitution of Pakistan, 1973, there is a provision about the inviolability of the dignity of individuals. This article explicitly specifies that the grace of individuals and the privacy of their homes will be protected unless the law restricts them. The Constitution of Pakistan provides constitutional safeguards for the freedom of religion and the protection of religious rights afforded to the country's residents. Article 20 of the legislation guarantees individuals the freedom to practice their chosen religion openly and oversee religious establishments' administration. According to Article 20(1), individuals can candidly express, engage in, and disseminate their religious beliefs. According to Article 20(2), all religious denominations and their respective sects are entitled to the privilege of establishing, maintaining, and overseeing their religious institutions<sup>20</sup>.

Significant provisions within the Constitution of Pakistan pertain to the fundamental principle of justice. Article 2A emphasizes the significance of social justice and equality. Article 3 focuses on the eradication of exploitation. The State is responsible for guaranteeing the eradication of all types of exploitation and the progressive realization of the fundamental principle, which entails distributing resources based on an individual's capacity to contribute and their corresponding labor—article 4 pertains to individuals' entitlement to treatment by the law. The inherent right of every individual, regardless of their location, is to receive legal protection and fair treatment in line with the law inside the borders of Pakistan. Article 37 of the constitution emphasizes the State's responsibility to prioritize advancing social justice and eradicating inequalities. Specifically, the State is mandated to actively promote marginalized classes or regions' educational and economic well-being, demonstrating heightened attention and consideration. Article 38 of the constitution emphasizes the State's responsibility to ensure its citizens' social and economic well-being<sup>21</sup>.

Pakistan has undertaken legislative measures aimed at enhancing the status of women, encompassing the enactment of legislation against domestic abuse and gender-based discrimination. However, the effective implementation of these rights encounters persistent hurdles. Article 25 of the Constitution guarantees equality among citizens, ensuring that all individuals are afforded equal treatment under the law and are entitled to the same level of legal protection. Sex-based discrimination shall not be permitted. Article 34 emphasizes the imperative to facilitate the complete engagement of women in many domains of the nation's activities. Article 35 highlights the State's responsibility to safeguard the institution of marriage, the family unit, and the well-being of mothers and children. Article 37(e) of the legislation aims to further the principles of social justice and eliminate societal malpractices. The government must establish measures to ensure fair and compassionate working conditions, focusing on preventing the employment of children and women in inappropriate occupations for their age or gender. Additionally, provisions must be made to provide maternity benefits for employed women. Article 197A pertains to the establishment and functions of the Commission on the Status of Women<sup>22</sup>.

#### Condition in Pakistan

##### *Case Study: The Struggle for Human Dignity and Equality by Mukhtaran Mai*

In 2002, Mai experienced a gang rape perpetrated as an act of "honor revenge" by the directive of a regional tribal council, commonly referred to as a Panchayat. This heinous act was intended as retribution for the supposed involvement of Mai's younger brother in a relationship with a woman belonging to a rival tribe. Rather than yielding to the traditional expectations of maintaining silence, Mukhtaran Mai decided to pursue legal recourse against those who had committed acts of harm against her. Her bravery and unwavering resolve in pursuing legal recourse transformed her into a

<sup>20</sup> Ibid.

<sup>21</sup> Jatoi, Sajjad Ahmad, Ghulam Mustafa, and Muhammad Saqib Kataria. "Judicial Activism and Democracy in Pakistan: a Case Study of Chief Justice Saqib Nisar Era." *Pakistan Journal of Social Research* 4, no. 2 (2022): 1-11.

<sup>22</sup> Nawaz, Salma, Mouna Koser, Amina Boota, and Malik Shahzad Shabbir. "The effects of cultural limitations, constitution, feminism, sexual orientation status among the women in Pakistani families." *Pakistan Journal of Humanities and Social Sciences* 9, no. 3 (2021): 526-534.



symbolic figure embodying fortitude in the face of gender-related acts of aggression. The sexual assault endured by Mukhtaran Mai was a clear infringement upon her inherent human dignity. It highlighted the pervasive patriarchy and gender-based violence firmly rooted in specific regions of Pakistan. The case of Mukhtaran Mai exemplified the disparity in the legal treatment of women. She encountered significant obstacles and risks while striving for justice, revealing inherent flaws within the legal framework<sup>23</sup>.

*Case study: Freedom of Religion*

Protecting freedom of belief and expression in Pakistan has encountered significant challenges. In recent decades, there has been an observed increase in violence perpetrated against religious minority groups, accompanied by a rise in targeted homicides. The prevalence of these attacks and acts of violence can be attributed to the influence exerted by a distinct cohort of religious scholars who actively propagate such ideologies through their sermons and media platforms. On September 30, 2008, the host of a prominent religious program said that those belonging to the Ahmadi sect are deemed *wajib-ul-qatl*, Muslims must take the lives of Ahmadi adherents, within forty-eight hours following the broadcast of the aforementioned televised statement, two widely acknowledged Ahmadi were subjected to gunshot wounds. In March 2013, a violent incident occurred in Punjab as a crowd targeted Christian community members. This attack destroyed numerous homes set ablaze following an accusation of blasphemy against an individual from the Christian faith (Dawn.com, 2013). In the subsequent year, a Hindu community center in the southern region of Pakistan was subjected to arson by a crowd, prompted by an accusation of a Hindu individual engaging in the desecration of the Qur'an. Subsequently, an additional four Hindu temples were subjected to acts of aggression, as reported by the U.S. Commission on International Religious Freedom in 2015<sup>24</sup>. On May 28, 2010, two Ahmadi mosques in Model Town and Garhi Shahu, both in Lahore, Pakistan, were subjected to a violent assault by armed individuals, resulting in ninety-six fatalities. On November 15, 2010, King of Kings Church, situated in Wasan Pura, Lahore, Pakistan, fell victim to an assault perpetrated by a notorious individual involved in land encroachment. The assailant, accompanied by armed individuals disguised as police officers, proceeded to dismantle the church using a crane. The church was completely demolished during the assault, destroying sacred texts such as Bibles and religious symbols like crosses. Moreover, it is worth noting that terrorism, including a bomb detonation, occurred at All Saints' Church in Peshawar in September, resulting in the tragic loss of 86 individuals in the Christian community. According to Ali Dayan Hasan, the country representative of Human Rights Watch, it can be regarded as the most lethal assault on a church and the Christian community ever recorded in the history of Pakistan<sup>25</sup>.

