

Al-Azhar University
International Islamic Center for
Population Studies and Research

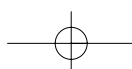
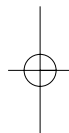
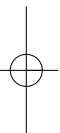


Children in Islam

Their Care, Development and Protection

Summary

2005



Introduction:

Islam views childhood with hope and aspiration, seeing it as something to look forward to, seek and long for. When it is achieved, the fruit reaped is happiness of the soul, delight of the heart and elation of the chest. According to the Quranic text, progeny is a gift from the Almighty Allah to His faithful servants. It is also one of the bounties bestowed upon them by the Almighty Giver of Bounties, as well as being a fulfillment of the hope that sincere servants of God long for. “Unto Allah belongs the sovereignty of the heavens and the earth. He creates what He wills. He bestows female (offspring) upon whom He wills, and bestows male (offspring) upon whom He wills; or He mingles them, males and females, and He makes barren whom He wills. Lo! He is the Knower, Powerful.” [Al-Shura (Council): Verses 49-50] Hence, it is not surprising that Islamic Shariah (law) pays utmost attention to securing all that is needed to guarantee a wholesome psychological climate for the rearing of children, a climate wherein they learn about the world and formulate their customs and norms. As such Islam affirms:

- A child’s right to health and life.
- A child’s right to a family, kindred, name, property and inheritance.
- A child’s right to healthcare and proper nutrition.
- A child’s right to education and the acquisition of talents.
- A child’s right to live in security and peace, and enjoy human dignity and protection under the responsibility of the parents.
- The caring role of society and the state to support all these rights and support families incapable of providing appropriate conditions for their children.

The Islamic Shariah states all of these rights, which are evident in the Quran and the sublime Sunnah of the Prophet Muhammad through his sayings and actions.

■ A child’s right to a healthy start in life

Islamic Shariah was pioneering in providing a faith and ethics-based set of precepts to guarantee sincerity in implementation. It attends to childhood with care long before birth. It urges the mother to safeguard her fetus and do all she can to prevent a termination of pregnancy. The fetus has the right to be protected against being subjected by its mother to any kind of harm, such as malnutrition. It is a Shariah-based duty that a human being should do nothing that might lead to harming one’s self or any other human. The Prophet, peace be upon him, said: “There should be neither harming nor reciprocating harm.”¹ Islam gives a pregnant woman the right not to fast during the month of Ramadan if she fears her fetus might be harmed by fasting. A pregnant woman can break the fast during Ramadan as long as she later fasts for the same amount of time that she did not observe during Ramadan. If she is not able

¹ Reported by Ibn Majah in his collection of *Sunan* (collection of *hadiths* – sayings of the Prophet); *Kitab Al-Ahkam* (Book of Legal Judgments); Chapter “The judgment regarding he who builds for himself while harming his neighbor.” 2/748, *hadith* no. 2340 narrated on the authority of Ubadah Bin Al-Samit. It is narrated in the same section on the authority of Ibn Abbas, may Allah be pleased with him; Eissa Al-Jali edition edited by Muhammad Fu’ad Abd Al-Baqi. It is also reported by Al-Tabrani in *Al-Mu’jam Al-Kabir*; 2/86; *hadith* no. 1387 narrated on the authority of Tha’labah Bin Abi Malik; second edition edited by Hamdi Abd Al-Majid Al-Salafi.

to fast at all, she is instructed to feed a poor person for each of those days during which the fast was broken. Breaking the fast transforms from being a right to a duty once a pregnant woman is informed by a trustworthy and credible doctor that fasting would definitely cause harm to the fetus. It has been reported in a Hadith that the Prophet, peace be upon him, said: “Allah has exempted the traveler from observing the fast and licensed him (or her) to cut short the prayer to a half. Pregnant women and breast-feeding women have been licensed to break the fast.”² Elsewhere, the Prophet, peace be upon him, points to the preference of accepting the license. “Allah loves that (you) adopt his licenses in as much as he loves that (you) adhere to his strict orders.”³

■ A child’s right to healthcare and proper nutrition

According to Islamic rites and medical science, health care for children should begin with conception. The fetus requires special nutrition with a high content of protein, vitamins and minerals including calcium. These nutrients can only be acquired via the conceiving mother who should make sure she is well nourished herself. It is for this reason that the Islamic Shariah makes it incumbent upon the husband to sustain the mother and her child and increase her share of food and drink to remain healthy. It is also his duty too to provide her with psychological care.

