

**KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY**

**COLLEGE OF ART AND SOCIAL SCIENCES**

**DEPARTMENT OF RELIGIOUS STUDIES**

**ISLAM AND HUMAN RIGHTS: A CASE STUDY OF HOHOE MUSLIM  
COMMUNITY.**

By:

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## DECLARATION

### Candidate's Declaration

I hereby declare that with the exception of the views of the respondents and references with which I have duly acknowledged, this thesis is a product of my own research work. I further affirm that this thesis has never been presented either partly or fully for the award of a Master degree or diploma in any University.

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### Supervisor' Declaration

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## DEDICATION

To the Almighty Allah for His faithfulness in fulfilling His promise to me, and to my beloved late parents, Mr Yussif Idriss and Madam Rahinatu Alhassan, to my sons Abdus-Shakur and Yussif, and to my daughter Iman, for their prayers, love and support.

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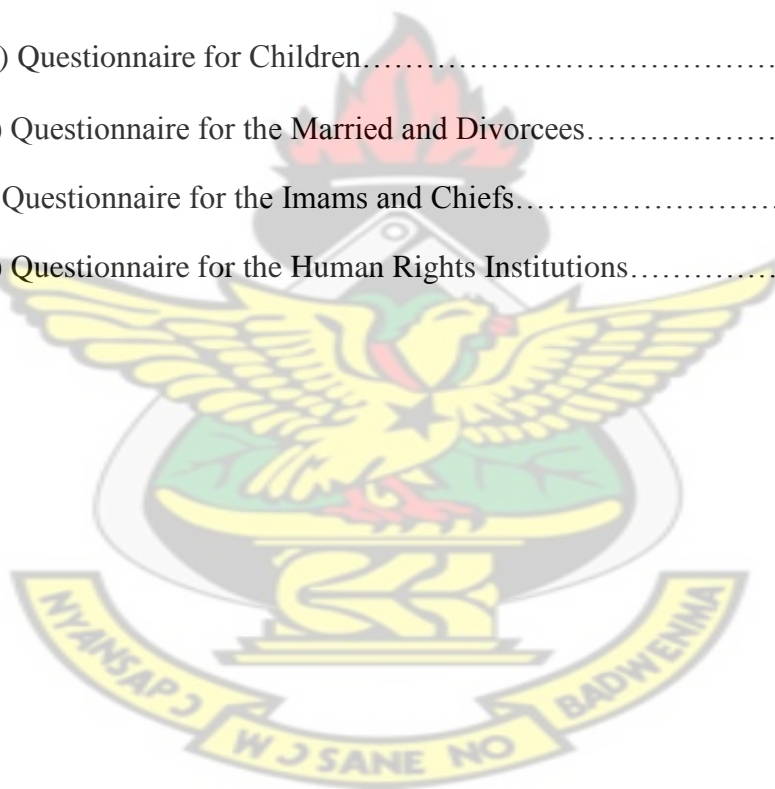


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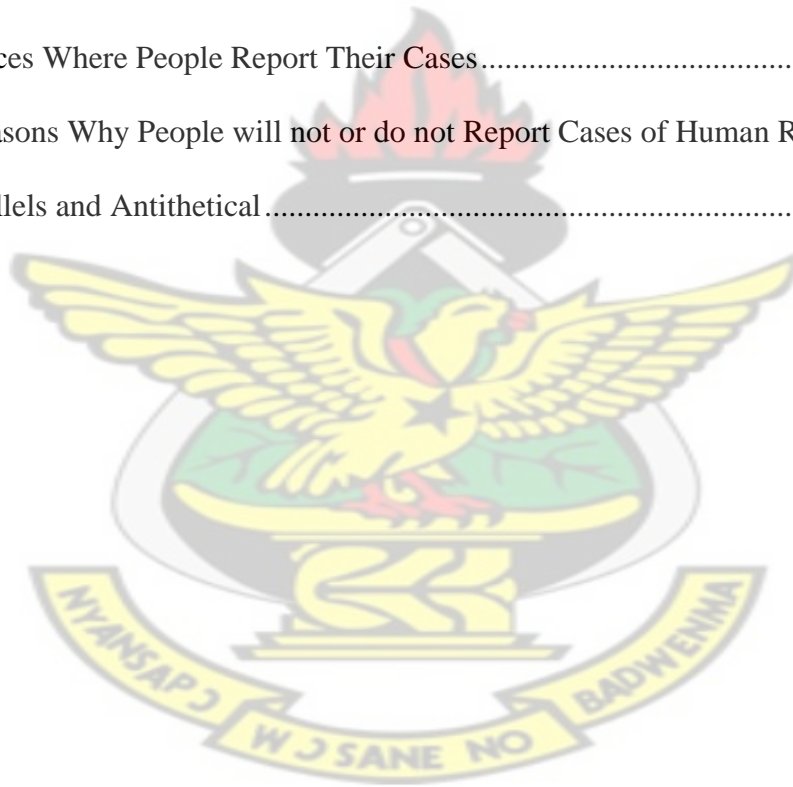
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## ABBREVIATIONS AND ACRONYMS

<b>AALCO</b>	Asian-African Legal Consultative Organization
<b>ASWAJ</b>	Ahlussunnah Wal-Jama'a
<b>CHRAJ</b>	Commission on Human Rights and Administrative Justice
<b>DOVVSU</b>	Domestic Violence and Victim Support Unit
<b>DSW</b>	Department of Social Welfare
<b>DV</b>	Domestic Violence
<b>FOMWAG</b>	Federation of Muslim Women's Associations of Ghana
<b>HAMS</b>	Hohoe Association of Muslim Students
<b>HOZDA</b>	Hohoe Zongo Development Association
<b>NGO</b>	Non- Governmental Organization
<b>PBUH</b>	Peace be upon him
<b>PTA</b>	Parents and Teachers Association
<b>SPSS</b>	Statistical Package for the Social Sciences
<b>SAW</b>	Sallallaahu Alaihi Wasallam
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>WAJU</b>	Women and Juvenile Unit
<b>WiLDAF</b>	Women in Law and Development in Africa

## ABSTRACT

Many individuals in the Hohoe Muslim community continue to struggle with human rights and domestic violence-issues. People's rights are still abused and violated among Muslims even though, Allah has ordained and proclaimed justice for all in the Qur'ān, and explained by Prophet Muhammad (S.A.W). There are commissions, documents, policies and programmes put in place to promote and to protect rights of human kind but, the unacceptable phenomenon still exist. This study looked at the state of human rights in Islam in the Muslim community of Hohoe and their level of awareness. Recorded cases of human rights abuses and domestic violence at the various Commissions and Units, notably, Human Rights and Administrative Justice (CHRAJ), Domestic Violence and Victim Support Unit (DOVVSU), Department of Social Welfare (DSW) and the Law Court in the promotion and protection of human rights in Hohoe Municipality. The study relied on interviews and questionnaire which targeted leadership of the responsible organizations on human rights, Non-Governmental Organizations (NGOs) and the general public. Other sources were documents search and observations through field visits.

The outcome of the study indicated that, human rights and domestic violence is recognized by all stakeholders but, victims' failure to report to the agencies both formal and informal resulted in the increasing rate of the abuses. In addition, although the institutions have the constitutional mandate to promote and protect human rights, they are not well resourced and also confronted with socio-cultural challenges. Some officials are also not effective in their duties. Due to these, their activities on human rights are less felt in the Hohoe Muslim community. Many Muslims seem not to know about the institutions, let alone their activities.

The study made numerous recommendations which will serve as mechanisms of checks and balances and will improve the effectiveness of the activists and the officials in the promotion and protection of human rights.

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## CHAPTER ONE

### GENERAL INTRODUCTION

#### 1.1 Background of the Study

There are different definitions of human rights as defined by various scholars but, few among many are as follows:

Locke (1690:p.20) defined human right as: absolute moral claims or entitlements to life, liberty and property. It is also defined as: the fundamental rights that humans have by the fact of being human, and those are neither created nor can be abrogated by any government. Human right is defined by the office of the high commissioner of human rights as: the universal legal guarantees protecting individuals and groups against actions by governments which interfere with fundamental freedoms and human dignity. Mother Teresa stated on the British Human Rights website stated that, Human Rights are not a privilege conferred by government. They are every human being entitlement by virtue of his humanity. I agreed with the definitions but, I prefer Locke's definition because, it is short, complete and absolute.

According to al-Ghazali (1984) Allah's message was revealed to the whole world through the Prophet Muhammad (S.A.W) in the era of ignorance when man lived in darkness, far from Allah's guidance and justice. It was to bring together the worldly issues of the living, and to organize man's relation with his fellow human being and the creator (Allah). He further stated that, the message comprises the principle of the social, economic, political, cultural and civil rights of Humans. It is a great honour that Islam has granted man freedom of thought and religion. There are many rights Islam has established which are not recognized by the international law. Al-Ghazali is of the view that Islamic principles of human rights that protect human dignity are beyond reasoning due to its intensity.



Mawdudi (1986) states that, it is obvious that principles of Islam in the context of human right are righteous. Islam has passed laws in a thorough and detailed manner on human rights and safeguards these rights with sufficient and effective protective measures. Al Khateeb (n.d.) affirmed that, it is clear that human rights have been stated categorically in the Qur'an and *Hadith* before the Universal Declaration of Human Rights (UDHR) in 1948. Prophet Muhammad (S.A.W) in his farewell speech addressing the pilgrims on the day of *Arafah* declared some basic human rights. He said:

“O mankind! Be aware that your Lord is one and your Father is one, you all belong to Adam and Adam was made of clay; be aware that the best of you in the sight of Allah is the one who is most righteous. There is no honour for an Arab against a non-Arab except for righteousness.” Reported by Ahmad no. 411

Prophet Muhammad (S.A.W) clearly declared the position of Islam concerning equality of the human race. Based on the above tradition of the Prophet, people are equal in many respects. There must be no preference among people except for piety on the bases of good deeds as well as what each of them accomplishes for themselves, their community and nation at large. Sectarianism, racism and preferences among people are not permitted in Islam. It is proclaimed in the Qur'an (49:13):

قال تعالى: "ياأيهاالناس إنا خلقناكم من ذكر وأنثى وجعلناكم شعوباً وقبائل لتعارفوا إن أكرمكم عند الله أتقاكم"

“O mankind! We created you from male and female and made you in to nations and tribes that ye may know each other. Verily, the most honoured of you in the sight of Allah is the most righteous of you”.

Islam seeks to move human beings from partisanship, tribalism, factionalism, ethnicity and racism to one brotherhood or sisterhood of faith. The natural differences are not to drive human being to separation, hatred and hostility; they are meant for them to know one another.



During the era of Prophet Muhammad (S.A.W) and the rightly guided caliphs, the above doctrines were fully implemented. It was reported that, there was a dispute between *Bilal* and *Abu Zar*, when the latter called *Bilal* “the son of a black woman”. Prophet Muhammad (S.A.W) got angry when he heard this and said: “[...] there is no honour for the son of the white lady against the son of the black lady except for piety and righteousness”. When *Abu Zar* heard that, he placed his cheek on the ground and asked *Bilal* to put his foot on it. Reported by Ahmad 4:145. This shows that Islam stands for the idea that human beings everywhere anytime are equal.

## 1.2 Statement of Problem

Muslim as individuals in their communities and Islam as a religion continue to grapple with human rights’ issues. There are efforts from within and outside Islam to fabricate stories, make false assertions and mislead people about human rights violations in the implementation of Islamic Law.

It is alleged that, human rights are abused and ignorantly trampled upon in the Muslim community of Hohoe in the Volta Region. Notable among such abuses are, denying children their right to education, health, food and shelter. Others include husbands being beaten by wives, assaults on wives, suppression of individual’s freedom of expression, child trafficking, gender discrimination and many more which result from the unplanned nature of settlements, lack of skills for the job market and unemployment situations prevalent in the Muslim community.

Many Muslims fail to understand the essence of the concept of human rights in Islam and some are unaware of their rights. Some Muslims believed that, Islam has nothing to offer

humanity regarding human rights issues. Cases have been reported to the Domestic Violence and Victims Support Unit (DOVVSU), Commission of Human Rights and Administrative Justice (CHRAJ), Department of Social Welfare (DSW) in Hohoe in connection with the domestic violence and/or human rights violation. It is once again alleged that, human rights violation in the above community as stated is the consequences of illiteracy and poverty. In a nutshell, the problem is that: human rights are abused in the Hohoe Muslim community, and the rate of abuses continues to rise without solution to the issue.

### **1.3 Research Questions**

What is the ideal situation of human rights in Islam and how does this apply in a particular Muslim community? To what extent are accusations of human rights abuses in a Muslim community justified?

Are human rights in Islam recognized in Hohoe Zongo among Muslims? How are they recognized or not recognized and what can be done about this situation?

What kind of cases have been reported to the Domestic Violence and Victim Support Unit (DOVVSU), Commission of Human Right and Administrative Justice (CHRAJ), Department of Social Welfare (DSW) and Magistrate Court of Hohoe in relation to the domestic violence and/or human rights violation and what is done by the Muslim community to prevent the recurrence of such cases in future?

Further, in our quest to collect data for this research work, the following questions were also posed to groups and individuals. How is human right in Islam perceived among Muslims in Hohoe?

Are Muslims aware of human rights in Islam in your community?

Are there any forms of accusations and counter accusations on the implementation of human rights in Islam in your community?

In what ways are individual rights abused?

What are the causes of human rights violation among Muslims in Hohoe?

Are rights of husbands and wives abused? And how are the rights abused? And what are the causes of the violations?

Are the rights of children trampled upon? What causes the abuses on children's rights?

Why don't you want to report your case? Who would you like to report your case to?

What are the causes of divorce?

What should be done in protecting the rights of women, children and the vulnerable within the Muslim community in Hohoe?

#### **1.4 Objectives of the Study**

This study was done with many objectives in mind.

1. It was to trace the sources of human rights in Islam.
2. It was to assess the state of human rights among Muslims in Hohoe, their level of awareness and how human rights are practiced.
3. It was to ascertain how applicable human rights are in the Muslim community in Hohoe and the implications of the application of human rights in Islam.
4. It was to highlight the comprehensiveness of Islamic human rights.

5. It was to draw public attention to the activities of Human rights Institutions in Muslim communities particularly, Hohoe in the Volta Region.
6. It was to create awareness for every Muslim to know his/her rights.

### **1.5 Significance of the Study**

The study established that Islam has spelt out the rights enshrined in the UDHR and that the UDHR rather reiterated what was stated in the Qur'ān and the *Hadith* about human rights. The thesis is very significant because, it will create awareness for Muslims and non-Muslims alike about their rights and give them confidence to search and demand for it. The study will unravel the relationship between theory and practice of human rights in Islam and the bases on which they were established. This work will serve as a reference for opinion leaders to enable them carry out their educational activities on human rights in their communities. This study will help solve many human rights problems or matters in the study area in particular and world at large. We shall re-kindle the awareness of scholars on the human rights which were documented in the Qur'ān and *Sunnah* to enable them discover proper approaches to them. The research work will help to enhance the work of the human rights institutions, develop confidence in individuals and help to strengthen the leadership of Muslims in their communities to ensure that people live in peace and freedom under the laws.

### **1.6 Scope/Limitation of the Study**

The research was limited to Hohoe Muslim community in the Volta Region of Ghana. All the adjoining areas were included in the study. There are seven such adjoining areas. These are: Sofon Zongo, Sabon Zongo, Nima, Fadama, Albarka, Site and Darus-Salaam.

This work could have covered a larger area but due to the limited time and need for an indepth study, the study focused on Hohoe Muslim community. However, the choice of the Hohoe Zongo is justified by the fact that it is dominated by Muslims of all shades.

### **1.7 Methodology and Data collection**

In this work, we based our study on the authoritative sources of references available regarding human rights in Islam. These include books, journal and speeches. We examined six categories of Muslims such as *Ulama'a*, sub-chiefs, students, social commentators and some individuals through the face-to-face interview and administering of questionnaire on matters relating to human rights in Islam, especially the state or level of awareness, recognition, abuse and violation, the commendable and reprehensible aspects of it in the Muslim community.

We interviewed the leadership of the organizations especially the executive members, and questionnaire was used as well. The respondents included some special persons notably, Muslim scholars and personalities from the Ahlussunnah and Tijaniyyah fraternity, chiefs of Hohoe Zongo, heads of some organizations and institutions like, Hohoe Association of Muslim Students (HAMS), Federation of Muslim Women's Associations of Ghana (FOMWAG), Hohoe Zongo Development Association (HOZDA), Commission of Human Right and Administrative Justice (CHRAJ), Domestic Violence and Victim Support Unit (DOVVSU), Department of Social Welfare (DSW), Magistrate Court, social commentators, students and other individuals.

The views of past researchers concerning the above issue from published and unpublished sources were summarized and reviewed. Also we used both note-taking and voice recording



at the same time during our interview with the selected groups. Generally, we interviewed hundred (100) respondents from the community including focus discussions with women groups and children from selected Islamic schools within the study area.

Data was collected from the Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police Service, CHRAJ, DSW and Magistrate Court in Hohoe on family life and its related human rights abuses which are reported to the units from Muslims of the Zongo community. Such data will be useful in discussions and analysis of the relationship between the theory and practice of human rights issues in the study area.

Three hundred (300) questionnaire were distributed to the various people in the seven adjoining areas of Hohoe Muslim community namely, Sofon Zango, Sabon Zango, Nima, Fadama, Albarka, Darus-Salam and Site. The breakdown of the distribution is as follows: Thirty Eight (38) went to people of Sofon Zango, Fifty Three (53) to Sabon Zango people, Thirty Eight (38) for Nima, Twenty Nine (29) went to Fadama, Thirty Three (33) for Albarka, Darus-Salam received Thirty Nine (39) and the remaining Thirty Eight (38) were for the people of Site. One hundred and twenty questionnaire (120) were sent to men and women of the Muslim community, among them are: married and divorced and One hundred and ten (110) were retrieved. Fifty four (54) were sent to children, some whom were in school and others dropout but, forty nine (49) retrieved. *Ulama'a* received twenty (20) questionnaire but, only five (5) were returned. Two (2) were sent to chiefs, one (1) for the entire Zongo chief and the other one to the Kotokoli chief and the two were returned. Four (4) questionnaire went to the institutions charged with the responsibility to promote and protect the rights and dignities of every individual. Each went to CHRAJ, DOVVSU, Magistrate Court and DSW. The work is both qualitative and quantitative. Thus, the researcher used scientific method which is known as the Statistical Package for the Social Sciences (SPSS), in the process of collecting and analyzing the data. The responses received were fed in to the

computer and the analyses of the figures made with the help of the software (SPSS) programme.

## 1.8 Literature Review

Studies, research works and other publications on human rights in Islam are based on the Qur'ān, *Sunnah*, *Ijma'a* (Consensus of *Ulama'a*), *Qiyas* (Analogy) and *Ta'rikh* (history).

Al-Turki (1976) made it clear in his work titled: *Usul Madzhab al-Imam Ahmad Ibn Hambal* that, the Qur'ān is the primary and first source of Human rights in Islam, and it ordains general provisions which are not variables. He defined *Sunnah* which is the second source as, everything that is attributed to the Prophet Muhammad (S.A.W) including his verbal statements, practices and approvals. He states that, Muslims are commanded by Allah to abide by the teachings of the Prophet, and consider it as the second source of Islamic legislation. Allah says:

قال تعالى: "من يتبع الرسول فقد أطاع الله ومن تولى فما أرسلناك عليهم حفیظاً" سورة النساء

“He who obeys the Messenger (Muhammad) has indeed obeyed Allah, but he who turns away, then we have not sent you (O Muhammad S.A.W) as a watcher over them” (4:80).

Allah also says:

وقال تعالى: "يا أيها الذين ءامنوا أطيعوا الله وأطيعوا الرسول وأولي الأمر منكم" سورة النساء

“O you who believe! Obey Allah and obey the Messenger (Muhammad) and those of you (Muslims) who are in authority” (4:59).

Azhar (1970) in his book: *Human Rights in Islam and its Protection of Human Values and Virtues*, affirmed that, Islam has honored man, gave him freedom and laid down some principles to protect his dignity and rights. Writhing about human rights in Islam and the



declaration of human rights by the United Nations (UN), Al-Ghazali (1984) in *Human Rights between Islamic Tenets and the UN Declaration* gave emphasis on Human rights in Islam and asserts that the principles outlined in the UDHR is just a repetition of the teachings of the Prophet Muhammad (S.A.W) which is a guidance from Allah, documented in the Qur'ān and the traditions of the Prophet Muhammad (S.A.W).

The report of the Symposium on *Islamic Law and Human Rights* (1973) generally discussed Islamic law and human rights in the light of International law. The Europeans at the symposium were made to understand that Allah has honoured man, made him his representative on earth and asked his angels to honour him. This is because man is endowed with certain qualities that other creatures do not have, notably, the ability to see, hear and above all to reason. They (Muslim Scholars) made it clear that, Human rights in Islam are not prescribed to favour any nation over the other but for the entire humanity; the rights have been universal beyond regional borders from day one.

