

The “Right to Life” in the Universal Declaration of Human Rights (UDHR): A Comparative Study between the UDHR and the Qur’an and Sunnah

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Abstract

The “Right to Life” has been articulated in the third article of the “Universal Declaration of Human Rights (UDHR) 1948”. The Qur’an and Sunnah had also instructed about it centuries before. But the right has been violated throughout the world with impunity despite clear declaration and stern protection by the UN and paramount emphasis in the Qur’an and Sunnah for protecting it. This study explores the articulation of the “Right to Life” in both the UDHR and Islamic texts, examining how it is safeguarded by these entities and whether it aligns with Islamic teachings. The aim of this study therefore, is to explore how this “Right to Life” has been articulated in the UDHR and in the Qur’an and Sunnah; how it is being protected by UN and by the Qur’an and Sunnah; and whether this right is compatible with the texts of the Qur’an and Sunnah of prophet (PBUH). Utilizing descriptive, analytical, evaluative, and critical methods, this research delves into the UDHR and the Qur’an to analyze and evaluate the “Right to Life.” The study reveals that the UDHR’s formulation of this right aligns with Islamic teachings, with no apparent contradictions. Claims that it advocates for the abolition of the death penalty are refuted, as it emphasizes the elimination of genocide, murder, and unauthorized killings, consistent with the Qur’an and Sunnah’s preference for diyyah or blood money as an alternative to the death penalty, promoting forgiveness. Also, despite protection of the UN for this right, the violations of it, such as homicide, democide, genocide, extrajudicial killing, enforced disappearances, arbitrary arrest and detentions, are common across the world. The study recommends that if the Qura’nic teachings and protecting mechanisms that clearly bestowed regarding this right be recognised, the violations of it certainly be alleviated.

Keywords: Right to life, UDHR, Qur’an and Sunnah, death penalty, violations, genocide.

1.0 INTRODUCTION

The “Right to Life” is a fundamental Human Right enshrined in the third article of the Universal Declaration of Human Rights (UDHR). The UDHR is a milestone human rights document proclaimed by UN General Assembly in Paris on 10 December 1948 as a response to the atrocities and brutalities of the World War II. (United Nations, 2019). The aim of adopting this article 3 is to ensure for everyone the “Right to life”, liberty and security of a person. This right clearly stresses that no one should be subjected to extrajudicial killing, homicide, democide, genocide and arbitrary detention and arrest. Also, this Right provides protection against all kinds of illegal and unwarranted death sentences. In essence, this right serves to remind human beings about the value of life. Indeed, the “Right to Life” is a paramount universal Human Rights which has also been emphasized in the Qur’an and Sunnah centuries ago. Islam stresses that Allah (SWT) is the ultimate Creator of human beings, Creator of life and death. He is the actual Owner and controller of Life and Death, thus, only He grants the “Right to Life” and Death for all mankind. The holy Qur’an states that:

“And surely We, Ever We, indeed give life and make to die, and we are the inheritors.” [Qur’an Surah Al- Hijr Verse 23 (15:23)].

Besides the Qur’an and UN protecting mechanism and the recognition of this “Right to Life” by other international, regional and Islamic Human Rights declarations, such as the “Universal Islamic Declaration of Human Rights” (Islamic Council, 1981), and the “Cairo Declaration on Human Rights in Islam” (OIC 1990), “ASEAN Human Rights Declaration” (ASEAN 2012), this Right remains violated and controversial. This is because of misinterpretation of the text of this right in the UDHR by some groups according to their personal opinions. Some groups seek exemption from corporal punishments simply because they claim to uphold the concept of the “Right to Life”. Furthermore, the violation of this right with all their kinds, such as extra judicial killings, inhuman degrading punishments, enforced disappearances, democide, genocide, are still widespread. People are often being oppressed, tortured, killed, assassinated almost everywhere.

Focusing on how this “Right to Life” is articulated in the UDHR, this study analyses it from the perspective of the Qur’an and Sunnah to find out its compatibility or incompatibility with Islam. The study also intends to see how the the original text of it in the UDHR is being misinterpreted and how this right is violated.

It also aims to explore protecting mechanism for this right in the Quran and Sunnah for alleviating the violations and misinterpretations. At the end, hopefully the findings of this study assist to alleviate the on-going controversies and violations of this Right and may reorganize it to be perfectly protected, implemented and respected.

