

# Rights of People with Disabilities from Islamic Perspectives

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## Abstract

People with disabilities are individuals who experience long-term physical, mental, intellectual, or sensory impairments that may limit their full and effective participation in society. People with disabilities often show their resilience and determination to overcome their challenges in order to emphasize their role as active members of society contributing to its sustainable development.

The mention of health rights underscores the significance of addressing the healthcare needs of individuals with disabilities as a fundamental right. It is notable that not every country around the globe has comprehensive regulations and laws protecting the rights of people with disabilities. However, the Islamic Sharia's long-standing emphasis on proper dealing with this group with utmost care, noting that the spiritual attributes are valued more than the physical appearance in Islam.

Islamic scholars and Muslim Caliphs have historically taken measures to benefit people with disabilities, a topic that this article aims to explore in more detail. This literature review article sets the stage for discussing how Islamic teachings and historical practices have addressed the rights and well-being of individuals with disabilities.

## Introduction

The disabled are those who suffer from long-term physical, mental, intellectual, or sensory disabilities that may hinder their full and effective participation in society on an equal basis with others. They usually have a strong will and determination to achieve their goals and always strive to overcome their difficulties and obstacles. These people are members of society who are expected to play

an active role in its sustainable development. The health rights of people with disabilities are considered one of the fundamental rights that communities, governments, and health institutions must pay special attention to. We must empower them in society, improve their living conditions, provide care and rehabilitation, create jobs,

and offer support that reduces their disability factors. Such will encourage them to continue their hard work in society without being hindered by their disabilities, ultimately contributing to the country's advancement. They should also have the same basic rights as everyone else, including the right to receive medical care and make decisions about their health. However, these individuals may continuously face unique challenges when it comes to accessing medical care and advocating for their own health needs.

Many types of disabilities may affect a person but the most prevalent are:

- Poor vision
- Deafness or hard of hearing
- Impaired mental abilities
- Intellectual disabilities
- Disabilities due to brain and nervous system injuries
- Autism spectrum disorder
- Physical disabilities

The prevalence of people with any type of disability is estimated at 1.3 billion people worldwide, representing 16% of the world's population (or 1 in every six people)(1). Eighty percent of people with disabilities live in developing countries and the World Bank estimates that 20% of the world's poorest people suffer from some kind of disability. The rates are significantly higher among groups with low educational achievement than with a higher level of education. According to UNESCO, 90% of children with disabilities in developing countries do not attend school and according to UNICEF, 30% of street youth suffer from some kind of disability. The prevalence is higher in women than in men and a good number of them die before reaching 20 years of life expectancy compared to non-disabled people. Mortality of children with disabilities is very high reaching 80% in countries where the under-five mortality rate has fallen below 20%. In the USA the Centers for Disease Control and Prevention estimates that 61 million adults, or more than 1 in 4, have any sort of disability (2).

People with disabilities encounter various health problems and are more susceptible to living and social challenges, ranging from minor to severe. They are twice as likely as others to suffer from depression, poor oral health, asthma, diabetes, obesity, and stroke. They also face 15 times more difficulty in accessing affordable transportation than others. Moreover, they are more prone to being victims of violence and rape (3), discrimination and inequality in health services. Many of

them also experience stigma, poverty, exclusion from education, and employment (1).

Despite these facts, studies on disability legislation reveal that only 45 countries have anti-discrimination and other disability laws. The United Nations General Assembly for Human Rights, in its general meeting on the 9<sup>th</sup> of May 1975, adopted the Declaration of the Rights of Persons with Disabilities, stating, "Persons with disabilities have the right to medical, psychological, and occupational treatment, including access to prosthetic and orthopedic devices, medical and social rehabilitation, education, vocational training, assistance, counseling, placement services, and other services that enable them to develop their abilities and skills to the maximum." It recommends speeding up the necessary procedures for their integration into society or reintegration (4). In another meeting on the 13<sup>th</sup> of December 2006, the United Nations General Assembly for Human Rights issued a resolution stating, "The need to have access to the material, social, economic, cultural, health, educational, and informational status that enables persons with disabilities to fully enjoy all human rights while providing them with fundamental freedoms" (5).