Mustapha (1985) in his work: *Human Rights between the Assertion of the West and the Legitimacy of Islam* studied the declaration of International law and compared it with human rights in Islam and finally indicated that there is secular trend to honour man constitutionally under human rights law. Al-Musaylihi (1988) in: *Human Rights between Islamic Shari'a and International Law*, also shared the same view but both of them made it clear in the end, that those legitimate rights spelt out in the declaration have been recognized by Islam in the Qur'ān and *Hadith* and history before the declaration of UN in 1948.

Ahmad (1990) in his work: *Asl Nizaamul Hukm Fil Islam*, has looked into the areas of protection and guarantees of human rights and states that: man is honored with rights and those rights are divine gifts from Allah the creator to man on this earth, and not something that one has to give whenever he/she wishes or take it whenever he/she pleases. But, rather,

the rights must be respected so that holding up to these rights as a “divine gifts” will protect the adherents and prevent them from violating other people’s rights. Qardawi (1976) makes similar comments in his book *General Characteristics of Islam*.

In Islam justice is the foundation on which protection and guarantees of human rights have been built. It is protected against infringement of human rights. Helmi (n.d.) in *Nizaam al-Hukm Fil Islam*, Amri (1983) in his book *Promotion of Virtues and Prohibition of Vices*, and Shalabi (1976) in his book *Al-Nudhum Wal-Hadhara al-Islamiyya* discussed the implementation of the three judicial systems which distinguished the era of Prophet Muhammad (S.A.W) from other regimes and made it unique, these systems are: the normal judicial system, Governance system and Rehabilitation system (*Hisbah*) which forms part of the human rights in Islam.

Najeeb (1975) in his work *The Judicature in Islamic: History and Rules*, and Wasfi (1977) in *Mawsuo’at al-Nudhum al-Islamiyyah*, both look into the human rights in Islam and discussed the important function of general rehabilitation system in Islam and the institutions that have to ensure justice among the living and fight wrong doing.

Al – Ghazali (1984) and Ibn Farhoon (1985) in his work *Tabsiratul Hukkaam* elaborate on the essence and advantages of the implementation of Islamic law and the necessity of the maintenance of the five essential necessities of every human being in this world, these are: faith, life, mind, property and honour.

Ouda (n.d) in *Islamic legislation* discussed two different communities, and compared the community in which Islamic criminal law is being implemented and the one that suspends the implementation. He asserts that:

“If Shari’a has established penalties to combat crimes and criminal acts, this will not by itself prove the efficiency of the Shari’a and its excellence over secular laws. We must prove afterwards that these penalties are capable of containing criminal acts, because the essence does not lie in the means or objects

but, rather, lie in the effectiveness of the means to accomplish the goals. Secular laws were also determined to accomplish this, and combating of crimes and criminals. The latter established penalties for this object but failed to contain crimes.”

Ibn Taymiyya (1997) in *Al-Siyaasah al-Shar’iyyah*, Al Maawardi (1966) in *Al-Ahkaam al-Sultaaniyya*, Al Mubaarak (1981) in *Nidham al-Islam* and Shazili (1976) in *Al-Jinaayaat Fil Fiqh al-Islami* define Shari’a punishment as the recompense to someone who violates the commandment of Allah and commits what He has forbidden. And they indicated that the essence of the punishment is to encourage good deeds and prevent all wrong doings. They categorize offences in to two, first: Offences against public security like, robbery and murder. Second: Offences that are considered to be a violation of individual rights.

Abdalati (1986) in *Islam in Focus* stated that, family life is a human social group whose members are bound together by the bond of blood ties and/or marital relationship. He went further to discuss what Islamic religion established as the obligation and rights of every family which has to be ensured by the family members, these involve identity and provision, inheritance, affection and security as well as ensuring peace, harmony and stability in the family. He touched on the Wife’s right which is the Husbands obligation and the Wife’s obligation, which is the Husband’s right under the Husband–Wife relationship. Here the husband should be responsible for the whole family, respect his wife and show kindness to her and the wife should also be respectful, faithful and honest to the husband. This is to show that women have rights as they have duties. Allah said:

قال تعالى: "ولهن مثل الذي عليهن بالمعروف وللرجال عليهن درجة والله عزيز حكيم"

“And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards to obedience and respect) to what is reasonable but men have degrees (of responsibility and honour) over them. And Allah is All-Mighty All-Wise”. (2:228)

The degree as stated in the above *Surah* (Chapter) is explained in *Surah* (4:34) which says:

قال تعالى: "الرجال قوامون على النساء بما فضل الله بعضهم على بعض وبما أنفقوا من أموالهم فالصالحات قانتات

حافظات للغيب بما حفظ الله"

“Men are the protectors and maintainers of women because, Allah has made one of them to excel the other, and because they spend (to support them) from their means. Therefore, the righteous women are devoutly obedient (to Allah and to their husbands), and guard in the husbands’ absence what Allah orders them to guard (e.g. their chastity and their husband’s property)”. Allah also said:

وقال تعالى أيضا: "والوالدات يرضعن أولادهن حولين كاملين لمن أراد أن يتم الرضاعة وعلى المولود له رزقهن وكسوتهن بالمعروف ولا تكلف نفس إلا وسعها لا تضار والدة بولدها ولا مولود له بولده وعلى الوارث مثل ذلك"

“The mothers shall give suck to their children for two whole years (that is) for those (parents) who desire to complete the term of suckling, but the father of the child shall bear the cost of the mother’s food and clothing on a reasonable basis. No person shall have a burden laid on him greater than he can bear. No mother shall be treated unfairly on account of her child, or father on account of his child. And on the (father’s) heir is incumbent the like of that (which was incumbent on the father) [...]” (2:233)

This implies that every member of the family has rights and responsibilities and none of them in one way or the other should be the cause of harm to another. Allah said:

قال تعالى: "قل تعالوا أثل ما حرم ربكم عليكم ألا تشركوا به شيئا وبالوالدين إحسانا ولا تقتلوا أولادكم من إملاق نحن نرزقكم وإياهم ولا تقربوا الفواحش ما ظهر منها وما بطن ولا تقتلوا النفس التي حرم الله إلا بالحق ذالك وصاكم به لعلكم

تعقلون"

“Say (O Muhammad: “Come, I will recite what your lord has prohibited you from: Join not anything in worship with Him; be good and dutiful to your parents; kill not your children because of poverty-We provide sustenance for you and for them; come not near to *Al-Fawaahish* (great sins, illegal sexual intercourse) whether committed openly or secretly; and kill not anyone whom Allah has forbidden, except for a just cause (according to Islamic law). This he has commanded you that you may understand” (6:151)

And He says:

قال أيضا: "ولا تقربوا الزنى إنه كان فاحشة وساء سبيلا"

“And come not near to unlawful sex. Verily, it is *fahishah* (anything that transgresses its limits: a great sin), and an evil way (that leads one to Hell unless Allah forgives him)” (17:32)

The above scholars have generally spelt out, stated and documented human rights in Islam in their works because there would not be any new Qur’ān or *Hadith* after the Prophet Muhammad (S.A.W). That is an effort any Muslim should appreciate, especially the researcher because it will help shape his thoughts on the subject.

All of them discussed human rights in Islam; some even went further to compare and show the precedence of Islamic law over the international law. They studied and discussed the importance of Islamic criminal law under human rights. The researcher would like to build upon the works of the previous scholars by testing the grounds and practically studying a specific area to uncover the level of awareness on Human rights among Muslims in Hohoe and examine how applicable they are.

### **1.9 Organization of the Study**

The study was divided into five chapters. The first chapter comprises the background of the study, statement of problem, aims and objectives of the study, methodology, literature review and the organization of the study.

Chapter two revolves around the definition of human rights throughout history, man and his position in Islam and sources of human rights in Islam. The essence and quality of human rights in Islam, human rights in Islam and some other rights which were ignored by the international law.

Chapter three touches on the awareness of family life aspect of human rights in Hohoe and its application. It discussed family life aspect of Human rights which includes rights of parents,



rights of husband and wife and rights of children. This tested the grounds and found out opinions on the implementation of human rights in Islam.

Chapter four discussed and analyzed the data from the various groups and individuals. This chapter highlighted on areas where Islam and international law on human rights are parallels and where they can be seen as antithetical.

Chapter five consists of a summary of all our findings and all matters discussed in the course of the study. Recommendations were outlined and then finally, conclusions were drawn.



## CHAPTER TWO

### CONCEPT OF HUMAN RIGHTS IN ISLAM

#### 2.1 Introduction

In the previous chapter the entire research work was introduced. In the present chapter, we discussed the meaning and scope of human rights in Islam. The discussion focused on the position of the human being in Islam, the rights given him as vicegerent of God, the sources of these rights and their justifications.

#### 2.2 The Meaning of Human Rights in Islam

In Arabic the term human rights is referred to as: "حقوق الإنسان" which comprises two different words "حقوق" "*huquq*" and "الإنسان" "*al-insan*". The root word "*haqq*" (singular) literally means right or truth. Allah says in the Qur'ān:

قال تعالى: "إن الله لا يستحي أن يضرب مثلا ما بعوضة فما فوقها فأما الذين ءامنوا فيعلمون أنه الحق من ربهم وأما الذين كفروا فيقولون ماذا أراد الله بهذا مثلا يضل به كثيرا ويهدي به كثيرا وما يضل به إلا الفاسقين"

"Verily, Allah is not ashamed to set forth a parable even of a mosquito or so much more when it is bigger (or less when it is smaller) than it. And as for those who believe, they know that it is the truth from their Lord, but as for those who disbelieve, they say: "What did Allah intend by this parable?" By it He misleads many, and many He guides thereby. And He misleads thereby only those who are *Al-Fasiqun* (the rebellious disobedient to Allah)" (2:26)

He also proclaimed elsewhere in the Qur'ān:

قال تعالى أيضا: "ولا تلبسوا الحق بالباطل وتكتموا الحق وأنتم تعلمون"

"And mix not truth with falsehood, nor conceal the truth [i.e. Muhammad is Allah's Messenger and his qualities are written in your Scriptures, the *Taurat* (Torah) and the *Injeel* (Gospel) while you know (the truth)]" (2:42). Furthermore, the word "حق" "*haqq*" is one of



the names of Allah, as it is a descriptive name of Qur'ān and Islamic religion which were revealed by Allah to human kind. With regards to the above term, Allah says:

قال تعالى: "ياأيها الناس قد جاءكم الرسول بالحق من ربكم فآمنوا خيرا لكم وإن تكفروا فإن الله ما في السماوات والأرض وكان الله عليما حكيما"

“O mankind! Verily, there has come to you the Messenger (Muhammad) with the truth from your Lord. So, believe in him, it is better for you. [...]” (4:170), He also said:

قال تعالى أيضا: "وما لنا لا نؤمن بالله وما جاءنا من الحق ونطمع أن يدخلنا ربنا مع القوم الصالحين"

“And why should we not believe in Allah and in that which has come to us of the truth (Islamic Monotheism)? [...]” (5:84), and the plural of "حق" "*haqq*" is "حقوق" "*huquq*". And the word "إنسان" "*insan*" means man. Allah in the creation of man said: “And indeed We created man (Adam) out of an extract of clay (water and earth)” (23:12). The plural of the term "إنسان" "*insan*" is "ناس" "*nas*" meaning people or humankind.

According to Asian-African Legal Consultative Organization (AALCO) and Al-Sheha (n.d): human rights in Islam are birth rights, moral claims and all entitlements by the virtue of humanity based on the revelations from Qur'ān and Sunnah. Also, human rights in Islam are defined as: universal rights or status regardless of legal jurisdiction, ethnicity and nationality. (Manasra 2008:p.9).

In Islam, human rights are birth rights and privileges granted to humanity by Allah the creator and not by any creation or any legislative body. Therefore, it cannot be changed or sanctioned by anybody temporarily or permanently, partially or fully. (Khan 1999:p.36, Mawdudi 1995:pp.8-12 and Daneshyar 2003:pp.3-4).

Allah in respect of the Aforementioned says:

“ومن لم يحكم بما أنزل الله فألنك هم الكافرون”

“And whoever does not judge by what Allah has revealed, such are the *Kafirun* (i.e. disbelievers – of a lesser degree as they do not act on Allah’s Laws” (5:44)

قال تعالى: "ياأيها الناس إنا خلقناكم من ذكر وأنثى وجعلناكم شعوبا وقبائل لتعارفوا إن أكرمكم عند الله أتقاكم إن الله عليم

خبير"

Allah said in the Qur’ān: (49:13) “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)”.

Yusuf Ali in his commentary on the above verse states that, “this is addressed to all mankind and not only to the Muslim brotherhood, though it is understood that in a perfected world the two would be synonymous. As it is, mankind is descended from one pair of parents. Their tribes, races, and nations are convenient labels by which we may know certain differing characteristics. Before Allah they are all one, and he gets most honour who is most righteous”.

Al-Hageel (1999) affirms that, the most important things in life are human rights. These rights must not be discriminated among human beings because; they are of the same root with the same destiny, equal in dignity, endowed with reason, honour and rights.

Manasra (2008) asserts that, to discuss and practice human rights in Islam, one must refer to the Qur’ān as the word of Allah (God) and a principal source of Islamic law. He further states that “A worshiper of God alone will not seek an outside source for religious law”. And he

affirmed that, Qur'ān is the final Scripture or divine Book which Allah pledged and assured to give full protection.

The very word Islam which is from the root word "سلم" "*Silm*" meaning peace and submission is associated with Human Rights because technically, Islam means total submission to the will of Allah and obedience to His Law. In this regard, Abdalati (1986), writes that, it is through the total submission and obedience to Allah that man will experience peace in his life, and that will help him advocate peace and co-exist peacefully with others. Further, he states that, because the essence of the Message of all Messengers of Allah is Islam (Submission to the will of Allah and obedience to His Law), a Muslim does not differentiate among the Messengers, and considers their true followers as Muslims. Ibrahim (1997), also defines Islam as: acceptance and obedience to the Laws of Allah, and the messenger who was given the final testament was Muhammad (S.A.W). The Laws are contained in the Qur'ān and their application is found in the life of the Prophet Muhammad (S.A.W) which Muslims emulate as the best example of respect to and regard for Human Rights.

### **2.3 Man and His Position in Islam**

It is important to note that, Islam teaches that man is granted with some features and characters notably, reason by Allah to distinguish them from other creatures and to raise them above all on earth. Almighty Allah says:

قال تعالى: "ونفس وما سواها. فآلهمها فجورها وتقواها"

“By *Nafs* (Adam or a person or a soul), and Him Who perfected him in proportion; Then He showed him what is wrong for him and what is right for him” (91:7-8). Human being is honourably positioned to carry out his responsibilities and know his rights that he is endowed

with by Allah (God). Man was chosen as the vicegerent of Allah as a result of which, he was endowed on earth and was guided to become a responsible agent of Him. Khan (1999) asserts that, man as the vicegerent of Allah on earth was highly favoured and blessed with all that Allah has created and subjected them to him (man), for him to be able to fulfill the purpose of life, and to extract out lessons through deep thinking. Allah said:

قال تعالى: "وإذ قال ربك للملائكة إني جاعل في الأرض خليفة" سورة البقرة

“And (remember) when your Lord said to the angels: “Verily, I am going to place (mankind) generations after generations on earth [...]” (2:30), also He said:

قال تعالى أيضا: "ولقد كرّمنا بني آدم وحملناهم في البر والبحر ورزقناهم من الطيبات وفضلناهم على كثير ممن خلقنا تفضيلاً"

“And indeed We have honoured the children of Adam, and We have carried them on land and sea, and We have provided them with *At-Tayyibat* (lawful good things), and have preferred them to many of those whom We have created with a marked preferment” (17:70).

The statement in the above verse clearly shows the status of man as a valuable and worthy being. Man’s position as the vicegerent is the existing relationship between the creator and His creation. However, this privilege does not come automatic, and is not absolute but, rather human beings are required to fulfill their obligations and execute some specific tasks in order to achieve this honour to the fullest. He (Allah) instructed angels, a special creation of His who will never disobey Him to bow down in respect for a man who is honoured by Him, and said:

قال تعالى: "وإذ قلنا للملائكة اسجدوا لآدم فسجدوا إلا إبليس أبى واستكبر وكان من الكافرين" سورة البقرة

“And (remember) when We said to the angels: “Prostrate yourselves before Adam. And they prostrated except *Iblis* (Satan), he refused and was proud and was one of the disbelievers

(disobedient to Allah)” (2:34). Obviously, a creature of this nature is really honoured, blessed and favoured.

Al-Hageel (1999) writes that, for the man who was highly favoured to be able to carry out his responsibility effectively and efficiently, he was again blessed with the ability of hearing, vision and reasoning. This I believe will help him understand others who are of different backgrounds, and by that, he will tolerate them, co-operate with them and co-exist peacefully with them within the acceptable scope of the Islamic law without being extravagant or transgressing the limits through his involvement in *haram* (unlawful means). Samwini (2011) shares the same view that, dialogue, understanding of other people’s views and their backgrounds and tolerance would help bring people together to peacefully co-exist and perhaps work towards developing their nations.

Allah who has divinely outlined injunctions in the Qur’ān through which man is guided says:

قال تعالى: "وعباد الرحمن الذين يمشون على الأرض هونا وإذا خاطبهم الجاهلون قالوا سلاما"

“And the (faithful) slaves of the Most Gracious (Allah) are those who walk on the earth in humility and sedateness, and when the foolish address them (with bad words) they reply back with mild words of gentleness” (25:63), elsewhere, He said:

قال تعالى: "ثم لتسألن يومئذ عن النعيم"

“Then on that Day you shall be asked about the delights (you indulged in, in this world)” (102:8). Messenger of Allah (Muhammad S.A.W) said: “It is a sufficient sin to lose and waste those whom you are obligated to support [i.e. by not providing proper care and upbringing].” (Abu Dawood no. 1692). This *Hadith*, indicates that, it is an obligation on parents to provide their children with the necessities of life like, food, shelter, clothen and education (religious knowledge and skills). He also said: “Each one of you is a shepherd and



is responsible for those under his care.” (Bukhari, no: 893 and Muslim no: 1829). It shows that, people must be given what they deserved or are entitled to and should be treated fairly. Parents must teach their wards moral values for them to be able to differentiate between right and wrong. In my view, these verses and the *Ahadith* indicate to us that every honour comes with accountability. So, after all the blessings and honour, man was charged to behave responsibly by following the divine guidance bearing in mind that, he will be accountable for all deeds, whether good or bad in the world to come.

A typical example of the above is likened to an employer - employee scenario. An employee is expected to account to his boss who is the employer at the end of the day. An employee is the representative of his employer in his firm so is man a representative of Allah (God) on earth.

Based on these principles and the distinguish nature of the vicegerence of man on earth, he is required to act differently as he was created in the perfect layout or structure, gifted with beautiful creation, shape and all the potentials needed. He was created as an innocent creature that is pure. Righteousness for that matter is the best way of life, while deviation leads human beings astray. Therefore, being righteous is the best, so far as life is concerned. Allah (God) has made provisions of sanctions against those who violate the laws as the laws are made to take care of the welfare and the wellbeing of the humankind and in order to let equality, justice and peace prevail among all. Qur’ān has thus stated categorically in respect of the physical stature of man, and said:

قال تعالى: "لقد خلقنا الإنسان في أحسن تقويم"

“Verily, We created man in the best of stature (mould)” (95:4), also in the Qur’ān it is further stated:

قال تعالى: "خلق السماوات والأرض بالحق وصوركم فأحسن صوركم وإليه المصير"

“He has created the heavens and the earth with truth, and He shaped you and made good your shapes. And to Him is the final return” (64:3). And in respect of the potentials man was endowed with, He says:

قال تعالى: "وسخر لكم ما في السماوات وما في الأرض جميعا منه إن في ذلك لآيات لقوم يتفكرون"

“And has subjected to you all that is in the heavens and all that is in the earth; it is all as a favour and kindness from Him. Verily, in it are signs for a people who think deeply” (45:13)

Al-Sheha (n.d.) affirms that, the root of humanity is only one with privileges granted by the creator (Allah) notably, dignity and honour. Thus, there must be no preference among people, and any man-made barrier must be avoided. According to the secretariat of Asian-African Legal Consultative Organization (AALCO) (2004) man’s position in Islam is divided into three: The first category is man’s relationship with Allah. In this regard, he is an honourable being endowed with favours and dignity. The second category is his relationship with other people from different backgrounds (this refers to the equality among human beings). It was observed and understood in the Prophet’s sermon during the farewell *Hajj* (pilgrimage) when he said: “O mankind! Your Lord is one, and your father is one, you all belong to Adam and Adam was made of clay. The best of you in the sight of Allah is the one who is most righteous. There is no superiority for an Arab over a non-Arab except for righteousness” (Reported by Ahmad no: 411)

He (Prophet Muhammad S.A.W) was observed declaring human rights and making it clear to everyone that, all humanity has one original source sharing the value of humanity, therefore, they are equal and there must be no preference among them except for piety. Thus, discrimination (due to race, colour, region, class, or others) is prohibited in Islam. The third is the relationship of Muslims (believers) among themselves. Prophet Muhammad (S.A.W) is reported to have said in a *Hadith*:



“Do not envy one another; do not inflate prices on one another; do not hate one another; do not turn away from one another; and do not undercut one another, but be you, O servants of Allah, brothers. A Muslim is the brother of a Muslim; he neither oppresses him nor does he fail him, he neither lies to him nor does he hold him in contempt. Piety is right here - and he pointed to his breast three times. It is evil enough for a man to hold his brother Muslim in contempt. A Muslim for another Muslim is inviolable; his blood, his property, and his honour” (Reported by Muslim no. 2564).