1.1 Methodology Of The Study

The study follows different methodological approaches, such as analytical, descriptive, comparative, critical, and evaluative. Analytical method will be applied for analysing the “Right to Life” in UDHR and its compatibility with the Qur’an and Sunnah. Afterward, the descriptive method is for describing the general concept of this right. The study also adopts the comparative and critical methods to compare and critically analyse this “Right to Life” enshrined in the UDHR and in the Quran and Sunnah. Finally, to evaluate this “Right to Life” and UN instructions for

reducing violations of this right from the lens of the Qur'an and Sunnah, this study will go through an evaluative method.

1.2 Literature Review

The focus of this research is comparing between the “Right to Life” in article 3 of UDHR and in the Qur'an and Sunnah then analysing it from the perspective of the Qur'an and Sunnah after exploring its description, influence, and recent application from a western standpoint. Hence, the researcher refers to some literatures on UDHR, some Islamic literature dealing with fundamentality and importance of this right in Islam, and some selected studies that deal with it from general or western perspective. Some literatures dealing with the issues are as follows:

Luminita Dragne, and Cristina Teodora Balaceanu wrote an article on “The Right to Life – A Fundamental Human Right”. The authors effectively reviewed the fundamentality of this “Right to Life”. They merely attempted to establish that this is an inalienable and imprescriptible right. Based on this “Right to Life” a person enjoys all the other rights guaranteed by the constitutions and by other international human rights documents. This article is indeed an excellent piece of writing on its focus point. It has no relation with Islamic point of view or a comparison with the Qur'an and Sunnah perspective.

Safa Reisoğlu wrote a research article on “Right to Life” which is precisely related to the article 3 of UDHR the “Right to Life”. The author deliberated in this article concerning the protection of life, restrictions on the “Right to Life”, court opinion on restrictions on the “Right to Life”. Consequently, it can be considered a fruitful article on this arena of the “Right to Life”. But it is not a comparative study on this “Right to Life” from Islamic perspective.

Mohammad Hashim Kamali wrote a famous book on “The Right to Life, Security, Privacy and Ownership in Islam”. Besides the Security, Privacy and Ownership in Islam, this book has also focused on the “Right to Life” and analyzed how Islam grants and ensures this Right to Life”. Here the author chiefly explains that the Right to life, personal security, privacy, and ownership etc. Indeed the right to life is the core of all other rights. To describe “Right to Life” in this book, the author highlighted the sanctity of life, murder, unintentional killing, the death penalty, compensations for victims, abortion, suicide, and euthanasia from the Islamic perspective. This book indeed provides a comprehensive analysis on the Right to life. The book has not touched on a comparative approach to UDHR article 3 and the Qur'an and Sunnah perspective.

Dr. Abbass Khajeh Piri's research paper on “The Right to Life in Islam” is an article on the “Right to Life” from Islamic perspective, wherein the author has beautifully discussed its importance and how the Qur'an guarantees the Right to Life. However, this article did not cover the issue of UDHR article 3, which the current article is aiming to cover with a comparative approach.

There is an article named “The Right to Life” published online by Islam Web. It has merely focused on Islamic outlook of the “Right to Life”. This article covers how Islam ensures the “Right to life”, what are the Qur'anic aayat and ahadith that explain this right. This article indeed provides rich resources on Right to life from Qur'an and Sunnah perspective, but it has not touched on Universal Declaration of Human Rights, which is our main focus in the article.

In short, none of the aforesaid studies aimed to present a comparative analysis of “Right to Life” in UDHR from the Qu'ran and Sunnah perspective. Since, the divine book of guidance, al-Qur'an is a universal testament for whole humankind, the Universal Declaration of Human Rights have

profound similarities in its declaration of “Right to Life”. This is the main focus of this study which will be highlighted in the following pages.

2.0 THE “RIGHT TO LIFE” IN THE UDHR

The “Right to Life as stated in Article 3 of the UDHR stresses that:

“Everyone has the “Right to Life, liberty and security of person.” (United Nations, 1948).

This “Right to life” was declared by the UN because of the genocide conducted in the Nazi concentration camps and German-organized slaughter of millions of people especially the Jews during World War II. Therefore, the UN introduced Article 3 i.e. “Right to Life” which is closely related to Article 5 i.e., “against torture” and Article 9 i.e., “against arbitrary arrest” in the UDHR document. This is a very firm rejection of Hitler’s belief in the supremacy of the state. (OHCHR, 12 November 2018). Article 3 emphasizes the “Right to Life” in order to stop all kinds of killing and torture such as homicide, state sponsored killing like extra judicial killing, democide, genocide and massacre.

