

# Equality in Islam and Gender Biased discrimination in Muslim Countries: Analytical and Legal View

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**Abstract:** Discrimination signifies an important social issue not only in Pakistan, but around the globe as well. Particularly, females suffers prejudice universally. They are often given less food as compared to the males and are hardly allowed for higher studies and longer working hours. In our society, no importance is ever given to the vulnerable anguish of the girls. Our obliviousness will definitely result in forgetting our objective that is even now splintered in the states. In the societies, in which male children are deemed as more precious for the family members, female children are deprived from the right of their dream life, name as well as nationality. Also, either the females are forced to get married in the early ages or are pressurized to stay at homes, assist in house-holds, refuted their educational rights, and every associated benefit, denied the right to socialize freely as well as the rights linked with denial of liberty. Each of these encompasses basic mortification from the family members to the female children when the male children are deemed as the founders of future.

**Keywords:** Equality, Gender, Islam, Discrimination, Countries, Legal

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## Introduction

In this study, analytical together with the critical method is opted to produce the true image of Pakistan in the said regard.

## **Equality in Islam and Gender Biased discrimination in Muslim Countries: Analytical and Legal View**

The main aim of my research study is to stipulate the practical elucidation for act in spotting sustaining ways of discrimination as well as inequality against the female children, obliterating ways, and practices which are harmful in fulfilling the rights of the females and prescribing an efficient policy for the protection and promotion of these rights.

Objective of this study will be determined as education is the key to assist in breaking the model gender discrimination and create permanent changes for the females in the developing states inclusive of Pakistan, among others. Since decades, Pakistan has hardly invested in the educational sectors, and specifically in the education of women. Education of the girls also refers to the wide-ranging change in the societies. Educated females are very significant to terminate this rapid growing notion of gender discrimination, initialing by the reduction of poverty, which is the leading cause discrimination, much harsher in the developing nations.

### **Novelty of the Concept**

The historical evidence depicts that the talents as well as lives of many females have been distorted and perverted because of this gender discrimination in numerous life aspects. In my personal thoughts regarding the uses and limitation of can-do tactic, comparison amidst gender discrimination and biasness have been found to be very useful. Several studies makes use of these terminologies greater or lesser exchangeable, however, inequality among the genders comprises two somewhat dissimilar issues. Discrimination includes impediments to maximum contribution in human performances; biasness includes the cultural distinctiveness of the actions.

In the independent Western civilization, getting consensus upon the suggestion regarding discrimination being unfair is pretty straightforward. In this scenario, that female should be provided with equivalent approach towards the professional benefits as well as opportunities to choose, build, and bring advancements in their careers and jobs. Achievement of the consensus regarding the proposal that the jobs together with the social life sciences are ethnically described as manly activities, also that this intrinsic biasness among the genders must be reworked. So far, the biasness among the genders in the societal sciences as well as the jobs, just in a similar way they are being practiced these days, is genuine, also, impediments to the maximum performance of the females will be presented continuously even in the case of ending of the gender discrimination.

In this study, the dual dimensions of gender discrimination will be discussed, particularly, in the Pakistani society. For instance, if the males are provided with the extensive vacations, improved reimbursement schemes, or increased rewards as compared to the females of the same society based upon the unjust gender biasness, it is referred to as gender discrimination as well and would be considered as illegal. Gender discrimination and gender biasness are often exploited interchangeably, nevertheless, there exists some difference between the two. Gender biasness is given with some priority towards a specific sex, at times designated to be Sex biasness. There are people who prioritize one gender over another gender in context of the societal situations and the professional circumstances. One can either be inclined towards a specific gender or influenced against the specific gender.

Theme 1: A man might be biased contrary to the woman co-employees and that is why would rather work alongside the other men. This biasness results in gender discrimination if that man serves as a managing authority or the boss of that company.

Theme 2: A man might be biased towards the woman nursing staff and that is why think that he serves well and even enhanced compassionate treatment to the patients as compared to the other males nursing staff.

In any organization, the employees are shielded by the help of laws not in favor of the gender discrimination and are guarded from those who have superiority complex and use their employees as their prey, because of their work status.

According to the laws about the issue of gender discrimination, set by the legislative board of Pakistan's National Assembly, it should be noted that unsuitable attitude must be reported immediately to the managing department of Human resource sector, to the police department, and to the colleagues as well.

### **Gender Disparity**

The Oxford definition of 'Gender Discrimination' refers to gender disparity, that corresponds to a public mechanism in which individuals are classified differentially and at an unfairness in identical conditions on the grounds of gender<sup>1</sup>. However, the Cambridge definition demonstrates gender discrimination as a condition where an individual is served differently based on their sex<sup>2</sup>.