He also said: “The example of believers in love, affection, cooperation and sympathy is like that of one body. If one organ of the body aches, the entire body will support the aching body part by wakefulness and fever” (Reported by Bukhari no. 2238 and Muslim no. 2586). One outstanding and pragmatic example which A’ishah reported in the *Hadith*, is that of the noble woman of *Makhzum* clan of *Quraish*, who had stolen and had to be punished by amputation of her hand. The *Quraish* deliberated the issue among them and decided to send Usamah to speak to the Prophet, and to intercede on her behalf. Prophet Muhammad (S.A.W) upon hearing this from Usamah said:

“O Usamah! Are you coming to intercede concerning a punishment set by Allah?” The Messenger of Allah stood up, as soon as he (the Prophet finished his conversation with Usamah and delivered a speech saying: “The people (or nations) before you were destroyed due to the fact that when a noble person among them would steal, they let him go unpunished, but if a poor, weak and insignificant person among them stole, they would apply the punishment on him. By Allah! If *Fatimah*; the daughter of Muhammad has stolen, I shall cut off her hand” Reported by Bukhari no. 6406 and Muslim no. 9.

Al-Sheha explains that, in Islam all persons were made to appreciate one another, relate to each other and be very close like the teeth of a comb under a certain bond that will strengthening the relationship.

## 2.4 Sources of Human Rights in Islam

Under this heading, I shared the view of Al-Hageel (1999) which says: Human right in Islam has four main sources that are the primary sources of Islamic law. Qur’ān and Sunnah were used by the Prophet but, *Ijma’a* and *Qiyas* were used by the *Sahaabah* (followers of the Prophet) in addition to the Qur’ān and *Sunnah*. Qur’ān is the source from which all other sources are derived. It proclaims universal provisions which are absolute and constant.

Sunnah is consistent with the Qur'ān and it is an elucidation thereof. Consensus is a common view proclaimed by scholars of Islamic Law based on the general rules of the Qur'an and *Sunnah*. Reasoning is an individual opinion ordained by Muslim scholars established on the light of the overall rules of the Qur'ān and *Sunnah*. Although, some scholars like Doi (1984), Al-Ashqar (1991) and others may disagree with the above statement because they put them in two categories primary and secondary. The first two are the primary sources and the second two being the secondary. Manna'a (1992) wrote on the leaders of the four Islamic schools of thought, and it was observed that, all the four schools of thought notably, Hanafites, malikites, Shafi'ites and Hambalites recognized in Sunni Islam made it clear that, the four and other ones like, *Ijtihad*, *Masalih*, *Istishab* are sources of Islamic law using various terms to explain their claims.

The researcher shared the same view with AALCO's secretariat (2004) when it states that, human rights sources are the four sources of Islamic law. It went further to explain that, Qur'ān is the main and the principal source followed by *Sunnah* (the Prophet's tradition), then *Ijma'a* (consensus) of *Ulama'a* (scholars) and finally *Qiyas* (analogy/juristic reasoning). The first and the principal source of human rights in Islam is Qur'ān. It will be very appropriate to define Qur'ān before we proceed further to know what it entails.

Rights and freedoms in Islam are derived from many sources. The foremost of which are, the Qur'ān and the *Sunnah* (tradition of the Prophet). These two sources are followed by *Ijma'a al-Ulama'a* (consensus of the scholars) and *Qiyas* (analogy). Manasra (2008) states that, Qur'ān and *Sunnah* are accepted as sources of Islamic Law that are seen to be infallible. In our view, the first two were regarded as the principal sources because they are revelations from Allah.

### 2.4.1 The Qur'ān

Qur'ān is the root word for "قرأ" "*qara'a*" in Arabic which literally means to read and the word "قراءة" "*qira'ah* and "قرآن" "*qur'ān*" means reading or recitation. (Munir and Rohi, 1996, Kamali, 1991 and Manna'a, 1992). Qur'ān is a source of human rights because, it addresses the following: First, abolition of awkward customs in all walks of human life. Second: comprehensive overhaul of the society religiously, communal relations, human and moral responsibilities, as well as legal obligations.

### 2.4.2 Sunnah

According to Manna'a (1992) *Sunnah* is all that is attributed to the Prophet, his saying or actions or approvals or attributes or conducts. Kamali (1991) affirms that, according to the scholars of Prophet's tradition, *Sunnah* was defined as: all that is narrated from the prophet, his acts, his sayings, whatever he approves, his physical attributes and character. In most cases *Sunnah* and *Hadith* are used interchangeably but, the fact of the matter is that, *Sunnah* is the Prophets tradition generally and *Hadith* is the record of the tradition of the Prophet, which are reliably transmitted reports by companions of the Prophet. Allah has ordained believers to obey Him, His messenger (Prophet Muhammad S.A.W) and those in authority. Also:

قال تعالى: "وما اتاكم الرسول فخذوه وما نهاكم عنه فانتهوا إن الله شديد العقاب"

“And whatsoever the Messenger (Muhammad) gives you, take it; and whatsoever he forbids you, abstain (from it). And fear Allah; verily, Allah is severe in punishment” (59:7). Muslims are bound to act upon these and more and to comply with the injunctions and provisions of the *Sunnah* by the Prophet.

### 2.4.3 Ijma'a

Shafi'i according to Manna'a (1992) states that, *Ijma'a* is the consensus of Muslim scholars of all times on a particular matter. And it comes third after the Qur'ān and the *Sunnah* (traditions of the Prophet). And the consensus of the companions of the Prophet was graded the first class.

Doi (1984) defined *Ijma'a* as: the consensus of the companions of the Prophet and the agreement reached by the Muslim scholars on different matters. According to him, *Ijma'a* was divided in to three. Firstly, *Ijma'a al-Qawly* (the verbal consensus). Secondly, *Ijma'a al-Fi'ly* (the consensus of opinion on an action) and then *Ijma'a al-Sukuty* (the silent consensus). This definition is backed by the *Hadith*, in which Prophet Muhammad (S.A.W) was reported to have said: "My people would never agree on whoever leads them astray" (Jamiu Bayan al-Ilm Wafadluh 1404). He added that, the four schools of Islamic Law agreed upon *Ijma'a* as a source of human rights in Islam.

### 2.4.4 Qiyās

*Qiyās* in Arabic is the root word of *Qāsa*, *yaqisu*, *qiyās* which literally means measuring and ascertaining the length and breadth or quality of something, and the scale is called *miqyās*. Thus, *qiyās*, is analogy. And *qiyās* technically is the extension of the Islamic Law value from an original subject to the object of the analogy because; the latter has the same effective cause as the former. *Qiyās* was defined as a legal principle introduced in other to derive logical conclusion of a certain law on a specific issue that has to do with the welfare of the Muslims. (Doi 1984, Zuhair 1985 and Kamali 1991).

Analogy is the fourth source of Islamic law and human rights in Islam. This source continuous to provide Islamic law with fresh opinions and decisions on matters that do not

have clear text or direct judgment in the Qur'ān and *Sunnah* (tradition). Manasra, admits that, Islamic jurists incorporate new cases in to the divine system using a technical term called *Qiyās* (analogical reasoning) to be able to address the incoming new cases.

#### 2.4.5 Ijtihad

*Ijtihād*, is the root word of *Ijtahada*, *yajtahidu*, *ijtiḥad*, literally it means making an effort. In this case *Ijtihād*, is an exercise of one's reasoning to arrive at a logical conclusion on a legal issue done by the jurists to deduce a conclusion as to the effectiveness of a legal precept in Islam. Allah proclaimed in the Qur'ān and says:

قال تعالى: "ومن حيث خرجت فول وجهك شطر المسجد الحرام وحيث ما كنتم فولوا وجوهكم شطره" سورة البقرة

“And from wheresoever you start forth (for prayers), turn your face in the direction of *Al-Masjid Al-Haram* (at *Makkah*), and wheresoever you are, turn your faces towards it (when you pray) [...]” (2:150). This calls for the exercise of one's faculty of reasoning, to deduce a logical conclusion on certain issues, as the verse enjoins us to do. (Doi 1984).

#### 2.4.6 Masalih al-Mursalah

*Masālih al-Mursalah* literally means Public interest. Allah (God) says:

قال تعالى: "الذين يستمعون القول فيتبعون أحسنه"

“Those who listen to the word [...] and follow the best thereof [...]” (39:18). Public interest is also considered as a source of human rights in Islam and the Islamic law as a whole. Jurists of different Islamic schools of thought have used various Arabic terms to denote public interest except Shafi'i school of thought that does not recognize it. For instance, Hanafi's termed it *Istihsan* to mean equitable preference to find a just solution. Imam Malik named it *Masālih al-Mursalah* which means public benefit or welfare. Imam Ahmad bin Hambal calls



it *istislah* meaning seeking the best solution in the interest of all. (Doi 1984 and Manna'a 1992).

#### 2.4.7 Istishab

*Istishab* literally means legal presumption. It is the presumption in the law of evidence that, a state affair known to exist in the past continues to exist until the contrary is proved. An example of *Istishab* is that marriage is presumed to continue until *Talāq* (its dissolution) becomes known. Accused people are presumed innocent until their guilt is established. When this rule is applied in acts of worship, (*Ibadat*) it means that, doubt does not vitiate the validity of rituals. (Kamali 1991).

It is learnt from Manna'a and Doi that, the four Islamic schools of thought namely *Hanafites*, *Malikites*, *Shafi'ites* and *Hambalites* agree on the above four primary sources of Islamic law as well as human rights is Islam. The four are: the Qur'ān, the *Sunnah* (Prophets Tradition), the *Ijma'a* (the consensus) and then *Qiyās* (analogy/opinion). The aforementioned sources of human rights in Islam are relevant to the work because, all sources of Islamic law are the sources of human rights in Islam. Other sources that are not direct revelations based on the general rules of Qur'ān and Sunnah which are the divine revelations to the Prophet.

#### 2.5 Essence of Human Rights in Islam.

Islam sees human kind as one nation who is to be treated equally. All people are in Adam's lineage. They are equal and honoured, and the message of Allah (God) which was through Angel *Jibril* (Gabriel) to Prophet Muhammad (S.A.W) as the final divine Message to humanity is addressed to all and not to a specific nation. Allah says:

قال تعالى: "إن هذه أمتكم أمة واحدة وأن ربكم فاعبدون"



“Truly, this, your *Ummah* [*Shari’ah* or religion (Islamic Monotheism)] is one religion, and I am your Lord, therefore worship Me (Alone)” (21:92)

For that reason, Islam has established human rights with a universal character. It also put up safety measures to protect these rights within Muslim communities. However, the essence is to fulfill the rights of man and contribute to the betterment (welfare) of all devoid of sufferings and discrimination. Further, Islam aims at protecting human kind against exploitation and suppression, and providing him with rights and freedoms. Allah said:

قال تعالى: "إن الأرض لله يورثها من يشاء من عباده والعاقبة للمتقين"

“Verily, the earth is Allah’s. He gives it as a heritage to whom He wills of His slaves; and the (blessed) end is for the *Muttaqun* (the pious)” (7:128), also He says:

قال تعالى: "ياأيها الناس إنا خلقناكم من ذكر وأنثى وجعلناكم شعوبا وقبائل لتعارفوا إن أكرمكم عند الله أتقاكم إن الله عليم خبير"

“O mankind! We created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you with Allah is that (believer) who has *At-Taqua* [i.e. he is one of the *Al-Muttaqun* (the pious)]. Verily, Allah is All-Knowing, Well-Acquainted (with all things)” (49:13)

These are the proofs and the evidences from Qur’ān that all people Islamically are perceived as one nation on the earth, brothers and sisters and they are equal in the sight of Allah except that, the most righteous people are the ones most honored by Him.

## 2.6 Some Human Rights in Islam

In Islam, there are many rights which are well-established. We shall address in the following some important rights. Islam has laid down some fundamental rights for man. Those are privileges given to humanity by Allah and can never be taken away or altered by anybody or authority. Mawdudi (1995) puts human rights into three categories. First, the basic human right. Second, the rights of citizens in Islamic states. Third, the rights of enemies at war.

### 2.6.1 The basic human rights

Muslims are expected to embrace these rights, accept them and obey them. The following are the fundamental rights:-

#### 1. The Right to Life

It is very fundamental and this right must be respected. Therefore, nobody is allowed to take human life intentionally either in retaliation or punishment to scare others from involving themselves in any form of murder until a court of law decided or pass a judgment on that. Allah says:"

قال تعالى: "من قتل نفسا بغير نفس أو فساد في الأرض فكأنما قتل الناس جميعا"

“If anyone killed a person not in retaliation of murder, or to spread mischief in the land-it would be as if he killed all mankind” (5:32). He also said:

قال تعالى: "ولا تقتلوا النفس التي حرم الله إلا بالحق"

“And kill not anyone whom Allah has forbidden, except for a just cause (according to Islamic law). (6:151). Due to that, it is incumbent on everybody to respect and protect human life, and killing of any soul is a grave sin in the sight of Allah because, Allah warned against that in the above verse. Islam recognizes all rights for human kind regardless of their background.

On the contrary, nations and people who claimed to be advocates of human rights contradict themselves by violating the rights. According to Mawdudi (1995, p.5)

“The right to life has been given to man only by Islam. You will observe that the people who talk about human rights if they have ever mentioned them in their constitutions or declarations, then it is clearly implied in them that these rights are applicable only to their citizens or they have been framed for the white race alone. [...] All these instances go to prove that they have no respect for human life as such and if they have, it is only on the basis of their nationality, colour or race”.

## 2. The right to the safety of life

Whenever we are talking about safety, we should not forget about security and protection. In this case, man's right of security and that of his family is paramount and it is the most fundamental human rights. Allah says:

قال تعالى: "ومن أحيائها فكأنما أحيى الناس جميعاً"

“And if anyone saved a life, it would be as if he saved the life of all mankind” (5:32). Thus, is important to intensify security for individuals and groups in their communities. So, it is the right of human beings to be saved by providing with shelter, food, clothen, medical care and many more. To the surprise of many, about the attitude of some nationals, Mawdudi (1995, p.5) writes:

“Talmud<sup>1</sup> [...] contains the view that if a non-Israelite is drowning and you tried to save him then you are a sinner. Can it be given a name other than racialism? We regard it as our duty to save every human life, because it is thus that we have been enjoined in the Holy Qur’ān. On the other hand, if they regard it necessary to save the life of a human being at all, it should be the life of an Israelite. As far as other people are concerned, according to this view, they do not seem to be human enough to deserve protection of their persons”.

And people who will tamper with the security of a society were cautioned on the Day of *Arafah*, in the Prophet Farewell speech: “Truly, your blood, honour, and your wealth unlawful to one another. They are unlawful to tamper with like it is unlawful to tamper with

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<sup>1</sup> It is the significant collection of the Jewish oral tradition interpreting the Torah. In other words, it is a complement to the Bible. It fills in the gaps and explains the laws of the Torah. It includes stories and sayings that both straightforwardly and allegorically offer the philosophy and wisdom of Judaism. [www.jewfaq.org/defs/talmud.html](http://www.jewfaq.org/defs/talmud.html) and [talmud.faithweb.com/articles/whatis.html](http://talmud.faithweb.com/articles/whatis.html)

this (honourable and sacred) Day (the Day of “*Arafah*” during *Hajj*<sup>2</sup>), in this sacred month (the month of pilgrimage “*Dhul-Hijjah*”), and in this sacred Town (the city of *Makkah*).  
(Reported by Bukhari No: 6043)

### 3. Respect for the chastity of Women

Family unit is the basis of any healthy society and this can be achieved and sustained by upholding the sanctity of a woman. Therefore, woman’s chastity must be respected and protected no matter her affiliations, whenever and wherever she is found and under any situation. And generally, adultery and fornication are not permissible in Islam and whoever dares faces the consequences of the deed. Allah says:

قال تعالى: "ولا تقربوا الزنى إنه كان فاحشة وساء سبيلاً"

“And come not near to unlawful sex. Verily, it is a *Fahishah* (i.e. anything that transgresses its limits: a great sin), and an evil way (that leads one to Hell unless Allah forgives him).  
(17:32)

### 4. The Right to a Basic Standard of Life

قال تعالى: "وفي أموالهم حق للسائل والمحروم"

Allah said: “And in their properties there was the right of the *Saa’il* (the beggar who asks) and the *Mahrum* (the poor who does not ask others) (51:19). This verse talks about the economic rights, hence, it refers to everybody without preference irrespective of his affiliations and background. Furthermore, anybody who asks must be helped, and whoever is realized to be a needy but did not ask must be assisted because, they all have rights over the

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<sup>2</sup> The word Hajj means pilgrimage. It is the religious journey to Mecca which all Muslims try to make at least once in their lifetime if they can afford to do so. It is one of the five pillars of Islam. It starts from the 12<sup>th</sup> Dhul Hijjah (the last month of the Islamic calendar). [Dictionary.reference.com/browse/hajj](http://Dictionary.reference.com/browse/hajj), [dictionary.cambridge.org/dictionary/british/hajj](http://dictionary.cambridge.org/dictionary/british/hajj) and [en.wikipedia.org/wiki/hajj](http://en.wikipedia.org/wiki/hajj)

rich and have share in the wealth of the wealthy persons. Wealth must be felt by all people and not only the rich. Thus, other people are also entitled to the wealth of the rich.

#### 5. Individual's Rights to Freedom

Prophet Muhammad (S.A.W) said: "There are three categories of people against whom I shall myself be a plaintiff on the Day of Judgment. Of these three, one is he who enslaves a free man then sells him and eats this money". (Reported by Bukhari and Ibn-Majah). This is a categorical statement which does not discriminate any group from the other, preferred or specified a particular nation. The *Hadith* obviously indicates that, slavery is unIslamic and it is a violation of human rights in Islam.

#### 6. The Right to Justice

One essential right of man which Allah has ordained in the Qur'an is justice. Justice is prescribed in Islam and Muslims are expected to be just to all persons including those they see as their enemies. Allah clearly stated that, justice must prevail at all times. He said:

قال تعالى: "ولا يجرمنكم شنآن قوم أن صدوكم عن المسجد الحرام أن تعتدوا"

"And let not the hatred of some people (once) stopping you from *Al-masjid Al-Haram* (at *Makkah*) lead you to transgression (and hostility on your part). (5:2). He further said:

قال تعالى: "ولا يجرمنكم شنآن قوم على ألا تعدلوا إعدلوا هو أقرب للتقوى واتقوا الله" سورة المائدة

"And let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety; and fear Allah". (5:8)

#### 7. Equality of Human Beings

Islam has made it clear that people were not created in to different sections to show any superiority of one group over the other, rather the most honoured is the God fearing person.



Furthermore, human kinds are from a single origin, who are dignified and honoured by their creator. Therefore, all individuals in Islam are equal and what distinguish one from the other is *al-Taqlwa* (God fearing). Allah said:

"ياأيها الناس إنا خلقناكم من ذكر وأنثى وجعلناكم شعوبا وقبائل لتعارفوا إنا أكرمكم عند الله أتقاكم"

“O mankind! We have created you from a male and female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you with Allah is that (believer) who has *At-Taqlwa*” (49:13). And we can deduce from the above verse that, discrimination based on colour, race, language, sex, nation or tribe is prohibited Islamically. The Prophet also said in the *Hadith* as part of his Farewell Sermon on *Arafah*: “O mankind your Lord is one” (Reported by Ahmad no: 411). Further, he said elsewhere: “The Almighty Allah has removed the false pride which was practiced in the pre-Islamic period wherein individuals took false pride in their ancestors. All mankind belongs to Adam. And Adam is created of soil” (Reported by Abu Dawud no: 5116).

#### 8. The Right to Co-operate and Not to Co-operate

Indeed, Islam has made it incumbent upon all believers (Muslims) to be by the side of a person who is embarking on righteous deeds, co-operate with him and give him a helping hand and not to the one who practices vice and evil even if he is the most dearest to one’s heart. In this regard, Allah says:

قال تعالى: "وتعاونوا على البر والتقوى ولا تعاونوا على الإثم والعدوان"

“Help you one another in *Al-Birr* and *At-Taqlwa* (virtue, righteousness and piety); but do not help one another in sin and transgression” (5:2)



## 2.6.2 Rights of Citizens in an Islamic State

### 1. The Security of Life and Property.

Islam protects private wealth and property by laying down injunctions as well as penalties against those who violates the sanctity of property. Robbery, thievery and all other dangerous and harmful acts are unIslamic and thus not permissible. To ensure protection to properties and lives, due process of law are followed at the law court and punishment are prescribed. The punishment on a thief is to cut off his hand and that of rebels, armed robbers is killing (cutting off the head to death). All these are to be carried out after meeting the requirements and conditions. Allah says:

قال تعالى: "ولا تأكلوا أموالكم بينكم بالباطل" سورة البقرة

“And eat up not one another’s property unjustly (in any illegal way e.g. stealing, robbing, deceiving, etc)” (2:188). This shows clearly that, taking somebody’s property without his consent is prohibited in Islam and whoever is found guilty must suffer the consequences.