The declaration of the “Right to Life” includes many other related issues including misuse of modern technologies during armed combat like the use of drones. Other threats for future living that affect adversely the “Right to Life” include unsustainable development, climate change and environmental degradation which are also major concerns that are incorporated in the declaration. Article 3 of the declaration even includes the use of live ammunitions by the Police Force against vulnerable protestors and the deficiency of health care that leads to death. (OHCHR, 12 November 2018). Nevertheless, even though it is directly understood from the wording of Article 3 that life of every single individual must be protected by governments so as not to be killed unjustly, lawful death penalty is not directly mentioned and spelt out explicitly in Article 3. In contrast, the abolishing of the death penalty as not obligatory for the state parties is clearly spelt out in Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR) whereby it is suggested to limit its use. Death sentence may only be imposed on serious crimes. (OHCHR, 1966).

The words “liberty and security of person” of this article grants an individual the freedom from tortures, other inhuman degrading punishments, enforced disappearances, arbitrary arrests and detentions. (Human Rights Commission, 2004). From this, arrest or detention will only allow if it is lawful according to the domestic law and if the following points are appreciated namely that the detained person shall be informed promptly about the reasons of arrest, that he shall be allowed to take “habeas corpus” proceedings before a court, that he shall have the right for compensation while unlawfully detained and finally that he shall be brought quickly before a judge for either release or authorized pre-trial detention. (Human Rights Commission, 2004).

2.1 Implementation And Protections of The “Right To Life”

In terms of implementation of the “Right to Life”, it seems that the UDHR declaration is being promoted and protected by the UN through all the organizations under it. It is being recognized by all UN member states and is included in most world’s constitutions. (OHCHR, 12 November 2018). Even though the abolition of the death penalty under this “Right to Life” is not obligatory for member states, but they are strongly urged at least to abstain from the intended and unlawful deprivation of life and to take appropriate measures to protect the lives of those within their jurisdiction. Hence, this constitutes as a form of respect to the “Right to Life”. (Icelandic Human

Rights center, 2020). It is discovered that more than two-thirds of the UN member states have abolished the death penalty seventy years after the UDHR declaration. 14 countries abolished it immediately as soon as the UDHR was adopted in 1948. Some member states no longer apply it or enforce it by executions, but some states still make the Death Penalty mandatory. In the meantime, it seems that the notion of “Right to Life” is being exploited as the main motivator for abolishing and for not applying the Death Penalty. In fact, for some states the “Right to Life” is top agenda in their government’s administration for it has become obligatory to protect the life of citizens and to safeguard them from threats from neighbors, partners, criminal gangs and armed groups. (OHCHR, 12 November 2018).

Meanwhile, the UN and its other entities such as the “Human Rights Council”, “Office of the High Commissioner for Human Rights” (OHCHR), are sincere and active in protecting and promoting Human Rights as well as the “Right to Life”. (United Nations, 2022). The OHCHR had established several core universal and regional Human Rights instruments including, “International Covenant on Civil and Political Rights” (ICCPR) (Article 6), “Charter on Human and Peoples' Rights” (Article 4), “African Charter on the Rights and Welfare of the Child” (Article 5), “Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa” (Article 4), “Arab Charter on Human Rights” (Article 5, 6), “European Convention for the Protection of Human Rights and Fundamental Freedoms” (Article 2), “American Declaration of the Rights and Duties of Man” (Article 1), “American Convention on Human Rights” (Article 4), and “Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Convention of Belém do Pará" (Article 4). (OHCHR, 2021).

Consequently, the “Right to Life” is now considered as “the supreme right.” The UN Human Rights Committee recorded in the “General comment No. 36 (2018) on Article 6 of the “International Covenant on Civil and Political Rights,” that the “Right to Life”:

“Is the supreme right from which no derogation is permitted even in situations of armed conflict and other public emergencies which threatens the life of the nation.” (Human Rights Committee, 2018, page 1, para 2).

