

unicef 



Children in Islam

Children in Islam

THEIR CARE, UPBRINGING AND PROTECTION

unicef 

Al-Azhar University



Al-Azhar University
in cooperation with the
United Nations Children's Fund (UNICEF)

Children in Islam

THEIR CARE, UPBRINGING AND PROTECTION

2005

Text revised under supervision of Al-Azhar Al-Sharif

No part of this book may be reproduced without obtaining prior permission from Al-Azhar University or from the United Nations Children's Fund.

Please contact:

The Islamic International Centre for Demographic Studies and Research
Cairo, The Study, Al-Azhar University
Medical Administration Building, Fourth Floor
Telephone\ Fax: 5122749

Office of Public Partnerships (OPP)
UNICEF House, 3 United Nations Plaza,
New York, NY 10017.
1.212.326.7000
www.unicef.org

Supervision and coordination:
United Nations Children's Fund

Farida Ali
Akila Belembaogo
Sahar Hegazi
Nesrine Khaled

Art and production: Cynthia Spence
Printing Services: PIXELTONE, New York

Recorded at the national library Dar Al-Kutub Al-Misriyah
ISBN No. 17080/2005

First Edition
Shawwal 1426H
November 2005

© Al-Azhar University

Photos:

© UNICEF/HQ/G.Pirozzi/2005
© UNICEF/HQ/New York

Contents

Statement by His Eminence the Grand Imam Sheikh of Al-Azhar Al-Sharif Prof. Muhammad Sayyid Tantawi.....	1
Preface	3
Introduction	5
The Experts Who Prepared This Guidebook	7
Chapter 1: The Rights of the Child in Islam	9
The right of the child to a healthy start in life	11
The right of the child to a family, kindred, name, property and inheritance	12
The right of the child to health care and proper nutrition	16
The right of the child to education and the acquisition of skills	19
The right of the child to lead a dignified and secure life	21
The role of society and the state in supporting and protecting the rights of children	25
Chapter 2: The Right of the Child to Health	28
Care for early infancy and the right of the child to live in health and happiness.....	29
Preserving the life and health of the child.....	30
Parents' responsibility to preserve the life, health and growth of their child	30
Personal cleanliness and hygiene	39
Islam's stance vis-à-vis children with special needs	45
Human immuno-deficiency virus/acquired immune deficiency syndrome (HIV/AIDS)	47

cont.

Contents, *cont.*

Chapter 3: The Right of the Child to Be Protected	51
Protection from violence and abuse	53
Protection from physical or sexual violation	60
Protection from economic exploitation	65
Protecting children deprived of parental care.....	73
Protecting children in armed conflicts and natural disasters	81
Chapter 4: The Right of the Child to Education.....	86
Bringing up children and developing their abilities in early childhood	88
The right of the child to a good basic education without gender discrimination	90
The right of the child to continuously learn and acquire skills.....	93
The mass media as educational tools	94
Key Messages	95
The basic rights of the child in Islam	96
The right of the child to health	101
The right of the child to be protected	106
The right of the child to education	117
Bibliography	124

Statement by His Eminence the Grand Imam Sheikh of Al-Azhar Al-Sharif Professor Muhammad Sayyid Tantawi

In the Name of Allah, the Most Gracious, Most Merciful

Praise Be to Allah, Lord of All Creations, Prayers and Peace Be Upon Our Master; and to Muhammad, who intercedes on our behalf, Prayers and Peace Be Upon Him, and upon all his kindred and companions.

The *Guide Book on Children in Islam: Their Care, Protection and Development*, which has been published by the International Islamic Centre for Demographic Studies and Research, is a magnificent work. It underlines and illustrates what Islam offers in terms of caring for children, for this is the process of preparing future generations. Islam has not left a single matter without setting Sharia-based, ethical, humanitarian and spiritual rules that complement the edifice of man, who is God's vicegerent on earth.

Children are gifts and awards from the Almighty Allah; they are a trust in our custody. We must therefore care well for them and preserve them by implementing the teachings of Islam, and following what has been stated in the Noble Qur'an and what our Noble Prophet – Peace Be Upon Him – has guided us to be in his pure Prophetic tradition, where he says: "Each of you is a shepherd, and each of you is accountable for his or her flock."

If we see a child lacking in care or attention, responsibility for that omission lies on the shoulders of his or her parents, family and society. This is so because the monotheistic Islamic religion exhorts providing good rearing and care for the child, and keeping him or her away from whatever may harm his or her health, psychological and social conditions, so the child can grow into a righteous citizen who has a sense of belonging to his or her people, society and homeland.

Islam also has set rules that guarantee the child's legitimate rights in the family, society and among playmates. The Messenger, Peace Be Upon Him, says: "Honour your children and give them good names." He also says: "He is not one of us who does not show mercy to our youngsters." He also says: "He who does not show mercy will be shown no mercy (on the Day of Judgement)." Honouring children can only be achieved through providing them with an honourable upbringing, through teaching them the basics of science and

ethics, and through keeping them away from all sinful acts, and all forms of violence and discrimination that adversely affect their conduct within society and divert them from the straight path.

It is also necessary to protect children and do all we can to help them grow up in a healthy and clean environment that is free from disease and pollution. Attending to children's personal hygiene and physical health will turn them into healthy and strong individuals who are able to receive learning and acquire knowledge. Therefore, we must all join forces and combine efforts in order to bring to the human being all that is good and beneficial, in observance of Allah's commandment in the Noble Book, where he says: (Cooperate in that which is righteous and conducive to piety and do not cooperate in that which is sinful and conducive to aggression.) It would follow, therefore, that whoever violates one of the rights of children, who are tomorrow's men and women, and the hope of each nation as its future leaders, disobeys Allah and contravenes the lofty Sharia.

An enormous effort has been put into this guide book. We hope that it will be of assistance to those working in the field of human rights and child care, as well as to those working in social and educational fields and all the institutions of civil society. We wish them all success and the best.



Dr. Muhammad Sayyid Tantawi
Sheikh of Al-Azhar

Preface

In its legislation and jurisprudential laws, Islam pays special attention to children and childhood. It is possible to say that the issue of childhood constitutes one of the major objectives in Islamic legislation.

Jurists and scholars in Islam agree that the Islamic Sharia is aimed at accomplishing five objectives or purposes for humanity. These are: the safeguarding of progeny, the safeguarding of life, the safeguarding of sanity, the safeguarding of property and the safeguarding of faith. The scholars of Islam express these five sublime objectives in terms of the five essentials. They mean by the word 'essentials' the fundamentals, without which life may not be possible. When any of these fundamentals is undermined, life will be compromised and may become chaotic. Consequently, humanity will suffer. The loss incurred will be on two levels: short term in this life and long term in the Hereafter.

The issue of childhood is at the core of the first objective, namely, safeguarding children and immunizing them against dangers. On this theme, Islam introduces bountiful and precise laws that are almost nonexistent in other religions or social systems. It would suffice to point to the rigorous legislation dealing with the child from the early days of formation in the womb of the mother, all the way until he or she attains the age of puberty. In between, there are the various stages of pregnancy, birth, breastfeeding, weaning, playfulness, discipline and education, friendliness and companionship, and finally independence and self-reliance. "(With the child), play for seven (years), discipline for seven (years), accompany for seven (years) and then let go."

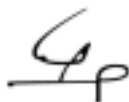
Throughout these stages, the child is attended to by rules, laws and guidelines that together form a 'childhood jurisprudence'. This covers the child's upbringing and the rights that parents, the family and society need to protect. Islam pays special attention to equality between male and female newborns. It prohibits discrimination among children when it comes to care and attention, or to endowing them with gifts, grants or prizes.

The basic elements that constitute the personality, mind and conscience of the Muslim child are subject to two indispensable guiding factors that exist in all Islamic systems.

The first factor pertains to the fact that a Muslim, whether an adolescent, a child or an older person, is controlled by the cycles of halal (what is permissible) and haram (what is prohibited). This is what the scholars of the fundamentals of jurisprudence teach as the five legal capacity provisions.

The second factor pertains to the fact that the movement of a Muslim, whether child or adult, is governed by a comprehensive system of morality. This system does not permit a child, under whatever banner of freedom or personal rights, to be drawn towards any form of prohibited anomaly. They should not be embroiled in any ideological or behavioural aberration objected to by rational wisdom or divine religions. While there are some pedagogic systems that facilitate the opening of doors for children to indulge in such activities under the pretext of freedom and the prevention of violence, Islam opposes deviations that it deems to be aberrations, diseases and ills that should be resisted and from which the young generation should be protected.

This book has been able to sum up precisely and honestly Islam's legislation and rules applied to the upbringing and care of children, since the time they are formed in the wombs of their mothers until they reach the age of consent, and are able to shoulder their individual and collective responsibilities.



Prof. Ahmad El-Tayyib
Head of Al-Azhar University

Introduction

This guide book is an update of *Child Care in Islam*, which was previously published by Al-Azhar in cooperation with the United Nations Children's Fund (UNICEF) in the year 1405 Hijrah (1985 AD).

The previous document constituted an important advocacy and information tool for the Islamic world. Over 20 years, global developments and the emergence of several pressing issues necessitated the re-evaluation of the previous manual and its content, in order to meet the challenges confronting our children, who are the youth of tomorrow and the adults of the future.

UNICEF approached the International Islamic Centre for Demographic Studies and Research at Al-Azhar University with a request to undertake this task, considering the centre's long history of expertise in addressing such issues, and by virtue of the centre's connection with Al-Azhar and its religious and scientific institutions. By the Grace of the Almighty Allah, the agreement to undertake the task of preparing this guide book was signed between UNICEF and the International Islamic Centre on the 14th of Rabi' Al-Akhir of the year 1425 Hijrah (3 June 2004 AD).

The centre chose for this important work a distinguished group of scholars in the fields of theology, medical science, psychology, sociology and education. These scholars discussed critical issues pertaining to the child from the various medical, psychological and social aspects, emphasizing advances that have been made in these areas in our contemporary world. The scholars of theology then explained the position of the lofty Islamic Sharia on these issues, supporting their arguments with verses from the Noble Qur'an and with authentic Hadiths (sayings) from the Prophetic Tradition.

The group of experts deliberated over this work together in a number of meetings that resulted in a preliminary document that was submitted for discussion by international experts from within the Arab Republic of Egypt and other states. Their expertise related to Islamic sciences, human rights, health services, law and the media. They also included representatives of the international organizations that work on behalf of children. When preparing this final version, those in charge of this work at the International Islamic Centre took into consideration the recommendations and proposals that emerged from these consultations.

The guide book comprises four themes:

- child rights
- child health
- child protection
- child education

Care was taken to keep the discussion of these themes brief, simple and supported by evidence from the Noble Qur'an, the Noble Prophetic Sunna (practices) and the Noble Hadiths. A summary of each theme appears at the end of the book. This guide book was principally designed for the use of the wide-ranging groups of people who serve the cause of the Muslim child. They include: theologians and imams (mosque prayer leaders), who preach protection and care for children; health care providers; governmental and non-governmental organizations that work in the field of child care; policy makers and programme formulators who address the rights and needs of childhood; international agencies working in the field of childhood; and experts and individuals concerned with children's issues both inside and outside the Muslim world.

I would like to extend my most sincere thanks and gratitude to his Eminence the Grand Imam Doctor Muhammad Sayyid Tantawi, Sheikh of Al-Azhar, for his sponsorship of this work and his unwavering support, and for agreeing to contribute a statement. I would also like to express sincere thanks and gratitude to his Eminence Dr. Ahmad Al-Tayyib, Rector of Al-Azhar University and Chair of the International Islamic Centre for Demographic Studies and Research for his strong and constant support of the centre's various activities and for agreeing to write the preface to this manual.

I would also like to extend an abundance of thanks to the deputies of the Rector, Dr. Abd Al-Dayim Nasir, Deputy Rector for Higher Studies and Research; Dr. Muhammad Abd Al-Fadil, Deputy Rector for Student and Teaching Affairs; and Dr. Izziddin Al-Sawi, Deputy Rector in charge of the Girls Branch, for their constant support and effective participation in completing this important work.

I want to extend my sincere appreciation and gratitude to UNICEF, with special thanks to the Cairo office for the valued confidence awarded to the International Islamic Centre for Demographic Studies and Research, and for the fruitful and effective cooperation between UNICEF and the centre.

My sincere thanks go to the committee of experts and to the editorial board, which exerted enormous efforts to make it possible for this guide book to amalgamate religious and scientific studies, and achieve the kind of coordinated, collective work in which religion and science combine for the benefit of Muslim children across the entire world.

I would also like to extend my sincere gratitude to the honourable group of experts from inside and outside the Arab Republic of Egypt who took part in the consultative meetings.

May the Almighty Allah guide us to serve the best interests of our Islamic Ummah (community), and may the peace, mercy and blessings of Allah be upon you.


Dr. Gamal Abou Al-Serour

*Director of the International Islamic Centre for Demographic Studies and Research and
Director of the Project, Al-Azhar University*

The Experts Who Prepared This Guidebook

Dr. Ahmad Rajaa Abd Al-Hamid
Assistant Professor at the Islamic International Centre

Professor Al-Qasabi Mahmud Zalat
Former Deputy Head of Al-Azhar University

Professor Aminah Muhmmad Nusayr
Former Dean of the Girls College for Islamic and Arabic Studies at Alexandria, Al-Azhar University

Dr. Gamal Abou Al-Serour
Director of the Islamic International Centre for Demographic Studies and Research, Al-Azhar University

Dr. Sahar Al-Tawilah
Assistant Professor at the School of Economics and Political Science, Cairo University

Professor Taha Abu Kraishah
Former Deputy Head of Al-Azhar University for Education and Student Affairs

Professor Adil Muhammad Al-Madani
Head of the Psychiatry Department at the Boys Medical School of Al-Azhar University

Professor Ablah Al-Kahlawi
Dean of the Girls College for Islamic and Arabic Studies, Port Said, Al-Azhar University

Dr. Ali Ismail
Assistant Lecturer, the Psychiatry Department at the Boys Medical School of Al-Azhar University

Sheikh Omar Al-Bastawisi
Under Secretary, Office of the Grand Sheikh of Al-Azhar University

Professor Muhammad Raafat Uthman
Former Dean of the School of Shana and Law at Al-Azhar University

Professor Mahmud Tahir Al-Mugi
Full-time Lecturer at the Department of Pediatrics in the Boys Medical School of Al-Azhar University

UNICEF Technical Support Group

Ms. Farida Ali
Programme Officer, Office of Public Partnerships, UNICEF New York

Ms. Shahida Azfar
Former Representative of UNICEF in Egypt

Mr. David Bassiouni
Former Representative of UNICEF in Egypt

Ms. Akila Belembaogo
Head of Gender Equalities and Human Rights, Global Policy and Planning, UNICEF New York

Mr. Peter Crowley
Director, Office of Public Partnerships UNICEF New York

Mr. Kul Gautam
Deputy Executive Director, UNICEF New York

Dr. Sahar Hegazi
Communications Officer, UNICEF Egypt

Mr. Saad Y. Houry
Director, Division of Policy and Planning, UNICEF New York

Dr. Erma Manoncourt
UNICEF Representative in Egypt

Dr. Sadig Rasheed
*Special Advisor to the Executive Director,
UNICEF New York*

Dr. Rima Salah
*Deputy Executive Director,
UNICEF New York*

Ms. Hannan Sulieman
Senior Programme Officer, UNICEF Egypt

Mr. Mohammed Anis Salem
*Media Advisor to the Middle East and
North Africa Regional Office, UNICEF*

Editorial Committee

Professor Taha Abu Kraishah
*Former Deputy Head of Al-Azhar University
for Education and Student Affairs*

Dr. Gamal Abou Al-Serour
*Director of the Islamic International Centre
for Demographic Studies and Research, Al-
Azhar University*

Dr. Ahmad Rajaa Abd Al-Hamid
*Assistant Professor at the Islamic
International Centre*

Dr. Sahar Al-Tawilah
*Assistant Professor at the School of
Economics and Political Science, Cairo
University*

Dr. Hussein Harun Muhammad
*Sharia Lecturer at the Islamic International
Centre, Al-Azhar University*

Secretariat

Dr. Mirvat Mahmud Muhammad
*Project Coordinator
The Islamic International Centre for
Demographic Studies and Research*

Mrs. Rim Muhammad Ibrahim
*Media Programme Office
UNICEF Egypt*

Mrs. Dalal Ahmad Ali
*Secretary at the Islamic International
Centre for Demographic Studies and
Research*

Mrs. Nariman Muhammad Izz
*Secretary at the Islamic International
Centre for Demographic Studies and
Research*

THE BASIC RIGHTS OF THE CHILD IN ISLAM

﴿وَاللّٰهُ جَعَلَ لَكُم مِّنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَنِينَ
وَحَفَدَةً وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِنِعْمَةِ اللَّهِ هُمْ يَكْفُرُونَ.
(سورة النحل – الآية ٧٢)

AND ALLAH HAS MADE FOR YOU *AZWAJ* [MATES OR WIVES] OF YOUR OWN KIND, AND HAS MADE FOR YOU, FROM YOUR WIVES, SONS AND GRANDSONS, AND HAS BESTOWED ON YOU GOOD PROVISION. DO THEY THEN BELIEVE IN FALSE DEITIES AND DENY THE FAVOUR OF ALLAH [BY NOT WORSHIPPING ALLAH ALONE]... (AL-NAHL, OR THE BEES, VERSE 72)

- The right of the child to a healthy start in life
- The right of the child to a family, kindred, name, property and inheritance
- The right of the child to health care and proper nutrition
- The right of the child to education and the acquisition of skills
- The right of the child to lead a dignified and secure life
- The right of the child to have society and the state play a role in supporting and protecting children's rights

Introduction

Islam views childhood with hope and inspiration, as something to look forward to, that is sought after and that is longed for. When the long-awaited hope is achieved, the fruit reaped is happiness of the soul, delight of the heart and elation of the chest. According to the Qur'anic text, progeny is a gift from the Almighty Allah to His faithful servants; it is one of the bounties bestowed upon them by the Almighty Giver of Bounties, Be He Exalted. It is also a fulfilment of the hope that is longed for by sincere believing servants of Allah. The Almighty says:

﴿لِلَّهِ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ يَخْلُقُ مَا يَشَاءُ يَهَبُ لِمَن يَشَاءُ إِنَاتًا وَيَهَبُ لِمَن يَشَاءُ الذُّكُورَ أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَإِنَاتًا وَيَجْعَلُ مَن يَشَاءُ عَقِيمًا إِنَّهُ عَلِيمٌ قَدِيرٌ﴾ (سورة الشورى - الآية ٤٩-٥٠)

TO ALLAH BELONGS THE KINGDOM 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 BESTOWS BOTH MALES AND FEMALES, AND HE RENDERS BARREN WHOM HE WILLS. VERILY, HE IS THE ALL-KNOWER AND IS ABLE TO DO ALL THINGS. (ASH-SHURA, OR CONSULTATION, VERSES 49-50)

Hence, it is not surprising that Islamic Sharia pays utmost attention to securing all that is needed in order 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 the following:

- The right of the child to a healthy start in life
- The right of the child to a family, kindred, name, property and inheritance
- The right of the child to health care and proper nutrition
- The right of the child to education and the acquisition of skills
- The right of the child to lead a dignified and secure life
- The right of the child to have society and the state play a role in supporting and protecting children's rights

The Islamic Sharia states all of these rights, as evident in the Glorious Qur'an and the sublime Sunna of the Prophet Muhammad.

The right of the child to a healthy start in life

The Islamic Sharia pioneered a faith- and ethics-based set of precepts to guarantee genuine implementation. Sharia attends to childhood with care long before birth. It urges the mother to safeguard her fetus and do all she can in order to prevent termination of pregnancy. The fetus has the right to be protected against its mother subjecting it to any kind of harm, such as malnutrition. It is a Sharia-based duty that a human being should abstain from doing anything that might lead to harming the self or any other human. The Prophet, Peace Be Upon Him, said: "There should be neither harming nor reciprocating harm."¹ Islam has given a pregnant woman the right not to fast during the month of Ramadan, should she be concerned that such fasting might harm her fetus. Such a woman is given license to break the fast during Ramadan provided she fasts for those days she could not observe later in the year when she is able to do so. In case she is not at all able to fast, 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 inflict harm on the fetus. It has been reported in a Hadith that the Prophet, Peace Be Upon Him, said: "Allah has exempted the traveller from observing the fast and licensed him (or her) to cut short the prayer to a half. Pregnant women and breastfeeding women have been licensed to break the fast."² Elsewhere, the Prophet, Peace Be Upon Him, pointed to the preference for accepting the license: "Allah loves that (you) adopt his licenses in as much as he loves that (you) adhere to his strict orders."³



UNICEF/HQ02-0570/ GIACOMO PIROZZI

1 Narrated by Ibn Majah in his collection of *Sunan* (collection of Hadiths), *Kitab Al-Ahkam* (Book of Legal Judgments), chapter "The judgment regarding he who builds for himself while harming his neighbor," 2/748, Hadith 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 1387 narrated on the authority of Tha'labah Bin Abu Malik, second edition edited by Hamdi Abd Al-Majid Al-Salafi.

2 Narrated by Abu Dawud in his collection of *Sunan*, *Kitab Al-Sawm* (Book of Fasting), chapter "Choosing to break the fast," 2/329, Hadith 2408. It is also narrated on the authority of Anas in the edition of Dar Al-Hadith, 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 breastfeeding woman," 3/85, Hadith 715, narrated on the authority of Anas and categorized by Al-Tirmidhi as *sahih* (authentic).