### 2. The Protection of Honour

Islam has condemned any act that will lead to committing defamation by questioning the honour and integrity of other people. Allah the Almighty has cautioned us against that, He said:

قال تعالى: "يا أيها الذين ءامنوا لا يسخر قوم من قوم عسى أن يكونوا خيرا منهم ولا نساء من نساء عسى أن يكن خيرا منهن ولا تلمزوا أنفسكم ولا تنابزوا بالألقاب بئس الاسم الفسوق بعد الإيمان ومن لم يتب فأولئك هم الظالمون. يا أيها الذين ءامنوا اجتنبوا كثيرا من الظن إن بعض الظن إثم ولا تجسسوا ولا يغتب بعضكم بعضا أيحب أحدكم أن يأكل لحم أخيه ميتا فكرهتموه والتقوا الله إن الله تواب الرحيم"

“O you who believe! Let not a group scoffs at another group; it may be that the latter are better than the former. Nor let (some) women scoff at other women, it may be that the latter are better than the former. Nor defame one another, nor insult one another by nicknames. How bad is it to insult one’s brother after having Faith. And whosoever does not repent, then such are indeed *Zalimun* (wrong-doers, etc.). O you who believe! Avoid much suspicion; indeed some suspicions are sins. And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brother? You will hate it (so hate backbiting). And fear Allah. Verily, Allah is the One Who forgives and accepts repentance, Most Merciful” (49:11-12)

Mawdudi (1995, p.12) writes that, “[...] According to the Islamic Law the mere proof of the fact that the accused said things which according to common sense could have damaged the reputation and honour of the plaintiff is enough for the accused to be declared guilty of defamation. However, in the International Law, a complainant of defamation has to provide evidences to show that he is an honourable person”.

### 3. The Sanctity and Security of Private Life

قال تعالى: "ياأيها الذين ءامنوا لا تدخلوا بيوتا غير بيوتكم حتى تستأنسوا وتسلموا على أهلها ذلكم خير لكم لعلكم تذكرون" Allah says: “O you who believe! Enter not houses other than your own, until you have asked permission and greeted those in them; that is better for you, in order that you may remember” (24:27), He also said:

قال تعالى: "ولا تجسسوا"

“And spy not” (49:12). We deduce from the above verses that any act of interference is unacceptable in Islam. People are not allowed to interfere into others affairs without their consent, even a leader of a family was asked to alert his house-holds before he enters the house. This is a preventive measure that will prevent him from setting his eyes on things he would not like to see, which may result to ill feeling and unrest among members of the family if care is not taken. This right must be observed because, Islam recognizes it.

#### 4. The Security of Personal Freedom

There is this principle in Islam which says: “Accused persons are presumed innocent, until their guilt is established”. This is based on the definition of legal presumption. Therefore, until man’s guilt is proven in the competent court of Law, nobody is permitted to jail him in Islam. According to Islam, no authority is given the prerogative to imprison anybody based on mere allegation or suspicion. Thus, people in authority, particularly judges must be just in delivering their duty by passing the true and right judgment. Allah in the Glorious Qur’ān says:

قال تعالى: "إن الله يأمركم أن تعدوا الأمانات إلى أهلها وإذا حكمتم بين الناس أن تحكموا بالعدل"

“Verily, Allah commands that you should render back the trusts to those to whom they are due; and that when you judge between men, you judge with justice” (4:58)

#### 5. The Right to Protest against Tyranny

Islam made us understand that all powers given to human beings whether individuals’ or authorities are a trust granted by Allah. This is a great and fearful responsibility which has to be applied in conformity with the dos and don’ts of the creator Allah, and going contrary to the injunctions and taboos will make one suffer the consequences. Allah says:

قال تعالى: "لا يحب الله الجهر بالسوء من القول إلا من ظلم وكان الله سميعا عليما"

“Allah does not like that the evil should be uttered in public except by him who has been wronged. And Allah is Ever All-Hearer, All-Knower” (4:148). We derived from the verse that human kinds are prohibited from using abusive words.

## 6. Freedom of Expression

Islam never allows any form of oppression, whether from an ordinary person, government or any authority. And it is the responsibility of every Muslim to free all oppressed persons from oppression. However, Islam does not grant anybody with the right to insult and threaten using indecent language in the name of democracy or freedom of speech. Islam enjoins all persons to be God fearing and refrain from wrong deeds. The prophet said: “Whosoever is entrusted with leadership over Muslims affairs, yet hides away from them and does not respond to their needs, Allah would not respond to the supplications of such a governor on the Day of Requital, causing him to suffer from his own poverty and need” (Abu Dawud no: 2948).

## 7. Freedom of Association

In Islam, people are given the right to groupings and associations for the purpose of preaching virtue and cautioning against evil. This is mandatory on every individual. Allah says:

قال تعالى: "ولتكن منكم أمة يدعون إلى الخير ويأمرون بالمعروف وينهون عن المنكر أولئك هم المفلحون"

“Let there arise out of you a group of people inviting to all that is good (Islam), enjoining *Al-Ma'ruf* (i.e. Islamic Monotheism and all that Islam orders one to do) and forbidden *Al-Munkar* (polytheism and disbelief and all that Islam has forbidden). And it is they who are the successful” (3:104).

## 8. Freedom of Conscience and Conviction

قال تعالى: "لا إكراه في الدين قد تبين الرشد من الغي فمن يكفر بالطاغوت ويؤمن بالله فقد استمسك بالعروة الوثقى"

Almighty Allah says: “There is no compulsion in religion. Verily, the right path has become distinct from the wrong path. Whoever disbelieves in *Taghut* and believes in Allah, then he

has grasped the most trustworthy handhold [...]” (2:256). People living in the Islamic states or living with Muslims are given the right of thinking and decision making that will lead them to either embracing Islam or not. Non-Muslims are not obliged to accept Islam and they must not be forcefully converted into Islam.

#### 9. Protection of Religious Sentiments

The right to religious sentiments is granted to everybody and they must be tolerated, respected and co-exist peacefully. Allah said:

قال تعالى: "ولا تسبوا الذين يدعون من دون الله فيسبوا الله عدوا بغير علم كذالك زينا لكل أمة عملهم ثم إلى ربهم مرجعهم فينبئهم بما كانوا يعملون"

“And insult not those whom they (disbelievers) worship besides Allah, lest they insult Allah wrongfully without knowledge. Thus, We have made fair-seeming to each people its own doings; then to their Lord is their return and He shall then inform them of all that they used to do” (6:108)

#### 10. Protection for Arbitrary Imprisonment

Every individual in Islam is responsible for his deeds. Therefore, nobody should be made to suffer consequences of other people’s wrong doings. Allah says:

قال تعالى: "ولا تزر وازرة وزر أخرى"

“And no bearer of burdens shall bear the burden of another” (6:164)

#### 11. The Right to Basic Necessities of Life

Allah in the Qur’ān (51:19) ordained that:

قال تعالى: "وفي أموالهم حق للسائل والمحروم"



“And in their properties there was the right of the *Saa’il* (the beggar who asks) and the *Mahrum* (the poor who does not ask others)”. This clearly points to the fact that, it is an obligation on everybody who has means of helping the needy to do so whether he is asked or he observed that by himself. Further, Islam has established *Zakat* as a compulsory charity to cater for the poor and needy. This is a responsibility of individuals and the state. It is the duty of every state to see to the wellbeing of the citizens where and when there is nobody to assist them. The Prophet said: “It will be taken from their rich and given to those in the community in need” (Reported by Bukhari and Muslim). He also said: “The Head of state is the guardian of him, who has nobody to support him” (Reported Abu Dawud and Tirmidhi). The difference between the above subheading and the number four under the basic human rights is that, the former is general, and the latter is specific about the necessities of life as rights of citizens in an Islamic state.

## 12. Equality before the Law

Our creator has conferred on all citizens the right to equality in the face of Islamic Law. And there must be no preference among Muslims. It has been stipulated in the Qur’ān that:

قال تعالى: "إنما المؤمنون إخوة فأصلحوا بين أخويكم واتقوا الله لعلكم ترحمون"

“The believers are nothing else than brothers (in Islamic religion). So make reconciliation between your brothers, and fear Allah, that you may receive mercy” (49:10). This does not apply to only Muslims but also non-Muslims of the Islamic state on conditions.

## 13. People in Authority Not Above the Law

Islam considers everybody as equal whether a person is a ruler or an ordinary person. Islam permits an ordinary citizen to contest a case at the law court against honourable people by filing legal suit against them. A typical example is the case of the noble woman of *Makhzum*



who was convicted by the Prophet. Here, the difference between the subheadings twelve and thirteen is that, thirteen emphasised on the persons in authority but, twelve focused on the general populace.

#### 14. The Right to Avoid Sin

It is the right of every citizen to turn down every command or instruction to commit a crime by refusing to succumb to the orders of any authority or executive that may lead to a wrong deed. Those evil orders must be disobeyed and the commanders must be disrespected. The Prophet (Muhammad S.A.W) said: “It is not permissible to disobey the Lord our creator in obedience to the orders of any human being” (Reported by Ahmad).

#### 15. The Right to Participate in the Affairs of the State

Islam recognizes authorities and governments as representatives of Allah on earth. And for them to carry out their duties effectively; it must be based on consultations because, the responsibility of running the affairs of the nation rest on the totality of the people without preference. Again, every individual or group is a stakeholder in the affairs of the state. Allah says:

قال تعالى: "والذين استجابوا لربهم وأقاموا الصلاة وأمرهم شورى بينهم ومما رزقناهم ينفقون"

“And those who answer the call of their Lord [i.e. to believe that He is the only One Lord (Allah) and to worship non but Him alone], and perform *As-Salāt* (*Iqāmat-as-Salāt*), and who (conduct) their affairs by mutual consultation, and who spend of what We have bestowed on them” (42:38). However, every Muslim contributes either direct by taking part in the deliberations or through representation. And we should remember that, the word “*khalifah*” refers to every single person in this world.

#### 2.6.3 Rights of Enemies at War

Islam has prescribed rules and regulations that guide Muslims at war with their enemies regardless of the attitude of the enemy. There are provisions in the Qur’ān and the Prophet’s

tradition in respect of the above right. During war, there are two categories of enemies that confront the Muslims, the non-combatants and the combatants.

### 1. Non-Combatants

At war with the enemy, women, children, the aged and the infirm must not be killed simply because, they are non-combatants. Islam gives them that right, and thus the rules of the game must be followed. The Prophet said: “Do not kill any old person, any child or any woman” (Reported by Abu Dawud). Also: “Do not kill the people who are sitting in places of worship” (Reported by Ahmad)

### 2. Rights of the Combatants

Islam has given enemies of the Islamic states some rights at war. The following are the summary of those rights:

- Enemy must not be tortured with fire. Prophet Muhammad (S.A.W) in a tradition said: “Punishment by fire does not behove anyone except the Master of the Fire” (Reported by Abu Dawud)
- Wounded enemy at war should not be attacked or killed
- Prisoner of war must be protected
- An enemy captured at war should not be killed
- Stealing and destruction is not permissible
- Enemies property should not be used by Muslims until their permission to use it is granted
- Corpses of the enemy should remain without mutilation
- Dead bodies of an enemy should be given back to his comrades
- Abrogation of a treaty should be avoided
- Enemies should be aware of any war against them

However, al-Sheha also listed some human rights in his work. It is as follows:

### 1. Rights of Parents

قال تعالى: "وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسان"

Allah says: "And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents" (17:23). Also the Prophet said: "Allah's pleasure (on someone) is based on the pleasure of his parents. The Wrath of Allah is based upon the anger of his parents" (Reported by Tirmidhi no: 1962). According to the above injunction, parents are to be obeyed and respected. Their children must love them and show kindness to them. Both parents deserve this right whether they are Muslims or non-Muslims until they instruct their wards to disobey Allah. It was narrated that, Asmāa, the daughter of Abu Bakr said: "My mother came to visit me while still not a Muslim. I asked Allah's Prophet concerning her visit (how to treat her while visiting me) and said: My mother is eager to visit me. Should I (or should I not) extend my courtesy (as a host) to her? He said: "Yes, extend courtesy" (Reported by Muslim no: 1003)

### 2. Rights of a Husband

A husband has the right to run the affairs of his home. He shall account to the Lord in the hereafter because; he is responsible for the welfare and wellbeing of his family. A husband is there to protect the wife because of her weaknesses and to support her financially; therefore, it is an obligation upon a wife to take instructions from the man. Allah says:

قال تعالى: "الرجال قوامون على النساء بما فضل الله بعضهم على بعض وبما أنفقوا من أموالهم"

"Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means" (4:34). It is recorded that, Aishah asked Prophet Muhammad (S.A.W) a question, she said: "Whose right is the greatest on a woman? He replied, "A woman's husbands. The Messenger was asked:

“whose right is the greatest on a man? “ He replied, “His mother’s” (Reported by Al-Haakim no: 7244).

The following are the rights of the husband:

1. She has to beautify herself to the husband.
2. To be obeyed and respected according to the Islamic limitations.
3. No man should be allowed into his house without his consent and permission.
4. To protect his properties in his absence.

### 3. Rights of a Wife

Wives have numerous rights which husbands must observe and it is compulsory upon husbands to give them these rights. This comprises dowry, financial aid, protection, fair treatment, justice and good relationship.

Saabiq (1988) also discussed husband as the leader and the authority of his home and his rights. He outlined both husband’s and wife’s rights.

Some rights of the wife also captured in his book are as follows:

1. She has to be paid her *Mahr* (dowry).
2. She has to be fed by the husband.
3. She has to be respected and treated honourably.
4. She has to be protected from falling into foreign hands.
5. She must be satisfied in bed at least ones a month.

### 4. Rights of Children

Children have many rights among which are the basic necessities of life namely, food shelter, clothen, health care, education, meaningful names and decent upbringing. The Messenger of Allah said: “Verily you will be called by your names and your father’s names on the Day of Requital, so give yourselves good names” (Reported by Abu Dawud no: 4948). He also said:

“It is a sufficient sin to lose and waste those whom you are obligated to support [i.e. by not providing proper care and upbringing]” (Reported by Abu Dawud no: 1692).

## 2.7 Some Human Rights Neglected by the UDHR.

In this section, we shall discuss some human rights which was proclaimed by Allah in the Holy Qur’ān but, neglected by the UDHR in 1948. According to Al-Hageel (1999) it came to light after a thorough study of UDHR declaration that, certain important rights in Islam were not captured in the declaration among other declarations, notably rights of self-defense, rights to forgiveness, rights to inheritance, rights of a Lunatic and rights of orphans. The UDHR either failed or refused to include the above stated rights due to negligence or oversight. First, right of self-defense: Allah proclaimed:

قال تعالى: "والذين إذا أصابهم البغي هم ينتصرون" سورة الشورى

“And those who when an oppressive wrong is done to them, take revenge. [...]” (42:39-41),

He again said:

قال تعالى أيضا: "فمن اعتدى عليكم فاعتدوا عليه بمثل ما اعتدى عليكم واتقوا الله واعلموا أن الله مع المتقين"

“[...]. Then whoever transgresses the prohibition against you, you transgress likewise against him. And fear Allah, [...]” (2:194). Prophet Muhammad (S.A.W) said: “Whosoever is killed defending his wealth is a martyr”. (Reported by Bukhari no: 2348). The above stated verses and Prophetic saying among others constitute the legal backing and a strong evidence of their (the oppressed) right of self-defense, as some of the verses went further to elaborate how aggressors should be dealt with whenever one’s life, properties, relatives and honour are in danger or trampled upon. Secondly, right of a Lunatic: Allah says:

قال تعالى: "فإن كان الذي عليه الحق سفيها أو ضعيفا أو لا يستطيع أن يمل فليمل وليه بالعدل"



“[...]. But if the debtor is of poor understanding or weak or is unable to dictate for himself, then let his guardian dictate in justice. [...]” (2:282), He further said:

قال تعالى: "ولا تَوْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا"

“And give not the foolish your property which Allah has made a means of support for you, but feed and clothe them therewith, and speak to them words of kindness and justice” (4:5).

In this verses Allah has taken care of those with mental disorder by prescribed for them a unique treatment, instructed or made mandatory upon people with sound mind to treat them fairly. He also warned against maltreating them, prescribed taking care of their feeding and clothing, being kind and just to them. (Abdalati 1986).

Thirdly, right of forgiveness: Allah says:

قال تعالى: "خذ العفو وأمر بالعرف وأعرض عن الجاهلین"

“Show forgiveness, enjoin what is good, and turn away from the foolish (i.e. don’t punish them)” (7:199). Prophet Muhammad (S.A.W) also said: “Every human being is made to make a mistake but, the best among them are those who repent or ask for forgiveness” Reported by (Tirmidhi no. 2499 and Ahmad no. 13049). This implies that, there shall be seekers of forgiveness, and if that is the case then there must be others to forgive. Generally, in life, people make mistakes, they misconceive issues, misunderstand each other sometimes and step upon others toes intentionally or unintentionally some other times. In other words there will be enmity in life but, we must seek to resolve it properly because, it is our responsibility to do so. Allah and His Prophet in numerous verses of Qur’ān and *Sunnah* have guided human kind individually and collectively to forgive and promote the value of forgiveness without compromising with evil preachers or war mongers. Al-Hageel went further to state that, it is a categorical statement, made by Allah in the Qur’ān, therefore forgiveness and favour are the very essential tools to be used in fighting aggression and enmity.



Fourthly, right to inheritance: Islam has established the right of human kind for inheritance. This has been stipulated by Allah in the Qur'ān and by Prophet Muhammad (S.A.W) in his tradition. Al-Hageel, affirms that, Allah has specified a fair share for each heir. He writes that, Islam has admitted that man must inherit his deceased right upon their burial but, after all legacies (Promises) by the deceased are given out and all his debts paid. He added that, man-made legislations have ignored this right which was clearly defined and detailed in the (Qur'ān 4:7, 4:11, 4:33 and 4:176), and also in the *Hadith* when Prophet said: "Give inheritance to all those who are entitled, and what remained should be given to the male who is the next of kin" (Agreed Upon).

The fifth and the last in the list of rights ignored by the UDHR is the rights of Orphans: It was argued that, international Law has in its declarations the child right but, Islam has differentiated between the two by giving unique care, assistance and maintenance for Orphans' rights and properties. Al-Sheha (n.d) asserts that, Orphan's right was enacted in the (Qur'ān 2:220, 4:2, 4:10 and 93:9), hence, every sound minded person must be just to them, assist them and treat them fairly or anticipate the undesirable consequences. Finally, there are indicators in the verses above showing that, Allah warns and gets angry when Orphans are treated badly. So, he commanded for their safety and asked people to favour them.

## **Conclusion**

It was established that, in Islam, human beings are equal in dignity. Man is endowed with rights and freedoms, and there should be no discrimination and distinction among them except by piety. Rights and freedoms are given by Allah and cannot be altered, substituted and taken away by anybody. We have gathered that, although human kind was honoured and

raised above all creations, it comes with a responsibility, and man will be held accountable for the privileges given to him.

We found that, there are many sources of human rights in Islam. Qur'ān and *Sunnah* were referred to as the main sources by some Muslim scholars notably, Doi and Ashqar, whereas others see the four (Qur'ān, *Sunnah*, Consensus and Analogy) as the principal sources because, the latter two were approved by the Prophet during his life time. It was shown that, the Qur'ān and authentic *Sunnah* are accepted generally because, the two are direct revelations received by the Prophet Muhammad (S.A.W). Human rights that are contained in the Qur'ān and *Sunnah* were presented and followed by some rights that have been ignored by the UDHR even though they are prominent among Islamic version of human rights.

Finally, Islam has come to protect humanity and sees human kind as a single nation with the same destiny. And because of the deficiencies in man-made legislations, they fail to cover all rights and freedoms for the welfare and wellbeing of the vicegerent of Allah on earth. In the next chapter, we shall focus on the application of Islam's human rights within the Muslim community of Hohoe in the Volta Region of Ghana, especially on its relation to family law in general and marriage and divorce in particular.

## **CHAPTER THREE**

### **RESEARCH FINDINGS**

#### **3.1 Introduction**

In the second chapter, we dealt with the concept of human rights in Islam. We also studied the position of human kind in Islam. In this present chapter, the researcher focused his attention on the findings from the field on the perceptions of some personalities on human rights in Islam. The focus was on awareness of human rights in the Hohoe Muslim community, accusations, family rights abuses, violations of the rights and the causes of such violations, causes of divorce, reasons why people do not report cases of human right abuses or domestic violence and attempts made to protect or guarantee the rights.

