

THE “RIGHT TO NON-DISCRIMINATION” IN UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR): A QUR’ANIC ANALYSIS

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INTRODUCTION

- UDHR: UNIVERSAL DECLARATION OF HUMAN RIGHTS, a United Nations's (UN) milestone document declared in 10 December 1948 for guaranteeing Human Rights.
- The “Right to Non-Discrimination” is Article 2 of the 30 Articles (Rights) of this (UDHR).
- Article 2 stresses that: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or **other status**. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”

The Right to Non-Discrimination

- This right stipulates that everyone has the “Right to Non-Discrimination”.
- No one should face any kind of discrimination on grounds of their gender, race, colour, ethnicity, language or religion.
- It ensures for indigenous people, minorities, people with disabilities or LGBT people the right to enjoy all the fundamental human rights without facing any kind of discrimination.

IMPLEMENTATIONS AND PROTECTIONS OF THE “RIGHT TO NON-DISCRIMINATION”

- Recognized by many international and regional human rights instruments:
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- African Charter on Human and Peoples’ Rights
- American Convention on Human Rights
- Universal Islamic Declaration of Human Rights
- Cairo Declaration on Human Rights in Islam
- ASEAN Human Rights Declaration”

PROTECTIONS OF THE “RIGHT TO NON-DISCRIMINATION” UN and other entities

- UN, was mainly founded to combat discrimination in the world.
- Office of the United Nations High Commissioner for Human Rights (OHCHR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee on the Elimination of Racial Discrimination” (CERD)
- Committee on the Rights of Persons with Disabilities (CRPD)

VIOLATIONS OF THE “RIGHT TO NON-DISCRIMINATION”


- Discriminations persist in every single part of the world on the basis of race, colour, sex, ethnicity and on all other prohibited statuses they face discrimination, in exercising their civil, political, economic, social and cultural rights.
- According to the admission of OHCHR almost all over the world, racial and ethnic discriminations are common.
- Discriminatory laws against women still continue.
- Almost 370 million indigenous people existing in more than 70 countries.
- Almost 200 million migrants, are discriminated against in health, education, housing and work or social security.
- National, ethnic, linguistic and religious minorities from all the countries in the world, face discrimination.
- Almost 650 million disabled people are in the world deprived of their rights.
- LGBT people of all ages all around the world face horrible violations of their right to work, health, education and family.

THE RIGHT TO “NON-DISCRIMINATION” IN THE QUR’AN AND SUNNAH

- Allah SWT did not discriminate.
- Qur’an al-Karim has been revealed to entire mankind without distinctions (“The month of Ramadan is the one in which the Qur’ān was revealed as guidance for mankind...”) [Qur’an Surah Al-Baqarah 2:185].
- Prophet has been sent to all mankind. (“We did not send you (O prophet,) but to the entire mankind, as a bearer of good news and as a warner, but most people do not know.”) [Qur’an Surah Saba 34:28].
- Honoured all mankind. (“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].

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- Allah SWT created mankind in different colours, races and nations for identifications not for discriminations.
 - Qur'an states "O mankind, We have created you from a male and a female, and made you into races and tribes, so that you may identify one another. Surely the noblest of you, in Allah's sight, is the one who is most pious of you. Surely Allah is All-Knowing, All-Aware." [Qur'an Surah Al-Hujurat 49:13].

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- Therefore, Allah exalted commands all the mankind for standing with justice and equity to all. As the Qur'an states... ("God commands justice, doing good, and generosity towards relatives (to give relatives their due rights) ..." [Qur'an Surah An-Nahl 16:90]).
 - Allah prohibits from discrimination "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..." [Qur'an Surah Al-Hujurat 49:11].

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- Allah declares the rewards for implementing the right to non-discrimination, that doing justice is nearer to God consciousness (Taqwā), and God conscious people are favoured by Allah with abundant sustenance and the paradise will be their final abode. “...Then make peace between them with justice and be fair: for Allah loves those who are fair (and just).” [Qur’an Surah Al-Hujuraat 49:9]. “...Do justice. That is nearer to Taqwā (God consciousness). Fear Allah. Surely, Allah is All-Aware of what you do.” [Qur’an Surah AL-Maidah 5:8].
 - Allah SWT has declared punishment for the violation of this right to non-discrimination. “...and surely the unjust will have a painful torment.” [Qur’an Surah Ash-Shuraa 42:21]. “Woe to every persistent slanderer, persistent defamer.” [Qur’an Surah Al-Humazah 104:1].
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A COMPARATIVE OVERVIEW ON THE “RIGHT TO NON-DISCRIMINATION”

- Article 2 of the UDHR is compatible with the Qur’an and *Sunnah (Hadiths)*.
- Article 2 of the UDHR the “Right to Non-Discrimination” is an implementation of the “Right to Non-Discrimination in the Qur’an and Sunnah.
- Quranic “Right to Non-Discrimination” is stronger: because it includes discrimination concealed inside the mind, if one hates others by mind will be punished in the hereafter.
- Quran and UN both protect this right.
- Quranic protection seems more functioning, because of commanding for implementation and Rewarding for it. Then strongly prohibiting violations and declaring severe punishments while violated.

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- Concerning the issue of LGBT people, Article 2 “Right to Non-Discrimination” not contradictory with the Qur’an and *Sunnah*. This is because...
 - The text of this article did not clearly mention anything about LGBT issue as it did not exist at the time of drafting UDHR document in 1948. It is being included in recent times in this provision under the interpretation of the clause “**other status**”.
 - Though the issue LGBT will be included, it cannot be incompatible with the Quranic aim because the Qur’an also ensures that they receive all-fundamental rights, right to work etc...
 - Regarding their (LGBT) same sex marriage which is strongly rejected by Quran, this Article 2 is still not contradictory with the Qur’an and *Sunnah* because marriage right has not been guaranteed for anyone by this Article 2 of UDHR, rather by Article 16, “Right to Marriage”.