3 Narrated by Imam Ahmad in his *Musnad* (collection of narrations), 2/108, narrated on the authority of Ibn (son of) Omar, May Allah May Allah Be Pleased With Them Both.

The right of the child to a family, kindred, name, property and inheritance

Kindred bonds one human with other humans who are blood relatives. The family is the receptacle of kindred; within it, the newly born human forms the first bond with other members of the human community. One of the most important precepts guaranteed by the Sharia is the right of the child to kindred.

Kindred has been given an esteemed position by the Almighty Allah, who, considering it one of the signs of His Power, says in the Qur'an:

﴿وَهُوَ الَّذِي خَلَقَ مِنَ الْمَاءِ بَشَرًا فَجَعَلَهُ نَسَبًا وَصِهْرًا وَكَانَ رَبُّكَ قَدِيرًا﴾
(سورة الفرقان - الآية ٥٤)

AND IT IS HE WHO HAS CREATED MAN FROM WATER, AND HAS APPOINTED FOR HIM KINDRED BY BLOOD AND KINDRED BY MARRIAGE. AND YOUR LORD IS EVER ALL POWERFUL TO DO WHAT HE WILLS. (AL-FURQAN, OR THE CRITERION, VERSE 54)

It is for this reason that Islam has been attentive to genealogical clarity and the preservation of the family structure. To maintain that, Islam nullifies all those practices that may obscure or eliminate the blood bond, such as adoption. Instead, it introduced sponsorship, which provides a child denied the warmth of his or her natural family with the warmth of an alternative and earnestly needed form of parenting care, without the confusion of kindred.

Islam has also prescribed marriage, as the Almighty Allah says in the Qur'an:

﴿وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً﴾ (سورة الروم - الآية ٢١)

AND AMONG HIS SIGNS IS THIS, THAT HE CREATED FOR YOU WIVES FROM AMONG YOURSELVES, THAT YOU MAY FIND REPOSE IN THEM, AND HE HAS PUT BETWEEN YOU AFFECTION AND MERCY. (AR-RUM, OR THE ROMANS, VERSE 21)

3 Narrated by Imam Ahmad in his *Musnad* (collection of narrations), 2/108, narrated on the authority of Ibn (son of) Omar, May Allah Be Pleased With Them Both.

The Sharia, as we find in the Qur'an and the traditions of the Prophet, enjoins a man who seeks to set up a family to focus his attention primarily on looking for a woman who is virtuous and of sound conduct. Having acknowledged that men seeking marriage usually look for beauty, wealth, lineage status and religion, the Prophet, Peace Be Upon Him, recommended that priority should be given to looking for a woman who is religiously observant. He stressed that a wife who is of virtuous conduct and high morality is indeed a great accomplishment for any man. He said: "Acquire the woman who is religiously observant and you'll succeed."⁴ The recommendation regarding the choice of spouse is not exclusive to the man's choice of the woman who will share his life with him; it is a general recommendation applicable equally to both men and women. The Messenger of Allah, Peace Be Upon Him, is reported to have said: "When you are approached for marriage by a man whose religiosity and manners are acceptable to you, then do accept his proposal and marry him;"⁵

The Prophet's warning against an engagement in marriage with other than a man who is religiously observant and righteous, and with other than a woman who is religiously observant and righteous, is understandable.

4 Narrated by Al-Imam Al-Bukhari in his *Sahih* (collection of authentic Hadiths), *Kitab Al-Nikah* (The Book of Marriage), chapter "Getting the person in financial hardship married in accordance with the Qur'anic verse 'Should they be poor, Allah will enrich them out of his grace'," 3/346, Hadith 5090 narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him, Al-Iman Edition, Al-Mansurah, 1419 H (1998 AD). It is also reported by Muslim in his *Sahih* in *Kitab Al-Rida'* (Book of Breastfeeding), chapter "Preference for choosing in marriage a woman who is religiously observant," 2/1086, Hadith 1466 narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him, edition of Issa Al-Halabi publishers, edited by Fu'ad Abd Al-Baqi.

5 Narrated by Al-Imam Al-Tirmidhi in his *Sunan*, *Kitab Al-Nikah*, chapter "When you are approached for marriage by a man whose religiosity and manners are acceptable to you then do accept his proposal and marry him," 3/385, Hadith 1084 narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. Edition of Dar Al-Hadith publishers, Cairo, edited by Muhammad Fu'ad Abd Al-Baqi. According to Al-Tirmidhi, this Hadith is *hasan* (acceptable). Al-Bayhaqi reported it in his *Al-Sunan Al-Kubra* (The Grand Collection), *Kitab Al-Nikah*, chapter "Encouraging (women) to marry a man who is religious and of good moral conduct," 7/82, narrated on the authority of Abu Hatim Al-Muzni, edition of Dar Al-Ma'arif publishers, Beirut.

Furthermore, the Almighty Allah says in the Qur'an:

﴿وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ﴾ (سورة النور - الآية ٣٢)

AND MARRY THOSE AMONG YOU WHO ARE SINGLE [I.E., A MAN WHO HAS NO WIFE AND A WOMAN WHO HAS NO HUSBAND] AND [ALSO MARRY] THE *SALIHUN* [PIOUS, FIT AND CAPABLE ONES] OF YOUR [MALE] SLAVES AND MAID-SERVANTS [FEMALE SLAVES]. IF THEY BE POOR, ALLAH WILL ENRICH THEM OUT OF HIS BOUNTY. AND ALLAH IS ALL-SUFFICIENT FOR HIS CREATURES' NEEDS, ALL-KNOWING [ABOUT THE STATE OF THE PEOPLE]... (AL-NUR, OR THE LIGHT, VERSE 32)



UNICEF/HQ05-1738/ ASAD ZAIDI

Just as attention is paid to the moral aspect, it should also be paid to the health aspect. The child has the right, as much as possible, to be born without hereditary diseases. Whatever is conducive to the production of a healthy child should be sought. It is therefore incumbent upon the parents to adopt every means to ensure that children are not afflicted with hereditary diseases or ailments that may be transmitted from the parents to their children. It is desirable that each of the spouses should aim, to the best of their ability, to be married to a partner who is free from hereditary diseases and to avoid marrying close relatives. Omar bin Al-Khattab (a senior companion of the Prophet, Peace Be Upon Him, and the second Caliph) is reported to have said: "Do not marry a close relative lest the child is born scrawny."⁶ He is also reported as saying, "Marry the distant lest you produce scrawny progeny." This is exactly what modern medicine has confirmed; some hereditary diseases predominate when close relatives marry. In any case, it is necessary to conduct an examination and consult the experts before marriage. Doctors are in a position to prognosticate on the basis of their study of the familial history of both parties, and provide husbands and wives with the proper advice as to whether hereditary problems exist, and as to 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 identify the problem and treat the disease before posing a threat to their children in the future.

⁶ Narrated 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.

Contrary to a popular misconception, we do not find anywhere in the Sharia a specification of the age of marriage. What we find instead is a fixed standard, namely mental maturity or sound judgment. The Almighty Allah says in the Qur'an:

﴿وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهِدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا﴾ (سورة النساء - الآية ٦)

AND TRY ORPHANS [AS REGARDS THEIR INTELLIGENCE] UNTIL THEY REACH THE AGE OF MARRIAGE; IF THEN YOU FIND SOUND JUDGMENT IN THEM, RELEASE THEIR PROPERTY TO THEM, BUT CONSUME IT NOT WASTEFULLY AND HASTILY FEARING THAT THEY SHOULD GROW UP, AND WHOEVER [AMONG GUARDIANS] IS RICH, HE SHOULD TAKE NO WAGES, BUT IF HE IS POOR, LET HIM HAVE FOR HIMSELF WHAT IS JUST AND REASONABLE [ACCORDING TO HIS LABOUR]. AND WHEN YOU RELEASE THEIR PROPERTY TO THEM, TAKE WITNESS IN THEIR PRESENCE; AND ALLAH IS ALL-SUFFICIENT IN TAKING ACCOUNT...

(AL-NISA', OR THE WOMEN, VERSE 6)

There is clearly a difference between attaining puberty and physical aptitude on the 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.

Once they are born, children should be given pleasant names so as not to cause them any embarrassment or psychological disturbances of the type that afflict children who are called names that 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: "Honour your children and give them pleasant names."⁷ He also said: "The most beloved of names to Allah are Abdullah and Abdurrahman."⁸

7 Narrated by Ibn Majah in his *Sunan, Kitab Al-Adab* (The Book of Good Manners), chapter "Being compassionate towards the parents and behaving well towards the daughters," 2/1211, Hadith 3671. Narrated on the authority of Anas, Edition of Issa Al-Halabi publishers, edited by Muhammad Fu'ad Abd Al-Baqi.

8 Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Adab*, chapter "Recommended names," 5/132, Hadith 2833. Narrated on the authority of Ibn Omar, the Hadith is said to be *hasan* (acceptable) 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 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 [Before Entering]), chapter "Recommended names," 2/380, Hadith 2695. Narrated on the authority of Ibn Omar, edition of Dar Al-Rayyan Heritage Publishers, Cairo, 1407 H (1987 AD).

The right of the child to health care and proper nutrition

As is known medically, health care for a child should begin with conception inside the womb. The fetus at this stage requires special nutrition high in protein, vitamins and minerals, including calcium. These nutrients can only be acquired through the mother, who should make sure she is well nourished herself. It is for this reason that Sharia makes it incumbent upon the husband to sustain the mother and her child, and to increase her share of food and drink so as to remain healthy. It is his duty as well to provide her with psychological care.

The two parents must pay utmost attention to observing fully their duties towards their expected child by, on the one hand, avoiding whatever may harm the child, and, on the other hand, taking all necessary measures to enhance the child's chances of enjoying good health. This is in direct compliance with the saying of the Messenger, Peace Be Upon Him: "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)."⁹

A pregnant mother must make sure she does not expose herself to radiation or chemicals that may damage some of the cells or the tissues of the fetus, or that may lead to the occurrence of physical deformities. She must not use any medications during pregnancy without expert medical guidance. The use of some medications, particularly in the early days of pregnancy, may induce deformities in the fetus or cause malformation of some of its organs. It is also the mother'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 for the application of the appropriate treatment, or for surgical intervention inside the uterus prior to birth so that the child may be born sound and healthy.

During her pregnancy, a mother should avoid contact with individuals suffering from contagious diseases such as

⁹ Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Jihad* (The Book of Jihad), chapter "Rules 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.

German measles or syphilis. She must take all precautions in order to prevent the transmission of any of these or other contagious diseases to herself or her fetus. For that purpose, she should take whatever vaccinations are necessary. Additionally, the pregnant mother must refrain from smoking or drinking alcohol or taking narcotics, which are forbidden in Islam anyway. She must do her best to avoid passive smoking, for even this has been proven to inflict harm upon her fetus, which is likely to suffer from a low weight at birth. Since the health of the newly born baby is very much linked to the health of the mother, 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 the age of 35 years, or pregnancies at short intervals apart.

Parents should spare no effort to prepare appropriate and wholesome conditions for the birth of a child. For instance, the delivery should take place at properly equipped medical facilities with the aid of qualified medical staff. It is the responsibility of parents to spare their child the risk of infection during delivery from non-sterilized tools, or the risk of suffering any physical disability. The likelihood of such eventualities is enhanced when delivery occurs at the hands of a person who is medically unqualified to perform such a task.

A pleasant reception for children as they are ushered into life should be granted to all, without discrimination between males and females. The Holy Qur'an chastizes those who used to celebrate the birth of male children, but expressed sadness and dissatisfaction when females were born. The Almighty Allah deplores such an attitude in the following Qur'anic verses:

﴿وَإِذَا بُشِّرَ أَحَدُهُمْ بِالْأُنثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ (٥٨) يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَ بِهِ أَيَسْكَنُ عَلَىٰ هُونٍ أَمْ يَدُسُّهُ فِي التُّرَابِ أَلَّا سَاءَ مَا يَحْكُمُونَ﴾ (سورة النحل - الآية ٥٨ - ٥٩)

AND WHEN THE NEWS OF [THE BIRTH OF] A FEMALE [CHILD] IS BROUGHT TO ANY OF THEM, HIS FACE BECOMES DARK, AND HE IS FILLED WITH INWARD GRIEF! HE HIDES HIMSELF FROM THE PEOPLE BECAUSE OF THE EVIL OF THAT WHEREOF HE HAS BEEN INFORMED. SHALL HE KEEP HER WITH DISHONOUR OR BURY HER IN THE EARTH? CERTAINLY, EVIL IS THEIR DECISION. (AL-NAHL, THE BEES, VERSES 58-59)

After birth, a child has the right to be breastfed by its mother in a manner that should satisfy it physically, psychologically and emotionally. The Islamic Sharia insists that the mother foster, nurse and breastfeed her newly born. It would be sinful to fail in her responsibility towards her suckling infant, who is utterly helpless on his or her own. Such failure brings grave consequences, as stated by the Prophet, Peace Be Upon Him, who said: "It is a grave sin for one to neglect a person whom he is responsible for sustaining."¹⁰ Should the mother suffer from an ailment that would prevent her from breastfeeding, or should the infant refuse to take her breast, or in case the mother passes away, however, the husband has the duty to procure a person to breastfeed 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:



UNICEF/HQ02-0335/ GIACOMO PIROZZI

﴿وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِمَّ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْغُرُوبِ لَا تُكَلِّفُ نَفْسٌ إِلَّا أَوْسَعَهَا لَا تَضَارُّ وَالِدَةٌ بَوْلِدَهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا اتَّيْنْتُم بِالْغُرُوبِ وَاتَّقُوا اللَّهَ وَعَلِمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ﴾ (سورة البقرة - الآية ٢٣٣)

THE MOTHERS SHALL GIVE SUCK TO THEIR CHILDREN FOR TWO WHOLE YEARS, [THAT IS] FOR THOSE [PARENTS] WHO DESIRE TO COMPLETE THE TERM OF SUCKLING, BUT THE FATHER OF THE CHILD SHALL BEAR THE COST OF THE MOTHER'S FOOD AND CLOTHING ON A REASONABLE BASIS. NO PERSON SHALL HAVE A BURDEN LAID ON HIM GREATER THAN HE CAN BEAR. NO MOTHER SHALL BE TREATED UNFAIRLY ON ACCOUNT OF HER CHILD, NOR ANY FATHER ON ACCOUNT OF HIS CHILD. AND ON THE [FATHER'S] HEIR IS INCUMBENT THE LIKE OF THAT [WHICH WAS INCUMBENT ON THE FATHER]. IF THEY BOTH DECIDE ON WEANING, BY MUTUAL CONSENT, AND AFTER DUE CONSULTATION, THERE IS NO SIN ON THEM. AND IF YOU DECIDE ON A FOSTER SUCKLING-MOTHER FOR YOUR CHILDREN, THERE IS NO SIN ON YOU, PROVIDED YOU PAY [THE MOTHER] WHAT YOU AGREED [TO GIVE HER] ON A REASONABLE BASIS. AND FEAR

10 Narrated by Abu Dawud in his *Sunan, Kitab Al-Zakat* (Book of Alms), chapter "Responsibilities towards blood relatives," 2/136, Hadith 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 13,414. 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.

ALLAH AND KNOW THAT ALLAH IS ALL-SEER OF WHAT YOU DO.

(AL-BAQARA, OR THE COW, VERSE 233)

When the child is strong enough and is past the nursing stage, and since he or she requires body-building nutrition that is appropriate for each age, his or her parents must satisfy the child's right to be appropriately fed as he or she grows older and bigger. 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 the child from falling ill. Foremost among these precautions would be to administer to the child the vaccinations mandated at the times they are supposed to be taken. Neglecting such a responsibility would amount to a grave sin for which the parent is accountable before Allah, the Lord of All Creations.

The right of the child to education and the acquisition of skills

Once the child reaches the age of comprehending and learning, he or she has the right to be provided by his or her parents with knowledge to develop intellectual capabilities that enable the child to recognize and learn to deal with the various surrounding aspects of life. This helps the child realize that he or she is part of this collectivity, and cannot live isolated without the need for other humans and things other than humans. Since the seeking of knowledge is a religious duty in Islam, parents are expected to perform this duty by providing education to their children as they take their first steps in life. Any negligence in initiating this process means compromising their responsibility, with the consequence of further negligence in the subsequent stages of the lives of their children. Once the foundation is lost, nothing remains on which to build a sound edifice. It is reported that Imam Ali bin Abu 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."

The principles of Islamic Sharia offer males and females equal opportunities in education; this should be granted

serious consideration. In a Hadith, the Prophet, Peace Be Upon Him, said: “The seeking of knowledge is obligatory upon every Muslim male and Muslim female.”¹¹ The Prophet practised what he preached when he requested Al-Shifa’ bint Abdullah Al-’Adawiyah to teach his wife Hafsa bint Omar bin Al-Khatab to read and write so as to qualify for the task of memorizing and preserving the Book of Allah (the Qur’an).

The attention of Islam and the Muslims to learning goes beyond the spending of effort and money. Individuals are encouraged to acquire knowledge wherever it may be, in implementation of the command of the Prophet, Peace Be Upon Him, who said: “Seek knowledge even if it be in China.”¹² Islam goes as far as paying utmost attention to teachers, who are seen as the pillars of the educational process. Those who truly understand Islam appreciate how great it is as it highlights the importance of educators and the significance of their roles and the influence they wield on children. Muslim caliphs and governors have left us a legacy of recommendations made to teachers of children. One such example is the written recommendation by Omar bin ‘Utbah to the teacher of his children. He said to him: “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 as good the things you do and as bad the things you renounce.”

The right of the child to lead a dignified and secure life

The Islamic Sharia prescribes that the financial requirements of the young are the responsibility of the father, so as to guarantee they are being cared for and are safe. The Almighty Allah says:

﴿وَعَلَى الْوَالِدِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ﴾ (سورة البقرة – الآية ٢٣٣)

...BUT THE FATHER OF THE CHILD SHALL BEAR THE COST OF THE MOTHER’S FOOD AND CLOTHING ON A REASONABLE BASIS... (AL-BAQARA, OR THE COW, VERSE 233)

¹¹ Narrated 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 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 10,439. Narrated on the authority of Abdullah bin Mas’ud, the editor said: “I would say that the two narrations bolster each other.”

¹² Narrated 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.

He also says:

﴿لِيُنْفِقْ ذُو سَعَةٍ مِّنْ سَعَتِهِ وَمَن قَدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ بِمَا آتَاهُ
 اللَّهُ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا﴾
 (سورة الطلاق - الآية ٧)

LET THE RICH MAN SPEND ACCORDING TO HIS MEANS; AND THE MAN WHOSE RESOURCES ARE RESTRICTED, LET HIM SPEND ACCORDING TO WHAT ALLAH HAS GIVEN HIM. ALLAH PUTS NO BURDEN ON ANY PERSON BEYOND WHAT HE HAS GIVEN HIM. ALLAH WILL GRANT AFTER HARDSHIP, EASE. (AL-TALAQ, THE DIVORCE, VERSE 7)

The Prophet, Peace Be Upon Him, said to the woman who asked him about how much she was entitled to take from her miser husband without his knowledge: "Take in a seemly manner what suffices for you and your children."¹³ This Hadith explains the amount of what may be considered adequate *nafaqah* (financial support) for the wife and the children. The amount is linked to ability and adequacy, and would vary depending on availability.

In case the parents divorce, the Islamic Sharia stands by the woman in order to protect her right to nurse her infant, since she is the natural mother and comes first; no other person may take precedence over her, including the father himself. Muslim jurists are unanimous in assigning nursing rights to the mother unless some prohibiting factor is at play, such as marriage (to another man), or insanity or negligence. Sharia prescribes paying a fee to the nursing mother. The father is to bear the cost of nursing, since this is one of his responsibilities and should be within his means. The mother earns her nursing fee immediately following the expiry of her *'iddah* (the legally prescribed period of waiting during which a woman may not remarry after being widowed or divorced). There is no need in this case for a court order. Sharia also specifies the location where the infant is to be nursed, taking into consideration the best interests of the child during the nursing period. Protecting his or her best interests can be accomplished through a combination of keeping the child with the mother and involving the father in a supportive position. Therefore, the nursed child must be kept in a location that is near to both parents and

¹³ Narrated 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 5364. Narrated on the authority of A'ishah, 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 1714. Narrated on the authority of A'ishah, May Allah Be Pleased With Her.

should not be denied the right to see them together.

Muslim jurists have expressed different opinions regarding the time after which the father is no longer obliged to provide *nafaqah* for his children. Reaching the age of puberty and acquiring the ability to make a living would constitute a reason for terminating financial support. This would mean that the father has a responsibility to educate the child and train him or her to sustain him or herself without needing the father's subsidy. Terminating the *nafaqah* just on account of the child maturing into puberty is not acceptable, however, because it would lead to relinquishing the child while he or she is still in need of care and sustenance. The mother is not obliged to provide *nafaqah* for any of her children, so long as the father is still alive and able to provide. In case the father is unable to provide for his children, but the mother is, then she has a duty to provide the *nafaqah*. She may be relieved of this responsibility once the father regains his ability to provide it.

In case the father dies, leaving behind children with insufficient funds in his will, then the mother and other heirs have an obligation to provide for these children. The Almighty Allah says in the Qur'an:

﴿وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ﴾ (سورة البقرة - الآية ٢٣٣)

(AND ON THE [FATHER'S] HEIR IS INCUMBENT THE LIKE OF THAT [WHICH WAS INCUMBENT ON THE FATHER].) (AL-BAQARA, OR THE COW, VERSE 233)

The rule is that every obligation incumbent upon the deceased during his life is incumbent upon his or her heirs after his death. This Qur'anic verse provides decisive evidence of the fairness of the Islamic law of inheritance. By taking delivery of inheritance, the heir does not, in any way, relinquish his or her responsibilities towards those who had been under the care of the person from whom he or she has inherited. An heir has a duty to provide care and education to those who are still in need of such essential services. This is an example of how Islam enjoins compassion and encourages individuals to be grateful.