Gender disparity is the consequence of chronic prejudice against a particular community of individuals on the grounds of sexuality which expresses itself distinctly in terms of ethnicity, community, ideology, continent and financial status. It is often viewed as causative component in abuse towards women. Although gender inequality exists in both sexes in particular cases, bias towards women is a deep-seated worldwide concern. Abuse and brutality towards women had never been took notice of in Islamic Republic of Pakistan. However, in Afghanistan, women are being punished if they attend any educational institute<sup>3</sup>. The United Nations (UN), World Bank and Organization for Economic Cooperation and Development (OECD) in developed nations have focused extensively on the subject of gender discrimination at a global platform. The factors and consequences of gender bias differ greatly, as do strategies for addressing this issue. Gender discrimination can be better clarified by patriarchy processes. Inequality usually occurs in this way, when both sexes are exposed to a biased treatment on grounds of sexual preference. Gender bias happens as both genders are part of different aspects of social mindset.

Sexism often plays its part in communication and unfair treatment even within business sector. Usually, men hold public offices in the economic environment. Owing to the interest or desire of men, since they

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<sup>1</sup> Michael Kent, *The Oxford Dictionary of sports science and medicine*, 3rd Edition, Oxford University Press, 2006, Print ISBN-13:9780198568506

<sup>2</sup> Cambridge Business English Dictionary, Cambridge University Press, University House, CB2 8BS, United Kingdom

<sup>3</sup> Filins, Dexter (August 23, 2009). "A School Bus for Shamsia". *New York Times*. Retrieved February 16, 2011.

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have common traits, men in such offices of leadership are often more eager to recruit or employ men, thereby oppressing women<sup>4</sup>.

Recently, European Union Human Rights Commission published a study on gender inequality by re-defining the gender system, describing that, regardless of relationship status, any separation, omission or limitation based on gender with the consequence or intent of degrading and annulling women's acknowledgment of happiness or practice in economical, societal, traditional or other fields comes under gender discrimination<sup>5</sup>.

### Concept of Gender according to the Islamic teachings

Holy Quran, that is the major foundation of Shariah, specifies that both men as well as women are spiritually equal. The Qur'an 4:124 states:

*"If any do deeds of righteousness be they male or female and have faith, they will enter Heaven, and not the least injustice will be done to them."*<sup>6</sup>

However in many policies of Muslim organizations this principle of equity is never expressed in reality<sup>7</sup>. Stereotypes for women have not been defined by Quran<sup>8</sup>. Furthermore, social norms emerge in Islamic culture, mainly since distinct privileges and social obligations are often assigned to men and women. Women are morally prohibited from exercising such liberties in many Islamic nations<sup>9</sup>.

In Surat Nisa verse it is quite obvious:

*"O mankind! Reverence your Guardian-Lord, who created you from a single Person, created, of like nature, his mate, and from them twain scattered (like seeds) countless men and women; fear Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (that bore you): for Allah ever watches over you"*<sup>10</sup>.

This reveals that no sex is superior over another. Ibn Abbas states that each person has the strength of a common human and divine essence. The two sexes are made from one soul. Ibn Abbas further said that Allah created humanity from one single human being, from whom He formed his companion, and from them a number of individuals both men as well as women scattered globally.

Islam raises women's inferior existence and gives women full equality. The exceptional social justice guaranteed to them through a religious belief of monotheism as described in Quran, shows the fair treatment of females in Islam. The content of said verse suggested that a particular sexuality over another is not characterized in the main Islamic context as evidence of gender unbiasedness and justice.

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<sup>4</sup> Massey, Douglas. "Categorically Unequal: The American Stratification System." NY: Russell Sage Foundation, 2007.

<sup>5</sup> Council conclusions on the Action Plan on Human Rights and Democracy, 2015 – 2019, 10897/15, 20 July 2015

<sup>6</sup> The glorious Quran 4:124 English translation (Irfan-ul-Quran), Shaykh-ul-Islam Dr Muhammad Tahir-ul-Qadri, Minhaj-ul-Quran Publications, Lahore Pakistan, July 2006

<sup>7</sup> Dr Murtaza Munahil "Sexuality, gender and Islam." Tehran Press 2013 P 45

<sup>8</sup> Mernissi, F. (1991), Women & Islam, Blackwell Publishers, Oxford.

<sup>9</sup> Martin et al. (2003), Encyclopedia of Islam & the Muslim World, Macmillan Reference.