The purpose of this convention is to promote, protect, and ensure the full and equal enjoyment by all persons with disabilities of all human rights and fundamental freedoms. It also aims to promote respect for their inherent dignity, based on respect, dignity, and individual autonomy, including the freedom to make one's own choices, personal independence, non-discrimination, full and effective participation, integration into society, respect for difference, and acceptance of persons with disabilities as part of human diversity and humanity. It also provides an environment of equal opportunities and accessibility to the requirements of daily life, equality between men and women, respect for the developed abilities of children with disabilities, and respect for the right of children with disabilities to preserve their identity.

The United States of America issued many federal civil rights laws such as the Americans with Disabilities Act (ADA), Rehabilitation Act, and Affordable Care Act all to protect the human rights of the disabled. It was made clear that these people have the right to all health facilities and services provided by medical providers. These rights also extend to health insurance companies and public and private entities while making sure that it strictly prohibits discrimination against people with disabilities (6).

Concerning Health Rights, people with disabilities should enjoy many of the following:

- Right to Consent to Medical Clearance: they have the right to be fully informed about their medical condition and treatment options. They can make decisions about their healthcare, including the right to refuse treatment or request alternative options.
- Right to Adequate and Integrated Care: they have the right to receive comprehensive and integrated care that addresses their specific needs.
- Right to Facilities for Health Services: healthcare providers should offer facilities ensuring equal access, such as providing sign language interpreters.
- Right to Participate in Health Decision-Making: they have the right to actively participate in decisions regarding their health.
- Right to Health Information and Education: they have the right to access health information and education tailored to their needs.
- Right to Confidentiality and Privacy: People with disabilities have the same right to privacy as others regarding their health and private information.
- Right to Non-Discrimination: Healthcare providers cannot discriminate based on disability, ensuring the same quality of care for people with disabilities as for non-disabled individuals.
- Right to Protection from Abuse and Exploitation: They have the right to be protected from abuse and exploitation in healthcare settings.
- Right to Access All Health Care Facilities: Healthcare facilities must be accessible, and accommodate people with disabilities, including those using wheelchairs or other mobility aids.
- Right to Defend Their Rights: They have the right to advocate for their healthcare needs, including making necessary claims and filing complaints for rights violations.
- Right to Support and Assistance: they should receive necessary support and assistance, whether at the health, social, or psychological level, to improve their quality of life (7-8).
- Access to Examination Rooms: Special paths and medical furniture should be provided to meet the needs of individuals with disabilities.
- Communication with Individuals with Impaired Sensory or Manual Skills: Entities must offer appropriate assistance and auxiliary services, including sign language interpreters.
- Communication with Deaf Individuals: Effective communication tools and services must be provided to patients, family members, and visitors who are deaf or hard of hearing.
- Communication for Blind or Visually Impaired Individuals: Entities are required to provide information through appropriate means for individuals who are blind or visually impaired.
- Standards require the design of medical facilities to consider accessibility for people with disabilities. This includes making paths enabling access, providing ramps and elevators, easily accessible doors, light switches, bathrooms, private parking, and guide signs for the blind or visually impaired.
- Special paths are provided to access various medical services, along with medical furniture meeting the needs of individuals with disabilities.
- According to laws, covered entities must provide appropriate assistance and auxiliary services to individuals with disabilities related to sensory, manual, or speaking skills. This includes providing sign language interpreters.
- Relevant entities must provide effective communication using assistive tools and services for patients, family members, and visitors who are deaf or hard of hearing.
- Assistance and auxiliary services should be provided for effective communication with patients, family members, and visitors who are blind or visually impaired.
- Health entities should make their programs and activities available through information technology and electronic communication means for people with disabilities. This includes accessing online appointment systems, electronic invoices, account statements, doctor search tools, and other information.
- There are many decisions and bylaws against discrimination for people with all kinds of disabilities (9).

To ensure the safety and health of people with disabilities the United States stipulated many Regulations and Laws such as:

- Accessibility of Medical Facilities: Facilities must be designed for accessibility, including ramps, elevators, accessible bathrooms, and signage for those with visual impairments.

In the Kingdom of Bahrain, special legislation has been enacted for people with disabilities, and coordination is underway with relevant authorities in the public and private sectors to facilitate access for people with

disabilities to various services. These include social allowances, transportation services, public transport, public utilities, health care, education, rehabilitation, career development programs, as well as sports and other services (10).