#### **3.2 Background of the Study Area**

The Municipality was created in 1979 after it was separated from the old Jasikan and Kpando districts. The area of the Municipality is 117,200 hectares of which 65,000 hectares are fertile for agricultural purposes. Many people in the Municipality are engaged in rain-fed farming. Hohoe is located in the center of the Volta region with Ho as the capital. The Municipality shares borders with Togo to the east, Kpando district to the west, Jasikan district to the north-west and on the south is situated Ho Municipality. The Municipality comprises part of the Akwapin-Togo ranges. The main ethnic groups in the Municipality are: Ewe, Akpafu/Lolobi, Santrokofi, Likpe, Logba, Tafi and Nyagbo. The major religious groups identified in the Municipality are: Christians, Muslims and the adherents of Ingenious Beliefs. The Municipality has a beautiful climate with tourist attractions like, waterfalls. According to the report of the Gbi State (2012), people of Hohoe are of two categories: The Gbiewo (indigenous) and Settlers. It is said that, Gbiewo are Ewe speaking ethnic groups. They are divided into nine with the population of over 80,000 people. These are the Gbi Hohoe, Gbi

Bla, Gbi Wegbe, Gbi Kpeme, Gbi Atabu, Gbi Kledzo, Gbi Kpoeta, Gbi Abansi and Gbi Godenu. Moreover, Gbi Hohoe is the capital of the states. Hohoe has settler communities like, Akplamafu, Avega, Segbedenu, Kodjofe, Agoekodzi, Galikofe and Zongo. Hohoe Zongo which is the area of my study was said to have been established in 1930s as a community of Muslims.<sup>3</sup>

### 3.2.1 Perceptions about the Meaning of Human Rights in Islam

All the respondents provided similar answers but not identical on the question, what is human right in Islam? For that reason, we can conclude that, there are different perceptions of what constitutes human rights among Muslims in Hohoe. Abdul-Rahman Yunus a teacher and member of Hohoe Zongo Development Association (HOZDA) on the 16/02/2013 defined human rights in Islam as basic things which every human being must enjoy as it was stated in the Holy Qur'ān and *Hadith* such as right to life, right to education and right to movement.

On this point Muhammad Yunus Yusif Executive of Hohoe Association of Muslim Students (HAMS) on the 09/02/2013 was of the view that, human rights refers to the privileges completely designed by Almighty Allah for man to live in harmony. In defining human rights in Islam, Aminu Osman Executive of Hohoe Zongo Development Association (HOZDA) on the 06/02/2013 said that, these are laid down universal and fundamental rights for humanity as a whole, as it was ordained by Allah. Haruna Issaka a teacher on the 04/02/2013 described human rights in Islam as the fundamental rights and freedoms that are stipulated in the Islamic law. Therefore we deduced from the views of the respondents that, generally, human rights in Islam are: privileges, liberties, freedoms and rights given to human kind to enjoy within the scope of *Shari'ah*.

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<sup>3</sup> Hohoe Municipal Assembly, 2006, [www.ghanaweb.com](http://www.ghanaweb.com), [hohoe.ghanadistricts.gov.gh](http://hohoe.ghanadistricts.gov.gh) and [en.wikipedia.org/wiki/Hohoe\\_Municipality\\_District](http://en.wikipedia.org/wiki/Hohoe_Municipality_District)

In an interview with Abdul Qadir Issah, an Islamic scholar on the 03/02/2013 explained that, human rights in Islam means freedoms that human kind was endowed with in the Qur'ān and *Hadith* in order to lead an exemplary life in this world. He further stated that, Islam has prescribed injunctions for life before all the declarations notably, the United Nations (UN) declaration of human rights in 1948. These injunctions comprises the numerous birth rights given to man namely, right to life, right to food, shelter and clothen, right to education, right to security, right to own property and many more. Again, he quoted a Qur'ānic verse to justify his initial submission on the freedoms within the confines of the religion. Allah says:

قال تعالى: "ونفس وماسواها. فألهمها فجورها وتقواها"

“By *Nafs* (Adam or a person or a soul), and Him who perfected him in proportion. Then He showed him what is wrong for him and what is right for him” (91:7-8). This he said: implies that, all persons are allowed to make their own choices.

According to Muhammad Awwal Husain, *Na'ib* (deputy Imam) Ahlussunnah mosque, Hohoe Sabon Zango on the 04/02/2013 and Dawud Husain, Imam Site mosque on the 21/02/2013, it is the freedom and liberty which man was endowed with. Further, they explained that, man must be allowed to practice his wishes within the borders of Islamic law. They believed, this cannot be achieved unless every individual decides to learn so that, he/she would understand the divine law in its entirety. Similarly, Muhammad Alhassan, the President of Hohoe Association of Muslim Students (HAMS) in an interview on the 22/02/2013 defined human rights in Islam as: freedoms and privileges of humanity allowed within the *Shari'a*. He said: “man must do things according to the religious norms and that would be suitable to the society in which he lives and in the end he would be rewarded in this world and the next.

In responding to the essence of human rights in Islam, Two hundred and fifty three (253) out of Two hundred and seventy (270) informants described the essence using words and phrases



such as: it is to guide human kind, to protect man from humiliation, to give better life, to avoid abuses, to tolerate each other, to co-exist peacefully with one another and to maintain law and order.

Salisu Baba, a social commentator and *Muqaddam* in an interview on the 25/02/2013 at his residence submitted that, Islam strictly prohibits man from sacrificing his excellent morals for the sake of lusts and cravings. According to Hafsatu Husain, the *Ameerah* (President) of FOMWAG Hohoe on the 26/02/2013 and Ustaz Nurudeen of Tijaniyyah Muslim Brotherhood on the 24/02/2013, the essence of human rights is to give human beings protection, guide them and maintain justice and peace through the enforcement of Islamic law.

Abdul Qadir Issah, an Islamic scholar, on the 03/02/2013 maintained that, the essence of human rights in Islam is to guide human kind to live a decent and an exemplary life, and protect humanity from humiliation. Dawud Husain, an Imam, 21/02/2013 was of the view that, it is to help create peaceful atmosphere and to guide and protect life and property. Further, he said: “all these rights are enshrined in the Qur’ān which was the life of Prophet Muhammad (S.A.W) as it was reported by his wife Aishah. Armiyaw Muhammad, Executive of Hohoe Zongo Development Association (HOZDA) in his response to the essence of Human rights in Islam on the 23/02/2013 stated that, the provisions are there to serve as checks and balances. He added that, people must follow the guidance of the divine books which contain the injunctions and taboos as they are the good books everybody should refer to, so that, some persons do not trample upon the rights of others.

Muhammad Tajudeen Mairiga, Chief of Hohoe Zongo stated emphatically that, the rights are proclaimed in the Qur’ān and elaborated by the Prophet in his traditions. He said in an interview on the 24/02/2013 at his palace that, rights are given to mankind and Jinn for

guidance, protection and remedy to all sorts of sicknesses. He went further to say that, Allah spelt out the right of every individual in the Qur'ān thousand four hundred years ago, before the UN declaration of human rights. Mustapha Husain, Secretary of Ahlussunnah Wal-Jama'a Volta Region ASWAJ on the 21/02/2013 also shared the above view when he said: it is to provide all persons with the opportunity to live a better life, peacefully and comfortably devoid of infringements.

### **3.2.2 Awareness of Human Rights in Islam**

Most of the respondents concluded that, there is awareness on the topic. Mustapha Husain, Secretary of Ahlussunnah Wal-Jama'a Volta Region on the 21/02/2013 shared the opinion and said: “for a Muslim to claim he/she is unaware of human rights in Islam or behave as such shows clearly that, he/she is not a true Muslim. He added that, all practices of a dedicated Muslim include the application of human rights because, it was reported that, companions of the Prophet posed a question to his wife asking her, what was the character of the Prophet? And she replied by saying: his character was the Qur'ān”. He thus said: it would be a surprise to find a Muslim claiming he is unaware of human rights in Islam while the Qur'ān is in his/her possession.

Mustapha went further to say that, a typical example of awareness is the incidence of Hohoe (the clash between Muslims and the *Gbiwo*). Muslim youth went and vandalized the palace of Togbega Gabusu VI and threaten to behead him after he ordered his subjects to exhume the body of the Chief Imam of Hohoe and live it in the open. He said: “although, the action of a section of the youth from Zongo was not done on consensus, it is their right to be buried after death wherever they are found. This according to him is a clear indication of their awareness of human rights. In addition to the initial submissions on the question Armiyaw Muhammad on the 23/02/2013 stated that, Muslims of Hohoe are fully aware of human rights

in Islam. He cited an example where a young girl went to seek justice by reporting her father to the police when she was forced into a marriage and she was relieved from that by being given a hearing. Salisu Baba on the 25/02/2013 also believed that, partially, Muslims in Hohoe are aware of human rights. He stated that, Islam stands in the face of those who dishonor humanity and fights them fiercely. So societies where individuals and social ties are built on Islamic values enjoy tranquility, comfort and trust in all aspects of life. Therefore, based on these values, all members in the community enjoy equal rights.

Abdul Qadir Issah on the 03/02/2013 and Muhammad Alhassan on the 22/02/2013 argued that, it is only a few Muslims who are aware of human rights, among them are, the Muslim scholars, Imams and students of Islamic religion. In addition to the above mentioned groups are some individuals who always knock at the doors of *Ulama'a* (Scholars) seeking explanations on religious matters as Dawud Husain on the 21/02/2013 indicated. Muhammad Alhassan on the 22/02/2013 expressed his grief over the lack of awareness because; some Muslims seem to consider issues of rights as an anathema.

### **3.2.3 Accusations of the Enforcement of Human Rights in Islam by some Individuals**

In answering questions on accusations Two hundred and thirty eight (238) out of Two hundred and seventy (270) respondents believed that, there are accusations against persons who try to advocate the enforcement and the implementation of human rights in Islam, as well as those who apply it and who want to see that justice prevails.

Hafsatu Husein, president of FOMWAG in Hohoe on the 26/02/2013 testified that, religious people who insist on piety and righteous conduct are sometimes accused for making sure that, the right thing is done. According to Ustaz Nurudeen's, Khalifa of Tijaniyya Brotherhood: "some Muslims and non-Muslims blame practitioners of human rights in Islam, Muslim scholars, human rights advocates and opinion leaders in the community for enforcing the

implementation of human rights in Islam. He added that, this is because; the accusers follow the footsteps of Satan, their hearts' desires and some western cultures that are practiced by some members of the society". 24/02/2013.

In an interview with Muhammad Tajudeen Mairiga in his palace on the 24/02/2013 on allegations leveled against Muslims he stated that, Islamically, everybody has rights and freedoms which nobody has the power to abuse. However, rights of people are often abused due to the rigidity of some members of the community who practice a puritan Islamic type of religion. Secondly, the divergent views on religious matters because of people's affiliations to the various Islamic orientations are to be blame. Thirdly, lack of understanding and tolerance on the part of some of the non-Muslims who regard some actions of Muslims like, polygamy, wearing of *hijab*,<sup>4</sup> keeping women at home, punishment of theft, adultery and many more as violations of human rights. Muhammad Alhassan has revealed on the 22/02/2013 that, persons who are not committed to implementing the rights as ordained by Allah believe that, those seeking justice are too strict and rigid and chose to describe them as extremists and fundamentalist.

In addition to that, Mustapha Husein, secretary of Ahlussunnah Wal-Jama'a Volta region, on the 21/02/2013 asserts that, most people want to practice western culture which is contrary to the Islamic tenets. He stressed that, Islamic law is not intended to cut the hand of a thief or stone an adulterer to death but, to serve as a deterrent. Again, it is to create a conducive atmosphere for people to live comfortably, enjoying peace and security. He stated that, "thievery and adultery are violations on the rights of others, thus, culprits found must suffer

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<sup>4</sup>The Arabic word *Hijab* is the root word of *hajaba* meaning to veil or to cover. Literally, it is the long dress and veil or yashmak worn by Muslim women, especially when they are going to pray or they are going out of their homes. Further, it is any dress worn by a Muslim woman that covers her whole body leaving no signs of her shape or various parts of her body, except her face and palm. See *Concise Dictionary*, Munir and Rohi, pp. 283-284, and *BBC English Dictionary*, HarperCollins and others, p. 1368. *Hijab* in the Qur'an (33:59) is described as *Jalbaab*.

the consequences and punishment must be applied. Further, he said: “people are living in harmony at places like, Saudi Arabia. It is because punishments prescribed by Allah are applied. Therefore, rights of every individual notably, right to life, right to owning property, freedom of movement and more are given to them accordingly”. Muhammad Awwal Husain on the 04/02/2013 indicated that, one contributory factor to the accusations levelled against the Penal Code is the fact that, human rights in Islam are codified in the Islamic law which seem to be a threat to the western world. According to Mustapha Husein, in Hohoe, Muslims violate the above mentioned rights. This is because, those found guilty were not punished as required by the divine law.

### **3.2.4 Abuses of Family Rights**

In an interview with the targeted groups and personalities on the 16/02/2013 at the AhlulSunnah Wal-Jama'a English and Arabic School (ASWAJ) on the question, are family rights abused and how? All two hundred and sixty eight (268) out of Two hundred and seventy (270) respondents shared a common view that, many couples infringed upon the rights of each other and on the other hand they trample upon the rights of their children. They postulated that, in Islam, much attention is given to family affairs. Therefore, family ties must be a vigorous one which in the end would lead to building a strong and vibrant nation. A nation that can stand the test of the time.

According to Muhammad Awwal Husain on the 04/02/2013, rights of the two partners are mostly violated. He added that, the most vulnerable between the marriage couples is the wife. He cited payment of fees in schools and attending Parents and Teachers Association (P.T.A) meetings which originally are the responsibility of husbands but, to some extent, the wives have taken up the responsibility. He added that, while some parents are doing all they could to cater for their children and trying to see that they excel in their education, others violate



their birth rights by denying them their basic needs namely, right to life, food, clothen, shelter, education, love and general care. He ended his submissions by saying that, children are dependants of their parents, and whenever parents fail to provide them with proper care and maintenance, they become liabilities and cannot be responsible in future.

Armiyaw Muhammad on the 23/02/2013 expressed his gush and said: when parents fail to appreciate the rights as proclaimed by Allah children suffer most in the end. He further stated that, many children in the Hohoe Muslim community are sent to school but, they are not provided with the necessary learning materials, and they are denied ample time to study at home. In an interview with Muhammad Alhassan, the president of Hohoe Association of Muslim Students (HAMS) on the 22/02/2013, he made it clear that, violations of family rights are rampant. He asserted that, some parents neglect their child after birth forgetting that it is a sin against God, the child and the society as a whole. In Abdur-Rahman Yunus and Salisu Baba's views, rights of husbands are violated when they are denied food, sex, peace and respect while wives rights are abused by making them bread winners of the family. According to them, wives are made to feed the family and take care of the children in the Hohoe Muslim community. They stated that, children are denied their basic rights such as food, shelter, clothen and education. And they are engaged in child labour like selling in the community at the early stages of life. Ustaz Nurudeen and Lukman Sulemana, a teacher, on the 05/02/2013 are of the view that, children also infringe upon the rights of the parents by disrespecting them, disobeying them and stealing their properties.

According to the data collected on the reported cases of abuse from the Commission of Human Right and Administrative Justice (CHRAJ),<sup>5</sup> Hohoe, It was proven that, for seven years at random (2001, 2002, 2005, 2006, 2009, 2011, 2012), the number of reported cases were five hundred and forty four (544) from Hohoe. The commission recorded Nineteen (19) cases out of the above figure from the Muslim community. Fourteen (14) were mainly on the family rights abuses. After scrutinizing the fourteen 14 we found that, three (3) were basically violations on children's rights and the remaining eleven (11) were abuses on wives and children. Michael Amoadja, Chief Assistant Registrar CHRAJ and Joshua Borah, Municipal Director CHRAJ Hohoe on the 05/03/2013 illustrated that, violations of family rights generally are on the ascendancy except that, people feel reluctant to report perpetrators to the commission and to seek justice.

Paul Kojo Mensah, Municipal Director, Domestic Violence and Victim Support Unit (DOVVSU),<sup>6</sup> Hohoe on the 09/07/2013 categorically stated during the interview that, it came to their notice that, women and children's rights are trampled upon, as well as domestic violence which is ongoing in Hohoe Muslim community but, victims of the abuses and their witnesses fail to report to the appropriate authority. Further, he disclosed to me during the interview that, victims' failure to report is as a result of fear of breakup in their relationships. Paul Kojo Mensah made it clear that, they work hand in hand with other institutions such as Department of Social Welfare (DSW) and CHRAJ. And their activities are governed by the domestic violence Act 2007 Act 732 which was ratified to protect humanity. However,

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<sup>5</sup> CHRAJ is an acronym to mean Commission of Human right and Administrative Justice. It was established in 1993 under the 1992 constitution of the Republic of Ghana. Its activity is to protect people's fundamental rights and freedoms. Further, it is enshrined in Article 37 (1) of the state constitution that, "The state shall endeavour to secure and protect a social order founded on the ideal and principles of freedom, equality, justice, probity and accountability". See Constitution of the Republic of Ghana – 1992.

<sup>6</sup> DOVVSU is an acronym which stands for Domestic Violence and Victim Support Unit. Formally, it was known as WAJU which stands for Women and Juveniles Unit. DOVVSU nationwide has 89 offices in some Divisions and Districts. It was established in October, 1998 in order to play certain roles: To investigate cases of domestic violence and child abuse, to address juvenile cases, to provide assistance for victims of abuse, to arrest and prosecute perpetrators. See Domestic Violence Act 2007 – No Panacea for Violence against Women: Women in Law and Development in Africa (WiLDAF), p.1, and Ghana Police Service Official Website.

according to Godwin Mawuena, Municipal Director DSW<sup>7</sup> Hohoe on the 10/07/2013, generally, Social Welfare cases are on the decrease, especially cases from Hohoe Muslim community. He added that, the decline is a sign of awareness about human rights and Domestic Violence in that community.

### **3.2.5 Causes of Human Rights abuses among Muslims in Hohoe**

In response to the question, what accounts for the abuse of human rights among the Muslims of Hohoe? Two hundred and sixty four (264) out of Two hundred and seventy (270) respondents mentioned ignorance coupled with illiteracy, poverty, disrespect, lack of maturity, lack of understanding, pride and superiority, deviation from the teachings of Islam, misconceptions of the rights, and lack of awareness, influence of rich over the poor, materialism and cultural beliefs. However, Two hundred and sixty three (263) out of Two hundred and seventy (270) of the informants regarded ignorance, illiteracy, poverty and superiority as the main causes of violation.

Salisu Baba on the 25/02/2013 stated that, it is the materialistic culture and dogmatic differences. Abdur-Rahman Yunus on the 16/02/2013 added that, it is lack of respect for human kind and also, some of our outmoded cultural practices and beliefs. However, Mustapha argued strongly that, the abuses are often without any particular reason. Muhammad Tajudeen Mairiga on the 24/02/2013 maintained that, ignorance and poverty are the leading factors of human rights violation but, he finally said that, “Muslim scholars and Imams must be blamed for not doing the best in creating the awareness on the subject. And on the other hand, a fair share of the blame should also be attributed to the Muslim community at large for not having the will power to stop wrong doers and call for justice”.

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<sup>7</sup> DSW is an acronym to mean Department of Social Welfare. This department is the government statutory agency that has the mandate to regulate the operations of children’s homes in Ghana. Its obligations comprises the following: to promote and protect children’s rights, to ensure justice and administration of child related matters, to take care of disable and needy adults and it has to see to the budgeting, planning and monitoring. See [www.ovcghana.org/about\\_dsw.html](http://www.ovcghana.org/about_dsw.html)

And Michael Amoadja, chief assistant registrar, CHRAJ, on the 05/03/2013 emphatically stated that, they (CHRAJ) believe that, poverty is the course of violations of human rights in the Muslim community of Hohoe.

In fact, the majority of the respondents representing 25.5% believe that, Non-Maintenance is the cause of the abuses. 23.6% of respondents agree that, it is lack of justice between couples, between parents and their wards, among Muslims in their community and between Muslims and non-Muslims in and around Hohoe Muslim community. Respondents representing 21.8% stated that, what causes abuses sometimes is the denial of sex by the two parties (husband and wife), on one hand by the wife and on the other by the husband. Maltreatment was asserted by 16.4% of respondents as the cause, especially, when they fail to do what is expected from them. 12.7% of respondents pointed out that, the causes are the security related issues where the wife is vulnerable to all dangers; the man is not assured of the safety of his life and property and children not given the maximum protection.

### **3.2.6 Causes of Divorce**

From the survey, 24.1% of respondents admit that, maltreatment is one of the factors that lead to divorce among Muslims in Hohoe. In respect of the causes of divorce, 20.4% of respondents affirm that, unfaithfulness among the married couples is a factor. Beating is a cause of divorce as it was suggested by 14.8% of the respondents during the study. Another 14.8% of respondents state that, it is the Non-Maintenance of wife, children and the house. 11.1% respondents are for denial of sex by a partner. 7.4% of the respondents identify barrenness as a cause of divorce even if there are other factors. The remaining 7.4% of respondents are of the view that there are causes apart from that of the questionnaire such as, disrespect, disobedient, insults, superiority.



### **3.2.7 Places Where People Report their Cases**

The majority of respondents representing 33.3% consider reporting their cases to an Imam. 22.2% of the respondents indicate that, they would prefer to go to the chief's palace and seek redress. 13.0% of the respondents believe that, CHRAJ is the institution that can address their cases; therefore, they would love to report to them. 11.1% of respondents indicate that they prefer to report to the *Ulama'a* (Islamic Scholars) believing to have a solution to their cases. 7.4% of respondents suggest that, they would report to DOVVSU especially when it is a domestic violence. Police will be preferable to another 7.4% of the respondents from what the study gathered. 3.7% of respondents assert that, their line of action will be through any competent court of jurisdiction. 1.9% of respondents thought of other places notably, heads of family members and beyond.