Both parents must pay utmost attention to fully observing their duties toward their expected child by avoiding anything that may cause harm to it and taking all measures to increase its chances of enjoying good health. This complies directly with the sayings of the Messenger, peace be upon him, that “Allah will (on the Day of Reckoning) question each person in a position of responsibility about what he (she) was responsible for (in this life).”⁴

Protection from hereditary diseases: As attention is paid to the moral aspect it should also be paid to health. The child has the right, as much as possible, to be born without hereditary problems. Whatever is conducive to the production of a healthy child should be sought after. Therefore, parents must adopt all means possible to ensure they do not transmit hereditary ailments to children. Spouses should aim, to the best of their ability, to marry a partner free from hereditary problems and avoid marrying close relatives. Omar bin Al-Khattab, a senior companion of the Prophet and the second Caliph, is reported to have said: “Do not marry a close relative lest the child is born scrawny.”⁵ Modern medicine has also shown that some hereditary diseases predominate clearly when close relatives marry. In any case, it is neces-

² Reported by Abu Dawud in his collection of *Sunan; Kitab Al-Sawm* (Book of Fasting); Chapter “Choosing to break the fast.” 2/329; *hadith* no. 2408. It is also narrated on the authority of Anas in the edition of Dar Al-Hadithah, Cairo. It is also reported by Al-Tirmidhi in his collection of *hadiths; Kitab Al-Siyam* (Book of Fasting); Chapter “Evidence pertaining to the license to break the fast given to the pregnant and breast feeding woman.” 3/85; *hadith* no. 715, narrated on the authority of Anas and categorized by Al-Tirmidhi as *sahih* (authentic).

³ Reported by Imam Ahmad in his *Musnad* (collection of narrations – *hadiths*); 2/108; narrated on the authority of Ibn (son of) Omar, may Allah be pleased with them both.

⁴ Reported by Al-Tirmidhi in his *Sunan; Kitab Al-Jihad* (The Book of Jihad); Chapter “Rulers pertaining to the (rights and responsibilities of the) head of state; 4/208 narrated on the authority of Anas bin Malik may Allah be pleased with him.

⁵ Reported by Ibn Al-Athir in his book *Al-Nihayah Fi Gharib Al-Hadith wa Al-Athar* (The Ultimate in the Wonders of Sayings and Traditions); the report is listed under the entry of *dawa*; 3/31; Edition of the Al-Khyriyah Press in Egypt.

sary to conduct an examination and consult experts before marriage. Doctors are in a position to prognosticate by studying the family histories of both parties and provide proper advice as to whether hereditary problems exist and the likelihood of their transmission to their children. A pre-marriage medical examination may discover that one or both parents suffer from an infective disease. It would do them both good to address the problem and heal the illness before posing a threat to their children in the future.

Antenatal care: A pregnant woman must make sure she does not expose herself to radiation or chemicals that may damage some of the cells or tissues of the fetus or lead to the occurrence of physical deformities. She must not use any medication during pregnancy without expert medical guidance. The use of some medication, particularly in the early stages of pregnancy, may cause deformities in the fetus or the malfunction of some of its organs. It is also a pregnant woman's duty to have a doctor constantly supervise her pregnancy. Diseases or physical deformities that go undiscovered or undiagnosed may develop and cause wider damage to the organs of the fetus. An early diagnosis of any such phenomena would provide an opportunity to for treatment or surgical intervention inside the uterus before birth so the child may be born sound and healthy.

During the pregnancy, the woman should avoid contact with anyone suffering from contagious diseases such as German measles, syphilis and malaria. She must take all precautions to prevent the transmission of any contagious diseases to herself or her fetus. For that purpose she should take whatever vaccinations that may be necessary. Additionally, the pregnant woman must not smoke, drink alcohol or take narcotics, which are forbidden in Islam anyway. She must do her best to avoid passive smoking, which can harm a fetus and lead to it being under weight at birth. Since the health of the newly born is very much linked to the mother's health, it is incumbent upon the parents to avoid whatever may harm the mother's health such as early pregnancy below the age of 18 years or late pregnancy above 35, as well as pregnancies at short intervals apart.