<sup>10</sup> The Holy Quran 4:1, Minhaj-ul-Quran Publications, Lahore Pakistan, July 2006

Till now, one can never bring any Islamic records, whether they are from Qur'an or Hadith, which claim that women must remain at home or can do stuff outside their house. Allah, meanwhile, has granted both women and men relatively similar universal obligations. As mentioned in verse 71 of Surat Tawbah (Forgiveness), Allah has assigned following six duties to both sexes:

*“The Believers, men and women, are protectors, one of another: they enjoin what is Just and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His Mercy: for Allah is exalted in power, Wise”<sup>11</sup>.*

Abdullah Ibn-e-Abbas states that Islam specifies similar duties for men and women, and therefore Allah has confirmed through this verse that He has blessed those who carry out these tasks, whether men or women. Due to their sexual identity, women also aren't spared from such duties and commitments.

The context of the Qur'an (verse 34 of Surat Nisa) states that men are accountable for women's matters and women they concern for are following:

*“Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means”<sup>12</sup>.*

Ibn Abbas identifies that men has no freedom to act arrogantly in their treatment with women and to disregard their status or to limit their status inside the household. Their power is that whether they defend women or provide them safety. These safeguards and facilities should indeed be consulted and sincerely respected. Sheik Salman Al-Oadah thinks it means that men have the duty to provide for their wives (under their accountability), secure her, safeguard her dignity, and meet her religious and material needs. The explanations for this are, as displayed in the verse,

*“...because of what Allah has preferred one with over the other and because of what they spend to support them from their wealth...”*

In other words, Islam considers men and women as per their innate distinctions and hence men's desires are intrinsic in them and vice versa. Social justice would not involve uniformity. Equity among both men and women should not involve absolute similarity because of the intrinsic disparities between two sexes.

Women have many rights that are stripped of by guy. Women as discussed above has the right to their men's full support and protection. Women have no household costs to deal with or divide with their spouses. As a parent, for instance, in the vision of God a woman deserves greater dignity and praise. The love for parents (particularly mothers) is after the love for Allah and His messenger (PBUH).

Islam has given women the right to decide who they want to marry. Marriage is a contract with Islam. Women are completely entitled to approve the marriage proposal or refuse it. The approval of women shall be a necessary condition for the legitimacy of the marriage as per the sayings of Muhammad (PBUH). The Holy Prophet once said:

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<sup>11</sup> The Holy Quran 9:71 Minhaj-ul-Quran Publications, Lahore Pakistan, July 2006

<sup>12</sup> The Holy Quran 4:34, Minhaj-ul-Quran Publications, Lahore Pakistan, July 2006

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*“A previously married woman cannot be married until her order is sought and a virgin cannot be married until her permission is sought”.*

They asked: How do they know about her consent? He responded: “If she keeps silence” (Al Bukhari and Muslim). In another Hadith, Ibn Abbas testified that a girl filed a complaint against her father before the Prophet (PBUH) that she is being forced to get married in spite of her resistance, to elevate the public prestige of her father. Prophet Mohammad (PBUH) asked her to either accept the marriage or reject it; the girl replied: “O Messenger of Allah! I accept my father’s command, however I desired that women understand that their parents cannot command them to marry someone against their will” (Ahmad and Ibn Majah and others) Feqh Al-Sunnah, p. 115.

In Islam, women have much right to free speech as men. Women's views are put into account and so are not dismissed merely because they belong to women. In Qur’an women have been told that they can openly shared their thoughts yet also argue and engage themselves in serious debates with Muhammad (PBUH) himself.

The symbolic statements of Muhammad (PBUH) concentrate on respecting women, treat them with just and compassion. The Prophet Muhammad (PBUH) told Abu Huraira (R.A) that:

*“I commend you to be kind to women”.* (Related by Muslim, Al Bukhari, and others) (Riyadh Al Saliheen, Hadith No. 273, p. 102).

Mohammad (PBUH) helped his spouses’ in house chores which reveals that no deterioration is related to the execution of preparing food, sweeping, laundry, etc.

When Allah proclaimed that Heaven was beneath the mothers' feet, Muhammad (PBUH) also addressed mother's dignity. A woman has the entitlement of 3/4 of the respect and affection of her kids with 1/4 for their fathers. Abu Huraira (R.A) narrated that a man came over to Prophet (PBUH) and asked: O Messenger of Allah, who amongst the humans is highly eligible of my virtuous company? The Prophet (PBUH) replied: “Your mother”. The man asked that who next: the Prophet responded again: “Your mother”. The man again requested, and who next? After that the Prophet (PBUH) said: “Your father”. (Al Bukhari) (Riyadh Al Saliheen, Hadith No. 316, p. 112).

### Why Gender Discrimination

Pakistan has been the 2nd worst nation in the globe regarding gender equity and ranks 148 out of 149 in 'Global Gender Gap Index' during 2018 as per the latest study published by the WEF. After reviewing this survey and a few others, it is highly deceitful that a nation is predominantly more than 90 percent Muslims, although very low in respect to gender equality. Pakistan has narrowed 55 % of its ultimate gender gap relative to the highest ranking Bangladesh (72%) and Sri Lanka (68%).