Even, the Chair of the Human Rights Committee, Yuval Shany, reiterated that in fact “The “Right to Life” is the prerequisite for the enjoyment of all other Human Rights. (OHCHR, 1 November 2018). Based on the aforesaid concerns and activities including the declaration of this “Right to Life” by UDHR and recognitions of this Right by regional and international instruments and mechanism namely by ICCPR, it is therefore an obligation and duty of member states, who voted for the UDHR and ratified the ICCPR, to protect this “Right to Life” by their Law. “This implies that States parties must establish a legal framework to ensure the full enjoyment of the right to life by all individuals as may be necessary to give effect to the right to life. The duty to protect the right to life by law also includes an obligation for States parties to adopt any appropriate laws or other measures in order to protect life from all reasonably foreseeable threats, including from threats emanating from private persons and entities.” (UN. 3 September 2019, ICCPR/C/GC/36, art.6. para 2). Hence, the life of all citizens must be protected and safeguarded from all kinds of unjust killings, enforced disappearances and extrajudicial killings and so on.

2.2 Violations Of The “Right To Life”

Despite sincere concerns by the UN with its other diligent entities in protecting this ‘Right to Life’, there are unpleasant violations of this Right still being experienced by people across the globe. Every single day and almost all the countries of the world are experiencing homicide, democide, genocide, extra judicial killing, enforced disappearances, arbitrary arrests and detentions for which hundreds of thousands of people are being deprived of their “Right to Life”, liberty and security. One of the obvious forms of violation to the “Right to Life” is enforced disappearances. According to the UN, enforced disappearances have been frequently used “as a strategy to spread terror within the whole of society”. The UN Secretary-General António Guterres also confirms that, “The crime of enforced disappearance is rife across the world”. It is now not restricted to any specific area of the world rather it has become a global problem. The UN further elaborates that enforced disappearance is being used as a means of political repression of enemies, as a product of military dictatorships and create complex situations in internal conflicts. Alarming, the UN record shows that, during conflicts or periods of repression millions of people have vanished in at least 85 countries around the world. (UN chief, 30 August 2020).

For example, according to the Human Rights Watch (HRW) in Pakistan enforced disappearances had occurred as a result of the protest in Islamabad on February 20, 2021. The protesters demanded that the government provide information on the whereabouts of their missing family members who took part in the incident. But unfortunately, because of the criminal justice system in Pakistan which purportedly authorize enforced disappearances, the law enforcement agencies and authorities, failed to demonstrate the political will to end continuous enforced disappearances. The promises of the Prime Minister Imran Khan for ending this illegal practice, offer to the families of the victims only a glimmer of hope, but not as much as desired. (Gossman, 22 March 2021).

Another example of the “Right to Life” violation is by the government of USA. According to the Amnesty International the USA practice the ‘targeted killing’ or the ‘deliberate killing’ tactics on suspects of terrorism. Methods of killing them include through the use of drones or killing by bombing from a long distance of the recognized target. (Amnesty International, 2012). A classic example is the assassination of Osama Bin Ladin. Another example happened in Lebanon where over 200 people were killed and thousands wounded by the blast in August 2020 in Beirut. Though the Lebanese officials knew of the risks before this deadly blast, they failed to act to prevent the disaster and to secure the “Right to Life” of its citizens from the targeted attacks. This was reported with evidence by HRW. (Epstein, 2021).

In Thailand too, violation of “Right to Life” has also been reported by the International Federation for Human Rights. The report warned that the condition of impunity for the perpetrators similar to the “Right to Life” crimes is widespread and growing. The case of fifteen community leaders who have been killed and whose cases remain unsettled have been highlighted by some Environmentalists and Human Rights activists as outstanding violation of “Right to Life”. (International Federation, 2004).

In the Philippines, the “Right to Life” is violated through extrajudicial killings. The infamous ‘War on drugs’ campaign launched by President Rodrigo Duterte in June 2016 took 5,000 lives. The police and militia groups were given absolute power to execute drug dealers and users. It is

considered that the ‘War on drugs’ is a denial of the “Right to Life”. (Human Right Measurement, 2019).

Similarly in Nigeria, the controversial SARS unit of the Nigerian Police Force in 1992 were unequivocally given full power to combat crimes such as robbery, theft, firearms and cattle rustling. However, it was found that massive violations of the “Right to Life”, liberty and security of persons had been executed and arbitrary arrests and detentions, tortures and extrajudicial killings of at least 82 incidents had occurred between January 2017 and May 2020 by the government forces. These have been reported by the Amnesty International and the government was urged to stop this violation of the “Right to Life.” (Ben McInerney, 2020).