Childbirth in a health facility and assisted by a health provider: It is also the child's right that its parents spare no effort to prepare appropriate and wholesome conditions for its birth. For instance, the delivery should take place at properly equipped medical facilities with the aid of qualified medical staff. The parents must spare their child the risks of infection or physical disability during delivery through use of non-sterilized medical tools. The likelihood of such eventualities is enhanced when unqualified people perform deliveries.

Gender equity: No matter whether a child is born male or female, there should be no discrimination in the reception prepared for the newly born as they are ushered into life. The Quran chastised those Arabs who celebrated the birth of male children but expressed sadness and dissatisfaction when females were born. The Almighty Allah deplores such attitudes in the following Quranic verses: "When if one of them receives tidings of the birth of a female, his face remains darkened, and he is wroth inwardly. He hides himself from the folk because of the evil of that whereof he has had tidings, (asking himself): Shall he keep it in contempt,

or bury it beneath the sand. Verily evil is their judgment.” [Al-Nahl (The Bees); verses 58-59]

If we observe the general principles underpinning any international convention or declaration on human rights, we find them perfectly compatible in their broad framework with some principles stated by Islamic Shariah with regard to child protection more than 14 centuries ago. The one difference between both is that Islamic Shariah provides guarantees for simultaneous application of its own set of principles. Universal principles may have called for recognizing all children should enjoy their rights without discrimination. The Islamic Shariah, in its own way, affirmed these rights in terms of Quranic and Prophetic directives. The Almighty Allah said: “O mankind! We have created from a male and a female and made you into peoples and tribes so as to learn to know each other. The most honorable of you, as far as Allah is concerned, are those that are more pious. Verily, Allah is most knowing, most acquainted.” [Al-Hujurat (The Private Quarters); verse 13] He also said: “Believers are none but brothers and sisters.” [Al-Hujurat (The Rooms); verse 10] The Islamic Shariah has also prescribed equality as a general principle for the Islamic state in which no preference is made except in terms of righteousness. Therefore, a Muslim is no better than a dhimmis (member of other faith communities who are protected by the state by virtue of a covenant from Allah and His Messenger). In such a state, enmity is not allowed to hinder the serving of justice. The Almighty Allah says: “Do not let the dislike of others swerve you from being fair.” [Al-Ma'idah (The Table); verse 8]

Psychological care for children: Children should receive pleasant names so not to cause embarrassment, psychological disturbance, attract ridicule or arouse astonishment. It is preferable that names given to newly born children should be acceptable and not weird or objectionable. The Messenger of Allah, peace be upon him, said: “Honor your children and give them pleasant names.”⁶ He also said: “The most beloved of names to Allah is Abdullah and Abdurrahman.”⁷

A child's right for prosperity and inheritance: It is well-known that Islam affirms the right of the newly born to owning property and to inheritance. The Almighty Allah said: “Allah directs you as regards to your children's (inheritance). To the male, a portion equal to that of two females.” [Al-Nisaa (The Women); verse 11] It is worth noting that the Islamic Shariah has preserved the newborn's right to owning property and inheritance long before birth while still a fetus. Should the father die while the mother is pregnant, the will cannot be dispensed with until the child is born and its gender determined.

⁶ Reported by Ibn Majah in his *Sunan* (collection of *hadiths*); *Kitab Al-Adab* (the book of good manners); Chapter “Being compassionate toward the parents and behaving well toward the daughters”; 2/1211; *hadith* no. 3671 narrated on the authority of Anas; Edition of Issa Al-Halabi publishers; edited by Muhammad Fu'ad Abd Al-Baqi.