## Historic and Islamic perspectives on the rights of people with disabilities:

The treatment of people with special needs in the West, particularly in ancient European societies such as Rome and Sparta showed the gross neglect and oppression that this category of people faced in these societies. Disabled individuals, including children, were often neglected, and there were instances of executing disabled children.

The historical perspective underscores negative attitudes mistreatment and discriminatory practices towards people with disabilities in ancient Europe. It was rooted and influenced by false beliefs, superstitions, and negative philosophies. The societies of that time believed in myths associating mental disabilities with demonic possession and evil spirits. These erroneous beliefs were adopted by Western philosophers and scientists, further contributed to the mistreatment of individuals with disabilities.

For example, the laws in societies like Sparta and Athens allowed for the disposal of individuals with disabilities, especially those deemed unfit for work or military service. Philosopher Plato went as far as declaring people with special needs a malicious category and a burden on society, suggesting they were detrimental to the idea of the Republic (11).

Herbert Spencer, a prominent figure in Western philosophy, advocated for the prohibition of various forms of assistance to people with special needs. Darwin's observations on the natural order of plants and animals reinforced Spencer's belief that the social order was governed by the "survival of the fittest". This belief helped to justify forced sterilizations, marriage restrictions, and the warehousing of individuals with disabilities in institutions. He argued that assisting this category would burden society without yielding any benefits (12).

It is a fact that the historical mistreatment of people with special needs in ignorant European societies was dominant, where they were subjected to ridicule, entertainment, and humor. This led to a sense of exclusion and oppression for individuals with disabilities. The historical context of disabled people in various

civilizations is explored. In ancient Roman society, there was an inclination to get rid of disabled individuals, while Pharaohs in ancient Egypt also disposed of disabled children.

However, it was noted that over time, societies evolved, and during the Islamic period, Islam paid great attention to all categories of society with a more compassionate and inclusive approach advocated by Islamic teachings towards individuals with special needs. Muslims were urged to provide full care for the weak and those with special needs. Islamic law prohibited the ridicule of people in general particularly those who suffer from disabilities.

Islam places a strong emphasis on empowering individuals with special needs, aiming to guide them towards a dignified life and transform them into productive members of the Muslim community. The Sharia's guidance while acknowledging the inability of individuals with disabilities to compete on an equal footing without additional support, prioritizes them for development of the society by recognizing their unique challenges and seeks to create opportunities for them. The Islamic religion, particularly through the revelations of the Holy Quran (13), plays a crucial role in raising awareness about the dignity of individuals with disabilities and their human rights. It goes beyond mere acknowledgment of physical disabilities, extending to a deeper understanding of challenges that affect their soul and morality. The key theme in the Quran embraces individuals with disabilities, emphasizing that the essence of a person lies in their soul rather than their physical body. The sanctity of the spirit is highlighted, and the recognition that the image of God is present in the highest aspects of the human spirit is emphasized. The Quranic verse number 18 in Surat Al-Baqara (صُمُّ بَنٌمٌ عَمِيٌّ لَا يَرْجِعُونَ) suggests that some individuals may be spiritually deaf, resistant to faith, and unwilling to open their hearts to understanding. The text implies that such spiritual deafness is more severe than physical disability (13).

In highlighting human dignity and rights, the Quran does not create a barrier between those with physical disabilities and those who are healthy. Instead, it draws attention to afflictions that go beyond physical impairments, addressing deficiencies in the soul or morality.

This perspective encourages a holistic understanding of disability, recognizing the importance of addressing not

only physical challenges but also moral and spiritual aspects to foster a more inclusive and compassionate society.

Under the Islamic system, individuals with special needs are not neglected, and the verses from the Quran emphasize the importance of supporting the weak and helping them.

Ayat 11 in Surat Alhojrat of the Quran, reinforces the message of not ridiculing or discriminating against any people, emphasizing that such actions go against the principles of faith and are considered immoral. The literature of the Quran considers physical disabilities as defects that do not justify insulting the dignity of the disabled or ridiculing their rights (13).