In Myanmar, violation of “Right to Life” has been starkly demonstrated by crimes against humanity. The Military and police forces had clearly abused the “Right to Life” with killings of peoples in custody including arbitrary arrests, detention and torture. These had blatantly occurred during the violent fighting between Myanmar’s military and several ethnic armed groups of the minority populations. The ethnic cleansing and genocide against humanity made the Rohingya people in 2017 displaced within Myanmar. Some 740,000 of Rohingya people out of the 1.4 million Rohingya who are citizens of Myanmar soon became refugees and fled to the neighbouring country, Bangladesh. (Human Right Watch, 2021).

Similarly, the unforgivable crimes against humanity in Xinjiang by the Chinese government and its oppression led to the torture of the Uighurs or the Turkic Muslims to unprecedented levels. The HRW has reported with the strongest evidence in relation to imprisonment, enslavement and other severe deprivation of Human Rights and liberty like enforced disappearances, persecution and tortures. These violations of “Right to Life” were deliberately carried out by the Chinese government under the guise of nationalism, counter-terrorism and Islamophobia over China. (Campaigners call for global response, 2021).

Overall, from all the grim incidences all over the world, it is obvious that severe violations of this “Right to Life” are rampant and widespread. Even though the UN and its entities had declared and are supposed to protect this right and save its world citizens, obviously they have failed in their mission.

3.0 THE “RIGHT TO LIFE” IN THE QUR’AN AND SUNNAH

The Qur’an and Sunnah, especially of the Prophet Muhammad’s remarks, had actually been established and ensured of the “Right to Life” for human beings long before the UN’s UDHR which was introduced only in 1948. In Islam, life is considered as a sacred right for a human being. Even though originally human being was just a “clay” without life and was not worth anything, Allah SWT has endowed the soul into him and instilled life during its creation and made him alive and be able to hear, see and think. Finally, Allah SWT makes him a respectful creation surpassing even the status of angels. These are stressed in the two verses below and Allah further explains why human beings are superior to the angels by the ensuing verses:

“When your Lord said to the angels, I am going to create man from clay. So, once I make him perfectly and breath My spirit into him, you must fall down in prostration before him.” [Qur’an Surah Sad Verse 71-72 (38:71-72)].

“There has come upon man a period of time in which he was nothing worth mentioning. We have created man from a mixed sperm-drop to put him to a test; then We made him able to hear, able to see.” [Qur’an Surah Al- Insan Verse 1-2 (76:1-2)].

Almighty Allah created Life and Death and gives life to mankind and other living beings each with their respective purposes. Thus, it is He (Allah SWT) who is best to pass judgements as to who should Live and who should Die. This is stressed in the Qur’an:

“The One (Allah) who created death and life, so that He may test you as to which of you is better in his deeds. And He is the All-Mighty, the Most-Forgiving.” [Qur’an Surah Al-Mulk Verse 2 (67:2)].

In other words, the “Right to Life” and Death for all mankind is all up to Him to decide:

“And surely We, Ever We, indeed give life and make to die, and We are the inheritors.” [Qur’an Surah Al-Hijr Verse 23 (15:23)].

That is why the question of liberty and security of a person is a deeply focused issue in Islam. This is because Allah Himself is the Protector and able to confirm the security of a person. The Qur’an states that:

“Allah is the Best Protector and is the Most Merciful.” [Qur’an Surah Yusuf Verse 64 (12:64)].

To ensure the “Right to Life” liberty and security of a person, almighty Allah reminds mankind about the sanctity of human life and that the value of life of a single human being is in fact equal to the value of the lives of all humankind. This magnitude is specifically revealed in the Qur’an that:

“...whoever kills a person not in retaliation for a person killed, nor (as a punishment) for spreading disorder on the earth, is as if he has killed the whole of humankind, and whoever saves the life of a person is as if he has saved the life of the whole of humankind...” [Qur’an Surah Al-Maidah Verse 32 (5:32)].

Therefore, it can be construed that liberty and security of persons in Islam is utmost precious whereby Allah the Almighty, prohibits suicide, homicide, democide, genocide, extra judicial killing, tortures and oppression. The Qur’an states that:

“...You shall not kill yourselves. Surely Allah is ever Compassionate to you. [Qur’an Surah An-Nisa’ Verse 29 (4:29)].

In the above verse, suicide and homicide is strongly prohibited, and the word “not kill yourselves” has been interpreted as killing oneself or killing other people. The Qur’an further elaborates that:

“Do not kill any person the life of whom is sanctified by Allah, except for a just reason.” [Qur’an Surah Al-Isra’ Verse 33 (17:33)].

Since the word “killing” is general, it could include all kind of killings such as homicide, democide, genocide as well as extrajudicial killing.