⁷ Reported by Al-Tirmidhi in his *Sunan*; *Kitab Al-Adab*; Chapter “Recommended names”; 5/132; *hadith* no. 2833 narrated on the authority of Ibn Omar; the *hadith* is said to be Hasan by Al-Tirmidhi and is listed in the *Sahih* of Muslim; *Kitab Al-Adab*; Chapter “Forbidding (Muslims) from using the nickname Abulqasim, and names recommended (to them); 3/1682; *hadith* no. 32/2 narrated on the authority of Ibn Omar may Allah be pleased with both of them. It is also reported by Al-Darimi in his *Musnad*; *Kitab Al-Isti'dhan* (The book of asking for permission – that is before entering); Chapter “recommended names”; 2/380; *hadith* no. 2695 narrated on the authority of Ibn Omar; Edition of Dar Al-Rayyan Heritage Publishers, Cairo; 1407 H / 1987 CE.

Breast feeding: Following birth, a child has the right to be breast fed by its mother directly in a manner that should satisfy physically, psychologically and emotionally. The Islamic Shariah insists that the mother foster, nurse and breast feed her newly born. It would be a sinful to fail in her responsibility toward her suckling infant who is utterly helpless on its own. The Prophet, peace be upon whom, said: “It is a grave sin for one to neglect a person whom he is responsible for sustaining.”⁸ However, should the mother die or suffer from an ailment preventing her from breast feeding, or if the infant refuses to take her breast, the husband is duty bound to find someone to breast feed his child even if she has to be paid or alternatively to arrange for the infant to be fed artificially. Thus, one may comprehend the wisdom inherent in the saying of Almighty Allah: “Mothers shall suckle their children for two whole years; (that is) for those who wish to complete the suckling. The duty of feeding and clothing nursing mothers in a seemly manner is upon the father of the child. No one should be charged beyond his capacity. A mother should not be made to suffer because of her child, nor should he to whom the child is born (be made to suffer) because of his child. And on the (father’s) heir is incumbent the like of that (which was incumbent on the father). If they desire to wean the child by mutual consent and (after) consultation, it is no sin for them; and if you wish to have your children nursed, it is no sin for you, provided that you pay what is due from you in kindness. Observe your duty to Allah, and know that Allah is Seer of what you do.” [Al-Baqara (The Cow); verse 233]

Proper nutrition: Once a child is strong enough and past the nursing stage, the parents must provide appropriate nutrition to sustain continued growth. It is also the parents’ duty to attend to any medical needs the child may have as a result of illness. They must take every precaution and protective measure to prevent their child from falling ill. Foremost among these precautions is to administer mandated vaccinations. Neglecting such a responsibility amounts to a grave sin for which the parent is accountable before Allah, the Lord of All Creations.

Vaccination serves Shariah’s purpose: Vaccination against disease serves the purposes of Shariah with regard to preserving life, as it is a means of immunizing humans against diseases which threaten human life. The importance of vaccination is further illustrated when viewed from the prism of Shariah, because whatever deters harm from afflicting man is certainly required by Shariah in accordance with the rule of preventing harm.

Islam and personal hygiene: Islam’s attention to cleanliness stems from the fact that it is the key to protection from diseases. To secure protection from intestinal diseases and to prevent the spread of infections Islam demands individuals wash their hands before eating. And because dirt collected underneath long nails provides a medium for the spread of disease, Islam urges Muslims to clip their nails.

⁸ Reported by Abu Dawud in his *Sunan*; Kitab Al-Zakat (Book of Alms), Chapter: “responsibilities toward blood relatives”; 2/136; *hadith* no. 1692 narrated on the authority of Abdullah bin Amr; Dar Al-Hadith edition; Cairo. Al-Tabarani also reported it in (his) *Al-Mu’jam Al-Kabir*; 12/382; *hadith* no. 13414 narrated on the authority of Ibn Omar, may Allah be pleased with both of them; Second Edition edited by Hamdi Abd Al-Majid Al-Salafi.

Islam regards a person's eyes as among the human body's most sophisticated organs. The Prophet's wife, Aishah, said he used to have an athmad (kohl) with which he used to line his eyes three times before going to bed.⁹ Athmad is a stone once crushed into fine dust to line eyes and improve sight.

To protect humans from respiratory diseases, Islam pays attention to cleansing inhaled air by urging the regular cleaning of the nose as part of ablution.

Islam also places great importance on people's teeth. It urges people to rinse their mouths three times during each ablution and use the siwak, which is a tool used to brush teeth, to protect teeth, prevent bad breath and remove food remains from the mouth. The same result is achieved by using a tooth brush and paste.