The child has a right to be trained by his or her parents to perform religious rituals. The importance of early training is

13 Narrated 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 5364. Narrated on the authority of A'ishah, May Allah Be Pleased With Her. Muslim also reported it in his *Sahih, Kitab Al-Aqdiyyah* (The Book of Verdicts), chapter "The case of Hind," 3/1338, Hadith 1714. Narrated on the authority of A'ishah, May Allah Be Pleased With Her.

that it allows religious practice to become an easy and acceptable habit that children will maintain and preserve. The parents should endeavour to be role models for their children in terms of adhering to the best of conduct. They also have the obligation to provide their children with love, kindness and mercy, and to avoid harshness and cruelty. It is in this light that we understand the Prophetic guidance, as stated by the Prophet, Peace Be Upon Him, when he says: “May Allah have mercy on a parent who helps his or her child to be good to him or her.”¹⁴

The child has also the right to be trained by his or her parents to rely on him or herself, and to engage in every kind of activity that would develop a strong personality. This allows the child to become a responsible person and avoid the temptation to rely on others for a living, or to feel that others are responsible for him or her throughout life. Parents have a responsibility too to get their children used to making friends with good individuals and to stay away from bad ones. They should also teach them to behave kindly and pleasantly towards their mates and to love them. They should steer their children towards what is good and beautiful, encouraging them to pursue it, and point out what is ugly and bad, warning them against it.

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 of the principles stated by Islamic Sharia, more than 14 centuries ago, with regard to child protection. What distinguishes Islamic Sharia is that it has an internal mechanism to guarantee the adherence of Muslims to its principles. Universal principles have called for recognizing the rights of all children without discrimination. The Islamic Sharia, in its own way, has affirmed these rights in terms of Qur’anic and Prophetic directives. The Almighty Allah says:

﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ﴾
(سورة الحجرات - الآية ١٣)



©UNICEF

14 Narrated by IbnAbu Shaybah in *Al-Musannaf, Kitab Al-Adab* (The Book of Discipline), chapter “The right of the child upon the parent,” 6/101, narrated on the authority of Al-Sha’biy. This narration is of the category of *mursal*, that is, it is not reliable because the companion who is supposed to have reported it is missing from the chain of narrators. Edition of Dar Al-Fikr publishers, Beirut, Lebanon, 1414 H/1994 AD.

O MANKIND! WE HAVE CREATED YOU FROM A MALE AND A FEMALE, AND MADE YOU INTO NATIONS AND TRIBES, THAT YOU MAY KNOW ONE ANOTHER. VERILY, THE MOST HONOURABLE OF YOU WITH ALLAH IS THAT [BELIEVER] WHO HAS *AT-TAQWA* [PIETY] (I.E., HE IS ONE OF THE *MUTTAQUN* [THE PIOUS]). VERILY, ALLAH IS ALL-KNOWING, ALL-AWARE. (AL-HUJURAT, THE PRIVATE QUARTERS, VERSE 13)

He also says:

﴿إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ﴾ (سورة الحجرات - الآية ١٠)

(THE BELIEVERS ARE NOTHING ELSE THAN BROTHERS [IN ISLAMIC RELIGION].) (AL-HUJURAT, THE ROOMS, VERSE 10)

The Islamic Sharia 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 *dhimmi* (a member of other faith communities 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:

﴿وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ ٓآلَآ تَعَدَلُوا﴾ (سورة المائدة - الآية ٨)

...AND LET NOT THE ENMITY AND HATRED OF OTHERS MAKE YOU AVOID JUSTICE. (AL-MA'IDAH, THE TABLE, VERSE 8)

A child deprived of parental care should be sponsored. His or her sponsors should act as if they are the child's parents, and are expected to provide what parents are usually expected to provide. The Islamic Sharia encourages Muslims to take up sponsorship to provide care for children in need. In compensating for the loss of parental care, the sponsors are promised a great reward; they will be 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 these two are." And he pointed to his index and middle finger.¹⁵ There should be no discrimination between an orphan whose father is known and an orphan without known ancestry.

The role of society and the state in supporting and protecting the rights of children

Parental care is the main foundation for providing protection for children and enabling them to enjoy the rights guaranteed by Islam. Nevertheless, society and state institutions have a role in this regard that is no less important.

For all children to enjoy their rights without discrimination, it is a prerequisite that the state constitution should unequivocally state that children have rights to a name, an identity, property and inheritance, sponsorship in a family, health care and education.

Of no less importance is a legislature's responsibility to pass laws guaranteeing the protection of children from exploitation in harsh or dangerous jobs, or in activities that may render them liable before the law, or that may constitute physical or moral humiliation for them. It would be immaterial whether such exploitation is carried out by the family, or those working in child care institutions such as schools or welfare houses, or other individuals. It is in this light that we understand the saying of the Prophet, Peace Be Upon Him: "Each of you is a shepherd, and each of you is accountable for his or her flock."¹⁶ The Prophet also said: "Allah will (on the Day of Reckoning) question each person in a position of responsibility about what he (or she) was responsible for (in this life)."¹⁷

Parliamentary endorsement and ratification of international conventions, treaties and agreements pertaining to the rights of children is also of great importance, as is state adherence to the articles of these agreements, provided this does not contravene the correct understanding of Islamic Sharia. These measures are necessary for the preservation of the rights of children and for protecting them within the state itself. They are also essential to coordinating cooperation between states in combating internationally organized crimes that violate the rights of children and endanger their lives,

¹⁵ Al-Bukhari narrated it in his *Sahih, Kitab Al-Adab* (Book of Discipline), chapter "The virtue of sponsoring an orphan," 4/81, Hadith 6005. Narrated on the authority of Sahl bin Sa'd, May Allah Be Pleas'd 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 2983. Narrated on the authority of Abu Hurayrah, May Allah Be Pleas'd With Him. It is also narrated 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 1918. Narrated on the authority of Sahl bin Sahl. Abu 'Issa said this is a Hadith that is *sahih* (authentic).

and in retrieving children who might be sold or smuggled across borders, or who are forced to flee a certain country and seek refuge in another because of armed conflicts and natural disasters. Measures should be taken in order to provide such children with the necessary care while preparations are made for their repatriation and unification with their families.

The state's executive institutions should shoulder their responsibility to provide services guaranteeing that all children enjoy their basic rights without discrimination, whether on the basis of race, gender, religion, economic or social status, or health conditions. These institutions should draw up plans to guarantee the rights of children, and include these plans in the state's overall scheme. They should also generate the resources necessary to implement the plans, which should be given the priority they deserve.



UNICEF/HQ02-0640/ ROGER LEMOYNE

The state's responsibility to provide for and protect children's rights does not contradict nor replace the responsibility of the society to guarantee and protect these rights. Elucidating the rights of children in Islam and the stance of Islamic Sharia vis-à-vis the duties of parents to fulfil these rights, and warning parents against violating them or denying them to their children, is one of the main tasks of Islamic scholars. Of paramount importance too is the role of civil society institutions in observing and monitoring the state's attention to securing the rights of children. In cooperation with mass media, these institutions have the responsibility to contribute to educating families and urging the state to adopt children's causes. They also play an important role in monitoring and reporting any incidents of child abuse, maltreatment or violence, or discrimination or exploitation. In addition, the payment of obligatory *zakat* (alms) and charitable donations by members and foundations within the society secures substantial amounts of money to fund projects in education, health, social welfare for destitute children, orphans and poor families.

16 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Jum'ah* (Book of the Friday), chapter "Friday in villages and towns," 1/248, Hadith 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 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 2928. Narrated on the authority of Abdullah bin Omar, May Allah Be Pleased With Them Both.

17 Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Jihad* (The Book of Jihad), chapter "Rules 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.

﴿وَلَا تُلقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ﴾
(سورة البقرة - الآية ١٩٥)

...AND DO NOT THROW YOURSELVES INTO DESTRUCTION [BY NOT SPENDING YOUR WEALTH IN THE CAUSE OF ALLAH], AND DO GOOD. TRULY, ALLAH LOVES *AL-MUHSINUN* [THE GOOD-DOERS]. (AL-BAQARA, THE COW, VERSE 195)



UNICEF/HQ04-0174/ ROGER LEMOYNE

THE RIGHT OF THE CHILD TO HEALTH

- Care for early infancy and the right of the child to live in health and happiness
- Preserving the life and health of the child
- Parents' responsibility to preserve the life, health and growth of their child
- Child cleanliness
- Islam's stance vis-à-vis children with special needs
- Human immuno-deficiency virus/acquired immune deficiency syndrome (HIV/AIDS)

Introduction: the purposes of Islamic Sharia

In its organization of the relations among humans, and between humans and the Almighty Allah, Islamic Sharia seeks to preserve five essential things that no human community is complete without. If one of these five essentials is compromised, the entire community will be compromised. Such a failure will disrupt relations among individuals, relations between individuals and the community, and the relation of all humans with their Creator, the Almighty Allah. It is for this reason that Islamic scholars call these five things, which should be preserved and protected in every human society, the five essentials. In other words, the existence of all five is necessary for society to be perfected, and void of harmful tendencies that may blemish it and cause mischief to spread within it.

The five essentials are: the preservation of religion, the preservation of life, the preservation of progeny, the preservation of the mind and the preservation of property. The entire range of Islamic legislation is in principle aimed at the security of these five essentials and whatever is needed for them to remain intact. Preserving life, then, is one of the five essentials intended by Sharia's rules to be secured and protected. The approach adopted by Islamic legislation has two principles. First, Islam prohibits any action that may lead to the destruction of human life. The penalty in Islam for wasting a human life through deliberate aggression is death; this penalty is known as *qisas* (retaliation). Second, Islam has a set of rules that collectively contribute to preserving and protecting human life. These rules enjoin a person to take care of his or her body, to be strong, to be free from illnesses and to be beautiful.

Care for early infancy and the right of the child to live in health and happiness

It is well known that half of the deaths that occur in the first year of infancy take place during the first month. Furthermore, 75 per cent of these deaths occur during the first week after birth, in addition to the disabilities that afflict children during this period. All measures should be taken in order to prevent the loss of life, even early in the embryo stage.

Islam has a set of general principles that make it incumbent upon Muslims to preserve the life and health of the child. One may conclude from these principles that negligence and carelessness in this matter constitute a major sin. One of these general principles, stated in the Qur'an, is the following:

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ﴾
(سورة البقرة - الآية ١٩٥)

...AND DO NOT THROW YOURSELVES INTO DESTRUCTION [BY NOT SPENDING YOUR WEALTH IN THE CAUSE OF ALLAH], AND DO GOOD. TRULY, ALLAH LOVES *AL-MUHSINUN* [THE GOOD-DOERS]. (AL-BAQARA, OR THE COW, VERSE 195)

This is echoed in the Hadith: "It is a grave sin for one to neglect a person whom he is responsible for sustaining."

A person who does not care for those for whom he is responsible, with the consequence of compromising them, would indeed be committing a grave sin.¹⁸

Preserving the life and health of the child

Islam's attention to preserving the life and health of the child amounts to attending to the strength of the Muslims as a whole. This is how able-bodied and healthy individuals who are full of life and activity are raised. A healthy body not only contributes to the soundness of one's thinking, but also makes it possible for the individual to interact with life and fellow humans. Islam has provided rules for the Muslim individual and a well-organized scheme of life to prevent ill health.

Second to Islam itself, good health is the best bounty Allah may bestow upon any person. A Muslim simply cannot act properly and perform his duties towards his Lord without good health. Al-Tirmidhi reported on the authority of Abu Hurayrah that the Prophet, Peace Be Upon Him, said: "Of all the bounties bestowed upon him, the first thing the servant of Allah will be asked about on the Day of Judgment is that it will be said to him (by Allah) did I not give you a healthy body."¹⁹ In another Hadith reported by Al-Tirmidhi it was said, "The Messenger of Allah, Peace Be Upon Him, did not like anything more to be asked for than good health."²⁰

Parents' responsibility to preserve the life, health and growth of their child

The Islamic Sharia entrusts parents with the responsibility of preserving the life and health of their child, and providing care as he or she grows. The child is entrusted to the parents, who will be called to account by the Almighty, Who will question them about this trust. The child simply cannot take care of or protect him or herself; he or she lacks the ability to do so. Care and protection are the parents' responsibility. Early in life, a child simply does not comprehend real danger. Parents

18 Narrated by Abu Dawud in his *Sunan, Kitab Al-Zakat* (Book of Alms), chapter "Responsibilities towards blood relatives," 2/136, Hadith 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 13,414. 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.

19 Al-Tirmidhi narrated it in his *Sunan, Kitab al-Tafsir* (Book of Interpretation), the section on Surat al-Takathur (chapter 111 of the Qur'an), 5/448, Hadith 3358. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. Abu 'Isa said this Hadith was of the *gharib* (strange or alien) category.

20 Al-Tirmidhi narrated it in his *Sunan, Kitab al-Da'awat* (Book of Supplications), chapter "Supplication of the Prophet Peace Be Upon Him," 5/552, Hadith 3548. Narrated on the authority of Ibn Omar, May Allah Be Pleased With Them Both.

have a duty to protect their youngsters from sickness and preserve them from dangers that may threaten their lives and impede their growth.

Under the joint responsibility of the husband and wife, parents have the obligation to take charge of all the affairs of their child, to guide the child, provide appropriate nutrition, and preserve or protect him or her from whatever sickness or disease causes harm.

Islam warns us against neglecting the need to provide our children with medical treatment or with preventive measures against fatal diseases or other illnesses. Islam prefers a strong believer to a weak one. The Messenger of Allah, Peace Be Upon Him, said: "A strong believer is better and more beloved to Allah than a weak believer."²¹ It is true of course that the parents are instinctively inclined towards compassion for their children and may not need to be reminded or advised on this matter. Islam affirms the duty of providing protection and warns against negligence in this regard, however, so as to maintain an atmosphere of happiness for the family and across society. The objective is to facilitate the growth of a generation able to carry burdens without sorrow or hopelessness, and without becoming dependent upon others.

The Almighty Allah says:

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ﴾
(سورة البقرة - الآية ١٩٥)



UNICEF/HQ03-0503/ SHEHZAD NOORANI

...AND DO NOT THROW YOURSELVES INTO DESTRUCTION [BY NOT SPENDING YOUR WEALTH IN THE CAUSE OF ALLAH]. (AL-BAQARA, OR THE COW, VERSE 195)

Protecting oneself from ruin and harm in general includes protecting one's family from ruin and harm. In as much as protection involves matters pertaining to the Hereafter, it involves matters pertaining to this world, for this world is nothing but a farm whose harvest will truly be in the hereafter. Protection is not restricted to abstention from sinful or shameful acts – considering that Islam seeks a balance between the requirements of the soul and the body. Protection should include the prevention of illnesses and diseases.

21 Narrated by Imam Muslim in his *Sahih, Kitab Al-Qadar* (Book of Destiny), chapter "The injunction to be strong, renounce weakness, seek help from Allah and leave destiny to Him," 4/2052, Hadith 2164. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. Ibn Majah also reported it in his *Sunan, Kitab al-Muqaddimah* (Book of the Introduction), section on destiny, 1/31, Hadith 79. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him.

We can add two Hadiths of the Prophet, Peace Be Upon Him, in one of which he said: "It is a grave sin for one to neglect a person whom he is responsible for sustaining."²² In the other, he said: "Each of you is a shepherd and each of you is accountable for his or her flock."²³ We would conclude that the injunction to protect our young ones and save them from diseases to preserve their life is indeed a religious duty, a social obligation and a national responsibility.

Child care requires the following measures:

- Prior to marriage: medical examination and consultation are of utmost importance with regard to guidance on child care and prevention of hereditary diseases.
- After marriage: Postponing the first pregnancy until the social and health conditions are appropriate for the raising of children is an important measure. In this way, one may secure the birth of healthy children. Scientific research has proven the medical necessity of postponing the first pregnancy until after the mother is 18 years old, for that is when a woman becomes mature. Prior to that age, the wife would still be a child whose body and sexual organs had not grown fully. There is a greater likelihood of delivering low-weight infants who are more susceptible to sickness and death. In case marriage takes place before the wife is 18, pregnancy should be delayed until she is 18 so as to avert these risks.

Prior to pregnancy:

- Delaying pregnancy in the case of health or social necessities
- Proper nutrition as required for maintaining a woman's health
- Appropriate spacing between pregnancies (family planning)
- Prevention from and treating microbial and parasitic infections
- Seeking health consultation prior to pregnancy

²² Narrated by Abu Dawud in his *Sunan, Kitab Al-Zakat* (Book of Alms), chapter "Responsibilities towards blood relatives," 2/136, Hadith 1692. Narrated on the authority of Abdullah bin Amr, Dar Al-Hadith edition, Cairo. Al-Tabarani also narrated it in *Al-Mu'jam Al-Kabir*, 12/382, Hadith 13,414. 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.

²³ Narrated by Al-Bukhari in his *Sahih, Kitab Al-Jum'ah* (Book of Friday), chapter "Friday in villages and towns," 1/248, Hadith 893. Narrated on the authority of Ibn Omar, May Allah Be Pleased With Them Both. Muslim also narrated 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 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 2928. Narrated on the authority of Abdullah bin Omar, May Allah Be Pleased With Them Both.

During pregnancy:

- Systematic follow up (antenatal care) provided by qualified and well-trained health providers
- Proper and healthy nutrition
- Refraining from smoking and avoiding unwarranted medications, hard work and pollutants
- Attending to the woman's psychological needs, such as treating her well and providing her with the care she needs
- Early detection of health problems and their immediate treatment
- Appropriate vaccinations
- Providing appropriate consultation to dispel rumours and false claims about pregnancy and delivery, as well as providing advice and guidance with regard to delivery, breastfeeding, the manner in which the mother may care for herself and her newly born baby, and the importance of giving an opportunity for natural breastfeeding as fully as possible by pregnancy spacing methods

At delivery:

- Delivery should be conducted with the assistance of trained and qualified medical providers.
- Delivery should take place in a properly equipped health facility.
- Breastfeeding should commence from the first hour after delivery.
- Those concerned must pay attention to family cohesion and provide the newly born baby and his or her mother with the care they need.
- Any medical or health problems should be identified as early as possible in order to render the necessary treatment to both the newly born baby and its mother.
- Those concerned should provide whatever is deemed necessary to advise the mother about natural and exclusive breastfeeding, as well as with regard to the need for spacing pregnancies (family planning) and sticking to whatever schedule is agreed upon.

Care of the young child:

- Attention should be paid to the health and medical needs of the infant, such as administering the appropriate

vaccinations, monitoring weight increases, and making sure that the infant receives absolutely natural breastfeeding for at least six months without additions (exclusive breastfeeding), and that after the first six months the infant receives natural breastfeeding complemented with additional nutritional formulas for up to two years.

- Attention should be paid to cleanliness and the prevention of diseases, especially diarrhoea and infection with parasites.
- Care should be taken to avoid pregnancy throughout the nursing (breastfeeding) period.
- Attention should be given to the psychological needs of the child.



UNICEF/HQ04-0118/ CHRISTINE NESBITT

Care of the older child:

- Attention should be given to the proper and healthy nutrition of the child.
- Children should be encouraged to engage in regular sports (physical activity).
- Attention should be given to the psychological needs of the child.
- Attention should be given to personal hygiene.
- Monitor closely the health conditions of the child in order to detect medical or health problems at an early stage, and attend to them with treatment.
- Provide the child with appropriate advice and guidance without neglecting its right to enjoy its childhood by playing, enjoying life and acquiring the skills that are appropriate for its age.
- Protect the child from exploitation, physical abuse or other activities that may be injurious to its health.

Care of adolescents and growing young people

Puberty, or sexual maturation, is the age at which young men and women become responsible and are expected to adhere to the rules of Islamic Sharia. It is of great importance that they should receive the advice and guidance they need as soon as they exhibit signs of sexual maturation. They need to be taught matters pertaining to their physical cleanliness and purity. Their psychological needs as well as general health and nutritional requirements should be addressed, with special attention to the need for regular physical exercise. They need

to be advised against smoking or falling prey to any addictive habits or harmful practices.

All of these practical measures are supported by Sharia in the following aspects:

Spacing pregnancies

Islamic Sharia does not object to spacing pregnancies as long as this is aimed at providing children with the care they need, and to spare the mother the many dangers that may threaten her life as a result of too frequent pregnancies, without sufficient rest in between to restore her health, regain her strength and enjoy an opportunity to raise her child properly. Textual evidence proves the permissibility of family planning in Sharia. It has been narrated on the authority of Jabir bin Abdillah that he said: "We used to practise withdrawal (*coitus interruptus*) during the time of the Messenger of Allah, Peace Be Upon Him, and while the Qur'an was still being revealed."²⁴ In another narration of this Hadith, it is stated, "The Prophet, Peace Be Upon Him, knew about it and did not forbid us." Withdrawal means that a man discards his semen outside the body of a woman towards the end of intercourse between a husband and wife. This is a simple, primitive technique that used to be resorted to in the old days, and continues to be adopted nowadays as a contraceptive. It is a permissible technique, and so is every other technique that does not cause harm to the woman. By analogy and following the example of that simple technique, all similar methods are permissible.