### **3.2.8 Reasons Why People will not or do not Report Cases of Human Right Abuses**

Victims are prevented and will be prevented from reporting their cases by criticizing them as the 48.1% of the respondents assert. 30.8% of respondents affirm that, it is the shyness which is making victims of human rights abuses feel reluctant to report their cases to anybody. The minority of the respondents representing 21.2% attest to the fact that, the reason behind their silence is the culture of some ethnic groups within Muslim community of Hohoe. The registrar of Magistrate Court, Hohoe Joseph stated that, Muslims hardly report cases of abuse, and even when it happened they end up withdrawing their case in order to solve it locally.

## **Conclusion**

It was understood that human rights in Islam means freedoms, rights and privileges that Almighty has endowed man with in order to live a better life that will lead to a great reward



in the hereafter. It was gathered that, the reason for entrusting Holy Qur'ān which is a divine constitution for every Muslim and the tradition of Prophet Muhammad (S.A.W) in the hands of man is to safeguard humanity from going astray.

We deduce from the study that, there are two different views on the awareness of human rights in Islam. Many Muslims in the community believed they are aware of the rights but, some other members of the community believed otherwise because, the awareness claimed by the majority does not reflect in their lives. We found that, people with good moral values and discipline are verbally attacked and assaulted for practicing righteousness and living an exemplary life.

It was observed that, family rights abuses are real. Men are found violating the rights of women and vice versa. Children are denied their rights and they also infringe upon the rights of parents by disrespecting and stealing. We have identified major causes of human rights violations thus: lack of awareness, lack of education, financial constraint and pride.

We have identified some major causes of human rights abuses namely, non-maintenance, lack of justice, maltreatment, denial of sex and security related issues. Causes of divorce among Muslims in their community were registered. And places where people can report their cases are also considered. Finally, the reason why most people do not or may not like to report their grievances to any authority was noted. However, measures were put in place and a lot have been done to protect victims of human rights and domestic violence but, yet still, there is more to be done. In the next chapter, we shall discuss and analyze the research findings, as we shall highlight on the parallel and antithetical areas of Islam and International law on human rights.

## CHAPTER FOUR

### DISCUSSION OF RESEARCH RESULTS AND FINDINGS

#### 4.1 Introduction

Following the findings of the field survey in the previous chapter, this chapter seeks to discuss the findings in line with the research questions. The discussion is done also, in line with the views expressed by the various persons at the institutions interviewed.

The sources include: Chiefs, *Aimah* (Imams), Husbands, Wives, Children and the institutions charged with the responsibility of ensuring human rights and justice in and around the Muslim community of Hohoe. The discussion is done in a way that is in keeping with the information gathered from – *Aimah* (Imams) and *Ulama'a*, Chiefs, Commission on Human Rights and Administrative Justice (CHRAJ), Domestic Violence and Victim Support Unit (DOVVSU), Department of Social Welfare (DSW), Magistrate Court, Wives and Husbands, Children and other opinion leaders within the Muslim community of Hohoe.

#### 4.2 Data Source Characteristics

This section presents the opinions and views given by various institutions and agencies in the study area on cases of human right abuses reported to them and the measures put in place to address them. Data from these sources are accordingly analyzed and discussed in the subsequent sections of the chapter.

The husbands and wives constituted married partners who have been affected by one form of human right abuse and/or domestic violence or the other. These groups of persons have some form of basic and secondary education with an average age of about 35 years.

The children interviewed on the other hand, make up of a group of children whose rights upon their parents and/or their community (the Muslim community of Hohoe) notably; rights of self-defense, rights to forgiveness, rights to inheritance and rights of orphans have been denied. While some of the children were in school about 38 percent of them were not in school as of the time of the survey. The interview sought to pick the children's understanding of what constitutes human right abuse and/or domestic violence and whether or not they are aware of such circumstance within the Muslim community of Hohoe. Other formal institutions whose opinions were sought and discussed include; Domestic Violence and Victim Support Unit (DOVVSU), Commission on Human Rights and Administrative Justice (CHRAJ), Department of Social Welfare (DSW) and the Magistrate Court of Hohoe.

#### **4.3 Responses to Human Right Abuses**

This section presents the responses to the various questions raised about the form of human right abuses and the measures taken to address them as given by the various interviewees during the course of the research. It also describes the categories of cases reported to the human right institutions as well as measures put in place to curb the phenomenon of human right abuse and/or domestic violence in the Muslim community of Hohoe. Further, it includes the presentations and analyses of the responses.

**Table 4.3.1 Perception about the Meaning of Human Rights in Islam**

Perception	Percentage
Freedom	63.0
Fundamental Rights	17.0
Privileges	10.0
Liberty	10.0
Total	100.0

Source: Field Survey, 2013

The table clearly indicates that, the majority of the respondents that constitute 63.0% perceive human rights in Islam as freedoms of all persons to say, act and move freely devoid of interference, interruption and any act of hindrance. 17.0% when they were asked of how they perceive human right in Islam, turn to understand it to be the fundamental rights of human kind and the remaining 20.0% sees it otherwise. However, I believe that, it is their choice of words that differs but, they try to mean same. Perhaps, what makes it different is that, right is the moral or legal claim of something for humanity while, freedom is exercising that right without fear or favour.

In fact, under this heading, we do not seek to get the definition of human rights but, to see how people understand it in the Islamic perspective. In Islam, all aspects of life are religious; therefore, Islam can be described as a way of life instead of narrowing it to some few activities of the religion. Islam is a complete enterprise where religious persons are guided on how to go about every single activity in life. For that matter, principles, injunctions, taboos and other laid down procedures for the entire life of every individual and groups are ordained

by Allah in the Qur’ān as well as the tradition of Prophet Muhammad (S.A.W) which, man is required to know and comprehend. Allah says:

قال تعالى: "قل إن صلاتي ونسكي ومحياي ومماتي لله رب العالمين لا شريك له وبذلك أمرت وأن أول المسلمين" سورة الأنعام

“Say (O Muhammad S.A.W): “Verily, my *Salāt* (prayer), my sacrifice, my living, and my dying are for Allah, the Lord of the *Alamin* (mankind, jinn and all that exists). He has no partner. And of this I have been commanded, and I am the first of the Muslims” (6:162-163).

So, one must seek the understanding of the principles, norms and tenets of Islam before he/she gets involve in any act. It is recorded that, Bukhari<sup>8</sup> created a chapter and named it:

قال البخاري: "باب العلم قبل القول والعمل"

“Knowledge before speech and action” Sharh Usool Al-Salaasah p.27. To prove what he did he used Qur’ānic verse as evidence. Allah says:

قال تعالى: "فاعلم أنه لا إله إلا الله واستغفر لذنبك وللمؤمنين والمؤمنات والله يعلم متقلبكم ومثواكم" سورة محمد

“So know (O Muhammad S.A.W) none has the right to be worshipped but Allah<sup>9</sup>, and ask forgiveness for your sin, and also for (the sin of) believing men and believing women. And Allah knows well your moving about, and your place of rest (in your homes)” (47:19).

“Knowledge comes before the saying and work” Sharh Usool Al-Salaasah p.27. This means speech and action would not be right and it will not be in line with the divine guidance if it is not associated with knowledge, because, it is the knowledge that will serve as light and guide for any of the utterances and work. For example, people have the right to freedom of speech

<sup>8</sup> Bukhari is Abu Abdullah Muhammad bin Ismael bin Ibrahim bin Al-Mugirah. He was born in a city called Bukhara in the tenth month of the Islamic calendar (*shawwal*) year 194H and died in the night of *Eidul-Fitr* year 256H. He is the author of the famous hadith (Prophet Muhammad’s tradition) book known as Saheeh Al-Bukhari.

<sup>9</sup>It is important to have a fair knowledge of something before acting upon it, as it was ordained by Allah in the Qur’ān (47:19). And from among the favours of Allah to humanity is to make human kind understand the religion as Allah stated in the Qur’ān (6:125).



but, when their speeches turn to be inflammatory and insulting, that right is taking away from them because, beating war drum, insults and inciting people to violence are all evil statements which are contrary to the divine law. On the knowledge, it was said in Akhdari: (p.3)

"ولا يحل له أن يفعل فعلا حتى يعلم حكم الله فيه. ويسأل العلماء"

“It is not permissible for him to undertake any deed except after he knows Allah’s ruling concerning that matter. He should as a matter of duty ask the learned”

Thus, it is prohibited for anybody who claims to be a Muslim to do an act until he/she knows the dos and don’ts or the verdict of Allah (God) about it.

The study clearly shows that, in the Muslim community of Hohoe it is the Islamic elites who can explain what human rights in Islam is. These are very few among the residents of the community. The *Ulama’a* made us to understand that, although human kind is endowed with rights and freedoms, it should be within the confines and limitations of Islamic law. However, other respondents explain it in the circular context. The third category of Muslims in the community could not expatiate. To conclude on this, Muslims of Hohoe base on their perception on the human rights in Islam can be rated, and it is as follows: Majority of them are below average, followed by the small group of learned men and women with average and then the smaller group which is above average. These conclusions do not only reveal the perception about the concept of human rights in Islam but, also, their awareness of the rights as we can see in the next table.

On the essence of human rights in Islam, I totally agree with the responses of the informants that, it is to ensure justice and equality so as to protect human dignity and integrity. In some instances it was recorded that, Messengers and Prophets of Allah were sent purposely because of justice that would lead to the protection of humanity. Allah says: “We have sent

our Messengers with clear signs and scriptures so that men may uphold justice” Qur’ān (57:25).

It is worthy to note that, Allah always stands for justice, and when He speaks about it, the ultimate objective is the protection of human rights. Allah says in the Qur’ān (3:18).

قال تعالى: "شهد الله أنه لا إله إلا هو والملائكة وأولو العلم قائما بالقسط لا إله إلا هو العزيز الحكيم" سورة آل عمران

“Allah bear witness that none has the right to be worshipped but He, and the angels, and those having knowledge (also give this witness); (He always) maintains His creation in justice. None has the right to be worshipped but He, the All-Mighty, the All-Wise” Again He said:

قال تعالى: "إن الله يأمر بالعدل والإحسان وإيتائ ذي القربى وينهى عن الفحشاء والمنكر والبغى يعظكم لعلكم تذكرون"

سورة النحل

“Verily, Allah enjoins *Al-Adl* (i.e. justice and worshipping none but Allah Alone – Islamic Monotheism) and *Al-Ihsan* (i.e. to be patient in performing your duties to Allah, totally for Allah’s sake and in accordance with the *Sunnah* (legal ways) of the Prophet peace be upon him, in a perfect manner), and given (help) to kith and kin (i.e. all that Allah has ordered you to give them e.g., wealth, visiting, looking after them, or any other kind of help), and forbids *Al-Fahsha’* (i.e. all evil deeds, e.g. illegal sexual acts, disobedience of parents, polytheism, to tell lies, to give false witness, to kill a life without right), and *Al-Munkar* (i.e. all that is prohibited by Islamic law: polytheism of every kind, disbelief and every kind of evil deeds), and *Al-Baghy* (i.e. all kinds of oppression). He admonishes you, that you may take heed” Qur’ān (16:90).

Indeed, Allah commands people to be just and righteous. The emphasis here is on the word “justice”. It is evident that, righteousness is considered the highest and superior, as it is the highest level or form of faith, yet, justice is mentioned before faith.

It was established that, nations are tested whenever the emotions of love or hatred crops up but, no matter what they think about each other and how they feel about one another, they must be just. Allah says:

قال تعالى: "يا أيها الذين ءامنوا كونوا قوامين لله شهداء بالقسط ولا يجرمنكم شنئان قوم على أن لا تعدلوا اعدلوا هو أقرب

للتقوى والتقوا الله إن الله خبير بما تعملون" سورة المائدة

“O you who believe! Stand out firmly for Allah as just witness; and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety; and fear Allah. Verily, Allah is Well-Acquainted with what you do” Qur’ān (5:8).

However, they (enemies and the oppressed) are human kinds, hence, no matter the circumstances; they do not lose their dignity and they should be treated fairly. So people must put a stop to the culture of silence and should not allow themselves to be degraded. And failure to fulfill the obligation (by ensuring and enforcing justice) will result in trampling upon the rights of human beings and that is a grievous sin, and the eminent result of that would be a curse by Almighty Allah. The very clear picture of this scenario is found in the Qur’ān:

قال تعالى: "لعن الذين كفروا من بني إسرائيل على لسان داود وعيسى ابن مريم ذلك بما عصوا وكانوا يعتدون. كانوا لا يتناهون عن منكر فعلوه لبئس ما كانوا يفعلون" سورة المائدة

“Those among the children of Israel who disbelieved were cursed by the tongue of *Dawud* (David) and *Isa* (Jesus), son of *Maryam* (Mary). That was because they disobeyed (Allah and the Messengers) and were ever transgressing beyond bounds. They used not to forbid one another from *Al-Munkar* (wrong, evil-doing, sins, polytheism, and disbelief) which they committed. Vile indeed was what they used to do” (5:78-79).

Interestingly, every human kind longs for justice, even if he/she does not observe that for others, he/she wants justice to be done to him/her. Such selfish and greedy individuals become insensitive or unconscious to the suffering of others because, they understand that, power and influence prevent people from doing justice to others. And obviously, anybody who has suffered prejudice from any wrongdoer, regardless of his/her background definitely, will want to see the offenders face stiffer punishment.

In addition, every Muslim has the responsibility of contributing to the wellbeing of humanity. And one of the most important contributions regarding that is, respecting the human dignity and striving to bring justice and eradicate injustice among people of any society. For that

reason, as we embark on education about the birth rights of all persons, there should be some individuals and groups to be speaking on their behalf.

**Table 4.3.2 Awareness of Human Rights in Islam**

Awareness	Percentage
Yes	97.0
No	3.0
Total	100.0

Source: Field Survey, 2013

Almost all the respondents constituting 97.0% response were in affirmative excluding the remaining 3.0% that think otherwise. This is when they were asked on whether there is human rights awareness among Muslims in Hohoe. Yes, indeed, there is an indication to the fact that, Muslims of Hohoe to some extent are aware of their rights. It is something that cannot be ruled out but, for me, it is not visible because, it is not manifesting in their lives. It can be said that, their actions contradict their beliefs simply because, what they demonstrate (violations of all kinds between the married couples, between parents and their wards and among families) reveals lack of awareness.

Having said that, in discussing the Hohoe incidence, my opinion is that, the youth should have sought the advice of their elders and move ahead to petition the authorities (the Police, DOVVSU, CHRAJ, Department of Social Welfare and the Court) to seek redress for the law to take its course. In fact, all persons are bound by laws which are entrusted in to the hands of the authorities at the various institutions. Therefore, for the youth to take the law in to their own hands is not the best even though they have a strong case against the Paramount Chief.

Moreover, the youth transcended their boundaries for not seeking the view of the opinion leaders before reacting.

And to the statement made by the secretary of Ahlussunnah Wal-Jama'a Volta region, Mustapha when he said: "for a Muslim to claim he/she is unaware of human rights in Islam or behave as such shows clearly that, he/she is not a true Muslim". It is obvious that, this is the secretary's opinion and he owned his words which does not represent Ahlussunnah Wal-Jama'a in any way. And I strongly disagree with him because, we understand that, religious people can be categorized as saints and nominal but, all of them are considered religious people despite the nominal being below average.

**Table 4.3.3 Accusations of the Enforcement of Human Rights in Islam by some Individuals**

Accusations	Percentage
Yes	90.0
No	10.0
Total	100.0

Source: Field Survey, 2013

From the table, the majority of respondents representing 90.0% assert that, people who intend to see to the enforcement of human rights in Islam are largely criticized of not allowing others to have their liberty to practice what they prefer to themselves even if it is not to the interest of the masses. Those advocators are seen to be too conservative who do not want any reform in the religion. The minority representing 10.0% claim that, nobody is being accused of doing what is right and nobody is attacked of being part of the human right campaign.



Considering the responses of the informants, I deduced from their statements and opinions that, Muslims of Hohoe are in two categories under this heading. Category one, is made up of persons who practice puritan Islamic type of religion and the other category comprises those who practice the syncretistic type. This came to light when some Muslim scholars were seen to be rigid when preaching on human rights in the Islamic perspective. In our view, people should learn to dialogue, understand and tolerate one another. When people begin to learn to understand others belief and try to tolerate each other they would together be able to push whatever agenda they have and make the laws work, and when that happen, people then would live peacefully and harmoniously. Further, I believe, it is because, they are not recognized officially as human rights activist and they failed to strategize and coordinate mechanisms in order to achieve the intended purpose. In addition, this implies that, due recognition and appreciation is not accorded to the subject under discussion. Finally, the study reveals that, today, human rights organizations all over the place are working tirelessly to see to it that, there is justice and human rights laws are enforced. However, there is no coherence in their activities as they do not typically address the range of the laid down policies. Sadly, while some individuals and groups are trying to teach on human rights, sensitize and create awareness, others complain and never appreciate their efforts.

**Table 4.3.4 Abuses of Family Rights**

Abuses	Percentage
Yes	100.0
No	Nil
Total	100.0

Source: Field Survey, 2013

The table points to the fact that, there is 100.0% affirmation of family rights abuses from the respondents. Thus, it is assumed that, abuses of family rights in the Hohoe Muslim community are becoming unbecoming. Apparently, in our view, family right abuse became a canker when the people reluctantly, fail to prioritize so that, they could address issues like domestic violence, and human rights violations, and did not try to look for a lasting solution to the ills rather, they allow it a space to grow and it ate in to them. Why are we talking about prioritization? The answer is very simple. It is because; we have important issues and more important ones which we believe every Muslim must begin with. Obviously, family rights abuse is rampant in the Hohoe Muslim Community and it is paramount to be addressed gradually. Unfortunately, we find Muslims today working assiduously in resolving less important matters of the day leaving the most important. It is proven in the tradition of Prophet Muhammad (S.A.W) said:

قال صلى الله عليه وسلم: "الإيمان بضع وسبعون شعبة, أعلاها قول لا إله إلا الله, وأدناها إمطة الأذى عن الطريق"

Prophet Muhammad (S.A.W) said: “*Iman* has more than seventy branches. The uppermost of which is the declaration of the Oneness of Allah, and the least of which is the removal of harmful objects off the road” (Narrated by Bukhari and Muslim)<sup>10</sup>

The above text shows that, the Prophet gave prominence to prioritization, hence, dealing with less important matter at the expense of the important issue is not proper, therefore, not acceptable in Islam. In fact, we totally agree with the respondents that, the violation of family rights cuts across the length and breadth of many families in the Hohoe Muslim community. On one hand, it is the husband and wife infringing upon the right of each other and on the other hand parents abusing children’s rights as children also violating the rights of their

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<sup>10</sup>See *Saheeh Al-Jaami’I Al-Sagheer* 2800

parents. And the Data collected from CHRAJ-Hohoe clearly showed that, the family rights abuses were the highest recorded among the reported cases.

Nowadays, because of gross violations of human rights, the key unit (family unit) has become fragile. This should not be the case in Islam rather, the family should be united. Ibrahim, (1997) stated that, “the family which is the basic unit of civilization, is now disintegrated”. In my view, the above premise confirms the situation among Muslims in Hohoe where family ties are torn apart through violations of rights. Thus, instead of having well-structured family system, they end up having a fragile family.

On the assertion that, wives are the most vulnerable between couples regarding family rights abuses, the truth of the matter is that, today, it is on the contrary since the trend has changed and men are really facing a great challenge as they suffer abuses of their rights from their partners including beating. In Hohoe Muslim community, rights of men were violated by their wives. It was noted that, some women beat their husbands and threaten to divorce if they are reported, yet, some men report their cases in other not to take the law into their own hand.

To confirm this claim of the researcher, Freeman, the Public Relations Officer (PRO) of Domestic Violence and Victim Support Unit (DOVVSU) in an interview with Ghanaian Times disclosed that, in 2010, 1,528 cases of Domestic Violence (DV) against men were recorded at the Unit. And in 2012, 2,474 men’s rights were violated by their wives and were reported to DOVVSU. To be specific in this case, husbands report their wives to DOVVSU for beating them. Freeman stated that, “men are reporting abuses against them because; they do not want to take the law in to their hands”. He admonished victims to report culprits to the Unit instead of accommodating out-of-court settlement. (Freeman 03-13-2012, p. 4 and 14-09-2013, p.1).

Furthermore, he categorically stated on another platform that, 374 men reported cases of DV against their wives between January and June, 2013. He revealed to the Ghanaian Times that, the same period last year, 2012, 176 cases were recorded in favour of men. The statistics indicates that, recently, more women violate the rights of their partners. And it clearly shows the rise in the violence as well as the change in the trend in reporting such cases by men.

On the other hand, in some instances, some nations tyrannize women; it often reflects local civilizations that are inconsistent and opposing to the tenets of Islam. Moreover, Islam anticipates its followers to maintain the rights of women like any other human being who is honoured and dignified. And they are two essential components of humanity. In fact, the abuses of human rights especially, rights of women and children among Muslims within and outside a Muslim community made most non-Muslims to misconstrue the religion (Islam). However, people must distinguish between the teachings of Islam and the practices of some Muslims.