Islam and environment: Islam takes great care for the environment with all its components, which the Creator has created. This is evident from many verses and Prophetic traditions, which command mankind not to make mischief on Earth or abuse its environment. The Almighty Allah said: "Do good just as Allah has done you good and do not pursue mischief on the Earth, for Allah loves not those who make mischief." [Al-Qasas; verse 77]

Islam and prevention of HIV/AIDS: Religion in general has a positive role to play in protecting against HIV/AIDS and sexually transmitted diseases. Religious discourse may fight the spread of AIDS by directly alerting people to the dangers of immoral conduct. Religion urges individuals to abide by its rules and ethical values. Such may prevent relationships that cannot be trusted and erect a barrier capable of preventing humans from indulging in risky practices, some of which may not yet be fully known in terms of their impact on human life. Islam, as with all divine religions, urges the need to care for, attend to and visit the sick and Almighty Allah will reward those who do so. Showing compassion to mankind is a religious duty and human solidarity is a sentiment condoned by all divine laws. As such, preventing the spread of AIDS and other sexually transmitted diseases must be conducted in humanely and without discrimination. Negative repercussions may come from certain medical measures, such as isolating patients or imposing certain restrictions, such as through employment or education. Such measures may violate basic human rights.

■ Islam and child protection:

In its essence, and by virtue of its rules and regulations, Islam provides children with a protective environment. The Prophet, peace be upon him, said: "Allah will (on the Day of Reckoning) question each person in a position of responsibility about what he (she) were responsible for (in this life)."¹⁰ The concept of child protection cannot be fulfilled unless we confront all forms of abuse, violence and exploitation that deny children – or only threaten

⁹ Reported by Ahmad in his *Musnad*; /354 narrated on the authority of Abdullah bin Abbas may Allah be please with him.

¹⁰ Reported by Al-Tirmidhi in his *Sunan*; Kitab Al-Jihad (The Book of Jihad); Chapter "Rulers pertaining to the (rights and responsibilities of the) head of state; 4/208 narrated on the authority of Anas bin Malik may Allah be pleased with him.

to deny them – with basic rights to attain sufficient parental care, education, healthcare, enjoyment of recreation and sports and freedom of expression and thought.

A child's right to lead a dignified and secure life: Shariah prescribes the father has the responsibility for the financial requirements of the young to guarantee their care and safety. The Almighty Allah said: “The duty of feeding and clothing nursing mothers in a seemly manner is upon the father of the child.” [Al-Baqara (The Cow); verse 233] He also said: “Let he who has abundance spend of his abundance, and he whose provision is measured, let him spend of that which Allah has given him. Allah asks naught of any soul save that which He has given it. Allah will vouchsafe, after hardship, ease.” [Al-Talaq (The Divorce); verse 7] A woman asked the Prophet, peace be upon him, how much she was entitled to take from her miser husband without his knowledge. The Prophet replied: “Take in a seemly manner what suffices you and your children.”¹¹ This hadith explains the amount that can be considered adequate nafaqah (financial support) for the wife and her children, which is linked to the ability and adequacy and can vary depending on availability.

Life skills: Children have the right to be trained by their parents to perform the rituals of his or her religion. The importance of early training is that it allows religious practice to become an easy and acceptable habit that children will maintain and preserve. Parents should endeavor to be role models for their children in terms of adhering to best conduct. They also have the obligation to provide their children with love, kindness and mercy and to avoid harshness and cruelty.

Care of children deprived of parental guidance: Children deprived of parental care should be sponsored and provided for by people acting as if they were their parents. Hence, Shariah encourages Muslims to take up sponsorship to provide care for children in need. In compensating for the loss incurred through providing parental care, sponsors are promised the great reward of being in the company of the Prophet himself in Paradise. The Prophet, peace be upon him, said: “I shall be in Paradise together with the sponsor of the orphan just as they two are.” And he pointed his index and middle finger.¹² There should be no discrimination between an orphan whose father is known and an orphan picked up without known ancestry.