The annual survey of the Geneva-based agency, which dealt with gender inequalities in 149 nations in four fields: literacy, healthcare, financial chance and community development. Strategic plan of Pakistan shows

that Pakistan listed 146th in respect to economic development; and 145th in potential in wellbeing. The state was ranked 97 when it came to democratic representation. The study found out that the populace of Pakistan grew at 1.93% annually.

The study shows a smaller volume of women as compared to men who are working, showing that the effect of technology on the typical employment of women appeared excessive.

Women were substantially marginalized in rapidly growing fields requiring scientific, technical, software and mathematical skills, as observed by WEF. It denounced the notably impaired role of women in the discipline of artificial intelligence, where they constituted just 22 % of the total personnel.

With recent trends in mind, it claimed that among 106 nations covering since its first survey, the total gender disparity will narrow over the next century. It seems that the financial and social component for advancement, which would last for another century, is the most complicated gender disparities to address.

There were only seventeen women as national leaders among the 149 states examined in this study, although only 1 % ministers and 2/3 members of parliament nationwide are women in general. Similarly, women occupy barely 34% of supervisory rank in the states that have existing evidence and less than 7% in Egypt, Yemen, Saudi Arabia and Pakistan, that being the four poorest regions<sup>13</sup>.

Maria Umar, President of Women's Digital League, during a talk with Pakistan Today, identified that women's agencies have recently recognized that women have not been adequately treated at the higher leadership ranks, but there is no specific attempt to change the scenario. "Gender parity could only be accomplished through integration of women and men. The major issue is that people speak about equality of women, however they don't know that during this process more women have to be granted access to conventions, workshops, etc." she added. Maria stated that this is among the tangible measures to improve gender equity in this course. She said, "More representation in all aspects means more exposure and might hopefully lead to equity<sup>14</sup>.

## Lessons

In last I am presenting findings and recommendations in the light of study that:

- The Pakistani government is expected to take appropriate action in order to ensure the continuity of gender equity facilities, programs, and social security, and empowering tribal women.
- It is time to eradicate the inequality between men and women, and also violence and racial oppression against women. Without the contribution from the 50% proportion of women, the nation will not step in the direction of growth and development.
- Women represent 50% of the nation's populace and this is a perfect chance for Imran Khan's innovative leadership to sensitize women to pursue their primary role in the country's development and growth.

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<sup>13</sup> Amin Ahmed, Daily Dawn, Karachi Pakistan December 19th, 2018, Editorial Page

<sup>14</sup> WAJIHA HYDER, Pakistan at bottom in gender equality at work index, Pakistan today, APRIL 25, 2018

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- It is indeed a reality that the recent democratic representative has drawn up successful policies for the advancement of women across the world, and eligible women will not find employment in each aspect of life nowadays.
- Women leadership should be effective in raising the social and financial status of the 50% of the populace, both in industrial and remote areas of the state.
- All entities seeking to empower women have to cross the disparity between wealthy and poor women to promote and contribute to making all women worthy players in the social structure.
  - The central Government's vital measures to ensure the welfare of women in the factories, households and technical educational institutions for women are being promoted.
  - Ensure that attempts are being taken to facilitate legal rights for women.
  - Numerous political agencies and non-governmental entities should hold numerous seminars and meetings to address women's concerns.

### Conclusion

From the above mentioned discussion, it is concluded that sexism against men and women is clearly a worldwide important concern. While the volume reduces dramatically, it still persists and each day induces many people to bear the influence. However there are explanations for inequality based on sexuality that cannot be readily resolved. There are several grounds to believe, though, that gender discrimination is avoided in the long term as a result of awareness and positive thinking. Then citizens will ideally reside in dignity regardless of gender.

In daily life, there are significant socioeconomic disparities and bigotry against minority groups. The manner in which disparity among all different classes of society persists could be demonstrated. Minority groups strive to be like those groups created by the society. The way schooling is unbalanced, income disparities and the ongoing cycle of unemployment make this evident. Numerous individuals have raised their voices to explain these challenges. The disabled women are less vulnerable to domestic abuse as well as to sexual harassment than the disabled men or women with no disorders, are less likely to be in decent jobs. Trans-genders or distinct individuals may be compelled, until they have access to care, at work and also in social environments, to disguise their sexual identity. Mental disorder, verbal harassment, physical violence, cyber intimidation and cultural isolation seem to be more inclined to arise. The central argument of all of this discussion concludes on this declaration from Malala Yousafzai: "I stand with freedom. Even I think women are stronger than men." (Malala Yousafzai on talk with Jon Stewart at a show)

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