Nutrition and breastfeeding

Islam urges, even compels us to preserve life and protect the mind. This may only be accomplished through proper and correct nutrition right from the early days of pregnancy through birth, and then throughout the stages of future life as youngsters are growing up and maturing. The Islamic Sharia calls for the adoption of a complete diet that comprises all the nutrients required by the body in order for it to grow in good health, and mature appropriately and wholesomely. The

²⁴ Narrated by Imam Al-Bukhari in his *Sahih, Kitab Al-Nikah* (The Book of Marriage), chapter "Withdrawal (*coitus interruptus*)," 3/376, Hadith 5208. Narrated on the authority of Jabir, May Allah Be Pleased With Him. It is also reported by Muslim in his *Sahih, Kitab Al-Nikah* (The Book of Marriage), chapter "Ruling concerning withdrawal (*coitus interruptus*)," 2/1065, Hadith 1440. It is also reported by Al-Tirmidhi in his *Sunan, Kitab Al-Nikah* (The Book of Marriage), chapter "What has been said concerning withdrawal (*coitus interruptus*)," 3/434, Hadith 1137. Abu 'Issa said the Hadith is of the category of *hasan sahih* (agreeable and authentic).

Messenger of Allah was right when he said: “A strong believer is better and more beloved to Allah than a weak believer.”²⁵

The human body is in need of a complete diet to nourish itself: to eliminate hunger, and make the body strong and fit to work. If this is the purpose of feeding, Islam calls on man to take what food is needed without extravagance.

The Almighty Allah says:

﴿وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ﴾

(سورة الأعراف - الآية ٣١)

...AND EAT AND DRINK BUT WASTE NOT BY EXTRAVAGANCE, CERTAINLY HE (ALLAH) LIKES NOT *AL-MUSRIFUN* [THOSE WHO WASTE BY EXTRAVAGANCE]. (AL-*A'RAF*, OR THE HEIGHTS, VERSE 31)



UNICEF/HQ03-0002/ SHEHZAD NOORANI

Attention to nutrition begins with the time of conception. The fetus requires proper feeding that can only be accomplished via taking care of his or her mother's nutritional needs.

By virtue of Islam's attention to the child long before it is born, every effort should be made so that the child at the time of delivery is strong and healthy, and its mother comes out of delivery in good health and free from problems. Malnutrition would adversely affect both mother and child, and could lead to complications during delivery. The newly born child might even start life underweight and susceptible to microbial infections, which are responsible for high death rates during the first year of life. The food the mother takes should be complete and healthy, and should consist of sufficient calories and the required amounts of protein, vitamins and minerals.

For the first two years, the child should be breastfed naturally. During the first six months, the child should be fed absolutely nothing but breastmilk. Other complementary foods may be added to the mother's milk after six months, up to the age of two. From the age of six months, the child requires no less than three meals a day, in addition to breastfeeding, since at such a young age its stomach is too small for large amounts of food. The child's nutrition should similarly contain sufficient calories, and the required amounts of protein, vitamins and minerals.

25 Narrated by Imam Muslim in his *Sahih, Kitab Al-Qadar* (Book of Destiny), chapter “The injunction to be strong, renounce weakness, seek help from Allah and leave destiny to Him,” 4/2052, Hadith 2164. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. Ibn Majah also reported it in his *Sunan, Kitab al-Muqaddimah* (Book of the Introduction), section on destiny, 1/31, Hadith. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him.

Vaccination according the rules of Sharia

The Islamic Sharia urges the defeating of illnesses. With regard to the preservation of human life, we find that the Sharia texts urge us to attend to sickness with remedy, and to seek every possible avenue in order to accomplish this objective. This meaning is found in the saying of the Messenger of Allah, Peace Be Upon Him: "Servants of Allah, seek remedy for your illnesses, for Allah did not create an ailment without creating a remedy for it. There are those who know it and those who do not know it."²⁶ Scientific experimentation and medical research have only confirmed what this Hadith states. At different times, man is guided towards discovering the existence of a remedy for a certain illness. We draw from this Hadith that we should never lose hope of finding a remedy for any illness. Scientists and medical doctors should carry out their experiments and conduct their research in the hope of defeating sicknesses for which they are still seeking a remedy.

Vaccines are essential for preserving the life of the child and attaining healthy growth

One of the reasons for the decline in the rate of vaccination in the Islamic countries pertains to the abundance of misinformation and malicious rumours about vaccines. These countries will need to exert intense efforts to raise the level of awareness and consequently the rate of vaccination.

The objective of vaccinating humans, whether young or old, is to immunize their bodies against a certain contagious disease. As a matter of fact, immunization is one of the factors that strengthen the body and enable it to defend against disease.

Logic demands placing something inside the human body to enable it to defeat that which may attack it. Sharia, ahead of logic, calls on man to do his best in order to keep his body healthy and free from disease. Sharia texts hail a strong person, hail beauty, call for the use of medication, urge the discovery of remedies for illnesses, and prohibit man from doing anything that may harm his body or the bodies of others. Such teachings are embodied in the Qur'anic verse:

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ﴾ (سورة البقرة - الآية ١٩٥)

²⁶ Narrated by Abu Dawud in his *Sunan, Kitab Al-Tib* (The Book of Medicine), chapter "Remedy-seeking man," 4/3, Hadith 3855. Narrated on the authority of Osama bin Shurayk. It was also reported by Al-Tirmidhi in his *Sunan, Kitab Al-Tib* (The Book of Medicine), chapter "What has been said about medication and urging one to seek it," 4/383, Hadith 3038. Narrated on the authority of Osama bin Shurayk. Abu 'Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic).

...AND DO NOT THROW YOURSELVES INTO DESTRUCTION [BY NOT SPENDING YOUR WEALTH IN THE CAUSE OF ALLAH], AND DO GOOD. TRULY, ALLAH LOVES *AL-MUHSINUN* [THE GOOD-DOERS]. (AL-BAQARA, OR THE COW, VERSE 195)

They are also embodied in the saying of the Messenger of Allah, Peace Be Upon Him: "A strong believer is better and more beloved to Allah than a weak believer."²⁷ The Messenger of Allah, Peace Be Upon Him, also said: "Be keen on what is good for you and seek the assistance of Allah."²⁸

We find among the sayings of the Messenger of Allah, Peace Be Upon Him, a saying that is considered one of the major foundations for the rulings of Islamic jurisprudence. He said: "There should be neither harming nor reciprocating harm." This means that we are ordered by Sharia to keep ourselves far away from whatever may cause harm to us or cause harm to others. The Prophet, Peace Be Upon Him, said: "Allah is beautiful and he loves beauty."²⁹ It is known that man's health is an aspect of beauty; it is the outcome of good nutrition and health care.

Vaccination serves the purposes of Sharia

We can say that vaccination against diseases serves the purposes of Sharia with regard to preserving life by defending it against threats from diseases. The importance of vaccination is illustrated when viewed through the prism of Sharia, because whatever deters harm from afflicting human beings is certainly required by Sharia, in accordance with the rule on preventing harm.

Since inflicting harm is to be avoided, according to Sharia and logic, man is required to prevent harm and close all avenues that may lead to it. One of the means of deterring harm from afflicting the body of man and causing him to suffer is vaccination, as recommended by the medical authorities to members of the community.

Some people have been urging a passive response to the call for vaccination under the pretext that some foreign circles aim

²⁷ See footnote 21 for the details of the narration.

²⁸ Narrated by Abu Dawud in his *Sunan, Kitab Al-Tib* (Book of Medicine), chapter "What has been reported about a person seeking therapy," 4/3, Hadith 3855. Narrated on the authority of Osama bin Shurayk. It is also reported by Al-Tirmidhi in his *Sunan, Kitab Al-Tib* (Book of Medicine), chapter "What has been reported about therapy and insisting on it," 4/383, Hadith 3038. Narrated on the authority of Osama bin Shurayk. Abu Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic).

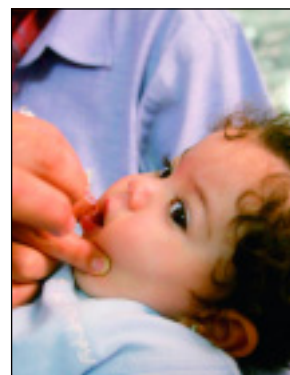
²⁹ Muslim narrated it in his *Sahih, Kitab Al-Iman* (Book of Faith), chapter "Prohibiting arrogance and illustrating it," 1/93, Hadith 91. Narrated on the authority of Abdullah bin Mas'ud, May Allah Be Pleased With Him.

via vaccination to harm people. This is clearly an erroneous attitude that is detached completely from the endeavour to serve the best interests of individuals and societies. Such an attitude indicates one of two things: It is either the outcome of ignorance concerning the rules of Sharia, or the outcome of ignorance of the serious repercussions that may unfold as a result of abandoning vaccination.

Doctors and medical experts stress that all vaccines are subjected to all types of tests conducted under international supervision by international organizations such as the World Health Organization. Doctors further affirm the falsehood of the rumours that allege that vaccines reduce fertility or lead to infertility.

The call for rejecting vaccination will have an extremely dangerous outcome. Those who reject vaccination will have bodies that lack any resistance to contagious diseases covered by the vaccines. Many people will catch diseases that can be prevented by vaccines. These may be among the most threatening to human lives, including polio, tuberculosis and cholera.

There is a pressing need to educate people about the importance of vaccination for preserving individual lives and whole societies. The various mass media, such as newspapers, and radio and TV channels (whether local or satellite), have a duty to promote health awareness in the general public by explaining the advantages and benefits from vaccinating against diseases, and the dangers when vaccination is abandoned. Special seminars and workshops should also be held for this purpose. Clerics also have a role to play in the campaign to enlighten the public on these matters.



©UNICEF

Personal cleanliness and hygiene

Cleanliness provides protection from many diseases. We find that the rulings of Islamic jurisprudence enjoin individuals to pay attention to children's cleanliness and good nutrition. These rulings derive from the general rule in Islam pertaining to the fulfilment of cleanliness in body and clothes, and to the importance of keeping a pleasant and beautiful appearance, as evident in the Hadith of the Prophet, Peace Be Upon Him, in which he says: "Allah is beautiful and loves beauty." A mother has a duty to maintain the cleanliness of utensils used for preparing or serving the food of her children. She should wash her hands well with water and soap prior to preparing the food.

The cleanliness of the child is not just about good presentation and beautiful appearance, but a necessary measure for the preservation of the child's health. The prolonged exposure of the child's body to dirt will certainly inflict harm on it, and Sharia does not permit the causing of harm, as is evident in the Hadith of the Prophet, Peace Be Upon Him, in which he said: "There should be neither harming nor reciprocating harm." It is for this reason that the Almighty Allah ordained nursing children because a child needs to be maintained by someone who takes charge of his or her cleanliness and supervises all of the child's affairs. This is what is referred to in Islamic terminology as *hadanah* (nursing), which is one of the rights of the child. Whoever has this responsibility, such as a mother or grandmother, should never abandon it.

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 that individuals wash their hands before eating. The mother must wash her hands as well before preparing food and afterwards. Washing the hands is part of the ablution required before performing prayer. And because dirt underneath long nails provides a medium for the spread of disease, Islam urges Muslims to clip their nails. Clipping the nails is considered one of the requirements for adhering to the human instinctive norms.

Islam pays attention to the eye as one of the most sophisticated organs of the human body. A'ishah, the wife of the Prophet, said that he, Peace Be Upon Him, used to have an *athmad* (kohl) with which he used to line his eyes three times before going to bed.³⁰ *Athmad* is a stone that used to be crushed into fine dust. It was used to line the eyes and believed to improve eyesight.

To protect people from respiratory diseases, Islam paid attention to cleansing the air inhaled into the lungs by enjoining the regular cleaning of the nose as part of ablution.

Due to the importance of the teeth, which are used very frequently, and to prevent bad breath and remove food remains from the mouth, Islam enjoins the rinsing of the mouth three times during each ablution, and encourages the use of a *siwak* (a tool to brush the teeth). The same purpose can be achieved through the use of the toothbrush and toothpaste, which were not known during the time of the Messenger of Allah, Peace Be Upon Him, who said: "Lest I burden my community, I would have ordered them to use the *siwak* before each prayer."³¹

³⁰ Narrated by Ahmad in his *Musnad*, /354. Narrated on the authority of Abdullah bin Abbas, May Allah Be Pleased With Him.

The Prophet, Peace Be Upon Him, also said: “The *siwak* cleans the mouth and pleases the Lord.”³²

Islam also pays attention to the cleanliness of whatever comes in contact with the human body, so as to protect the body and show sensitivity towards others. Muslims are commanded to dress well and put on clean clothes. The Almighty Allah says:

﴿وَتَبَاتِكُمْ فِطْرَتِكُمْ﴾ (سورة المدثر - الآية ٤)

(AND PURIFY YOUR GARMENTS!) (AL-MUDDATHIR, OR THE CLOAKED ONE, VERSE 4)

The Almighty also says:

﴿يَا بَنِي آدَمَ خُذُوا زِينَتَكُمْ عِنْدَ كُلِّ مَسْجِدٍ﴾ (سورة الأعراف - الآية ٣١)

O CHILDREN OF ADAM! TAKE YOUR ADORNMENT [BY WEARING YOUR CLEAN CLOTHES], WHILE PRAYING AND GOING ROUND [THE *TAWAF* OR CIRCUMAMBULATION OF] THE KĀ'BAH. (AL-ĀRAF, OR THE HEIGHTS, VERSE 31)

Personal and environmental hygiene

As viewed by the Islamic Sharia, humans have religious, moral and ideological relationships with the environment. The Almighty Allah confirms this in a number of verses of the Noble Qur'an. Consider the following verses:

﴿قُلْ سِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ بَدَأَ الْخَلْقَ ثُمَّ اللَّهُ يُنشِئُ النَّشْأَةَ الْآخِرَةَ إِنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ﴾ (سورة العنكبوت - الآية ٢٠)

SAY: “TRAVEL IN THE LAND AND SEE HOW [ALLAH] ORIGINATED THE CREATION, AND THEN ALLAH WILL BRING FORTH THE CREATION OF THE HEREAFTER [I.E., RESURRECTION AFTER DEATH]. VERILY, ALLAH IS ABLE TO DO ALL THINGS.” (AL-ANKABUT, OR THE SPIDER, VERSE 20)

﴿هُوَ أَنشَأَكُم مِّنَ الْأَرْضِ وَاسْتَعْمَرَكُمْ فِيهَا فَاسْتَغْفِرْ لَهُ ثُمَّ تَوْبُوا إِلَيْهِ إِنَّ رَبِّي قَرِيبٌ مُّجِيبٌ﴾ (سورة هود - الآية ٦١)

HE BROUGHT YOU FORTH FROM THE EARTH AND SETTLED YOU THEREIN, THEN ASK FORGIVENESS OF HIM AND TURN TO HIM IN REPENTANCE. CERTAINLY, MY LORD IS NEAR [TO ALL BY HIS KNOWLEDGE], RESPONSIVE. (HUD, VERSE 61)

³¹ Narrated by Muslim in his *Sahih, Kitab Al-Taharah* (Book of Cleanliness), chapter “Al-Siwak,” 1/220, Hadith 252. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. It is also narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Taharah* (Book of Cleanliness), chapter “Al-Siwak,” 1/34, Hadith 22. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. Abu Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic).

³² Narrated by Al-Bukhari in his *Sahih, Kitab Al-Siyam* (Book of Fasting), chapter “Soft and hard *siwak* and its use while fasting,” 1/496. Narrated on the authority of A'ishah, May Allah Be Pleased With Her. It is also reported by Al-Nasa'i in his *Sunan, Kitab Al-Taharah* (Book of Cleanliness), chapter “Encouraging the use of *siwak*,” 1/10. Narrated on the authority of A'ishah, May Allah Be Pleased With Her.



UNICEF/HQ00-0966/ ROGER LEMOYNE

﴿وَالَّذِي جَعَلَ لَكُم مِّن دُونِهِ فَسَادًا﴾ (سورة فاطر - الآية ٣٩)

HE IT IS WHO HAS MADE YOU SUCCESSORS GENERATIONS AFTER GENERATIONS IN THE EARTH... (FATIR, VERSE 39)

﴿الَّذِينَ تَرَوُا أَنَّ اللَّهَ سَخَّرَ لَكُمْ مِمَّا فِي السَّمَاوَاتِ وَمِمَّا فِي الْأَرْضِ﴾

(سورة لقمان - الآية ٢٠)

SEE YOU NOT [O MEN] THAT ALLAH HAS SUBJECTED FOR YOU WHATSOEVER IS IN THE HEAVENS AND WHATSOEVER IS IN THE EARTH...

(LUQMAN, VERSE 20)

﴿يَا أَيُّهَا النَّاسُ إِنَّمَا بَغْيُكُمْ عَلَىٰ أَنفُسِكُمْ﴾ (سورة يونس - الآية ٢٣)

O MANKIND! YOUR REBELLION [DISOBEDIENCE TO ALLAH] IS ONLY AGAINST YOUR OWN SELVES... (YUNUS, VERSE 23)

﴿ظَهَرَ الْفِتْنَاءُ فِي الْبَرِّ وَالْبَحْرِ مِمَّا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ

الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ﴾ (سورة الروم - الآية ٤١)

EVIL [SINS AND DISOBEDIENCE TO ALLAH] HAS APPEARED ON LAND AND SEA BECAUSE OF WHAT THE HANDS OF MEN HAVE EARNED [BY OPPRESSION AND EVIL DEEDS], THAT HE [ALLAH] MAY MAKE THEM TASTE A PART OF THAT WHICH THEY HAVE DONE, IN ORDER THAT THEY MAY RETURN [BY REPENTING TO ALLAH, AND BEGGING HIS PARDON].

(AL-RUM, OR THE ROMANS, VERSE 41)

In the last two verses, the Almighty Allah affirms that corruption will turn against mankind.

Islam's position on pollution

Pollution is any activity that may adversely affect the components of the environment, including plants, animals and humans, or may adversely affect the composition of the natural non-living components of the world, such as the air, soil, lakes, oceans, etc.

Islam's care for the environment with all its components, which the Creator has created, is evident from many verses and the Prophetic tradition. We thus conclude that it is a matter of grave concern, and a human being has no choice but to pay careful attention to it before meeting the Lord on the Day of Reckoning. Islam commands mankind not to make mischief on the earth or abuse the environment. The Almighty Allah says:



UNICEF/HQ00-0574/ SHEHZAD NOORANI

﴿وَأَحْسِنُ كَمَا أَحْسَنَ اللَّهُ إِلَيْكَ وَلَا تَبْغِ الْفَسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا يُحِبُّ
الْمُفْسِدِينَ﴾ (سورة القصص - الآية ٧٧)

AND DO GOOD AS ALLAH HAS BEEN GOOD TO YOU, AND SEEK NOT MISCHIEF IN THE LAND. VERILY, ALLAH LIKES NOT THE *MUFSIDUN* [THOSE WHO COMMIT GREAT CRIMES AND SINS, OPPRESSORS, TYRANTS, MISCHIEF-MAKERS AND CORRUPTERS]. (AL-QASAS, VERSE 77)

Islam links both reward and punishment to environmental care. Those who abuse the environment and spread mischief on the earth incur punishment in the Hereafter. Furthermore, Islam enjoins Muslims to learn about the world and discover God's signs in the universe, in the earth, in medicine, in agriculture and in other fields, and to employ the acquired knowledge in realizing the value of God's bounty to mankind. Allah the Almighty says:

﴿أَفَلَمْ يَسِيرُوا فِي الْأَرْضِ فَتَكُونَ لَهُمْ قُلُوبٌ يَعْقِلُونَ بِهَا أَوْ آذَانٌ يَسْمَعُونَ
بِهَا فَإِنَّهَا لَا تَعْمَى الْأَبْصَارُ وَلَكِنْ تَعْمَى الْقُلُوبُ الَّتِي فِي الصُّدُورِ﴾
(سورة الحج - الآية ٤٦)

HAVE THEY NOT TRAVELLED THROUGH THE LAND, AND HAVE THEY HEARTS WHEREWITH TO UNDERSTAND AND EARS WHEREWITH TO HEAR? VERILY, IT IS NOT THE EYES THAT GROW BLIND, BUT IT IS THE HEARTS THAT ARE IN THE BREASTS THAT GROW BLIND. (AL-HAJJ, THE HAJJ, VERSE 46)

In the shade of this faith it is imperative that we understand the environment correctly, with all its components, elements and interactions, and that we embark on a serious collective action in order to protect it and guarantee its safety, so that life may continue comfortably both in the present and the future. If need be, we should dedicate all our mental, scientific, psychological and practical resources to this end.

Domestic hygiene

The Messenger, Peace Be Upon Him, enjoined Muslims to maintain the cleanliness of their houses so that they truly express Islam's emphasis on hygiene. Islam urges Muslims to distinguish themselves from others by being clean and tidy. The Prophet, Peace Be Upon Him, said: "Allah is good and loves good things; He is clean and loves cleanliness; He is munificent and loves munificence; He is generous and loves generosity; so

33 Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Adab* (Book of Good Manners), chapter "What has been reported on cleanliness," 5/111, Hadith 2799. Narrated on the authority of Sa'id bin Al-Musayyab, Abu 'Issa said this Hadith is of the category of *gharib* (strange or alien).

keep your courtyards clean.”³³ This was reported by Al-Tirmidhi. Ensuring the cleanliness of the courtyard of the house will reduce the likelihood of a child picking up something that is polluted and may cause serious repercussions.

Water and food hygiene

Abu Qatadah narrated that the Prophet, Peace Be Upon Him, forbade breathing into a goblet (from which a person eats or drinks).³⁴ This is to avoid contaminating the food or drink, or the goblet. Breathing into foods or drinks may lead to serious diseases.