(يا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قَوْمٌ مِّن قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّن نِّسَاءٍ عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الْأَسْمُ الْفُسُوقُ بَعْدَ الْإِيمَانِ وَمَن لَّمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ  
(الحجرات 11)

It reinforces the prohibition of mocking others and highlights the importance of avoiding discriminatory behavior. The prohibition is extended to the use of derogatory nicknames, with a reminder that pity and compassion should prevail over judgment. This prohibition aligns with the teachings of the Prophet Muhammad (peace and blessings be upon him), who emphasized the equality of rights for individuals with disabilities. An illustrative example from the Battle of Uhud [Shawwal 3 Ah – April 624 AD], is provided, where a blind hypocrite cursed the Prophet and threw dirt at him (14). Despite the tense situation and the army being on its way to battle, the Prophet chose not to harm the individual and instead instructed his companions to let him go. This incident emphasizes the Prophet's refusal to take advantage of the weakness of the disabled individual and his commitment to principles of compassion and non-violence, even in challenging circumstances. The mercy of the Prophet for people with special needs is exemplified when he said to all those with disabilities: "Any Muslim injured by even a thorn and above will get a degree of ajar and a sin will be erased from him" (15).

In such prophetic texts and holy hadiths, there is consolation and good news for every person with a disability: if he is patient with his misfortune, satisfied with his condition, and believes that God takes account of his disability, then there is no reward for him with God except Paradise. Al-Qahtani (16) highlights that Prophet Mohammed (PBUH) directed followers to provide

educational and psychological care for people with special needs. This guidance emphasizes the importance of not neglecting individuals with special needs and working towards their rehabilitation to integrate into social life. The Prophet, exemplified this care by considering the disabilities they face, alleviating some of their financial burdens, instilling self-confidence, and helping them overcome life challenges. Acceptance of their disabilities is encouraged, with the understanding that the reward for such efforts is with Allah.

During the Islamic civilization, almost all the Caliphs used to take care of people with disabilities. For example, the Umayyad Caliph Umar Bin Abdul Aziz initiated an institution that conducted a census of the disabled in the Islamic State assigning leaders to the blind and servants to those unable to stand alone. These values extended to the Alwaqaf system (Endowment System), leading to the establishment of endowments across Arab capitals to support individuals facing adversity and misfortune. Legislation by Imam Abu Hanifa was made, stating that the House of Muslim Money is responsible for alimony for the disabled. During those periods monasteries and hospitals were established that were dedicated to those with special needs, such as the Ezekiel monastery between Wasit and Baghdad (دير حزقيال بين واسط وبغداد), showcasing a longstanding tradition of care and support, numerous manuscripts and works related to the rights and conditions of disabled individuals written by many Muslim scholars are available in different libraries. These manuscripts reflect the historical commitment of Muslims to the welfare of disabled individuals. The narrative also extends to Arab churches and mosques, noting that physical disabilities did not hinder the contributions of individuals to faith. Both faith communities, Arab Muslims and Christians, have seen great figures with disabilities, including the blind, hunchbacked, lame, and deaf, who have played significant roles in advancing their respective religious teachings. There are inclusive and compassionate stances of Islamic law towards individuals with special needs. History shows that there were great efforts made by various Islamic leaders and scholars to provide care for disabled individuals. Caliph al-Walid bin Abdul Malik established the first hospital for leprosy in 88 Hijri, while other Umayyad rulers and other Muslim scholars like Al-Razi and Avicenna contributed to the understanding and care of people with disabilities. The Umayyads in general established hospitals for the insane and imbeciles, and the caliph Al-Ma'mun established shelters for the blind and helpless women in Baghdad and large cities. Sultan Qalawun built a Bimaristan to care for the disabled, and many Muslim scholars even wrote about the disabled,

indicating their interest in them, such as Al-Razi who classified degrees of hearing loss and Avicenna who explained the causes of deafness (17).

Islamic law advocates equal opportunities for both ordinary people and those with special needs. In the eyes of Islamic law, despite potential differences in the distribution of human benefits, all members of society are considered equal in human value(15). Also, Islam regards individuals with special needs as those afflicted by the Almighty God, and their condition is to be accepted as part of divine justice (18). In addition, Islam positions individuals with special needs under its protective umbrella, advocating for their care and support. It prohibits the mockery of individuals with special needs and underscores the need to address their psychological well-being, eradicating feelings of inferiority and fostering satisfaction, self-confidence, and happiness (19).