Meanwhile, tortures and oppression are also prohibited in Islam. The Messenger (PBUH) remarks in a hadith Qudsi:

“O My slaves, I have forbidden oppression to Myself, and I have made it unlawful among you, so do not wrong one another.” (Muslim, hadith no 2577, p 1994).

In another narration, the Messenger (PBUH) also warns “Beware of oppression, for oppression will be darkness on the Day of Resurrection.” (Muslim, hadith no 2578, p 1996).

3.1 Protections Of The “Right To Life” In The Qur’an And Sunnah

The Qur’an and Sunnah (especially via the Prophet’s hadiths) protect the “Right to Life” by emphasizing the value of human life. The Qur’an expresses that Allah is the Creator and Owner of Life and Death and that no one therefore has the Right to take anyone’s life. Moreover, the Qur’an and Sunnah teaches the leaders of the ummah to protect and uphold the “Right to Life” of its citizens, authorize power on relevant agencies to implement it, grant reward for those who implement it, forbid violations and finally execute severe punishments for violating the “Right to Life”.

From the Qur’an, Allah SWT reveals and shows that the “Right to Life” for their people is the responsibility of leaders as to secure the “Right to Life” for people was also the Prophet’s (PBUH) responsibility too. The verse below clearly dictates the Prophet to safeguard the rights of the people.

“...and who (the Messenger) bids them what is fair and forbids what is unfair, and makes lawful for them good things, and makes unlawful for them impure things, and relieves them of their burden, and of the shackles that were upon them. So, those who believe in him and support him, and help him and follow the light sent down with him, - those are the ones who are successful.” [Qur’an Surah Al- ‘Araf Verse 157 (7:157)]

Almighty Allah commands the implementation of the “Right to Life” through saving the lives of oppressed people, women and children though as a last resort there is a need to fight for it. The Qur’an states that:

“What has happened to you that you do not fight in the way of Allah, and for the oppressed among men, women and children who say, “Our Lord, take us out from this town whose people are cruel, and make for us a supporter from Your own, and make for us a helper from Your own.” [Qur’an Surah An-Nisa’ Verse 75 (4:75)].

The holy Prophet also commands to safeguard the “Right to Life” through respecting other peoples’ lives. The Holy Prophet (PBUH) in his farewell sermon emphasized the Right of human beings and sanctity for their lives mentioning that people have to respect each other's life until the Resurrection Day. (Khajeh Piri, 2022).

Allah SWT declares the rewards for implementing the “Right to Life” and for not violating it. Allah commands that those who abstain from killing and not violating it will be granted special reward of high place in paradise and for permanent peaceful living therein.

“The servants of the Rahmān (the All-Merciful, Allah) are those who walk on the earth humbly, and when the ignorant people speak to them, they reply peacefully ...and do not kill a person whom Allah has given sanctity... Such people will be rewarded with the high place - because they observed patience - and will be received therein with prayers of their eternal life and peace, living in it (the Paradise) for ever. It is best as an abode and as a place to dwell in.” [Qur’an Surah Al-Furqan Verses 63, 68, 75 &76 (25:63, 68, 75 &76)].

The implementor of this “Right to Life” will be rewarded with the help of Allah in the day of resurrection. The almighty Allah himself will help the one who abstain from violating the “Right to Life” by not retaliating rather by forgiving them. This is promised as in the verse below:

“...And whoever is killed unjustly, We have invested his heir with authority (of equal retaliation), but he must not cross the limit in the matter of killing. Surely, he will be helped.” [Qur’an Surah Al-Isra’ Verse 33(17:33)].

Indeed, Allah strongly prohibits the violation of this “Right to Life” and that He forbids strongly all kinds of unjust killing. The Qur’an states that:

“...You shall not kill yourselves. Surely Allah is ever Compassionate to you. [Qur’an Surah An-Nisa’ Verse 29 (4:29)].

“Do not kill any person the life of whom is sanctified by Allah, except for a just reason.” [Qur’an Surah Al-Isra’ Verse 33(17:33)].

“Do not kill your children for fear of poverty. We provide sustenance to them and to you, too. Killing them is a great sin indeed.” [Qur’an Surah Al-Isra’ Verse 31(17:31)].