Islam considers it a human right to expect other human beings to refrain from causing harm by urinating or excreting in usable water. Jabir, May Allah Be Pleased With Him, narrated that the Messenger of Allah, Peace Be Upon Him, forbade urinating into stagnant water.³⁵ In another Hadith narrated by Abu Hurayrah, the Prophet, Peace Be Upon Him, is reported to have said: “Let not one of you urinate into stagnant water and then use it for bathing.”³⁶ The Prophet, Peace Be Upon Him, also said: “Do not urinate in the stagnant water that does not run and then bathe from it.” Islam’s sublime teachings are not restricted to just this; they go further to forbid us from urinating inside the bathtub. Abdullah bin Maghfal narrated that the Messenger, Peace Be Upon Him, said: “Let not one of you urinate in the bathtub and then bathe in it.”³⁷ It is therefore incumbent upon us to guide our children and the children of our fellow countrymen as a whole to avoid polluting the water so as to protect our health. We must realize that by urinating in stagnant water, we pollute it and render it unfit for use; such water would transmit disease and infect us with microbes.



UNICEF/HQ00-0578/ SHEHZAD NOORANI

Three places to avoid

Mu’adh bin Jabal, May Allah Be Pleased With Him, said that the Messenger of Allah, Peace Be Upon Him, said: “Avoid urinating or excreting in these three places: water reservoirs; public roads and shaded places (where people are likely to sit).”³⁸

34 Muslim reported it in his *Sahih, Kitab Al-Ashribah* (Book of Drinks), chapter “Disliking the breathing into the goblet and preferring breathing away from it,” 3/1603, Hadith 2027. Narrated on the authority of Abu Qatadah.

35 Muslim reported it in his *Sahih, Kitab Al-Taharah* (Book of Cleansing), chapter “Forbidding urination into stagnant water,” 1/235, Hadith 281. Narrated on the authority of Jabir.

36 Al-Bukhari reported it in his *Sahih, Kitab Al-Wudu’* (Book of Ablution), chapter “Stagnant water,” 1/102, Hadith 239. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. It is also reported by Muslim in his *Sahih, Kitab Al-Taharah* (Book of Cleansing), chapter “Forbidding urination in stagnant water,” 1/235, Hadith 282. Narrated on the authority of Abu Hurayrah.

37 Narrated by Al-Imam Abu Dawud in his *Sunan, Kitab Al-Taharah* (Book of Cleansing), chapter “What has been reported about urinating inside the bathtub,” 1/7 Hadith 27. Narrated on the authority of Abdullah bin Ma’qil. Abu ‘Issa said this Hadith is of the category of *hasan gharib*.

38 Narrated by Abu Dawud in his *Sunan, Kitab Al-Taharah* (Book of Cleansing), chapter “The places that the Prophet, Peace Be Upon Him, forbade urinating in,” 1/7, Hadith 26. Narrated on the authority of Mu’adh bin Jabal, May Allah Be Pleased With Him. It is also reported by Ibn Majah in his *Sunan, Kitab Al-Taharah* (Book of Cleansing), chapter “Forbidding urination or excretion on the public road”, 1/119, Hadith 328.

The aforementioned evidence shows that one of the rights of the public road is to expect people to refrain from excreting or urinating anywhere in it or around it. This is also the rule for shaded places, which people resort to when the heat intensifies. The same would apply to any place that people use as a passage and water resources. Abusing these essential facilities would clearly inflict harm upon Muslims. Those who perpetrate such acts of abuse are among those who deserve cursing.

Islam's stance vis-à-vis children with special needs

There are several causes for physical or mental disabilities, including:

- Disabilities due to hereditary reasons, such as mental weakness, the loss of hearing or of sight, or a type of deformity that comes with birth
- Disabilities caused by war
- Disabilities caused by injury or natural disasters
- Disabilities that are the outcome of delivery complications at birth, especially those cases that come from lack of medical supervision during delivery
- Disabilities caused by diseases caught by children, such as polio and meningitis

The family has the duty to seek therapy and exert sincere efforts to improve the condition of the sick child. The Messenger, Peace Be Upon Him, said: "Not a single sickness that Allah may bring upon (us) is without cure."³⁹ He also said: "Not a single sickness that Allah has brought down is without cure; some will not learn it but some will."⁴⁰ Some jurists are of the opinion that abandoning therapy when it is necessary is forbidden. They use as proof of their position the Qur'anic verse:

﴿وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا﴾ (سورة النساء - الآية ٢٩)

AND DO NOT KILL YOURSELVES [NOR KILL ONE ANOTHER]. SURELY, ALLAH IS MOST MERCIFUL TO YOU. (AL-NISA', OR THE WOMEN, VERSE 29)

and the Qur'anic verse:

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ﴾ (سورة البقرة - الآية ١٩٥)

AND DO NOT THROW YOURSELVES INTO DESTRUCTION [BY NOT SPENDING YOUR WEALTH IN THE CAUSE OF ALLAH]... (AL-BAQARA, OR THE COW, VERSE 195)

³⁹ Narrated by Al-Bukhari in his *Sahih, Kitab Al-Tib* (Book of Medicine), chapter "Not a single sickness that Allah may bring upon (us) is without cure," 4/13, Hadith 5678. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him.

⁴⁰ Narrated by ibn Majjah in his *Sunan, Kitab Al-Tib* (Book of Medicine), chapter "Not a single sickness that Allah has brought down is without cure," 2/1138, Hadith 3438. The author of *Al-Zawa'id* has said that this Hadith has a reliable line of narrators.

The role of the family should not be restricted to that of providing a service; its role should go beyond that to include searching, pursuing and following up on options for assistance. The family should avoid exaggerating its treatment of the disabled person, with the aim of compensating him or her for the loss incurred or atoning for their helplessness. Instead, the family should involve the disabled person in all the activities he or she is capable of, and should endeavour to integrate such a person into society.

Society's role towards the disabled person

The Islamic Sharia has not neglected the role of the community as a whole in providing those with special needs with care. This is based on the values of solidarity and compassion. Allah the Almighty says:

﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى﴾ (سورة المائدة - الآية ٢)

HELP YOU ONE ANOTHER IN *AL-BIRR* AND *AT-TAQWA* [VIRTUE, RIGHT-EOUSNESS AND PIETY]... (AL-MA'IDAH, OR THE TABLE SPREAD, VERSE 2)



UNICEF/HQ05-1228/ ROGER LEMOYNE

The beloved Prophet of Allah, Peace Be Upon Him, said: "I am the *wali* (patron, friend or protector) of the one who has no *wali*."⁴¹ He also said: "Seek me through supporting those who are weak among you. You are only being supported and provided with sustenance because of the care you provide to those who are weak among you."⁴²

Society is responsible for extending a helping hand to those in need by providing them with equipment that may compensate for their disability. Those in need should also be provided with specialized schools for various types of disabilities. They should be given the opportunity to lead natural lives by taking part in various activities on an equal footing with others. The media should play their role too in guiding society and addressing all categories of people. The Prophet, Peace Be Upon Him, said: "Each of you is a shepherd and each of you is accountable for his or her flock."⁴³ The media must enlighten the public about the causes of disability, how to protect individuals from it and how to deal with it so that the disabled person does not lose hope.

41 Ahmad reported it in his *Musnad*, 4/133, on the authority of Ma'iddiy bin Yakrib.

42 Narrated by Abu Dawud in his *Sunan*, *Kitab Al-Jihad* (The Book of Jihad), chapter "Victory achieved because of the weak," 3/33, Hadith 2594. Narrated on the authority of Abu Al-Darda'. It is also reported by Al-Hakim in *Al-Mustadrak*, *Kitab Qasm Al-Fay'* (Distribution of the Booties), 2/157, Hadith 2641. Narrated on the authority of Abu Al-Darda'. Al-Hakim decided the Hadith was of the category of *sahih* (authentic).

Human immuno-deficiency virus/acquired immune deficiency syndrome (HIV/AIDS)

AIDS refers to a set of diseases that come from lowered immunity caused by the HIV virus. The virus can damage the body's immune system and causes a loss in the body's ability to function. A person with AIDS is susceptible to many diseases that do not usually affect a healthy person. At present, HIV/AIDS is spreading rapidly in many parts of the world.

Symptoms

A person may have the HIV virus in his or her system for several years before showing any symptoms of AIDS. The symptoms vary depending on the types of diseases contracted.

Methods of acquiring the virus

- Sexual intercourse with persons carrying the disease
- Injection with a non-sterilized syringe, which happens mostly among drug addicts who inject drugs
- The transfusion of contaminated blood, especially in the case of blood disorder patients (such as haemophiliacs) who need regular supplies of blood
- The infants of mothers with HIV may acquire the virus during pregnancy or at birth. Sometimes the virus is transmitted via breastfeeding.

Diagnosis

Due to the fact that the virus may remain latent for several years before the person shows any symptoms of AIDS, the only means of knowing if a person is infected is to take a special blood test to ascertain whether the HIV virus exists in the body or not.

The current situation in the countries of the Muslim world

HIV indicators show that most countries in the Muslim world have low levels of the virus, but a number of factors may contribute to a rapid spread of the disease. These include travel and tourism from and to some of the countries that suffer from high levels. Another contributing factor has been the delaying of marriage in some Muslim countries; as a result, there has been a marked increase in 'unofficial marriages' and extramarital sexual relations. The use of injected drugs is also helping to spread the virus. In some Muslim countries, homeless street children are vulnerable to the virus because such unprotected

children may become victims of sexual exploitation and abuse. The Almighty Allah says:

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ﴾

(سورة البقرة - الآية 195)

...DO NOT THROW YOURSELVES INTO DESTRUCTION [BY NOT SPENDING YOUR WEALTH IN THE CAUSE OF ALLAH]... (AL-BAQARA, OR THE COW, VERSE 195)

There is a pressing need to provide facilities for voluntary testing for those who may suspect that they have acquired the virus. Due to the stigma and condemnation of those who have the virus, however, many people are unwilling to accept voluntary testing. It is imperative to work hard to eliminate this stigma and encourage those desiring the test to come forward and have it conducted. It is also important to educate the public about treating and dealing with people with HIV/AIDS.

The Islamic approach to protection from HIV/AIDS

Islam enjoins its followers to seek sexual satisfaction through marriage and only within its framework. There is no doubt that restricting sexual relations to marriage reduces the risk of infection.

The Qur'an states unequivocally that sexual intercourse should be strictly restricted to marriage and considers any sexual activity outside marriage to be a transgression and a forbidden act.

Thus, when a person chastens him or herself by marriage, which has been made lawful by the Almighty Allah, he or she would be immunizing him or herself, because in many places, illicit and forbidden sexual activities are the most common sources of contracting HIV.

It is clear that religion in general has a positive role to play in protecting against HIV/AIDS and other sexually transmitted diseases. Religious discourse may fight the spread of HIV/AIDS by addressing individuals directly, alerting them to the dangers of immoral conduct. Religion urges individuals to

43 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Jum'ah* (Book of Friday), chapter "Friday in villages and towns," 1/248, Hadith 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 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 2928. Narrated on the authority of Abdullah bin Omar, May Allah Be Pleased With Them Both.

abide by its rules and ethics, which may hold people back from embroilment in the types of relations that cannot be trusted. It may set up within people an intrinsic fence that prevents indulgence in practices with unlimited risks, some of which may not yet be fully known in terms of their impact on human life.

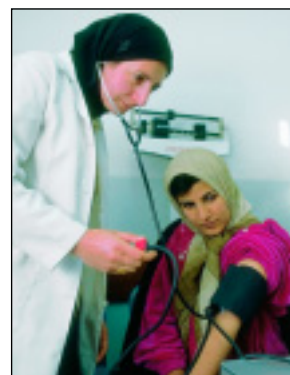
Islam's stance vis-à-vis caring for AIDS patients

Islam, as is the case with all divine religions, urges people to care for the sick, attend to them and visit them. Those who undertake to do so will be rewarded by the Almighty Allah. Showing compassion to mankind is a religious duty, and human solidarity is a sentiment that all divine laws condone. As such, preventing the spread of HIV/AIDS and other sexually transmitted diseases must be conducted in a humane manner, and without discrimination among humans. Certain measures – such as isolating patients in special locations, or restrictions imposed on employment or education – may have negative repercussions. Such measures may simply violate basic human rights for reasons that are beyond individuals or fail to recognize that events may not be of their own making.

All religions stress the rights of patients and of those who mix with them. No one should be allowed to humiliate the sick or people living with HIV/AIDS; no one should be allowed to abuse their human dignity irrespective of the way the virus was contracted. Islam is categorical in forbidding the mocking of others. The Almighty Allah says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرْ قَوْمٌ مِنْ قَوْمٍ عَسَىٰ أَنْ يَكُونُوا خَيْرًا مِنْهُمْ وَلَا نِسَاءٌ مِنْ نِسَاءٍ عَسَىٰ أَنْ يَكُنَّ خَيْرًا مِنْهُنَّ وَلَا تَلْمِزُوا أَنْفُسَكُمْ وَلَا تَنَابَرُوا بِالْأَلْقَابِ بِئْسَ الْأَسْمُ الْقَسُوفُ بَعْدَ الْإِيمَانِ وَمَنْ لَمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ﴾ (سورة الحجرات – الآية ١١)

O YOU WHO BELIEVE! LET NOT A GROUP SCOFF AT ANOTHER GROUP, IT MAY BE THAT THE LATTER ARE BETTER THAN THE FORMER. NOR LET [SOME] WOMEN SCOFF AT OTHER WOMEN, IT MAY BE THAT THE LATTER ARE BETTER THAN THE FORMER. NOR DEFAME ONE ANOTHER, NOR INSULT ONE ANOTHER BY NICKNAMES. HOW BAD IS IT TO INSULT ONE'S BROTHER AFTER HAVING FAITH [I.E., TO CALL YOUR MUSLIM BROTHER, A FAITHFUL BELIEVER, AS: "O SINNER," OR "O WICKED"]. AND WHOSOEVER DOES NOT REPENT, THEN SUCH ARE INDEED *ZALIMUN* [WRONGDOERS, ETC.]. (AL-HUJURAT, OR THE PRIVATE QUARTERS, VERSE 11)



UNICEF/HQ03-0036/ SHEHZAD NOORANI

Islam also forbids a Muslim from inflicting harm on himself or others. The Messenger, Peace Be Upon Him, said: "There should be neither harming nor reciprocating harm." It is therefore incumbent upon the carrier of HIV to take every possible precaution, through available means, in order to prevent communicating the virus to others.

As such, we see that the Almighty Allah has made divine laws with the purpose of protecting moral values with all available means. These divine laws show that human actions, attitudes and stances are assessed in terms of their proximity to sublime ethics.

﴿وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا﴾ (سورة الفرقان - الآية ٧٤)

AND THOSE WHO SAY: "OUR LORD! BESTOW ON US FROM OUR WIVES AND OUR OFFSPRING THE COMFORT OF OUR EYES, AND MAKE US LEADERS OF THE *MUTTAQUN* [THE PIOUS]. (AL-FURQAN, OR THE CRITERION, VERSE 74)

44 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Nikah* (The Book of Marriage), chapter "He who cannot afford marriage let him fast," 3/341, Hadith 5066. Narrated on the authority of Abdullah bin Mas'ud, May Allah Be Pleased With Him. Muslim also narrated it in his *Sahih, Kitab Al-Nikah*, chapter "Marriage is preferable for he who desires it and can afford it but he who cannot afford it should preoccupy himself with fasting," 2/1018-1019, Hadith 1400. Narrated on the authority of Abdullah bin Mas'ud, May Allah Be Pleased With Him.



THE RIGHT OF THE CHILD TO BE PROTECTED

- Protection from violence and abuse
- Protection from physical or sexual violation
- Protection from economic exploitation
- Protecting children deprived of parental care
- Protecting children in armed conflicts and natural disasters

Introduction: child protection in Islam

The Islamic Sharia aims at obtaining benefits for individuals and societies while protecting them from harm. It is for this reason that the rules of Sharia explain the rights of the human being, whether as a fetus, child, young person or old person, male or female. The existence of any right implies the existence of a duty; it is the duty of individuals, societies and states to protect these rights from harm caused by others.

In Islamic Sharia, a general rule exists known as the rule of harm prevention, as stated in the Hadith of Allah's Messenger, Peace Be Upon Him, who said: "There should be neither harming nor reciprocating harm."⁴⁵ This rule applies to every act or behaviour that may cause harm not only to humans but also to other creatures. The texts of Sharia clearly forbid the harming of animals and birds. The Messenger of Allah, Peace Be Upon Him,

⁴⁵ Details of the narration of this Hadith are given in an earlier footnote.

has forbidden the use of birds as targets in archery.⁴⁶ The Messenger of Allah, Peace Be Upon Him, explained that a woman will be thrown into the Fire of Hell because she locked up a cat; neither did she feed her nor let her roam the earth in search of food.⁴⁷ If these texts prohibit inflicting any harm on animals and birds, it goes without saying that this general rule of prohibiting harm applies to children and all other humans who should be protected from any action that may negatively affect their lives and their chances of developing or improving, or that may inflict physical or psychological harm on them.

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 or she was responsible for (in this life)."⁴⁸ The concept of child protection cannot be fulfilled unless we confront all forms of abuse, violence and exploitation that deny the child – or even just threaten to deny the child – his or her basic rights in attaining sufficient parental care, as well as education, health services, enjoyment of recreation and sports, and the free expression of what goes on in the child's mind.

Child care and protection are principally the responsibility of the family. When the family is the source of abuse, exploitation and violence, however, it becomes incumbent upon state institutions to intervene in order to provide the abused children with protection. The Prophet, Peace Be Upon Him, said: "All of you are guardians and responsible for your wards and the things under your care."⁴⁹

46 Narrated by Muslim in his *Sahih, Kitab Al-Sayd wa Al-Dhaba'ih* (Book of Hunting and Slaughtering), chapter "Forbidding the use of animals as targets (in archery)," 3/1549-1550. Narrated on the authority of Ibn Abbas and Ibn Omar. Al-Tirmidhi also reported it in his *Sunan, Kitab Al-At'imah* (Book of Foods), in the section entitled "What has been reported in disliking eating the animal used as a target (in archery)," 4/74, Hadith 1475. Narrated on the authority of Ibn Abbas. Abu 'Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic).

47 Narrated by Al-Bukhari in his *Sahih, Kitab Bid' Al-Khalq* (Book of the Start of Creation), chapter "Should a housefly fall in the drink of one of you let him dip it (in the drink) for in one of its wings there is disease and in the other there is cure, and five types of harmful beasts may be killed inside the *haram* (sanctuary)," 2/338, Hadith 3318. Narrated on the authority of Ibn Omar, May Allah Be Pleas'd With Them Both. It is also reported by Muslim in his *Sahih, Kitab Al-Birr* (Book of Righteousness), chapter "Prohibiting the abuse of the cat," on the authority of Abu Hurayrah, May Allah Be Pleas'd With Him.

48 Narrated 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 Pleas'd With Him.

49 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Jum'ah* (Book of Friday), chapter "Friday in villages and towns," 1/248, Hadith 893. Narrated on the authority of Ibn Omar, May Allah Be Pleas'd 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 1829. Narrated on the authority of Ibn Omar, May Allah Be Pleas'd 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 2928. Narrated on the authority of Abdullah bin Omar, May Allah Be Pleas'd With Them Both.

Protection from violence and abuse

Violence against children in its comprehensive meaning is a complex phenomenon that includes physical abuse, sexual assault, verbal harassment, psychological abuse, emotional deprivation, neglecting the material and moral needs of children, and deserting them without paying attention to who should take care of them or giving them up to a known person or institution. In its wide-ranging scope, violence against children may take place at home or school, in the street, at work or inside welfare houses such as orphanages or reformatories.

Laxity in confronting familial or societal violence against children, and neglecting the duty to provide them with protection against such violence, may lead to serious repercussions. There are two things to consider.

First, dominant societal norms may condone, or at least find nothing wrong in, all or some violent practices, which may consequently occur at a high rate. When this happens, child victims of violence may not be able to report their abuse because of the conviction that no one would be willing to help them since what happens to them might be assumed to be acceptable.

Second, the negative effects of these practices, except in cases that lead directly to the death of the child or to inflicting serious injury on it, may not be visible or tangible, and may be difficult to discover. Such effects may not appear except in the long term. Psychological damage may be precipitated by frustration, lack of self-confidence, poor school performance, isolation and lack of interest in taking part in any activity, whether within the family or at school or in society. Children subjected to such violence may be driven towards addiction, may escape from home, or may even attempt suicide.

Psychological and emotional abuse

Despite the different psychological and emotional needs of children at different age levels, all children, from the breast-feeding infant to adolescents and youth, need care, attention and appreciation on the part of their parents as well as others who deal with them, whether within the framework of the family or the society, or at school or any other institution where children spend time.