My view on the statement made by Godwin that, “abuses of family rights are on the decrease” is that, victim’s fail to report perpetrators, and that does not mean a decrease of violations. And from all indications, cases of family rights abuses are on the increase in the Muslim community of Hohoe.

#### **4.4 Cases of Human Right abuses**

It is gratifying to note that all the institutions and persons interviewed accepted the existence of some kind of human right abuses in the Muslim community of Hohoe as they agreed that the rights of persons especially, women and children have been abused at one time or the other in different forms. The situation they added, disturbs the very fabric of development in

the area as people are not made to undertake their normal activities. It is also realized that, different cases of human right abuses are reported on daily bases to the various institutions and personalities.

Al-Hageel (1999) holds that, the most important things in life are human rights and that, the rights must not be discriminated among human beings because; they are of the same root with the same destiny, equal in dignity, endowed with reason, honour and rights. Although, there are different cases of human right abuses reported, the cases that run through all the institutions and the other agencies interviewed are presented below:

Unfaithfulness – this can be defined as a condition where one partner or group of persons is untrue to a commitment held or duties outlined to be carried or beliefs or ideals. (Microsoft Encarta 2009). The case of unfaithfulness constituted about 60 percent of the number of cases on human right abuses reported. This takes the form of husbands reneging on their duties to not only their wives but also their children. This invariably affects the education of their wards as many of the responsibilities are held in the full hands of the mothers who are unable to support their wards due to the absolute lack of support from their husbands.

It is also important to note that, the issue of unfaithfulness took the form whereby children refused to obey their parents and at the same time, wives also not being faithful to their husbands. This situation eventually leads to divorce on the part of husbands and wives which creates single parenthood and does not augur well for couples with children. Furthermore, one would like to ask how they (married couples) got to know about that. They might have witness that, they might have been informed about it, and they might have investigated to know the facts. These are very important points in other to prevent people from falling in to unnecessary allegations and suspicions Almighty Allah stipulated His guidance on that in the Qur'ān for Muslims to follow. He says:



قال تعالى: "ياأيهاالذين ءامنوا إن جاءكم فاسق بنبأ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين" سورة الحجرات

“O you who believe! If a *Fasiq* (liar-evil person) comes to you with any news, verify it, lest you should harm people in ignorance, and afterwards you become regretful for what you have done” (49:6).

In addition to that, when the news happens to be false then, it becomes a slander, and the perpetrator should be punished by flogging. Allah proclaimed in the Qur’ān:

قال تعالى: "والذين يرمون المحصنات ثم لم يأتوا بأربعة شهداء فاجلدوهم ثمانين جلدة ولا تقبلوا لهم شهادة أبدا وأولئك هم الفاسقون" سورة النور

“And those who accuse chaste women, and produce not four witnesses, flog them with eighty stripes, and reject their testimony forever. They indeed are the *Fasiqun* (liars, rebellious, disobedient to Allah)” Qur’ān (24:4). This can be applied to women also simply because; as men accuse women they also do same in some instances where they allege that, their husbands are in extra marital relationship with other women. However, the essence of the above injunction and sanction in the Qur’ān is to protect human dignity and to safeguard Muslims in their communities from ills.

Lack of responsibility – in this context, responsibility is referred to as not being accountable to somebody for something done. This case can best be seen in the context of parents not being conscious of what happens to their wards or husbands not being attentive to their wives and the vice versa. This is seen as an abuse of human right because it is expected that husbands remain accountable to their wives for such responsibilities supposed to be undertaken for the benefit of their wives. This circumstance is also seen among all form of persons especially the youth when their leaders fail to render to them accounts of what they

are charged to do. What even makes this situation critical is seen in the context of how it promotes corruption among the people in the study area. One other case of human right abuse included security related issue.

The following provides the statistics of the category of cases reported and recorded by the institution of human right abuse and domestic violence. The table, however, does not seek to provide the details of the cases for all years but just the summary as sampled during the survey.

**Table 4.4.1 Recorded cases of human right abuses**

Cases	Case 1	Case 2	Case 3	Total
<b>General cases recorded (2001-2012)</b>	450	1224	264	1938
<b>Cases from Hohoe (2001-2012)</b>	164	1224	264	1652
<b>Cases on human right and domestic violence</b>	164	360	10	534
<b>Cases from Muslim community of Hohoe</b>	48	64	Nil	112
<b>Cases on family and child rights</b>	21	922	403	1347
<b>Cases on Wives and husbands rights</b>	47	1141	403	1591
<b>Cases on domestic violence from Muslim community</b>	24	15	Nil	39

Source: Field Survey, 2013

From the table, it is seen that the cases of human right abuses and domestic violence for that matter, are on the increase as per what was reported to the Human Rights and Domestic Violence institutions. Notwithstanding this increase in reported cases, a lot more of the cases

have not been reported due to the beliefs and ignorance of the Muslim community of the Hohoe about the need to do so.

According to Dassah (2011) DOVVSU National Coordinator in Domestic Violence Act 2007-No Panacea for Violence against Women? Women in Law and Development in Africa: between the year 1999 and May, 2010, 109,784 cases of abuse against women and children were recorded at the Unit. In 2008 alone more than 14,300 cases were recorded throughout the country. This undisputedly, shows that, domestic violence is on the rise. In my view, the true nature of domestic violence issue and other forms of human rights abuses are done in the hidden, therefore, they are not reported. Victims of domestic violence (DV) and their witnesses do not report because, they are either afraid of criticism or they want to solve it locally.

The truth of the matter is that, the Human Rights institutions create Human Rights awareness in the communities outside the Muslim community. For that reason, non-Muslims or persons who are living outside Zongo<sup>11</sup> get to know and understand more about human rights and where to seek redress when the need arise. This implies that, the officials are either acting base on preference or they are not putting much effort in order to achieve the expected maximum result. It is also suggested that, poor performance of officials is due to financial constraint. Moreover, it was stated in McGregor's theory X (1960) that, people naturally dislike working until they are probed to do so. This means, employees may feel reluctant to carry out their duties if proper mechanisms of supervision are not put in place. We thereby call on the Directors and heads of supervision teams to intensify the monitoring and to caution those who are ineffective in their duties.

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<sup>11</sup> Settlement of non-indigenous Muslims.

#### 4.5 Causes of Human Right Abuses

On accounts for the abuse of human rights among the Muslims, two hundred and sixty four (264) respondents mentioned ignorance coupled with illiteracy, poverty, disrespect, lack of maturity, lack of understanding, show of pride and superiority, deviation from the teachings of Islam, misconceptions of rights among others. The composition of these causes is shown in table 4.5.1. The main causes of human right abuses are presented in the table below.

**Table 4.5.1 Causes of Human Right abuses**

Causes	Percentage	
Injustice	23.6	
Security related issues	12.7	
Non-Maintenance	25.5	
Denial of sex	21.8	
maltreatment	16.4	
Total	100.0	

Source: Field Survey, 2013

The table presents the main form of human right abuses among the Muslim community of Hohoe. From the table, it can be seen that denial of sex both by the husband and the wife constitutes one major form of abuse among couple. This is as a result of maltreatment and unfaithfulness among partners as established already. The study also reveals that, some persons are wrongly enslaved and oppressed such as children and women and others marginalized like the minorities within the political terrain, tribal and ethnic groups. These form of human right abuses are largely influenced by lack of education and there is the need to curb them so as to ensure peaceful environment to be able to promote development. These

forms of abuses are also included in the factors causing divorce in the study area with its accompanying challenges such as youth unemployment, social vices among others as presented in the table below.

In the responses poverty appears to be a key factor in the causes of human rights abuses. As a witness to this issue, I understood that, most couples used to live peacefully when the man was actively working and taking care of the family, and soon after he lost his job trouble begun. Some children are not taking care of, not because their parents want to see them in that state, loitering around and on the street causing trouble or drop out of school but, because they cannot afford as a result of poverty.

Furthermore, we appreciate the sentiment expressed by Muhammad Tajudeen during our interview with him but, I totally disagree with him on his conclusion that: “Muslim scholars and *Aimah* (Imams) must be blamed for not doing the best in creating awareness on the subject”. Based on some facts: Firstly, *Aimah* (Imams) and *Ulama’a* (Muslim scholars) cannot be subjected to blames merely on this claim because; they invariably preach about good deeds and warn against wrong doings. They educate people and create awareness on the responsibility of every individual and groups as well as their rights. And as we all know, a messenger is only obliged to deliver the message as it is revealed to him and has no control over human beings. Therefore, *A’lim* and *Imam* are only expected to fulfill their obligation by preaching, educating, sensitizing and creating awareness and nothing else. In the face of this, they are charge with the responsibility of advocacy even though, their activities come with a lot of challenges.

Secondly, chiefs are responsible to their subjects and they are empowered to summon them, and they are entitled to give judgment and punish whoever is found guilty but, they turn a blind eye to the ills in their community. They live without proper administrative structures



and personnel so; they fail to be up to the task. On this note, the chiefs should rather be blamed largely, and they should be held accountable for not seeing to the welfare of their subjects. Ahmed (1990) states that: man is honored with rights and those rights are divine gifts from Allah the creator of man on this earth, and not something that one has to give whenever he/she wishes or take it whenever he/she pleases but, rather, the rights must be respected so that holding up to these rights as a “divine gifts” will protect the adherents and prevent them from violating other people’s rights.

**Table 4.5.2 Causes of Divorce**

Causes	Percentage
<b>Maltreatment</b>	24.1
<b>Beating</b>	14.8
<b>Non-Maintenance</b>	14.8
<b>Unfaithfulness</b>	20.4
<b>Denial of sex</b>	11.1
<b>Barrenness</b>	7.4
<b>Others</b>	7.4
<b>Total</b>	100.0

Source: Field Survey, 2013

It is clear from the above table that, maltreatment and unfaithfulness among married partners have contributed greatly to the cases of divorce in the study area. This brings to bear the influence of one form of human right abuse on the long time survival of human relation in our societies. From the table, barrenness although constitutes only about 7.4 percent of the

cases of divorce, it is attributed to the issue of unfaithfulness which has been identified as a major form of human right abuse as it results in beating.

Unfortunately, only few of these cases - maltreatment and unfaithfulness are often reported to the authority as the major form of domestic violence. This could be due to the lack of information on the existence of other forms of domestic violence or poor record keeping. This, therefore, means that, there could be other forms of human right abuses such as superiority and disrespect for humanity that lead to domestic violence and may not be among the major challenges among the people. However, some individuals in the community claim that, no evil is taking place but, the reality of the matter from the study clearly indicates that, it is far from the truth. Perhaps, either they are not telling the truth or they are not conversant with the happenings in and around their community.

#### **4.6 Point of Reporting Cases of Human Right Abuses**

As mentioned earlier, the lack of information on where and how to report any case of human right abuses and/or domestic violence is of much an important issue to consider. Although, many of the cases of domestic violence or human right abuses among the people are not being reported and in most cases where they are reported they are not done in good time, there are yet institutions established to take care of these circumstances.

Unfortunately, those cases that are reported are often not given adequate attention or treatment which the institutions also attribute to lack of resources to be proactive to their responsibilities. These sources encompass both the informal and the formal sector agencies as depicted in the table below.

**Table 4.6.1 Places Where People Report Their Cases**

Point of Reporting	Percentage
Imams	33.3
Ulama'a	11.1
Chiefs	22.2
CHRAJ	13.0
DOVVSU	7.4
Police	7.4
Court	3.7
Others	1.9
Total	100.0

Source: Field Survey, 2013

From the table above, the major informal ways of reporting most cases of human right abuses include the Chiefs, *Aimah* (Imams) and the *Ulama'a*. These individuals often do not have better formal educational background and they are not well equipped to address the issues reported to them. At the same time, the formal departments such as the CHRAJ, DOVVSU, Department of Social Welfare and the Police are also most often without the needed resources to address the issues as and when they are reported to them.

Nonetheless, the little education and resources at the disposal of these institutions are without any hesitation directed to curbing these phenomena of human right abuses. What is rather appalling is the situation where victims refuse to report their cases because of lack of trust in the fair judgment and timely intervention of the above institutions. This issue makes it

difficult to define the various forms of abuses exhibited in the study area except the reported few.

Again, this attitude of victims refusing to report their cases also leads to the increasing rate of human right abuses and/or domestic violence as agreed by the institutions excluding data. The institutions expressed the view that, when perpetrators of crimes are not picked up and brought to book, they keep on committing same crimes. Some among other reasons why people do not or will not want to report their cases to the authority are also represented in the table below.

**Table 4.6.2 Reasons Why People will not or do not Report Cases of Human Right Abuse**

Reasons	Percentage
Shyness	30.8
Criticism	48.1
Culture	21.2
Total	100.0

Source: Field Survey, 2013

From the table, criticism constitutes the major reason why victims do not report their circumstance of one form of human right abuse or the other. Most cultures particularly, the culture of the Muslim community of Hohoe sees it as another crime to report what happens within the matrimonial home or the family to other authorities and that what may follow it could be more dangerous on the part of those who have been victimized. This unfortunate situation is influenced by lack of education on the need to help themselves by way of reporting cases that affect their own basic rights to the necessary authorities. Shyness of some

victims makes them feel reluctant to report their abuses recorded the second highest after criticism.

According to Joseph Atror, the registrar of Hohoe magistrate Court on the 13/06/2013, Muslims normally withdraw cases of abuse claiming to solve them locally. However, heads of the families do not stand for justice and the issues have to remain as they were, living the victims in pain. Abdul Qadir Issah, Islamic scholar in the Muslim community of Hohoe, stated that, a typical example of that is: “the case of a man called Tuahir Yakub in the Muslim community, who was accused of raping his step daughter. The case was withdrawn but, when justice did not prevail, it has to be sent back to the law court for justice”.

#### **4.7 Measures or Steps Taken to Curb the Circumstance of Human Right Abuses**

It is important to establish that the cases of domestic violence is on the increase and the cases reported to the various institutions also keep on increasing by day and time. This notwithstanding, some appropriate measures have been put in place to curb the increasing rate of these abuses. This brings to bear the role of the chiefs in the maintenance of law and order in the society. The chiefs play very important role in trying to curb human right abuses which could be in the form of domestic violence among their people.

Among other roles the chiefs play in curbing this circumstance include; arbitration on the existing cases as well as giving pieces of advice to their people on the need to report registered cases of domestic violence and/or human right abuses. Generally, other measures put in place by other responsible institutions such as DOVVSU, the Police, Department of Social Welfare as well as CHRAJ include counseling and constant formal and informal education.



## 4.8 PARALLELS AND ANTITHETICALS BETWEEN THE ISLAMIC LAW AND THE INTERNATIONAL LAW/DECLARATION

**Table 4.8.1 Parallels and Antithetical**

PARALLEL	ANTITHETICAL
All conventions, covenants and declarations are passed to protect human integrity and dignity.	Human rights in Islam preceded over all international or man-made declarations.
All declarations are made to ensure justice and equality.	Some of the Laws made and pass by man do not stand the test of the time and come with lapses and deficiencies because human kind is a weak creation of Allah.
Both laws: Human rights in Islam and the International mechanism are measures put in place to enforce morality and justice.	Human right in Islam is authoritative coupled with enforcement machinery but, International Law is just a mere policy or recommendation which can be discarded at any point in time.
Human right instruments are Laws and policies entrusted in the hands of human beings to enforce and penalize the perpetrators when found without fear or favour.	People can disregard the secular instrument and go scot free but, obey the human right in Islam because, it is divine and disrespecting it comes with gross consequences.
Both international and Islamic Law agreed that, man should own property.	Islamic Law went further to guarantee the protection of the properties in the divine Law.
Both talked about taken care of children.	Islam has something special for orphans.

Generally, it was recognized that, human rights in Islam and International Law are there to protect humanity. The fact is that, human rights in Islam superseded the International declarations. Further, International Laws only reiterated some of what is in the divine Law. Human rights in Islam was established and proclaimed thousand four hundred years prior to the UDHR declaration. It was first declared by Prophet Muhammad (S.A.W) on *Arafah*<sup>12</sup> during his first and last pilgrimage. Therefore, it is divine and superior and must be respected.

## Conclusion

This chapter presented the results of the survey in line with the research objectives following the discussions on major areas of human right abuses and domestic violence.

The analyses carried out so far, revealed that Human right abuse seemed to be well recognized by all parties involved as each individual has in one way or the other being subjected to one of human right abuses or the other. What is disturbing, however, is the fear imbibed in victims to report their cases even though they are aware of the various institutions and officials or personalities charged with the responsibility to address such cases as and when they occur.

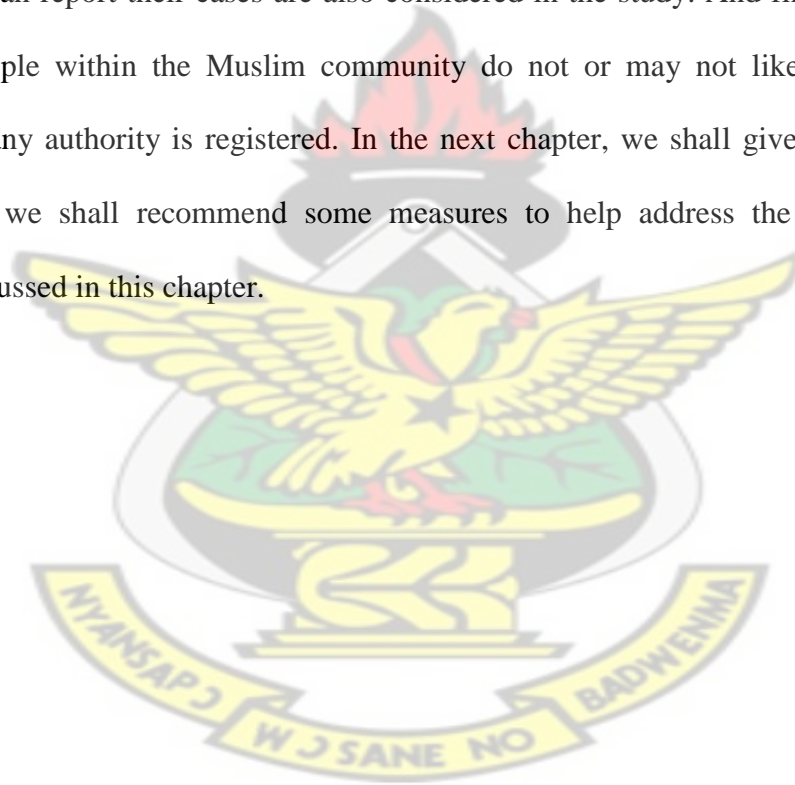
The existing human right institutions have both strengths and weaknesses in dealing with human right related cases and domestic violence for that matter. It is revealed that, there are many human right principles and laws established by both the Qur'ān and the *Sunnah*

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<sup>12</sup>*Arafah* is a granite hill east of *Macca*. It is also known as the Mount of Mercy (*Jabal ar-Rahmah*). The pilgrims will spend the whole day on *Arafah* supplicating to Allah to forgive their sins and praying for personal strength in the future as well as other needs. The level area surrounding the hill is called the Plain of *Arafah*. The term Mount Arafat is sometimes applied to this entire area. It is an important place in Islam because during the Hajj, pilgrims spend the afternoon there on the ninth day of *Dhul Hijjah*. Failure to be present in the plain of *Arafah* on the required day invalidates the pilgrimage. The distance between *Arafah* and *Macca* is twelve miles. See *Islam: A Short History* by Karen Armstrong, 2000 and 2002, and *Mu'jam Lugah al-Fuqaha* (Dictionary of Islamic Legal Terminology), 1996. Wikipedia free encyclopaedia.

(tradition of Prophet Muhammad S.A.W) and the declaration made by the UDHR commission yet, these principles have not been taken seriously. This is partly attributed to ignorance and lawlessness on the part of the people. Interestingly, notwithstanding the many challenges, several measures have been instituted to curb the growing rate of human right abuses and domestic violence among the Muslim community of Hohoe.

We have identified some major causes of human rights and/or domestic violence abuses notably, non-maintenance, lack of justice, maltreatment, security related issues and denial of sex among others. Causes of divorce among Muslims in Hohoe were noted. Further, places where people can report their cases are also considered in the study. And finally, the reason why some people within the Muslim community do not or may not like to report their grievances to any authority is registered. In the next chapter, we shall give our concluding statement and we shall recommend some measures to help address the menace or the challenges discussed in this chapter.



## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATIONS

#### 5.1 Introduction

Following the discussions of the research findings in the previous chapter, this section of the report sought to present the conclusion and recommendations of the study. The presentation reflects the analyses and discussions of the results as well as the research objectives and the statement of the problem. The chapter in this respect is, therefore, subdivided into; conclusion and recommendations.

While the concluding part of this section provides a summary of the main issues discussed in this study, the recommendations, however, provided the way forward in curbing Human Right Abuses and/or Domestic violence in the Muslim community of Hohoe.

#### 5.2 Recommendations

The following recommendations have been established in the light of the study to minimize the incidence of Human Right Abuses and/or Domestic Violence among the Muslim Community of Hohoe. These recommendations are in line with the research questions.

1. If human rights among the Muslim community of Hohoe is to be improved through awareness creation on what the people are supposed to know about their basic rights as established in the two basic sources of Islamic knowledge - The Holy Qur'ān and the *Sunnah* (tradition) of the Prophet, then much more of formal education needs to be done and at the same time, strengthen the human right institutions within the Hohoe Municipality.