Protection from physical or sexual violation: Violation implies the loss of something's sanctity or defiance of what is prohibited or illegal. Clearly, violating what is prohibited is a

¹¹ Reported by Al-Bukhari in his *Sahih*; Kitab Al-Nafaqat (The Book of Spending); Chapter “If the man withholds spending the wife may take from him without his knowledge in a seemly manner what suffices her and her children”; 3/416; *hadith* no. 5364 narrated on the authority of ‘Aishah may Allah be pleased with her. Muslim also reported it in his *Sahih*; Kitab Al-Aqdiyah (The Book of Verdicts); Chapter: “The case of Hind”; 3/1338; *hadith* no. 1714 narrated on the authority of ‘Aishah may Allah be pleased with her.

¹² Al-Bukhari reported it in his *Sahih*; Kitab Al-Adab (Book of Discipline); Chapter “The virtue of sponsoring an orphan”; 4/81; *hadith* no. 6005 narrated on the authority of Sahl bin Sa’d may Allah be pleased with him. It is also reported by Muslim in his *Sahih*; Kitab Al-Zuhd (The Book of Asceticism); Chapter “Doing good to the widow, the destitute and the orphan.” 4/2287; *hadith* no. 2983 narrated on the authority of Abi Hurayrah may Allah be pleased with him. It is also reported by Al-Tirmidhi in his *Sunan*; Kitab Al-Zuhd (The Book of Asceticism); Chapter “What has been said about showing compassion to the orphan and sponsoring him or her.” 4/321; *hadith* no. 1918 narrated on the authority of Sahl bin Sahl. Abu ‘issa said this is a *hadith* that is *sahih* (authentic).

crime that must be condemned and violators deserve to be punished. Shariah forbids any attack on the human body, including smacking or other forms of corporal harm or sexual assault. The Prophet, peace be upon him, said: “The whole of the Muslim is forbidden to another Muslim; his blood, his property and his honor.”¹³ He, peace be upon him, also said: “The Muslim is a brother of the Muslim; he should not betray him nor belie him nor let him down. The whole of the Muslim is forbidden to another Muslim; his honor, his property and his blood. Therein lays piety. There is no bigger evil a man may perpetrate than debase his Muslim brother.”¹⁴

In this context we shall find that female circumcision and child marriage are forms of physical and sexual violation and therefore fall under the same rule that incriminates and condemns such violations.

Children quite often die during a sexual assault. It may also happen that family members kill children, especially in the case of females, in accordance with a skewed and unjust logic that blames the victim instead of rendering assistance and support. Female child victims of sexual assault, particularly in cases when pregnancy is discovered, are often punished instead of the crime’s perpetrator. The Almighty Allah, who rejects injustice and commands justice, said: “Lo! Allah commands you to restore deposits to their owners and if you judge between mankind, that you judge justly. Lo! Comely is this which Allah admonishes you. Lo! Allah is ever Hearer, Seer.” [Al-Nisaa’ (Women); verse: 58]

Islam and female circumcision: From an Islamic perspective, the Quran says nothing relating explicitly or implicitly to female circumcision. The use of the general term ‘Sunnah Circumcision’ is nothing but a form of deceit to misguide people and give the impression that the practice is Islamic. As for the traditions attributed to the Prophet, peace be upon him, in this regard, past and present scholars have agreed that none of these traditions are authentic and should not be attributed to the Prophet

Islam and child marriage: Child marriages cause serious damages that oblige parents to spare their young from such repercussions. The Almighty Allah said: “Spend your wealth for the cause of Allah, and be not cast by your own hands to ruin; and do good. Lo! Allah loves the beneficent.” [Al-Baqara (The Cow); verse 195]

Contrary to a popular misconception, we find nowhere in the Shariah a specification of the age of marriage. What exists is a fixed standard of mental maturity or sound judgment. The Almighty Allah said in the Quran: “Prove orphans till they reach marriageable age; then, if you find them of sound judgment, deliver over unto them their fortune; and devour it not by

¹³ Reported by Al-Imam Muslim in his *Sahih*; Kitab Al-Birr (The Book of Righteousness); Chapter: “Sanctifying the Muslim and forbidding letting him down, degrading him or the violation of his blood, honor or property;” 4/1986; *hadith* no. 2564 narrated on the authority of Abi Hurayrah may Allah be pleased with him. It is also reported by Ahmad in his *Musnad*; 2/277 on the authority of Abi Hurayrah may Allah be pleased with him.