UNICEF/HQ04-0218/ BEN PARKER

The failure to fulfil the emotional needs of the child and psychological abuse may adopt various forms:

- Negligence and indifference
- Frowning and continuous rebuking
- The use of undignified, degrading or humiliating language when addressing the child
- Not paying attention to what the child has to say and belittling its opinion
- Depriving the child of communication with others, an act to which disabled children in particular are subject

Psychological and emotional abuse of children is a stark contravention of the rights Islam prescribes for the child. Parents and those who deal with children have the responsibility to surround them with kindness, love and compassion, away from any harshness or severity, whether verbal or physical. The Messenger, Peace Be Upon Him, who is our superior role model in the way children should be treated, says: "He is not one of us he who shows no mercy to our young."⁵⁰ This is addressed to all concerned and is not confined to parents. The Prophet, Peace Be Upon Him, was so loving and merciful in treating children. His biographers tell us that he, Peace Be Upon Him, used to carry his granddaughter Umamah, and when he prostrated in prayer he would put her on the ground, and upon rising from prostration he would carry her again.⁵¹ Abu Hurayrah, May Allah Be Pleased With Him, said that the Prophet, Peace Be Upon Him, kissed (his grandson) Al-Husayn, son of Ali, May Allah Be Pleased With Them Both, in the presence of Al-Aqra' bin Habis. Al-Aqra' said: "I have ten children and I have never kissed any of them." The Messenger of Allah, Peace Be Upon Him, looked at him and said: "He who shows no mercy will be shown no mercy."⁵²

50 Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Birr* (The Book of Righteousness), chapter "What has been reported regarding showing mercy to children," 4/322, Hadith 1921. On the authority of Ibn Abbas. Abu 'Issa said this Hadith is of the category of *hasan* (agreeable).

51 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Salat*, chapter "If one carries a young girl on his shoulders in prayer," 1/168, Hadith 516. Narrated on the authority of Abu Qatadah al-Ansari. It is also reported by Muslim in his *Sahih, Kitab Al-Masajid* (Book of Mosques), chapter "The permissibility of carrying children in prayer," 1/385, Hadith 543. Narrated on the authority of Abu Qatadah, May Allah Be Pleased With Him.

52 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Adab* (The Book of Good Manners), chapter "Compassion towards the child, kissing it and embracing it," 4/79, Hadith 5997. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. It is also narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Birr* (Book of Righteousness), chapter "What has been reported about showing mercy to the child," 4/318, Hadith 1911. Narrated on the authority of Abu Hurayrah. Abu 'Issa said this Hadith is of the category of good and sound traditions.

One of the most painful practices as far as children are concerned is discrimination, whether on the basis of gender, colour, race, lineage, disability or health condition. Discrimination among children may occur within the family or at school, in the street or at the workplace. Within the family, Islam calls for full equality among the children, whether males or females. They should be treated equally, whether in terms of material gifts or in showing them love and affection. Inequity will inevitably precipitate bitterness and hostility. On the question of equity, the Prophet, Peace Be Upon Him, says: "Fear Allah and be fair to your children."⁵³ Islam also affirms that, "No Arab has preference over a non-Arab save for piety,"⁵⁴ as the Messenger of Allah, Peace Be Upon Him, said. He also said: "Humans are equal just like the teeth of the comb."⁵⁵ All of these sayings are sincere calls for equality and non-discrimination among all human beings.

Smacking and corporal punishment

Islam grants parents the right to guide and discipline their children, and bring them up in accordance with the rules of Sharia; Islam considers this the best thing parents may ever offer their children. The Prophet, Peace Be Upon Him, said: "Nothing a parent may award his (or her) child is better than a good upbringing."⁵⁶ Disciplining the child should take place without the use of violence or abusive language, however; children should be brought up with pride and self-confidence. It is in this light that we understand the saying of the Prophet, Peace Be Upon Him: "May Allah have mercy on a parent who helps his (or her) child be grateful and kind to him (or her)."⁵⁷ In other words, mercy will be shown to parents who do not drive their child towards ingratitude and unkindness as a result of abuse or negligence of their duties towards the child.

53 Narrated by Muslim in his *Sahih*, *Kitab Al-Hibat* (The Book of Gifts), chapter "Disliking the preference of some of the children in gifts," 3/1242-1243. On the authority of Al-Nu'man bin Bashir.

54 Narrated by Al-Imam Ahmad in his *Musnad*/411 on the authority of an unnamed companion of the Prophet, May Peace Be Upon Him.

55 Narrated by Al-Khatib al-Baghdadi in his *Tarikh* (History) in the biographical entry of Bish bin 'Ayan 7/57.

56 Narrated by Al-Tirmidhi in his *Sunan*, *Kitab Al-Birr wa Al-Silah* (Book of Righteousness and Kinship), chapter "What has been reported about bringing up the child," 4/338, Hadith 1952. Narrated on the authority of Ayyub bin Musa, quoting his father, who quoted his own father. Al-Hakim also reported it in *Al-Mustadrak*, *Kitab Al-Adab* (Book of Good Manners), 4/292, Hadith 7679/1, on the authority of Amr bin Al-'As. Al-Hakim said this Hadith is of the category of *sahih* (authentic) but it is not one Bukhari and Muslim reported.

57 Details of the reporting of this Hadith appeared in the first section.



UNICEF/HQ05-1068/ ROGER LEMOYNE

Given that it is not permissible to incur harm, no parent (or teacher or employer) has the right to smack a child; this would inevitably inflict psychological as well as physical damage. Both psychological and physical damages have been banned by the Islamic Sharia. In handling children, the Sharia urges us to embrace them, and show them love and compassion. We should take into consideration the natural development of the child and what each stage of its development requires, along with the different needs that necessitate understanding and awareness on our part. We are expected to respect the child's personality, and to wisely reinforce his or her self-confidence and ability to confront life and its challenges. In doing so, we must not discriminate between the male and female. The Prophet, Peace Be Upon Him, said: "Play with the child for seven years; discipline him (or her) for seven years; accompany him (or her) for seven years; and then release him (or her) to lead his (or her) own life."

Good examples, rewards and punishment are all basic foundations for a sound upbringing. Parents, teachers and all those working with children in the various stages of child rearing and development constitute models for the children to follow. They are addressed by the Prophet, Peace Be Upon Him, who says: "Whoever introduces into Islam a good way, he (or she) will be rewarded for initiating it, and will receive a reward whenever someone follows it without taking a thing away from the reward of the latter. But whoever introduces into Islam a bad way, he (or she) will carry the burden of its sin as well as the burden of the sin incurred by whoever follows it without taking a thing away from the burden of the latter."⁵⁸ The Almighty Allah says:

﴿وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ
الْمُعْتَدِينَ﴾ (سورة البقرة - الآية ١٩٠)

AND FIGHT IN THE WAY OF ALLAH THOSE WHO FIGHT YOU, BUT TRANSGRESS NOT THE LIMITS. TRULY, ALLAH LIKES NOT THE TRANSGRESSORS. (AL-BAQARA, OR THE COW, VERSE 190)

All forms of corporal punishment should be avoided as a means of disciplining children. The child's parents, teachers or employers should never resort to it. The many alternative disciplining methods include withholding rewards, giving advice or

⁵⁸ Narrated by Muslim in his *Sahih, Kitab Al-'Ilm* (Book of Learning), chapter "Whoever initiates a good way or a bad way and whoever calls for guidance or misguidance," 4/2059, Hadith 1017. Narrated on the authority of Jarir bin Abdullah, May Allah Be Pleased With Him.

admonition, imposing temporary isolation, or conditional denial of leisure and play time. These and other methods, which the child would consider a form of discipline or punishment, are more effective than corporal punishment in terms of communicating the required message to the child, such as stressing the need for something to be done or avoided. Modern educational studies have warned against the repercussions and negative effects of resorting to smacking as an educational method, because it could generate the desire to respond with violence. Studies have shown that most adults who resort to violence in disciplining their children or in dealing with those who are weaker than them in general had themselves been victims of violence during their childhood.

Sexual assault

The sexual assault of children is one of the most dangerous acts and usually difficult to discover. In fact, there are no precise data to determine how widespread the problem is. The sexual assault of a child who does not discern the good from the bad, or realize what he or she is being forced to do, is the greatest kind of physical and psychological assault on a human being. Islam considers it a major sinful act and one of the greatest crimes under Islamic criminal law. The Almighty Allah says:

﴿وَلَا تَقْرُبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ذَلِكُمْ وَصَاكُمْ بِهِ لَعَلَّكُمْ تَعْقِلُونَ﴾
(سورة الأنعام - الآية 151)

...COME NOT NEAR TO *AL-FAWAHISH* [SHAMEFUL SINS, ILLEGAL SEXUAL INTERCOURSE] WHETHER COMMITTED OPENLY OR SECRETLY...

(AL-AN'AM, OR THE CATTLE, VERSE 151)

He also says:

﴿وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا﴾ (سورة الإسراء - الآية 34)

AND FULFIL [EVERY] COVENANT. VERILY, THE COVENANT WILL BE QUESTIONED. (AL-ISRA', OR NIGHT JOURNEY, VERSE 324)

He also says:

﴿وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ﴾ (سورة البقرة - الآية 190)

...BUT TRANSGRESS NOT THE LIMITS. TRULY, ALLAH LIKES NOT THE TRANSGRESSORS. (AL-BAQARAH, OR THE COW, VERSE 19)

The sexual assault of children is not only perpetrated when children lose the necessary care they are entitled to; it may be perpetrated by those entrusted with their care, that is, by someone within the family or elderly relatives, by teachers or staff at school, or by colleagues or employers (such as when children serve in homes). The sexual assault of children by those entrusted to care for them is a betrayal of trust and a breach of covenant; it is a sin against Allah Himself. The Islamic religion abhors the betrayal of trust and the breach of covenant. The Almighty Allah says:

﴿بَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمَانَاتِكُمْ وَأَنْتُمْ تَعْلَمُونَ﴾ (سورة الأنفال – الآية ٢٧)

O YOU WHO BELIEVE! BETRAY NOT ALLAH AND HIS MESSENGER, NOR BETRAY KNOWINGLY YOUR *AMANAT* [THINGS ENTRUSTED TO YOU, AND ALL THE DUTIES THAT ALLAH HAS ORDAINED FOR YOU].

(AL-ANFAL, OR THE SPOILS OF WAR, VERSE 27)

The Almighty Allah also says:

﴿وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا﴾ (سورة الإسراء – الآية ٣٤)

AND FULFIL (EVERY) COVENANT. VERILY, THE COVENANT, WILL BE QUESTIONED. (AL-ISRA', OR NIGHT JOURNEY, VERSE 34)

The child may lose his or her life during a sexual assault, or be killed later on by family members, especially in the case of females, in accordance with a skewed and unjust logic that blames the victim instead of rendering assistance and support as needed in these circumstances. Female child victims of sexual assault, particularly in cases where pregnancy is discovered, are often punished instead of the perpetrator of the crime. The Almighty Allah, who rejects injustice and commands justice, says:

﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا﴾ (سورة النساء – الآية ٥٨)

VERILY! ALLAH COMMANDS THAT YOU SHOULD RENDER BACK THE TRUSTS TO THOSE TO WHOM THEY ARE DUE; AND THAT WHEN YOU JUDGE BETWEEN MEN, YOU JUDGE WITH JUSTICE. VERILY, HOW EXCELLENT IS THE TEACHING THAT HE [ALLAH] GIVES YOU! TRULY, ALLAH IS EVER ALL-HEARER, ALL-SEER. (AL-NISA', OR THE WOMEN, VERSE 58)

One of the serious potential repercussions of a sexual assault is the contraction of a sexually transmitted disease such as HIV/AIDS. In addition, it is inevitable that the child victim will suffer a psychological shock. The experience will constitute an obstacle impeding his or her emotional and mental maturation, and obstructing his or her way towards better understanding and learning. The sense of guilt, depression and frustration accompanying the psychological shock may drive the child towards drug addiction or suicide. The child may be driven to escape from the place where the assault took place because he or she feels insecure. As a result, the child's education and life are undermined, and his or her entire future is jeopardized.

Verbal or sexual harassment on public roads

Islam pays attention to people's rights on public roads and has formulated ethical and legal rules to protect these rights. Muslims are commanded to refrain from causing harm to passersby, whether harm is likely to be caused by the hand, the tongue, the eye or any form of harassment. Any act of harassment that may interrupt the smoothness of the daily movement of the public along the roads is forbidden. Of particular concern in this regard is the likely adverse effect of harassment on young girls ranging between ten and 18 years, who might become less willing to participate in public life if they are subjected to harassment. They may be forced by a parent or guardian to stay indoors because of the risk of harassment. In this way, the girl's right to education and leisure is undermined. She may lose many available opportunities to gain expertise and develop her talents.

Allah's Messenger, Peace Be Upon Him, affirms the right of pedestrians to enjoy the public roads without harassment. He warned: "Beware. Avoid sitting on the roads." The people said: "There is no way out of it as these are our sitting places where we have talks." The Prophet, Peace Be Upon Him, said: "If you must sit there, then observe the rights of the way." They asked: "What are the rights of the way?" He said: "They are the lowering of your gazes (on seeing what is sinful to look at), refraining from harming people, returning greetings, enjoining the good and forbidding the evil."⁵⁹ This is Islam's code of

⁵⁹ Narrated by Al-Bukhari in his *Sahih, Kitab Al-Mazalim* (The Book of the Oppressions), chapter "What is said about the open courtyards of houses and sitting in them, and sitting on the ways," 2/111, Hadith 2465. Narrated on the authority of Abu Sa'id Al-Khudri. It is also reported by Muslim in his *Sahih, Kitab Al-Libas wa Al-Zinah* (The Book of Dressing and Adornment), chapter "Forbidding sitting on the roads and enjoining giving the road its right," 3/1675, Hadith 2121. Narrated on the authority of Abu Sa'id Al-Khudri.

ethics, which the young should be brought up to respect and adults should adhere to. We need to reinforce the societal code of ethics to establish law and order in our streets and public places that offer a breathing space to people.

How can children be protected from violence and mistreatment?

We may help protect children from violence and mistreatment by working along three fronts.

First, we can change negative norms and customs that allow discrimination among individuals on the basis of gender, colour, race, health condition or social status. Some customs condone various forms of violence and mistreatment or at least tolerate them without providing a deterring punishment. Muslim scholars have a major role to play in explaining the position of the Islamic Sharia, which enjoins equality and mercy; prohibits aggression, especially against the young and vulnerable; and affirms the right to retribution against criminals.



UNICEF/HQ01-0077/ PAULA BRONSTEIN

Second, we can formulate and implement educational programmes that target parents, teachers and whoever is involved in caring for or working with the children. We can provide them with guidelines and directives as to the appropriate ways of caring for children and bringing them up in accordance with Islamic teachings. It is of paramount importance that all such people are trained to make sure that children are not subjected to physical abuse, whether at home or at school, in the streets or in the work place, and know to report any cases of abuse as soon as they occur. In addition, these people should be trained to detect children's psychological trauma, investigate its causes and seek a cure for its repercussions.

Third, we can reflect the Islamic perspective on sexual assault, which is considered a major sin, in a practical manner through laws that ensure deterrent punishments that can neither be evaded nor mitigated.

Protection from physical or sexual violation

Violation is a term that implies the loss of the sanctity of something or the defiance of what is prohibited or illegal. Clearly, violating what is prohibited is a crime that must be condemned; violators deserve to be punished. The Islamic Sharia forbids any attack on the human body; this is a general prohibition that includes attack by 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 honour."⁶⁰ The Prophet, 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 honour, his property and his blood. Therein lays piety. There is no bigger evil a man may perpetrate than to debase his Muslim brother."⁶¹

Female circumcision and child marriage are forms of physical and sexual violation, and would be condemned under the same rules.

Female circumcision

Female circumcision is one of the most harmful practices to the health of the female child. It involves, often forcefully, removing a part or more of a girl's genitalia at a very early stage in life amid strong social and psychological pressures.

In the countries where female circumcision is practised, misconceptions and false beliefs prevail, including the notion that female circumcision removes redundant organs. Medical facts prove otherwise. These organs have specific functions that play a role in maintaining the general well-being of women and girls. There is also the wrong belief that the removed organs if left untouched would grow in size so as to match the size of the male genitalia. All types of female circumcision without exception may cause medical complications including pain, haemorrhage, urine retention, dryness of the vagina, pain during intercourse, difficulty delivering children, and vaginal and anal fistulae.

It is not accurate that female circumcision is one of the requirements of natural instinct; male circumcision, however, is. It is not right to quote inauthentic Prophetic traditions in this regard to prove the validity of juristic rule in a matter that is of extreme seriousness to women's and girls' lives. Furthermore, this issue relates to the most sacred relationship,

⁶⁰ Narrated 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, honour or property," 4/1986, Hadith 2564.

⁶¹ Narrated 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 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, honour or property," 4/1986, Hadith 2564. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him.

which Islam has attended to. The woman has every right to psychological, moral and emotional considerations, and her right to be sexually fulfilled must be respected on an equal footing with the right of the man.

From an Islamic perspective, there is no single verse in the Qur'an that relates explicitly or implicitly to female circumcision. The use of the general term 'Sunna circumcision' is nothing but a form of deceit used to misguide people and give the impression that this act is one of the Islamic practices. As for the traditions attributed to the Prophet, Peace Be Upon Him, scholars of the past and the present have agreed that none of these traditions are authentic and therefore should not be attributed to the Prophet, Peace Be Upon Him.

Child marriage

The international consensus that the procedural definition of childhood should apply to humans up to the age of 18 years has not come from a void. This reflects a conviction that is based on scientific evidence. The definition is intended to make sure that the period of care and physical, psychological and social preparation of the child should last for a period that is no less, but could be more, than the age of 18 years, which is the age at which the young man or woman may become able to shoulder the various responsibilities expected of him or her, and may be able to make right decisions that will have a prolonged effect on his or her present and future life, such as the decision to get married. This is perfectly compatible with what Islam enjoins. Islam has nothing to do with the custom of child marriage; reference to early marriages can be found nowhere in the Qur'an. Instead of an age limit, we find an unchangeable standard, which is the attainment of maturity. The fact remains that where custom encourages early marriage, the practice stems from nothing but the norms of the people. Sharia has nothing to do with it. Such a custom is not particular to Muslim societies, but has been known in many other cultures.

Despite the gradual erosion of the phenomenon of child marriage, it continues to exist in some regions, where fathers and mothers encourage their sons or force their daughters to get married either out of anxiousness to protect them and preserve their chastity, or out of the desire to relieve themselves of the burden of having to provide for them. Although it would seem the intention is good, modern medical science has

undoubtedly proven that early marriages lead to complications and have long-term repercussions that should neither be underestimated nor ignored.

From a health perspective, we find multiple cases of pregnancy and breastfeeding prior to the attainment of full physical maturation by the girl, and without sufficient resting periods in between, whereby the body restores its normal nutritional position for further growth, will lead to nutritional exhaustion. The death rate among young mothers is quite high and so is the rate of premature deliveries. Young mothers are also more vulnerable to diseases that attack the renal and reproductive systems. Numerous scientific studies have shown that the risk of contracting HIV is higher among females than males. The risk further increases among young females whose bodies have not yet matured sufficiently and who are subjected to coercive sexual relations with husbands many years older who have had previous sexual experiences. In addition, there are numerous psychological, family and social problems linked to the incomplete physical and emotional maturation of the wife or husband.

The serious damages caused by child marriages burden the parents with the huge responsibility of sparing their children, the consequences of such action. The Almighty Allah says:

﴿وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ﴾ (سورة البقرة - الآية 195)

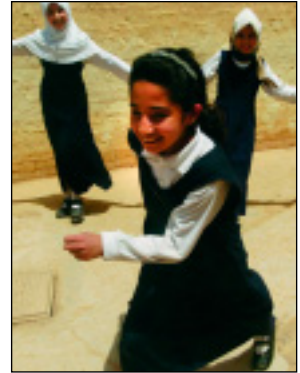
AND SPEND IN THE CAUSE OF ALLAH [I.E., JIHAD OF ALL KINDS] AND DO NOT THROW YOURSELVES INTO DESTRUCTION [BY NOT SPENDING YOUR WEALTH IN THE CAUSE OF ALLAH], AND DO GOOD.

TRULY, ALLAH LOVES *AL-MUHSINUN* [THE GOOD-DOERS].

(AL-BAQARAH, OR THE COW, VERSE 195)

If we place this issue under the spotlight and look into what Islamic thought has to offer, we shall find that a number of duties and requirements expected of the couple need a certain degree of awareness and intelligence. But these are only to be expected of those whose faith is solid and who possess the will to make a choice; those who are able to comprehend the Qur'anic verse:

﴿وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً﴾ (سورة الروم - الآية ٢١)



UNICEF/HQ03-0234/ PATRICK ANDRADE

...AND HE HAS PUT BETWEEN YOU AFFECTION AND MERCY...

(AL-RUM, OR THE ROMANS, VERSE 21)

And the Qur'anic verse:

﴿وَعَائِشَرُوهُنَّ بِالْغُرُوفِ﴾ (سورة النساء - الآية 19)

...AND LIVE WITH THEM HONOURABLY... (AL-NISA', OR THE WOMEN, VERSE 19)

And the Qur'anic verse:

﴿وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْغُرُوفِ﴾ (سورة البقرة - الآية 228)

AND THEY [WOMEN] HAVE RIGHTS [OVER THEIR HUSBANDS AS REGARDS LIVING EXPENSES] SIMILAR [TO THOSE OF THEIR HUSBANDS] OVER THEM [AS REGARDS OBEDIENCE AND RESPECT] TO WHAT IS REASONABLE. (AL-BAQARAH, OR THE COW, VERSE 228)

It has been reported in the Hadith: "Life is an object of delight and its best object of delight is a righteous woman."⁶² It has also been reported: "Let one of you have a thankful heart, a God-praising tongue and a pious woman who aids him (in attaining salvation) on the Last Day."⁶³ It would be difficult to imagine that such an address is directed towards a young man whose intellectual and mental maturity has not been fully attained, or a young girl who is still in need of preparation and care. In its essence, child marriage violates one of the conditions of legitimate marriage, which is consent. Consent must be based on being convinced that the other party is the right person with whom to enter into marriage. In other words, consent implies the right to object in case there is a lack of compatibility; children being married rarely have this right. It is, therefore, a must to follow the rules of Sharia demanding the attainment of maturity as a prerequisite for marriage.