Finally, the Qur’an and Sunnah, declare painful punishments for those who violate this “Right to Life” through killing or oppressing. For example, Retribution is prescribed in the case of killings in this world. The Qur’an states that:

“Believers! Retribution is prescribed for you in cases of killing: if a freeman is guilty then the freeman; if a slave is guilty then the slave; if a female is guilty, then the female. But if something of a murderer’s guilt is remitted by his brother this should be adhered to in fairness and payment be made in a goodly manner. This is an alleviation and a mercy from your Lord; and for him who commits excess after that there is a painful chastisement.” [Qur’an Surah Al-Baqarah Verse 178 (2:178)].

Severe punishment is also declared for killing in the hereafter too. The Qur’an reiterates that:

“... - and who so does (take any life, commit unlawful sexual intercourse) that shall meet its penalty, his torment shall be doubled for him on the Day of Resurrection, and he will abide in it in ignominy.” [Qur’an Surah Al-Furqan Verse 68-69 (25:68-69)].

“Whoever kills a believer deliberately, his reward is Jahannam (Hell) where he shall remain forever, and Allah shall be angry with him and shall cast curse upon him, and He has prepared for him a mighty punishment.” [Qur’an Surah An-Nisa’ Verse 93(4:93)].

It is observed from aforesaid that, the Qur’an and Sunnah protect this “Right to Life” through a comprehensive way wherein for compromising people there is advice and statement on the value of human life. After that, there are commands for implementing this “Right to Life” and interesting rewards for implementation. Finally, within strong prohibitions from violating this right, there are severe punishments for violations notably the chastisements in the hereafter from which no one can escape though the abusers and violators seldom can escape from worldly retributions.

4.0 A COMPARATIVE OVERVIEW ON THE “RIGHT TO LIFE”

Upon analysis and comparison on the “Right to Life,” liberty and security of a person between the clauses in the UDHR and the instructions about it in the Qur’an and Sunnah, it can be asserted that while the UDHR declared this Right on paper, the Qur’an and Sunnah demonstrate deep concerns in ensuring this “Right to Life” via various means in granting the liberty and security of persons. The Qur’an and Hadiths highlight Allah’s ownership of Life and Death and about Allah’s guarantee of this “Right to Life” for all mankind. Indeed, the Creator of human life extremely prohibits all kinds of killings like suicide, homicide, democide and genocide. Also, it includes all kinds of other oppressions like degrading punishments, tortures, arbitrary arrests and detentions.

Nevertheless, due to the similar aim of both the UDHR and Qur’an and Sunnah the UDHR can be considered a step for implementing the Qur’anic right. It is because, the “Right to Life” as declared in the UDHR does not go against any Qur’anic rules rather it supports the implementation of the Qur’anic term “Right to Life” throughout the world. But, this Article of the UDHR is ambiguous about the Death Penalty, which seems to be contradictory to the Islamic framework. This study finds that, as far as the Islamic framework is concerned, abolishing the Death Penalty is not chiefly aimed through this right and it is also not clearly mentioned in the UDHR that it wishes to abolish the Death Penalty. Meanwhile, the ICCPR is of the opinion that “for limiting use of Death Penalty until in serious issue while law sees the need of it for justice.” However, this cannot be a ground to claim that the declaration is for abolishing the Death Penalty which is contradictory to the Islamic framework since the ICCPR does not clearly obligate to abolish it totally. Likewise, Islam too does not strongly order for the elimination of the Death Penalty. In fact, the ICCPR’s recommendation on limited execution of the Death Penalty is also similar to the Qur’anic commands. Even though the Qur’an allows Death Penalty for showing justice to the victim whenever the guardian demands, Islam actually discourages Death Penalty. Rather it promotes guardians to offer forgiveness. In fact, there is no command in the Qur’an and Sunnah for the implication of the Death Penalty without any condition, limitation or reason. The Qur’an allows Retribution and does not directly command for Death Penalty without any condition except in showing equality of justice. But this is permissible when the guardian of the victim demands Retaliation. Otherwise, the Qur’an encourages him for Forgiveness rather than Retaliation and this shows that Islam wants to save life. As the Qur’an states that:

“Believers! Retribution is prescribed for you in cases of killing: if a freeman is guilty then the freeman; if a slave is guilty then the slave; if a female is guilty, then the female. But if something of a murderer’s guilt is remitted by his brother this should be adhered to in fairness, and payment be made in a goodly manner. This is an alleviation and a mercy from your Lord; and for him who commits excess after that there is a painful chastisement.” “Fair retribution saves life for you, people of understanding, so that you may guard yourselves against what is wrong. When death approaches one of you who leaves wealth.” [Qur’an Surah Al-Baqarah Verse 178-179 (2:178-179)].