2. On the issue of what constitutes the ideal situation of human rights in Islam and how it is applied on a particular Muslim community, the Muslim community of Hohoe recognizes that human rights are established to guide their conducts towards one another to ensure peaceful coexistence. However, the fullest opportunity embedded in this has not been used due to, in some few instances lack of education on how the rights can be exercised and in most instances obstacle placed by the cultural practices among the people.
3. This circumstance has led to a situation where many people do not report or will not report certain critical cases of human right abuses such as denial of the right to education as well as security. It is, therefore, important to establish community based educational centers where people can be taught what makes up their basic right and the need to report such cases where those rights are being infringed upon. These institutions should be locally constituted and facilitated by the local people who are experts in those areas. When this is done, it will ensure local content, promote local awareness of human rights and at the same time, promote stakeholder participation and eventually, realize the ultimate objective of creating awareness of human right abuses and/or domestic violence.
4. Considering the various forms of human right abuses reported in this study, it is important to further probe into the root causes of such circumstances within the Muslim community of Hohoe to be able to find better and lasting solutions to them. Apart from those issues related to unfaithfulness among partners and lack of responsibility on the part of parents or community leaders for their people, it is believed that other structural causes of such reports still are in the hidden and until such reasons are established by further studies, the issue of human right abuses cannot be completely washed away.



5. Although, some measures have been instituted to tackle the incident of Domestic Violence or Human Right Abuse in the Muslim community of Hohoe, much more of such measures such as constant renewable of respect for the value of individual rights need to be promoted. This can further be achieved by strengthening the existing institutions and agencies with the limited resources at their disposal by the state and others such as: non-governmental organizations.
6. There should be proper coordination and collaboration between human right activist both within and without the Muslim community of Hohoe especially, the government established institutions and the Muslim scholars. This presupposes that, the chiefs, some experts among Muslim scholars, community elders and the regulatory institutions should interlink their activities as far as human rights sensitization is concerned. In another sense, the stakeholders of the Muslim community of Hohoe should strengthen their efforts in their educational and counselling roles in addressing the issue. The contributions of the local people should be properly integrated into the development planning framework of the entire people.
7. The issue of disrespect for human rights as reported in this study can be effectively dealt with by enforcing the laws. The stakeholders (Muslim scholars, community leaders and other human right institutions) should disregard political interference and prosecute people who infringe on the right of others. One aspect of reducing lawlessness is educating the people on the consequences of infringing on human rights and fomenting one form of domestic violence or the other.
8. In view of these, accusations in relation to human right abuses in the Muslim community of Hohoe should be addressed through awareness creation and institutional reestablishments so as to implement the already established Human right principles. This issue can be achieved without much difficulties because, the people

believe in the principles of Islam although, a lot more of them are not very much aware of their existence (the Islamic principles on human rights). Institutions should, therefore, be established and strengthen to augment the already existing ones such as FOMWAG and Volta ASWAJ Headquarters in Hohoe to bring regular counselling and awareness on the principles of Islam to safeguard their existence. Thus, in educating the people, it should be done intensively and comprehensively. And Islamic scholars should also make use of the pulpit for advocacy. By so doing, persons within the Muslim community of Hohoe shall be fully aware of their rights and responsibilities.

It is hoped that, these recommendations will be reflected in both long term and short term development structures as attempts to address human right abuses and curb domestic violence at same time. It is also hoped that, future researches will incorporate the findings of this study when the need to look into this study arises.

### **5.3 Conclusion**

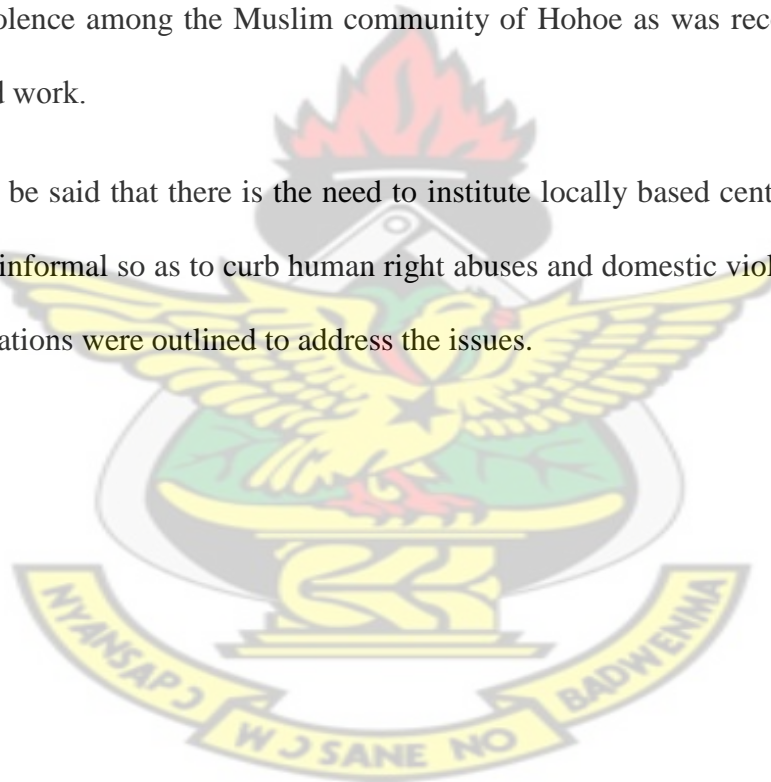
Human right abuses seemed to be well recognized by all parties involved as each individual has in one way or the other being subjected to one of human right abuse or the other. What is disturbing, however, is the fear imbibed in victims to report their cases even though they are aware of the various institutions and personalities charged with the responsibility of addressing such cases as and when they occur. The culture of the people coupled with lack of trust in the existing institutions accounts for the reasons why people fail to report.

Many Muslims fail to understand the essence of the concept of Islamic human rights and some are unaware of their rights. And cases have been reported to the Domestic Violence and Victims Support Unit (DOVVSU) in Hohoe in connection with the human rights violation,

and other human rights cases have been reported to Commission of human rights and administrative justice (CHRAJ) and Department of Social Welfare (DSW), as well as the Law Court. In a nutshell, it was assumed that, human rights violation in the above community as stated is the consequences of illiteracy and poverty.

It is also worth mentioning that human right abuse takes different forms such as insult, denial of sex, harassment, maltreatment among others. However, only few of these cases are often reported and this could be attributed to lack of education on the part of some of the victims to do so. This situation has nonetheless contributed to the increasing rate of human right abuses and domestic violence among the Muslim community of Hohoe as was recorded during the researchers' field work.

It can, therefore, be said that there is the need to institute locally based centre for education, both formal and informal so as to curb human right abuses and domestic violence. And in the end, recommendations were outlined to address the issues.



## LIST OF INTERVIEWEES

<b><u>Name</u></b>	<b><u>Rank/Position</u></b>	<b><u>Date</u></b>
Abdul Qadir Issah	Islamic Scholar & Imam ASWAJ – Hohoe	03 / 02 / 2013
Muhammad Awwal Husain	Deputy Imam, ASWAJ Mosque – Sabon Zango	04 / 02 / 2013
Haruna Issaka	Teacher & Member, HOZDA	04 / 02 / 2012
Lukman Sulemana	Teacher, ASWAJ School-Hohoe	05 / 02 / 2013
Aminu Osman	Executive Member, HOZDA	06 / 02 / 2013
Muhammad Yunus Yusif	Executive Member, HAMS	09 / 02 / 2013
Abdur-Rahman Yunus	Teacher & Member- HOZDA	16 / 02 / 2013
Mustapha Husain	Secretary, ASWAJ – Volta	21 / 02 / 2013
Dawud Husain	Imam, Site Mosque – Hohoe	21 / 02 / 2013
Muhammad Alhassan	President, HAMS	22 / 02 / 2013
Armiyaw Muhammad	Teacher & Member, HOZDA	23 / 02 / 2013
Muhammad Tajudeen Mairiga	Chief of Hohoe Zango	24 / 02 / 2013
Ustaz Nurudeen	Khalifa, Tijaniyyah Fraternity	24 / 02 / 2013
Salisu Baba	Muqaddam, Tijaniyyah Fraternity	25 / 02 / 2013
Hafsatu Husain	Ameerah (President), FOMWAG	26 / 02 / 2013
Joshua Borah	Municipal Director, CHRAJ	05 / 03 / 2013
Michael Amoadja	Chief Assistant Registrar, CHRAJ	05 / 03 / 2013
Atror Joseph	Registrar, Magistrate Court, Hohoe	13 / 06 / 2013
Paul Kojo Mensah	Director, DOVVSU, Hohoe	09 / 07 / 2013
Godwin Mawuena	Municipal Director, DSW, Hohoe	10 / 07 / 2013

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**KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY, KUMASI**

**FACULTY OF SOCIAL SCIENCES**

**DEPARTMENT OF RELIGIOUS STUDIES**

**QUESTIONNAIRE FOR THE GENERAL PUBLIC**

The researcher is undertaking a research project on the human rights in Islam in Hohoe Muslim community. The researcher will appreciate it much if you give answers to the questions. Your answers will be purposely for the study.

**Background Information**

1.Name: .....

2.Age: .....

3.Sex: Male [ ☐ ] Female [ ☐ ]

4.Marital Status: Married [ ☐ ] Single [ ☐ ] Divorce [ ☐ ] Widow [ ☐ ]

5. Educational Qualification: .....

**Concept**

1.What is the meaning of human rights in Islam?

.....  
.....

2.What do you think is the essence of human right in Islam?

.....  
.....

**Awareness**

1.What do you know about human rights in Islam?

.....  
.....

2. Is human rights in Islam applicable among Muslims in your community?

Yes [ ] No [ ]. And give out reasons for your answer.

3. Is human rights in Islam practiced in your community? If yes, what are the

Implications? And if no, why? .....

.....  
.....

4. To what extent are you aware of human rights in Islam? .....

.....  
.....

5. Are human rights in Islam recognized in your community? Yes [ ] No [ ]

6. How are the rights recognized or not recognized? .....

.....  
.....

7. Does Islam has something to offer humanity in terms of rights? Yes [ ] No [ ].

And how do you know? .....

.....

8. Are you aware of human rights in Islam? Yes [ ] No [ ]

9. Have you been educated on human rights in Islam? Yes [ ] No [ ]

### Accusations

1. What do you know about violation of human rights in Islam? .....

.....  
.....

2. Does the implementation of Islamic Law amount to violation of human rights in Islam? Yes [ ] No [ ]

3. In your view, is the abuse of rights intentionally or ignorantly? .....

.....

4. Was there any reported case of human rights violation in your community?

If yes, explain how it was.....

.....

.....

5. To what extent are accusations of human rights abuses in a Muslim community

Justified or not? .....

.....

### Violation of Family Rights

1. Do couples know their rights in Islam? Yes [ ] No [ ].

If No, why? And if yes, mention some rights for the both sexes. ....

.....

.....

2. In your opinion, how are rights of husbands abused. ....

.....

.....

3. Are the rights of wives being abused? Yes [ ] No [ ]. How? Explain further.....

.....

.....

4. Are children given their rights as prescribed in Islam or denied? If denied, how was their rights abused? .....

.....

.....

5. What is the ideal situation of human rights in Islam? And how does this applied on a particular Muslim community? .....

.....

.....

## Causes of Human Rights Violation in Islam and Resolutions

1.What account for the trampling upon the rights of human kind and failing to see their importance? .....

.....  
.....

2.Have you ever been told or witness the beaten of men by their wives or assaults on wives by men? If you do, what were the causes and how were they resolved?

.....  
.....  
.....  
.....

3.Suggest some ways by which we can prevent, avoid or minimize the recurrence of numerous cases of human rights violation and abuses in future? .....

.....  
.....  
.....

4.What do you think could be done to address the situation of human rights violation in general? .....

.....  
.....

5.What is your position (your view) on the implementation of human rights in Islam?

.....  
.....  
.....

6 . What are the causes of divorce in your community? .....

.....  
.....

## QUESTIONS FOR THE INTERVIEW

1. Concept of human rights in Islam (what is the meaning of human rights in Islam)?
2. Are Muslims of Hohoe aware of human rights in Islam (Is the awareness there)? And what is the cause?
3. Is there any form of accusation on the implementation of human rights in Islam in Hohoe?
4. Violation of family rights and how it is done: (a) Husband (b) Wife (c) Child?
5. What are the causes of human rights violation among Muslims in Hohoe? And how are they resolved?
6. The way forward or recommendations that will help enhance our institutions, or create awareness and better our lots.

Thanks for your co-operation.

.....

Yussif Mohammed Mutawakil



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**QUESTIONNAIRE FOR CHILDREN**

The researcher is undertaking a research project on the topic Islam and human rights. A case study of Hohoe Muslim community. The researcher will appreciate it much if you give answers to the questions. Your answers will be purposely for the study.

**Background Information**

- 1.Name: .....
- 2.Age: .....
- 3.Sex: Male [ ] Female [ ]
4. Educational Qualification: .....

**Human Rights Abuses**

- 1 . Are rights of children abused? Yes [ ] No [ ]
- 2 . In which ways are childrens rights abused?
- a. Denial of food, clothen, shelter etc (parental related issues)
  - b. Security related issues (harassment, beating, lack of protection, maltreatment)
  - c. Child labour
  - d. Denial of education
  - e. Others .....
- 3 . Who or where did you report your case to?
- a. Imams
  - b. Ulama'a/Teacher
  - c. Chiefs
  - d. CHRAJ
  - e. DOVVSU
  - f. Police
  - g. Social Welfare
  - h. Court

- i. Parent
- j. Others .....

4 . Who or where would you like to report your case to?

- a. Imams
- b. Ulama'a/Teacher
- c. Chiefs
- d. CHRAJ
- e. DOVVSU
- f. Police
- g. Social Welfare
- h. Court
- i. Parent
- j. Others .....

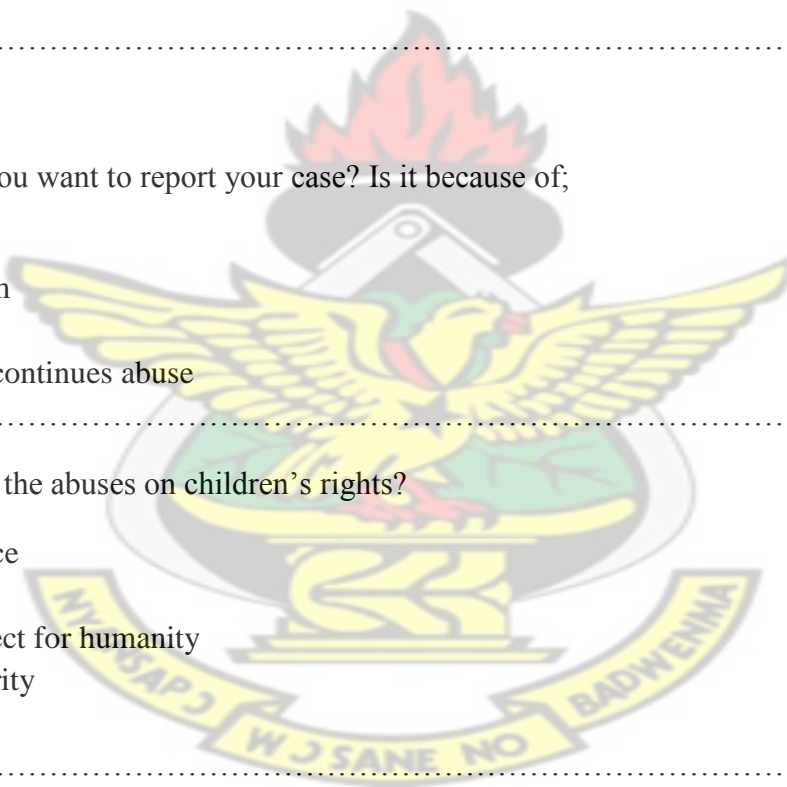
5 . Why don't you want to report your case? Is it because of;

- a. Shyness
- b. Criticism
- c. Culture
- d. Fear of continues abuse
- e. Others .....

6 . What causes the abuses on children's rights?

- a. Ignorance
- b. Poverty
- c. Disrespect for humanity
- d. Superiority
- e. Culture
- f. Others .....

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**DEPARTMENT OF RELIGIOUS STUDIES**

**QUESTIONNAIRE FOR MARRIED AND DIVORCEE**

The researcher is undertaking a research project on the topic Islam and human rights. A case study of Hohoe Muslim community. The researcher will appreciate it much if you give answers to the questions. Your answers will be purposely for the study.

**Background Information**

1.Name: .....

2.Age: .....

3.Sex: Male [ ] Female [ ]

4.Marital Status: Married [ ] Single [ ] Divorce [ ] Widow [ ]

5. Educational Qualification: .....

**Human Rights Abuses**

1 . Are rights of husbands abused? Yes [ ] No [ ]

2 . In which ways are husbands rights abused?

- f. Injustice
- g. Security related issues
- h. Denial of extra wife
- i. Denial of Sex
- j. Maltreatment
- k. Others .....

3 . Have you ever been?

- a. Beaten
- b. Harassed
- c. Threatened

4 . Who or where did you report your case to?

- k. Imams
- l. Ulama'a
- m. Chiefs
- n. CHRAJ
- o. DOVVSU
- p. Police
- q. Social Welfare
- r. Court
- s. Others .....

5 . Who or where would you like to report your case to?

- k. Imams
- l. Ulama'a
- m. Chiefs
- n. CHRAJ
- o. DOVVSU
- p. Police
- q. Social Welfare
- r. Court
- s. Others .....

6 . Why don't you want to report your case? Is it because of;

- f. Shyness
- g. Criticism
- h. Culture
- i. Others .....

7 . What causes the abuses on husband's rights?

- g. Ignorance
- h. Poverty
- i. Disrespect for humanity
- j. Superiority
- k. Culture
- l. Others .....

8 . What causes divorce?

- a. Maltreatment
- b. Beating
- c. Non-Maintenance
- d. Unfaithful
- e. Denial of Sex
- f. Barrenness
- g. Others .....

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**DEPARTMENT OF RELIGIOUS STUDIES**

**QUESTIONNAIRE FOR IMAMS AND CHIEFS**

The researcher is undertaking a research project on the topic Islam and human rights. A Case study of Hohoe Muslim community. The researcher will appreciate it much if you give answers to the questions. Your answers will be purposely for the study.

**Background Information**

1.Name: .....

2.Age: .....

3.Sex: Male [ ] Female [ ]

4.Marital Status: Married [ ] Single [ ] Divorce [ ] Widow [ ]

5. Educational Qualification: .....

**Human Rights Abuses**

1 . Are there any reported cases on human rights abuses? Yes [ ] No [ ]

2 . What are the cases reported on human rights violations?

- a. Unfaithful
- b. Security related issues
- c. Lack of responsibility
- d. Denial of sex
- e. Prevention from marrying another wife
- f. Others .....

3 . What are the cases reported to you on Domestic Violence?

- a. Beating
- b. Maltreatment
- c. Harassment
- d. Threatening
- e. Others .....

4 . How many cases of human rights abuses were reported to you? And how many cases were on family rights?

.....

5 . How many were abuses on child's rights?

.....

6 . How many abuses were on wives rights?

.....

7 . How many reported cases were violations on husbands' rights?

.....

8 . How many cases were recorded on Domestic Violence?

.....

9 . Are the abuses increasing or decreasing? Yes [ ] No [ ]

- a. Which cases are on the rise?
- b. Which cases are on the decrease?

10 . What steps have you taken to curb the situation?

.....

11 . What are the measures put in place to address the issue

- a. Mediation
- b. Counseling
- c. Arbitration
- d. Judgments
- e. Others .....

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**FACULTY OF SOCIAL SCIENCES**

**DEPARTMENT OF RELIGIOUS STUDIES**

**QUESTIONNAIRE FOR INSTITUTIONS**

The researcher is undertaking a research project on the topic Islam and human rights. A Case study of Hohoe Muslim community. The researcher will appreciate it much if you give answers to the questions. Your answers will be purposely for the study.

**Background Information**

1.Name: .....

2.Age: .....

3.Sex: Male [ ] Female [ ]

4.Marital Status: Married [ ] Single [ ] Divorce [ ] Widow [ ]

5. Educational Qualification: .....

6 . Rank/Position .....

**Human Rights Abuses**

1 . Generally, how many cases did you record for seven years at random from 2001 to 2012?  
.....

2 . How many cases were reported from Hohoe from 2001 to 2012?  
.....

3 . How many of the cases were on human rights and domestic violence?  
.....

4 . How many recorded cases were from the Muslim community?  
.....

5 . How many cases were on family rights?  
.....

6 . How many were abuses on child's rights?

.....

7 . How many abuses were on wives rights?

.....

8 . How many reported cases were violations on husbands' rights?

.....

9 . How many cases were recorded on Domestic Violence from the Muslim Community?

.....

10 . Are the abuses increasing or decreasing? Yes [ ] No [ ]

11 . What steps have you taken to curb the situation?

.....

12 . How many cases were you able to resolve? And by what means?

.....

- a. Mediation
- b. Counseling
- c. Arbitration
- d. Others .....