¹⁴ Reported by Al-Imam Al-Bukhari in his *Sahih*; Kitab Al-Ikrah (The Book of Coercion); Chapter: “The (false) oath of a man that his companion is his brother when he fears that his companion might be killed or harmed;” 4/306; *hadith* no. 6951 narrated on the authority of Abdullah bin Omar may Allah be pleased with them both. It is also reported by Muslim in his *Sahih*; Kitab Al-Birr (The Book of Righteousness); Chapter: “Sanctifying the Muslim and forbidding letting him down, degrading him or the violation of his blood, honor or property;” 4/1986; *hadith* no. 2564 narrated on the authority of Abi Hurayrah may Allah be pleased with him.

squandering and in haste lest they should grow up. Whosoever (of the guardians) is rich, let him abstain generously (from taking of the property of orphans); and whosoever is poor let him take thereof in reason (for his guardianship). And when you deliver up their fortune unto orphans, have (the transaction) witnessed in their presence. Allah suffices as a Reckoner.” [Al-Nisaa’ (The Women); verse 6] There is clearly a difference between attaining puberty and physical aptitude on one hand and maturity and the qualification to manage life on the other. Married life necessitates that both husband and wife are enlightened and sensible. It is not, therefore, served by the marriage of children.

Islam and child labor: Employing children in hard and dangerous labor falls into the category of inflicting hardship and harm, even done unintentionally or through ignorance. If we say, as explained by Shariah, that inflicting harm is prohibited, it follows that commissioning children with hard labor is therefore not permitted. Shariah does not expect humans to undertake arduous tasks, as clearly manifested in the Quranic verse: “He has chosen you and has not laid upon you in religion any hardship.” [Al-Hajj (Pilgrimage); verse: 78] The Almighty Allah also said: “Allah desires for you ease. He desires not hardship for you.” [Al-Baqarah (The Cow); verse: 185] He also said: “Allah tasks not a soul beyond its scope.” [Al-Baqarah (The Cow); verse: 286] If Allah willed that no hardship should be suffered because of what he commands, it follows that humans are forbidden from inflicting hardship on one another.

■ A child’s right to education and acquisition of talents

Once children reach the age of comprehension and learning, parents must provide knowledge that may develop their offspring’s intellectual capabilities. Children need such guidance so they can recognize the various aspects of life surrounding them and know how to deal with and approach them. Such knowledge must help children understand that they are part of a collective society and that they cannot live isolated from others.

Since the seeking of knowledge is a religious duty in Islam, parents are expected to provide education to their children as they take their first steps in life. Negligence in carrying this out compromises the parent’s responsibility, leading to possible further negligence later on for their children. Once the foundation is lost, nothing remains to build on afterwards. It is reported that Imam Ali bin Abi Talib said: “Teach your children things you did not learn when you were their age for they have been created for a time that is different from your time.”

Gender equity in education: Shariah offers males and females equal opportunities in education. In a hadith, the Prophet, peace be upon him, said: “The seeking of knowledge is obligatory upon every Muslim male and Muslim female.”¹⁵ The Prophet practiced what he

¹⁵ Reported by Imam Ibn Majah in his *Sunan*; Kitab Al-Muqaddimah (The Book of the Introduction); Chapter “The virtues of learned people and urging individuals to seek learning”; 1/81; *hadith* no. 224 narrated on the authority of Anas bin Malik; its editor says it is not a reliable narration. Al-Tabarani also reported it in *Al-Mu’jam Al-Kabir*; 10/240; *hadith* no. 10439 narrated on the authority of Abdullah bin Mas’ud. I would say that the two narrations bolster each other.

preached when he requested Al-Shifa' bint Abdullah Al-'Adawiyah to teach his wife Hafsah bint Omar bin Al-Khattab to read and write to later be able to memorize and learn the Quran.

Quality of education: Islam and Muslims must not only spend of effort and money to acquire learning, but people must also be encouraged to acquire knowledge in accordance with the command of the Prophet, peace be upon him, who said: "Seek knowledge even if it be in China."¹⁶ Islam regards teachers as the pillars of the educational process and highlights the significance of their roles and influence over children. Muslim caliphs and governors stressed the role of teachers. These included Omar bin 'Utbah, who wrote to the teacher of his children that "Let your first action in attending to my children be in attending to yourself. Their eyes will see what your eye sees. They will see good the things you do and bad the things you renounce."