Hence, the Death Penalty in the Islamic framework is for saving life. Therefore, “Right to Life” as declared in the UDHR does not in any way contradict to the Qur’anic aim.

Regarding the protection of the “Right to Life”, the UN has a lot of entities that are active and diligent in protecting this Right. Also, other governmental and Non-Governmental Organizations (NGOs) all over the world are sincere to protect it and many national and international Human Rights instruments have recognized this Right. Unfortunately, despite strong protection

mechanisms and recognitions, there are numerous violations that still persist all over the world. Cases of homicide, democide, genocide, extrajudicial killing, degrading punishment, inhumane tortures, arbitrary arrest, and detentions are common incidences. It is observed that according to the UN record, during conflicts or periods of repression millions of people have vanished in at least 85 countries around the world. (UN chief, 30 August 2020).

It is the contention of this study that the Qur'anic protection system for the "Right to Life," and the effective Islamic rules and instruction for spiritual and ideological approaches be adopted by the UN. The Qur'an is a revelation that instructs a perfect inclusive rule for protecting the "Right to Life," and which could encourage Human Rights Advocates to implement them. The Qur'an firstly shows that, Allah is only the Owner of Life and Death and that He guarantees the "Right to Life." Then He commands for implementing it, declares rewards for implementing it, strongly forbids the violation of it and finally declares severe punishments whoever violates it, though there is ample room for forgiveness with compensations instead of retaliation in worldly trial. Obviously, this Qur'anic system is absent in the UN mechanism where it only declares this right as a common standard of achievements for all peoples throughout all nations. (United Nations, (1948). Subsequently, this study advocates that if the UN urge the member states for adopting the Qur'anic protecting system or something similar to it; imposing immediate punishments for violations instead of simply blaming and sanctioning on the violating countries; declaring rewards for the countries who have properly respected and implemented this "Right to Life" accordingly; besides taking steps for awakening moral and religious values in the minds of people to make them alert about the upcoming punishments here and Hereafter. It is indeed to be noted that through implementing the Qur'anic guidance and protecting system, it is expected that this "Right to Life" could effectively be implemented and finally justice and peace to be entirely established in the world.

5.0 CONCLUSION

The "Right to Life" that was declared by the UN in the UDHR of 1948, is found to be all in agreement with the instructions of the Qur'an and *Sunnab*. The divine "Right to Life" in the Qur'an and *Sunnab* was enshrined centuries ago. However, the UN and its other international and regional Human Rights instruments or entities with its UDHR have not fully succeeded as expected to promote and protect "Right to Life" as evidenced by the widespread gruesome violations. Admittedly, there is no clause in the Article of the UDHR which is inconsistent with the Qur'an and *Sunnab*. The abolishing of the Death Penalty which is regarded as inconsistent with the Qur'anic teachings is not the core aim of this UDHR article and it is also not clearly mentioned in the UDHR. Even though the ICCPR recommends the limited execution of the Death Penalty only in serious cases where the law sees the need for justice, it cannot be presumed that the UDHR's "Right to Life" is contradictory to the Islamic frameworks "Right to Life." The Qur'an though allows Retaliation or Death Penalty to exhibit justice to be carried out when the condition is met i.e. when the guardian of the victim demands it. However, Qur'an keeps the room for Forgiveness open. It does not appreciate Retaliation and inspires the victim's family with Reward for Forgiveness. Finally, regarding the UN promotion and protection system for the "Right to Life" it can be affirmed that, it is unable to perfectly reduce and prevent violations of this Right effectively. Comparatively, the comprehensive way that has been bestowed by the Qur'an and *Sunnab* for promoting and protecting this Right seems to be more operational, as it makes or advocates amicable and noble Human Rights conduct. Besides the deed rewards system, Islam

advocates strong prohibition and severe punishments to discourage abuse and violations of the “Right to Life”. In conclusion, Islam offers several ways out instead of the strict “Death Penalty” as promulgated by some Human Rights Movements. These include “Blood Money” (*Diyyaat*) which is a form of monetary compensation, sincere repentance (*Taubatan Nasuha*) on the part of the perpetrators and the noblest act of all is Forgiveness by the victim’s family. In the end, although both UDHR and Islam have bestowed rules and guidelines of the “Right to Life”, due to the weak leadership or issues in state sovereignty, numerous violations towards humans are still rampant until today. A strong obligation of following the Quranic comprehensive protecting system give a hope for this “Right to Life” to be fully implemented and protected.

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