How can children be protected from physical and sexual violation?

- In view of the evidence provided by physicians of the

62 Narrated by Muslim in his *Sahih, Kitab Al-Rida'* (Book of Breastfeeding), chapter "Life's best object of delight is a righteous woman," 2/1090, Hadith 1467. Narrated on the authority of Abdullah bin Omar, May Allah Be Pleased With Him. It is also reported by Ibn Majah in his *Sunan, Kitab Al-Nikah* (Book of Marriage), chapter "The best woman," 1/596, Hadith 1855. Narrated on the authority of Abdullah bin Amr, May Allah Be Pleased With Him.

63 Narrated by Al-Imam Al-Tirmidhi in his *Sunan, Kitab Al-Tafsir* (Book of Qur'anic Exegesis), chapter "Exegesis of Surat Al-Tawbah (chapter 9)," 5/277, Hadith 3094. Narrated on the authority of Thawban. Al-Tirmidhi said the Hadith is in the good category.

damage female circumcision can cause to physical and psychological health, and bearing in mind that none of the traditions attributed to the Prophet in this regard are affirmed as authentic by Hadith scholars, eliminating this practice becomes a religious duty that should be undertaken by all those concerned and particularly by Muslim scholars.

- Reinforcing this effort requires laws criminalizing the act and allowing for the prosecution of perpetrators, whether the practice is carried out through traditional means or inside medical institutions.
- This legal framework needs to be supported by mobilizing members of society, both male and female, to resist this abhorrent custom. The mobilization effort should include actions by Muslim scholars, civil society institutions and the mass media.
- The severe health and social damages caused by child marriages burden parents with the responsibility to spare their children these repercussions. Both society and the state also have responsibilities. Laws should ban child marriages and set an age limit for marriage that is no lower than 18 years, no matter what the circumstances happen to be. There should be no discrimination here between males and females. There should be no exceptions to permit marriage for individuals below the stated minimum age. Excuses such as the consent of the parent or guardian and the attainment of financial ability should not be accepted.
- Among the most effective measures to eliminate child marriages are laws requiring parents to enrol all their children, both boys and girls, in school. Impoverished families should be provided with the assistance they need in this regard.

Protection from economic exploitation

With the aim of lending a helping hand to the family, either at home or in the family business, many societies still see nothing wrong with the employment of children, whether paid or unpaid. So long as children work on simple activities and in appropriate conditions that do not affect their studies or other relevant activities, there should be nothing wrong with their employment. It might even be necessary to employ them in what may enhance their development and nurture their intellectual and social talents.

‘Child labour’, however, is something else; it refers to the exploitation of children in arduous or risky jobs that may endanger their lives or their health, or that may violate their other rights in terms of education and leisure. The worst form of child labour is that which constitutes a violation of basic human rights. One may include in this category coercing children to perform arduous tasks; this is a form of slavery whereby children are kidnapped, sold or trafficked across borders, and are sometimes sexually exploited or embroiled in crime.



UNICEF/HQ05-2091/ GEORGINA CRANSTON

Exploiting children in arduous or dangerous jobs

Charging children with arduous jobs may lead to depriving them of education totally or partly by adversely affecting their performance at school. Such jobs may demand physical activity that is well beyond their abilities (such as carrying, loading and construction work). They may even be prone to accidents that leave them with injuries or threaten their lives (such as working in bakeries, smelters, in jobs that require the use of fire or sharp tools, or in jobs in high locations from which a child may fall). Some jobs may cause damage to the health of children because of poor ventilation, contact with insecticides or other hazardous chemicals, noise, factory fumes or dust.

Employing children, as a matter of principle, contravenes their right to full material maintenance. It violates their right to live in proper conditions that meet the requirements of physical growth and mental maturity, and provide opportunities for education and emotional maturation. No child can attain these rights without a family environment that secures for the child a calm and stable life, and in which he or she feels a guarantee of permanent security under the care and guidance of another person.

The Islamic Sharia charges the father with the responsibility of providing maintenance for his children. Allah's Messenger, Peace Be Upon Him said: "The best money spent by a man is the money he spends on his children."⁶⁴ Working to provide maintenance for children has even been made a cause for the atonement of sins. It has been reported that: "There are sins that can be atoned by nothing apart from toiling to earn a living."⁶⁵

Employing children in hard and dangerous labour would fall into the category of inflicting hardship and harm on them, even if this were to be done without intention or out of ignorance of the likely repercussions. If we say, as explained by Sharia, that inflicting harm is prohibited, it would follow that children should not engage in hard labour. In fact, we find that Sharia does not expect humans to undertake arduous tasks, as is clearly manifest in the Qur'anic verse:

﴿وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ﴾ (سورة الحج - الآية ١٧٨)

...AND HAS NOT LAID UPON YOU IN RELIGION ANY HARDSHIP...

(AL-HAJJ, OR PILGRIMAGE, VERSE 78)

The Almighty Allah also says:

﴿يُرِيدُ اللَّهُ بِكُمْ الْيُسْرَ وَلَا يُرِيدُ بِكُمْ الْعُسْرَ﴾ (سورة البقرة - الآية ١٨٥)

ALLAH INTENDS FOR YOU EASE, AND HE DOES NOT WANT TO MAKE THINGS DIFFICULT FOR YOU. (AL-BAQARAH, OR THE COW, VERSE 185)

He also says:

﴿لَا يُكَلِّفُ اللَّهُ تَفْسًا إِلَّا وُسْعَهَا﴾ (سورة البقرة - الآية ٢٨٦)

ALLAH BURDENS NOT A PERSON BEYOND HIS SCOPE... (AL-BAQARAH, OR THE COW, VERSE 286)

If Allah has willed that no hardship should be suffered because of what He commands, it follows that humans are forbidden from inflicting hardship on one another. If inflicting hardship on adults is forbidden, it goes without saying that

⁶⁴ Narrated by Imam Muslim in his *Sahih, Kitab Al-Zakat* (The Book of Alms), chapter "The virtue of spending on children and servants and the sinful act of neglecting them or withholding their maintenance," 2/691-692, Hadith 994. Narrated on the authority of Thawban, May Allah Be Pleased With Him. It is also reported by Al-Tirmidhi in his *Sunan, Kitab Al-Birr* (Book of Righteousness), chapter "Maintaining the family," 4/344-345, Hadith 1966. Narrated on the authority of Thwaban. Abu 'Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic).

⁶⁵ Narrated by Al-Haythamiy in *Majma' Al-Zawa'id, Kitab Al-Buyu'* (Book of Selling and Buying), chapter "Working and trading, enjoying the earning of a living," 4/63-64. Narrated on the authority of Abu Hurayrah. The Tabrani in *Al-Awsat* said it is a weak (inauthentic) narration.

inflicting hardship on youngsters is also forbidden.

Undoubtedly, the phenomenon of child employment prevails when poverty is widespread, and when the poor find no help or assistance from relatives, their society or the state. Child employment often becomes an inevitable strategy, because the family otherwise cannot maintain itself, especially in the case of large families with many children.

The relationship between child employment and education is much more complex; each feeds the other. A child's preoccupation with work weakens his or her performance at school. Children in this situation may end up leaving school altogether. On the other hand, when the school environment is not safe or supportive of the needs of the children, when the cost of education is too high, when the quality of education is poor, or when no educational opportunities exist, children tend to end up in the labour market. Either way, child employment is linked to low levels of education and training. The child's chances of finding a decent job, in the present or future, will be limited. The child will likely remain trapped within a circle of poverty and low income.

Children's exploitation for sex or crime

The many positive outcomes from the huge technical advancements in mass communications include the ease and rapidity of information transfer and the facilitation of many aspects of life. But negative aspects have arisen as well, such as undesirable behaviour and crimes where the primary victims are children. These crimes include:

- Exploiting children in sex tourism
- Kidnapping, selling and trafficking children across borders, with the aim of exploiting them in other parts of the world
- Photographing or videotaping children, and exploiting them in the production of low-cost pornographic films for mass release via the Internet
- Profiteering from exploiting children in the sex industry by forcing them to provide sex to others in exchange for trivial rewards such as a small fee or simply in exchange for food or higher marks at school
- Creating an international demand for the sexual exploitation of children, who are seen as a more secure alternative to

adult sex workers because of the spread of HIV

These nasty practices destroy children's lives and health. Many of these children are exposed to severe cold, hunger and various diseases while being trafficked. It is possible that they will contract serious infections such as HIV when sexually exploited. In addition to the danger posed to their lives and the loss they incur in education, children suffer enormous psychological scars as a result of this oppressive treatment. Many end up with a tendency towards delinquency and may lose their future altogether.

Although females are more vulnerable to sexual exploitation, male children may also be subjected to this kind of exploitation. Parents may force young boys to contribute to earning a living for the family despite knowing that proper working opportunities are not available.

Poverty is not the only motive behind the sexual exploitation of children, however. Armed conflicts and natural disasters are also closely linked to this phenomenon because of their devastating effects on family cohesion, which include depriving children of parental care. Family break ups, the sense of neglect and disregard from the lack of parental attention, or sexual assault by a family member may force children to flee their homes. Many end up selling their bodies in prostitution to stay alive.

As in sexual exploitation, the exploitation of children in crime may take place as a result of encouraging or enticing children, or it may be the result of coercion exercised by adults who are supposed to be caring for the children. There is a direct link between the sexual exploitation of children and drug addiction. Children or young men or women may surrender to sexual exploitation because they need money to buy drugs. As a result, children end up in a vicious cycle. Breaking away is very hard.

With regard to drugs specifically, the huge financial gains of this illegal trade blind the hearts and minds of its dealers. They will resort to any means to guarantee a profitable market for their destructive commodity. Such a market relies heavily on young men and women or children as consumers and pushers. Children end up paying a heavy price: Their lives are destroyed, their health is damaged, and their future is bleak.



UNICEF/HQ05-1493/ ASAD ZAIDI

The Almighty Allah says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ
الشَّيْطَانِ فَأَجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ (٩٠) إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ
بَيْنَكُمْ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ
الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ﴾ (سورة المائدة - الآية ٩٠ - ٩١)

O YOU WHO BELIEVE! INTOXICANTS [ALL KINDS OF ALCOHOLIC DRINKS], AND GAMBLING, AND *AL-ANSAB* AND *AL-AZLAM* [ARROWS FOR SEEKING LUCK OR DECISION] ARE AN ABOMINATION OF SHAITAN'S [SATAN'S] HANDIWORK. SO AVOID [STRICTLY ALL] THAT [ABOMINATION] IN ORDER THAT YOU MAY BE SUCCESSFUL. SHAITAN WANTS ONLY TO EXCITE ENMITY AND HATRED BETWEEN YOU WITH INTOXICANTS AND GAMBLING, AND HINDER YOU FROM THE REMEMBRANCE OF ALLAH AND FROM *AS-SALAT* (THE PRAYER). SO, WILL YOU NOT THEN ABSTAIN? (AL-MA'IDAH, OR THE TABLE SPREAD, VERSES 90-91)



UNICEF/HQ06-0326/ GIACOMO PIROZZI

He also says:

﴿وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ﴾ (سورة الأعراف - الآية ١٥٧)

HE ALLOWS THEM AS LAWFUL *AT-TAYYIBAT* [I.E., ALL GOOD AND LAWFUL THINGS, DEEDS, BELIEFS, PERSONS AND FOODS], AND PROHIBITS THEM AS UNLAWFUL *AL-KHABA'ITH* [I.E., ALL EVIL AND UNLAWFUL THINGS, DEEDS, BELIEFS, PERSONS AND FOODS]. (AL-A'RAF, OR THE HEIGHTS, VERSE 157)

Umm Salamah, the wife of the Prophet, Peace Be Upon Him, said: "The Allah's Messenger, Peace Be Upon Him, prohibited every intoxicant and sedative."⁶⁶

How can children be protected from exploitation?

- Addressing the phenomenon of child employment must begin with directing the parents or the guardian away from imposing hardship on the child. They should be guided so as to have a positive attitude vis-à-vis the employment of their children at an early age.
- Directing the parents, however, does not cancel the role of society and the state in securing this category of children against injustice and hardship. Intervening with laws to

66 Narrated by Abu Dawud in his *Sunan, Kitab Al-Ashribah* (Book of Drinks), chapter "Prohibition of intoxicants," 3/327, Hadith 3686. Narrated on the authority of Umm Salamah, May Allah Be Pleased With Her. It is also reported by Ahmad in his *Musnad*, 6/309, on the authority of Umm Salamah, May Allah Be Pleased With Her.

organize and monitor the employment of children is of paramount importance. There should be a legal minimum age for the employment of children that should in no way clash with children's right to finish the basic stage of education. Laws should also specify the types of work that are permissible and the working hours allowed, as well as the various conditions that would have to be fulfilled in the place of work. Whatever is relevant to protecting children from hardship and harm should also be taken into consideration when crafting such legislation.

- The state also has the responsibility to provide sufficient funding for the implementation of programmes to deal with the main reasons behind the phenomenon of child labour, especially with regard to poverty and education. The state has the duty to create economic plans and programmes to rescue poor families from their predicament, in part through training and work opportunities for grown-ups that will help relieve the burden on children of having to fend for the family.
- Additionally, the state has the responsibility to provide good educational opportunities for every child within a supportive and secure school environment. This is an indispensable basic role the state has to shoulder to curb child employment and protect vulnerable children, especially those from poor families.
- Wealthy families and various civil society institutions have the responsibility to lend a helping hand, and assist the poor and those in need. This is a divine as well as a moral duty, and not a question of choice or condescension. The Almighty Allah says:

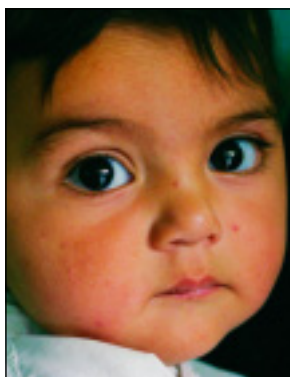
﴿لِلْفُقَرَاءِ الَّذِينَ أُحْصِرُوا فِي سَبِيلِ اللَّهِ لَا يَسْتَطِيعُونَ ضَرْبًا فِي الْأَرْضِ يَحْتَسِبُهُمُ الْجَاهِلُ أَغْنِيَاءَ مِنَ التَّعَفُّفِ تَعْرِفُهُمْ بِسِيمَاهُمْ﴾
(سورة البقرة - الآية ٢٧٣)

[CHARITY IS] FOR *FUQARA* [THE POOR], WHO IN ALLAH'S CAUSE ARE RESTRICTED [FROM TRAVEL], AND CANNOT MOVE ABOUT IN THE LAND [FOR TRADE OR WORK]. THE ONE WHO KNOWS THEM NOT THINKS THAT THEY ARE RICH BECAUSE OF THEIR MODESTY. YOU MAY KNOW THEM BY THEIR MARK. (AL-BAQARAH, OR THE COW, VERSE 273)

Ibn Omar, May Allah Be Pleased With Him, narrated that Allah's Messenger, Peace Be Upon Him, said: "A Muslim is a

brother of another Muslim, so he should not oppress him nor should he hand him over to an oppressor. Whoever fulfilled the needs of his brother, Allah will fulfil his needs; whoever brought his (Muslim) brother out of discomfort, Allah will bring him out of the discomforts of the Day of Resurrection, and whoever shielded a Muslim (from shame or scandal), Allah will shield him on the Day of Resurrection.”⁶⁷

- The family and society have a major role to play in combating the worst kinds of child employment, and in protecting vulnerable children by providing them with the necessary parental care in a cohesive family. Children are trusts that should not be abandoned at any time. Families must reject financial incentives linked to these delinquent practices.
- There is a pressing need for the preparation of special programmes to educate children and young men and women so as to be alert to resisting those who try to lure them into risky situations. They should be warned against the repercussions and urged not to hesitate to report any dubious attempts made in this regard.
- The state has a major role to play in legislating heavy penalties for those found guilty of luring children into dubious affairs. Criminals should be deterred from destroying the lives and future of these children.
- Governments should allocate sufficient funds to implement programmes to protect children deprived of parental care and re-integrate them into society. Such children are the most vulnerable to the worst forms of exploitation.
- Of further importance is the ratification of international treaties that organize cooperation among nations to combat the sale or trafficking of children across borders for the purpose of exploiting them sexually. These treaties provide the necessary legal framework to prevent these abhorrent practices, and pave the way to eliminate the damage they cause. The treaties allow for the organized repatriation of trafficked children and for the provision of health care and education wherever these children happen to be.



UNICEF/HQ03-0219/ ROGER LEMOYNE

⁶⁷ Narrated by Al-Bukhari in his *Sahih, Kitab Al-Mazalim* (Book of the Oppressions), chapter “A Muslim does not oppress another Muslim, nor should he hand him over to an oppressor,” 2/1062, Hadith 2442. Narrated on the authority of Abdullah ibn Omar, May Allah Be Pleased With Them Both. It is also reported by Muslim in his *Sahih, Kitab Al-Birr* (Book of Righteousness), chapter “Prohibition of oppression,” 4/1996, Hadith 2580. Narrated on the authority of Ibn Omar.

Protecting children deprived of parental care

One of the basic rights that every child must enjoy is the right to live inside a family. A family provides a child with the necessary parental care, and experiences of love, kindness and safety. This particular right is the first line of defense in the protection of children from attempts to violate their other rights.

Several factors can deprive a child of parental care:

- The child may lose his or her family because of natural death, accidents or armed conflict.
- The child may be separated from his or her family when the parents voluntarily choose to give him or her up to another family because of extreme poverty, or because the child was born out of wedlock.
- The child may flee the family if it becomes a source of unhappiness and misery, there is extreme poverty, violence takes place inside the family, or family discord and dissolution lead to the loss of guidance and care.
- The concerned authorities may conclude that if the child remains with the family, his or her life or well-being would be in danger because of physical or sexual assault, because the parents are drug addicts, because they are not mentally fit, or because they force the child to commit illegal acts.

The category of children deprived of parental care includes non-sponsored orphans, whether their parents are known or not; children in care institutions, irrespective of their lineage or the status of their families; and children who have been transported across borders without their parents. All these children are among the most vulnerable to the worst forms of exploitation, violence and mistreatment. Not only are their basic rights to dignified living and to health and mandatory education in jeopardy, but many dangers threaten their lives.

Another category of vulnerable children comprises those whose parents are ignorant and/or negligent of their duties towards the basic material and moral needs of their children. This category has grown in size because of poverty and a failure on the part of society and schools to shoulder their responsibility to provide alternative care to children from poor

families, or children deprived of parental care because of death or divorce or preoccupation with worldly matters. These children fall outside social norms and considerations the day their families cast them out, leaving them to roam the streets shelterless, and without food, drink or minimal health care.

From an Islamic perspective, we find that parental care deprivation is the result of disobeying Allah's commandment:

- Have we not been commanded to set up a society of charity, one dominated by justice, solidarity and compassion?
- Where are the *zakat* (alms)? Are they being spent as they should be? Where are the charitable donations that will guarantee the outflow of bounties? Do we apply the Hadith of the Prophet, Peace Be Upon Him: "He who has extra food let him give it to the one who has no food?"⁶⁸
- Where is the practice of exhorting one another to truth and endurance? Where am I from the right of my neighbor? The Prophet, Peace Be Upon Him, said: "Jibrael (Gabriel) continued to recommend me to treat the neighbours kindly and politely, so much so that I thought he would order me to make them as my heirs."⁶⁹
- Where are we from the divine commandment that we take care of our blood relatives? It has been reported that the Prophet, Peace Be Upon Him, said: "The aunt comes after the mother and the uncle after the father."⁷⁰
- Where are we from altruism, otherness and brotherhood? The Almighty Allah says:

﴿وَيُؤْتُونَ عَلَىٰ أَنفُسِهِمْ وَلَوْ كَانَ بِهِمْ خَصَاصَةٌ وَمَن يُوقِ شَحْنَنَفِيهِ
قَاوَلَاتِكَ هُمُ الْمُفْلِحُونَ﴾ (سورة الحشر - الآية ٩)

...AND GIVE THEM [EMIGRANTS] PREFERENCE OVER THEMSELVES EVEN THOUGH THEY WERE IN NEED OF THAT. AND WHOEVER IS SAVED FROM HIS OWN COVETOUSNESS, SUCH ARE THEY WHO WILL BE THE SUCCESSFUL. (AL-HASHR, OR THE GATHERING, VERSE 9)

68 Narrated by Muslim in his *Sahih, Kitab Al-Nikah* (Book of Marriage), chapter "The virtue of freeing a female slave and marrying her," 2/1047-1048, Hadith 1365. Narrated on the authority of Anas, May Allah Be Pleased With Him. It is also reported by Abu Dawud in his *Sunan, Kitab Al-Zakat* (Book of Alms), chapter "Money rights," 2/129, Hadith 1663. Narrated on the authority of Abu Sa'id Al-Khudri, May Allah Be Pleased With Him.

69 Reported by Al-Bukhari in his *Sahih, Kitab Al-Adab* (Book of Good Manners), chapter "To recommend to be kind to the neighbor," 4/82, Hadith 6014. Narrated on the authority of A'ishah, May Allah Be Pleased With Her. It is also reported by Muslim in his *Sahih, Kitab Al-Birr* (Book of Righteousness), chapter "Recommending to be kind to the neighbor," 4/2025, Hadith 2624. Narrated on the authority of A'ishah, May Allah Be Pleased With Her.