In its Annual Report, the United States Commission on International Religious Freedom (USCIRF 2013) directed its attention towards Pakistan, specifically highlighting 200 religious group-targeted attacks within the country. Additionally, the report documented 1800 fatalities arising from acts of violence associated with religious motivations, positioning Pakistan among the nations with the highest recorded figures in this regard on a global scale. According to a survey by Minority Rights Group International (2013), Pakistan was identified as the leading country in their global list titled "People under Threat." Similarly, a survey by the Pew Research Centre during the above era emphasized that Pakistan exhibited the highest degree of social hostility about religion<sup>26</sup>.

The escalation of religious extremism and the marginalization of religious minority groups in Pakistan over the past few decades has posed a significant challenge to the social fabric of Pakistani society and undermined its democratic foundations. This alarming trend has also placed the lives of numerous religious minority individuals in jeopardy. The current condition of affairs has deteriorated due to the

<sup>23</sup> Trivedi, Tanvi. "Cultural Relativism-The Dark Tales of Unheard Cry for Aid in the Veil of Culture." *Supremo Amicus* 11 (2019): 387.

<sup>24</sup> Mehfooz, Musferah. "Religious freedom in Pakistan: A case study of religious minorities." *Religions* 12, no. 1 (2021): 51.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

Pakistani government's involvement in or tolerance of significant infringements of religious freedom, as stated by the United States Commission on International Religious Freedom in 2011. According to Misra (2015), evidence suggests that certain Christian families and communities have converted to Islam to avoid institutional ostracism and the threat of Islamist extremist militancy. According to the U.S. Commission for International Religious Freedom (USCIRF 2019)<sup>27</sup>, religious minorities in Pakistan experience various forms of discrimination at the institutional, social, and legal levels.

Fortunately, recent studies<sup>28,29</sup> indicate decreased violence against minority groups over the past two years (CRSS Annual Security Report Special Edition, 2013-2018). Nevertheless, asserting that the present circumstances are deemed acceptable would be inappropriate. As a result of military operations conducted nationwide to combat terrorism, there has been a notable decline in incidents of religion-based violence. Specifically, the recorded number of fatalities in 2019 amounted to 228, starkly contrasting the higher figure of 11,704 deaths reported in preceding years<sup>30</sup>.

*Case study: Human rights in Pakistan -events of 2021, report by Human Rights World Report 2022*

In the year 2021, the government of Pakistan exhibited heightened endeavors to exercise control over the media and restrict expressions of criticism. Journalists and other members of civil society were subjected to harassment and occasional detention by authorities due to their criticism of government leaders and policies. Instances of aggressive assaults on individuals in the media profession persisted. The authorities have employed an extended range of stringent sedition and counterterrorism legislation to suppress expressions of opposition while imposing harsh regulations on civil society organizations that voice criticism towards government acts or policies. The authorities also implemented stringent measures against individuals affiliated with opposition political groups, including their members and supporters. Violence, discrimination, and persecution persistently afflict women, religious minorities, and transgender individuals, while the authorities consistently fail to deliver sufficient protection or ensure accountability for the perpetrators. The government's efforts to ensure accountability for torture and other major abuses inside law enforcement institutions remain insufficient. Numerous violence perpetrated by Islamist terrorists, particularly the Tehrik-i-Taliban Pakistan, directed towards law enforcement personnel and religious minority groups resulted in the tragic loss of multiple lives<sup>31</sup>.

## CONCLUSION

Implementing Islamic principles about human rights in Pakistan can present complexities due to the need to navigate a heterogeneous community with varied interpretations of Islamic law and tradition. Reconciling religious principles with the requirements of a contemporary, diverse society necessitates continuous discourse and endeavors aimed at safeguarding and advancing the fundamental rights of every individual within the community. In summary, this research study has explored the Islamic framework of human rights and Pakistan's State of human rights, revealing a complex and evolving connection. The research highlights the significance of Islamic principles from the Quran and Sunnah in establishing a basis for promoting human rights ideals such as dignity, equality, and justice. Pakistan, a nation with a largely Muslim population, has undertaken significant endeavors to harmonize its legislative structure with the values and global human rights norms.

<sup>27</sup> USCIRF. 2019. *Annual Report on Religious Freedom (Covering 2018)*. Washington: USCIRF, pp. 72–79.

<sup>28</sup> Bhattacharya, Sanchita. "Internal Conflicts in Pakistan." *Emerging Conflicts and Regional Security in South Asia* (2018): 83-98.

<sup>29</sup> Pakistan security Report 2022

<sup>30</sup> Mehfooz, Musferah. "Religious freedom in Pakistan: A case study of religious minorities." *Religions* 12, no. 1 (2021): 51.

<sup>31</sup> Watch, Human Rights. 2022. "World Report 2022 - Pakistan." <https://www.hrw.org/World-Report/2022/Country-Chapters/Pakistan>. January 13, 2022.

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