■ Society and state's role to support and protect the rights of children

Parental care is the main foundation for protecting children and enabling them to enjoy the rights guaranteed by Islam. But society and state institutions also have key roles to play in this regard.

For all children to acquire such rights without discrimination, lawmakers must state unequivocally in their constitution that children have rights to a name, identity, property and inheritance, sponsorship in a family, healthcare and education.

The legislature must also make laws that guarantee children protection from exploitation in harsh or dangerous jobs to other activities rendering them liable before the law. Lawmakers must also ensure children are protected from physical or moral humiliation. It makes no difference who exploits children, whether they be relatives, people working in childcare institutions or other individuals. In this regard, we understand the Prophet, peace be upon him, when he said: "Each of you is a shepherd and each of you is accountable for his or her flock."¹⁷ The Prophet also said: "Allah will (on the Day of Reckoning) question each person in a position of responsibility about what he (she) was responsible for (in this life)."¹⁸

Also of great importance is parliamentary endorsement and ratification of international conventions, treaties and agreements pertaining to the rights of children, followed by the state's adherence of such agreements, provided they do not contravene with the correct understanding of Shariah. These measures are necessary to preserve the rights of children and protect them within the state. They are also needed to coordinate cross-border cooperation and com-

¹⁶ Reported by Ibn 'Uday in *Al-Kamil* under the list of unreliable reporters in the biography of Tarif bin Sulayman Abu 'Atikah; 5/188 narrated on the authority of Anas. Abu 'Uday said it was an unreliable narration. Edition of Dar Al-Kutub Al-'Ilmiyah; Beirut.

¹⁷ Reported by Al-Bukhari in his *Sahih*; *Kitab Al-Jum'ah* (Book of the Friday); Chapter: "Friday in villages and towns." 1/248; hadith no. 893 narrated on the authority of Ibn Omar may Allah be pleased with them both. Muslim also reported it in his *Sahih*; *Kitab Al-Imarah* (Book of Leadership); Chapter "The virtue of the just leader, penalty for injustice and enjoining compassion in dealing with the people." 3/1459; hadith no. 1829 narrated on the authority of Ibn Omar may Allah be pleased with him. Abu Dawud also reported it in his *Sunan*; *Kitab Al-Imarah* (Book of Leadership); Chapter "What the leader is obliged to observe of the rights of the people." 3/130; hadith no. 2928 narrated on the authority of Abdullah bin Omar may Allah be pleased with them both.

¹⁸ Reported by Al-Tirmidhi in his *Sunan*; *Kitab Al-Jihad* (The Book of Jihad); Chapter "Rulers pertaining to the (rights and responsibilities of the) head of state; 4/208 narrated on the authority of Anas bin Malik may Allah be pleased with him.

bat internationally organized crimes that violate the rights of children and endanger them. This is also important for retrieving children either sold or smuggled across borders or forced to flee into another country to seek refuge because of armed conflicts and natural disasters. Measures should be taken to provide such children with the necessary care while preparations are made for their repatriation and unification with their families.

State executive bodies should provide services to guarantee all children acquire basic rights without discrimination on the basis of race, gender, religion, economic or social status or health conditions. They should draw plans capable of guaranteeing the rights of children and protecting them, which should be included in the state's overall scheme. They should also generate resources needed to implement these plans.

The state's responsibility to provide and protect children rights does not contradict with nor replace society's responsibility toward guaranteeing and protecting such rights for children. A key task of Islamic scholars is to make parents aware of their duties in Islam and in line with Shariah to protect their children and their rights. Civil society bodies also have the important task of observing and monitoring how well the state ensures the rights of children are guaranteed. Such institutions must help educate families and urge the state to adopt children's causes in cooperation with the mass media. Civil society groups must monitor and report any incidents of child abuse or maltreatment or violence, or discrimination or exploitation. Also, the payment of the obligatory zakat (alms) and charitable donations by members and foundations in the society secures substantial amounts of money that may be used to fund projects in fields like education and health, plus welfare for destitute children, orphans and poor families.