The underlying principle in Islamic Sharia, as highlighted by Hajjar (20), is to deal with people with special needs with care, alleviating their legitimate costs, and aiding them in becoming independent. Moreover, Islamic Sharia is rooted in ease and aims to remove barriers for individuals with special needs in performing various acts of worship, allowing them to fulfill their religious duties according to their abilities (21). Islamic law has historically prioritized the welfare of individuals with special needs, surpassing other civilizations in this regard. The care provided by Islam extends to individuals with motor, visual, auditory, and mental disabilities promoting societal acceptance and understanding, discouraging mockery, and encouraging positive interactions with individuals with special needs (22).

Literature has documented many Islamic scholars who suffered from some sort of disability and played a vital role in society. Here are a few examples:

- Muhammad bin Sirin who was deaf, was a hadith scholar, jurist, and imam with abundant knowledge. He was an expert in dream interpretation, knowledgeable about arithmetic, obligations, and judgment, and worked in trade, keen to do what was lawful. He also had stances of courage and honesty.
- Bashar bin Burd who was blind from birth and then contracted smallpox, was an Abbasid poet; He was very intelligent, learned poetry and literature, and excelled at them. He was also one of the most

powerful poets in Arabic literature and imam of poets in his time. He had a private poetry school.

- Amr ibn Al-Jumuh, عمرو بن الجموح who was lame, the Prophet in honoring him used to say about him: “Your white-wrinkled Amr ibn al-jumuh is your master”. The Prophet once said to him: “it’s as if I am looking at you walking with your perfect feet in Paradise” (18).
- Ibin Um Maktoom (ابن أم مكتوم) who was blind. He was assigned twice by the Prophet in the city of Almadina to lead the people during prayer, as reported by Anas ibn Malik (19).
- Abu Al-Ala Al-Maarri: He is an Abbasid poet who went blind when he was four years old. He was a philosopher, thinker, and poet. He wrote several books, including Al-Luzumiyat fi alfalsapha, Resalat Alghufran and Saqat Alzand رسالة الغفران... و... سقط الزند and had a great influence on the poetic and literary movement(23).
- The greatest conqueror, Musa Ibn Nusayr, was a lame man and was famous for his conquests in North Africa and Andalusia during the Umayyad Caliphate.
- Mustafa Sadiq Al-Rafi’i, born in 1880, is an Egyptian writer of Syrian origin, who suffered from a loss of hearing, so he could not complete his education and stopped at the primary stage. He has been able to compose a large number of poems and was called the miracle of Arabic literature.
- Ibn Umm Maktum, a blind man, holds a significant place in Islamic history. His story is mentioned in Surah Abasa (Chapter 80 of the Quran), (13) where the Prophet Muhammad (PBUH) was engaged in a conversation with a notable person while Ibn Umm Maktum approached him seeking guidance. The Prophet was reminded by Allah to give attention to everyone, including those with disabilities.
- Abu Ubaidah IbnulJarrah was a close companion of the Prophet Muhammad (PBUH) and played a crucial role in various battles. Despite having a disabled leg, he demonstrated courage and dedication in serving Islam.
- Abdullah Ibn Masoud was known for his deep knowledge of the Quran and Islamic teachings. Despite having a weak physique, he excelled in explaining the meanings of the Holy Quran(24).

And throughout history, many many other great and famous people have challenged their physical disability to prove to all of us that disability is nothing but a disability of thought and spirit.

## Conclusion

In conclusion, the overall message is that Islamic teachings promote compassion, support, and care for individuals with special needs, challenging the historical mistreatment they faced in certain societies. The protection of the aforementioned health rights of people with disabilities is crucial, requiring the implementation of various laws and legislations to ensure their well-being. The objective is to offer comprehensive healthcare, improve their health status, and enforce these legislations across all branches of the state. These rights should be upheld without any form of discrimination, exclusion, or obstacles. The provision of basic health rights demands collaborative efforts from governments, health institutions, international organizations, and communities to play pivotal roles in securing these fundamental health rights. Only through such concerted actions can we guarantee that individuals with disabilities receive full and adequate healthcare. This collective commitment fosters health solidarity and ensures that health justice prevails, contributing to a more inclusive and equitable society. The Islamic law illustrates the comprehensive and considerate approach towards individuals with special needs, emphasizing equality, support, and the removal of obstacles to enable their active participation in society.

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