70 Reported by Al-Tabarani in the *Al-Mu'jam Al-Kabir*, 7/243, Hadith 677.

- Have we not been commanded to succor the troubled and relieve the distressed? Allah's Messenger, Peace Be Upon Him, said: "The most beloved among the people to Allah is he who is of more benefit to them. The most beloved of all actions to Allah is that you bring happiness into the heart of a believer, relieving him from distress or paying for him his debt. It is more beloved to me that I serve the need of my Muslim brother than spend a month worshipping in seclusion."⁷¹

When divorce was legalized, it was only out of necessity in cases when the couple finds it impossible to continue living together. It is therefore a law intended for exceptional circumstances. In the aftermath of divorce, a set of legal rules have to be observed to protect the woman and children. Divorce would have to be in an honourable manner or in kindness. The Almighty Allah says:

(THE DIVORCE IS TWICE, AFTER THAT, EITHER YOU RETAIN HER ON REASONABLE TERMS OR RELEASE HER WITH KINDNESS.) (AL-BAQARAH, OR THE COW, VERSE 229)

﴿وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ﴾ (سورة البقرة - الآية ٢٣٣)

...BUT THE FATHER OF THE CHILD SHALL BEAR THE COST OF THE MOTHER'S FOOD AND CLOTHING ON A REASONABLE BASIS.

(AL-BAQARAH, OR THE COW, VERSE 233)

The Islamic Sharia prescribes the right of the parent to see the child during the period when the mother is nursing or the father has custody. According to Sharia, those who have lost their sustainer would have to be assigned a guardian or a sponsor by the state.

The needy comprise one category in view of the Sharia. So when we talk about orphans we do not discriminate between orphans whose parents are unknown and those whose parents are known. This is confirmed by the Qur'anic verse:

﴿فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَاِخْوَانُكُمْ فِي الدِّينِ﴾ (سورة الأحزاب - الآية ٥)

BUT IF YOU KNOW NOT THEIR FATHER'S [NAMES, CALL THEM] YOUR BROTHERS IN FAITH AND *MAWALIKUM* [YOUR FREED SLAVES].

(AL-AHZAB, OR THE TRIBES, VERSE 5)



UNICEF/HQ05-1984/ GEORGINA CRANSTON

⁷¹ Reported by Al-Tabarani in the *Al-Mu'jam Al-Kabir*, 12/453, Hadith 13646, on the authority of Abdullah ibn Omar, May Allah Be Pleased With Them Both. Al-Haythami also reported it in *Majma' al-Zawa'id*, 8/191, attributing it to Al-Tabarani. One of its narrators, Sikkin bin Siraj, is weak (inauthentic).

The phrase in the verse “if you know not” is more general and more encompassing than saying, for instance, “if they lost their fathers.” In the latter case, an orphan would be defined in strict terms as one whose father is dead, whereas not knowing the father does not negate the existence of the father.

We also find that Islam holds the state directly responsible for rescuing foundlings from straying. In Islamic jurisprudence, there is a section dealing with foundlings that details the rules related to sponsoring the foundling.

Prophetic teachings enjoin us to treat these children with dignity, kindness and mercy. For that we are promised great rewards in this world and in the Hereafter. One of these Prophetic teachings is the Hadith in which the Prophet, Peace Be Upon Him, says: “A person who touches with compassion the head of an orphan will be rewarded for each hair his hand touches. Whoever treats kindly a female or a male orphan who is under his sponsorship, I shall be his companion in Paradise.” At that the Prophet, Peace Be Upon Him, spaced apart his middle and index fingers.⁷²

In addition to this call to do good, Islam pronounces strong warning against neglecting our responsibility to provide orphans with good care. The Almighty Allah warns in the Qur'an:

﴿رَأَيْتَ الَّذِي يُكَذِّبُ بِالْإِيمَانِ (١) فَذَلِكَ الَّذِي يَدْعُ الْيَتِيمَ (٢) وَلَا يَحِضُّ عَلَى
طَعَامِ الْمِسْكِينِ (٣) فَوَيْلٌ لِلْمُصَلِّينَ (٤) الَّذِينَ هُمْ عَنْ صَلَاتِهِمْ سَاهُونَ
(٥) الَّذِينَ هُمْ يُرَاءُونَ (٦) وَيَتَعَبُونَ لِلْعَامُونَ (٧)﴾ (سورة الماعون)

HAVE YOU SEEN HIM WHO DENIES THE RECOMPENSE? THAT IS HE WHO REPULSES THE ORPHAN [HARSHLY]. AND URGES NOT ON THE FEEDING OF *AL-MISKIN* [THE POOR]. SO WOE UNTO THOSE PERFORMERS OF *SALAT* [PRAYERS] [WHO ARE HYPOCRITES], THOSE WHO DELAY THEIR *SALAT* [PRAYER FROM THEIR STATED FIXED TIMES], AND THOSE WHO DO GOOD DEEDS ONLY TO BE SEEN [OF MEN] AND PREVENT *AL-MA'UN* [SMALL KINDNESSES LIKE SALT, SUGAR AND WATER]. (*AL-MA'UN*, THE UTENSIL, VERSES 1-7)

The second line points to an objectionable form of treatment that involves humiliation, abuse and exclusion. This type of

⁷² Narrated by Ahmad in his *Musnad*, 5/250, on the authority of Abu Umama, May Allah Be Pleased With Him. It is also reported by Al-Tabarani in *Al-Mu'jam al-Kabir*, 8/239, Hadith 7821, on the authority of Abu Umama.

treatment is so abhorrent that the Qur'an considers it one of the signs of denying religion and its teachings of compassion, kindness and mercy.

We also find a warning against abusing the orphans in the Prophetic tradition. The Prophet, Peace Be Upon Him, said: "Be fearful of the weeping of the orphan; it travels by night when the people are asleep."⁷³ Warning against the repercussions of the weeping of the orphan implies warning against causing the orphan to be sad or to weep, whether the cause is material or moral. The meaning of the phrase "it travels by night" is that it ascends to the upper heavens as a complaint to the Almighty of the harshness and rudeness of the person who caused the child to cry. Therefore, whoever causes the orphan to be distressed is liable to Allah's wrath and anger. Nothing could save a sponsor of an orphan from such a prospect other than staying away completely from whatever may distress or anger the orphan, who needs to be assured of a loving and merciful heart.

How can children deprived of parental care be protected?

- The primary responsibility for the protection of this marginalized group of human beings rests on the shoulders of the state, the media, and the imams and Muslim callers/preachers inside the mosques. Their mission is to explain and affirm the need to provide parental care to children who lack it. Their task also includes changing society's view of street children, foundlings and those without known parentage. One of the general principles in Islam is that all humans belong to one father and one mother, Adam and Eve, as explained by the Qur'anic verse:

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا﴾ (سورة النساء - الآية 1)

O MANKIND! BE DUTIFUL TO YOUR LORD, WHO CREATED YOU FROM A SINGLE PERSON [ADAM], AND FROM HIM HE CREATED HIS WIFE [HAWWA, OR EVE], AND FROM THEM BOTH HE CREATED MANY MEN AND WOMEN; AND FEAR ALLAH THROUGH WHOM YOU DEMAND [YOUR MUTUAL RIGHTS], AND [DO NOT CUT THE RELATIONS OF] THE



UNICEF/HQ93-1356/ ROGER LEMOYNE

⁷³ Narrated by Al-Mundhiri in *Al-Tarhib wa Al-Tarhib, Kitab Al-Hudud* (Book of Penalties), chapter "Whoever treats kindly a female or a male orphan who is under his sponsorship I shall be his companion in paradise," 3/349, on the authority of Abu Sa'id. He attributed it to Al-Isbahani.

WOMB [KINSHIP]. SURELY, ALLAH IS EVER AN ALL-WATCHER OVER YOU. (AL-NISA', OR THE WOMEN, VERSE 1)

This is also elucidated in the Prophetic tradition: "The example of the believers as regards their being merciful among themselves and showing love and kindness to one another resembles one body, so that, if any part of the body is not well then the whole body shares the sleeplessness (insomnia) and fever with it."⁷⁴ The Prophet, Peace Be Upon Him, also said: "You will not be admitted into Heaven until you believe, and you will not believe until you love one another."⁷⁵

- The Almighty Allah has obligated society to provide full care for orphans. This is evident in the Qur'an itself, where the Almighty Allah says:

﴿وَيُطْعَمُونَ الطَّعَامَ عَلَىٰ حُبِّهِ مِسْكِينًا وَيَتِيمًا وَأَسِيرًا﴾

(سورة الإنسان - الآية ٨)

AND THEY GIVE FOOD, IN SPITE OF THEIR LOVE FOR IT [OR FOR THE LOVE OF HIM], TO THE *MISKIN* [THE POOR], THE ORPHAN AND THE CAPTIVE... (AL-INSAN, OR THE HUMAN, VERSE 8)

Islam urges and encourages sponsoring those deprived of parental care and making them feel at home.

The Almighty Allah says:

﴿وَيَسْأَلُونَكَ عَنِ الْيَتَامَىٰ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ تُخَالِطُوهُمْ فَارْحَمُوا أَوْلِيَّيَهُمْ﴾

(سورة البقرة - الآية - ٢٢٠)

AND THEY ASK YOU CONCERNING ORPHANS. SAY: "THE BEST THING IS TO WORK HONESTLY IN THEIR PROPERTY, AND IF YOU MIX YOUR AFFAIRS WITH THEIRS, THEN THEY ARE YOUR BROTHERS..."

(AL-BAQARAH, OR THE COW, VERSE 22)

The verse talks in broad terms about what is for the good of the orphans, which encompasses social, psychological, educational and vocational attention, in addition to meeting the material needs that guarantee them the pleasant and hon-



UNICEF/HQ06-1091/ MOHAMMED JADALLAH

74 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Adab* (Book of Good Manners), chapter "What is said regarding being merciful to the people and to the animals," 4/82, Hadith 6011. Narrated on the authority of Al-Nu'man bin Bashir, May Allah Be Pleased With Him. Reported also by Muslim in his *Sahih, Kitab Al-Birr* (Book of Righteousness), chapter "The Believers being merciful, loving and kind to one another," 4/1999-2000, Hadith 2586. Narrated on the authority of Al-Nu'man bin Bashir, May Allah Be Pleased With Him.

75 Narrated by Muslim in his *Sahih, Kitab Al-Iman* (Book of Faith), chapter "Explaining that only believers will be admitted to Heaven, that loving the believers is part of faith and that promoting peace is one way of attaining it," 1/74, Hadith 54. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him.

ourable life every human is entitled to. This would indeed be a fulfilment of the divine honour bestowed upon humans in accordance with the Qur'anic verse:

﴿وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا﴾ (سورة الإسراء - الآية ٧٠)

AND INDEED WE HAVE HONOURED THE CHILDREN OF ADAM, AND WE HAVE CARRIED THEM ON LAND AND SEA, AND HAVE PROVIDED THEM WITH *AT-TAYYIBAT* [LAWFUL GOOD THINGS], AND HAVE PREFERRED THEM ABOVE MANY OF THOSE WHOM WE HAVE CREATED WITH A MARKED PREFERENCE. (AL-ISRA', OR NIGHT JOURNEY, VERSE 70)

﴿وَإِنْ تَخَالَطُوهُمْ فَاخْوَانُكُمْ﴾ (سورة البقرة - الآية ٢٢٠)

...AND IF YOU MIX YOUR AFFAIRS WITH THEIRS, THEN THEY ARE YOUR BROTHERS... (AL-BAQARAH, OR THE COW, VERSE 22)

This verse has a profound meaning that implies non-discrimination between orphans and others who may be living under the same roof or under a single sponsorship. This means that the atmosphere should be one of a united family without discrimination at all. It goes without saying that such treatment would generate a good feeling; the orphans will sense no deficiency or inferiority compared to others. Once fulfilled, this mindset will contribute to a wholesome condition and save the orphan from psychological disorders that usually lead to an inability to confront life in a positive and active manner.

The immediate provision of a safe and secure shelter for every orphan to help him or her heal the wounds of the soul is the first requirement stated in the Qur'an for such needy people. We find evidence of this in the special indication from the Almighty Allah when addressing the most "prominent orphan," his beloved Messenger, Peace Be Upon Him, saying:

﴿أَلَمْ يَجِدْكَ يَتِيمًا فَآوَى﴾ (سورة الضحى - الآية ٦)

DID HE NOT FIND YOU (O MUHAMMAD) AN ORPHAN AND GAVE YOU A REFUGE? (AD-DUHA, OR FORENOON, VERSE 6)

Sheltering the orphan in the embrace of a faithful and compassionate family is more useful for the orphan. It would still be better if this family is related to the orphan and is therefore in a better position to fulfil his or her needs. Islam does

attend to the value of kinship and lineage in these matters. The Prophetic teachings encourage Muslims to provide good care and full decent shelter to orphans. The Prophet, Peace Be Upon Him, said: “The best household among Muslim households is the one that shelters an orphan who is cared for well therein; and the worst household of the Muslim households is the one in which an orphan is abused therein.”⁷⁶ The Prophet, Peace Be Upon Him, also said: “Whoever embraces an orphan from among the Muslims and shares with him his food and drink, Allah will admit to Heaven unless he commits a sin that is unforgivable.”⁷⁷ Sharing food and drink with the orphan is indicative of the humanitarian and compassionate cohabitation referred to in the Qur’anic verse:

﴿وَإِنْ تَخَالَطَوْهُمْ فَإِنْ تَوَكَّلْتُمْ﴾ (سورة البقرة - الآية ٢٢٠)

...AND IF YOU MIX YOUR AFFAIRS WITH THEIRS, THEN THEY ARE YOUR BROTHERS... (AL-BAQARAH, OR THE COW, VERSE 22)

We learn from another Hadith that this humanitarian embrace should extend until the orphan is no longer in need of help and is capable of managing life with competence and proficiency. The Prophet, Peace Be Upon Him, said: “Whoever embraces an orphan from among the Muslims and shares with him his food and drink until he is no longer in need, he will have deserved to be admitted to Heaven.”⁷⁸ The Prophet, Peace Be Upon Him, also said: “By He who sent me with the Truth, Allah will not punish on the Day of Resurrection the one who shows compassion to the orphan, speaks to him tenderly and has mercy on him for his orphanhood and weakness.”⁷⁹

- When it is absolutely impossible to have these deprived children sponsored by alternative families, it becomes of paramount importance that the state as well as civil society institutions shoulder their responsibilities towards them, and support efforts to provide them with basic services by setting up welfare houses to shelter them. Such houses

76 Narrated by Ibn Majah in his *Sunan, Kitab Al-Adab* (Book of Good Manners), chapter “Orphan rights,” 2/1213, Hadith 3679. Narrated on the authority of Abu Hurayrah. One of its narrators, Yahya bin Sulayman, is weak (inauthentic).

77 Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Birr* (Book of Righteousness), chapter “What has been reported about orphan compassion and sponsorship,” 4/230, Hadith 1917. Narrated on the authority of Ibn Abbas. Al-Tirmidhi weakened the Hadith.

78 Ibid.

79 Narrated by Al-Mundhiri in *Al-Tarhib wa Al-Tarhib, Kitab Al-Hudud* (Book of Penalties), chapter “Whoever treats kindly a female or a male orphan who is under his sponsorship I shall be his companion in Heaven,” 3/349, on the authority of Abu Hurayrah, May Allah Be Pleased With Him.

have to be qualified and equipped so as to meet the humanitarian, educational and psychological needs of orphans. Providing these children with good educational preparation and vocational training requires special educational programmes not only to ensure education for the children, but also to train those offering them care. The Islamic Sharia states that whoever undertakes to provide a service must know that Allah is observing and will call him or her to Reckoning. Allah's Messenger says:

﴿وَقُلْ اَعْمَلُوا فَسَيَرَى اللّٰهُ عَمَلَكُمْ وَرَسُولُهُ وَالْمُؤْمِنُونَ﴾
(سورة التوبة - الآية 5 - 1)

AND SAY (O MUHAMMAD) "DO DEEDS! ALLAH WILL SEE YOUR DEEDS, AND (SO WILL) HIS MESSENGER AND THE BELIEVERS."

(AL-TAWBAH, OR THE REPENTANCE, VERSE 105)

The Messenger of Allah, Peace Be Upon Him, says: "All of you are guardians and responsible for your wards and the things under your care."⁸⁰

State and civil society institutions also have the responsibility to monitor and directly supervise the performance of child care homes in order to guarantee that children in them are not subjected to any form of exploitation or violence. It is also of great importance to make sure that children living with alternative sponsoring families or at various care homes can resort to effective and reliable official channels for help when subjected to any practice posing a threat to their lives, health, education or psychological well-being.

Protecting children in armed conflicts and natural disasters

Protecting children in natural disasters is of great importance, because families are forced to flee the disaster area and relocate. As a result, families are ripped apart, moral values are undermined, violence becomes widespread, basic social services such as health and education become very difficult to maintain, food becomes scarce, and civic infrastructure col-

⁸⁰ Narrated by Al-Bukhari in his *Sahih, Kitab Al-Jum'ah* (Book of Friday), chapter "Friday in villages and towns," 1/248, Hadith 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 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 2928. Narrated on the authority of Abdullah bin Omar, May Allah Be Pleased With Them Both.

lapses with adverse effects on the availability of drinking water and drainage.

Child protection becomes particularly urgent in these circumstances. Children may be killed or orphaned due to the loss of one or both parents; they may also become victims of rape, kidnapping and trafficking across borders to be exploited in other regions or countries. They may be exploited sexually or in hard labour. Females are particularly vulnerable. Child victims of natural disasters are also often denied education and are exposed to communicable diseases (sexual or otherwise) in an environment where health services, medication and protection from the spread of infections are not readily available.



UNICEF/HQ05-0808/ JOSH ESTEY

Both in the Qur'an and in the Prophetic tradition, there is an explicit affirmation of the necessity of solidarity and combining all efforts in order to relieve the suffering of those stricken by disaster. The Almighty Allah says:

﴿إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ﴾ (سورة الحجرات - الآية - 1)

THE BELIEVERS ARE NOTHING ELSE THAN BROTHERS [IN ISLAMIC RELIGION]. (AL-HUJURAT, THE PRIVATE QUARTERS, VERSE 10)

The Prophet, Peace Be Upon Him, said: "All of you are guardians and responsible for your wards and the things under your care."⁸¹ He also said: "Seek me through supporting those who are weak among you. You are only being supported and provided with sustenance because of the care you provide to those who are weak among you."⁸²

As for armed conflicts, children are usually the main victims. In these tough and extraordinary circumstances, the traumas suffered by children are similar to those suffered by children in natural disasters. But children are also often forced to carry arms and be involved in combat, making them more likely to sustain disabling wounds. Even without taking active part they are very likely to be caught in the fire because they happen to be in a war zone, or to be wounded or killed by landmines. Armed conflicts create a sense of insecurity and instability in the minds of children, who end up traumatized. They may

81 See footnote 36.

82 Narrated by Abu Dawud in his *Sunan, Kitab Al-Jihad* (The Book of Jihad), chapter "Victory achieved because of the weak," 3/33, Hadith 2594. Narrated on the authority of Abu Al-Darda', it is also reported by Al-Hakim in *Al-Mustadrak, Kitab Qasm Al-Fay'* (Distribution of the Booties), 2/157, Hadith 2641. Narrated on the authority of Abu Al-Darda', Al-Hakim decided the Hadith was of the category of *sahih* (authentic).

grow up to be incapable of producing much and may easily become either inclined towards aggression or violence or towards submission. What the child sees and experiences in a war, including the loss of loved ones and acquaintances, can precipitate what is known as post-traumatic syndrome. Symptoms start showing in later years in the form of fear and anxiety when it comes to facing challenges, disturbing nightmares, fits of fright when recalling the painful events the child had experienced, avoiding crowds, not associating with others, and having a belligerent attitude with a tendency to refuse to cooperate or respect the law.

How can children be protected during armed conflicts and natural disasters?

- Protecting children in armed conflicts and natural disasters starts with combining all the efforts of individuals, organizations, and state and civil society institutions in order to reunite families forced to flee their homes and guarantee that children are returned to the embrace of their loved ones. The process must be paralleled by rapid action in order to provide the distressed families with the necessary aid and provide for their material needs without delay. The Almighty Allah says:

﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى﴾ اسورة المائدة - الآية ٢١

HELP YOU ONE ANOTHER IN *AL-BIRR* AND *AT-TAQWA* [VIRTUE, RIGHTEOUSNESS AND PIETY]... (AL-MA'IDAH, OR THE TABLE, VERSE 2)

The Prophet, Peace Be Upon Him, said: "Whoever brings a believer out of discomfort, Allah will bring him out of the discomforts of the Day of Resurrection; whoever relieves a person who is in distress, Allah will make things easy for him in this world and in the Hereafter; and whoever shields a Muslim (from shame or scandal), Allah will shield him on the Day of Resurrection. Allah is ever in the aid of a servant who is helpful to his brother."⁸³

⁸³ Narrated by Abu Dawud in his *Sunan, Kitab Al-Adab* (Book of Good Manners), chapter "Helping the Muslim," 4/288, Hadith 4946. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. It is also reported by Al-Tirmidhi in his *Sunan, Kitab Al-Birr*, chapter "What has been reported about screening a Muslim," 4/326. Narrated on the authority of Abu Hurayrah. According to Al-Tirmidhi, the Hadith is *hasan* (agreeable).

- Should it be impossible to reunite children with their families, they should be provided with a safe shelter with an alternative sponsor family. Should this be unavailable, the last resort would be to place the children under the care of specialized welfare institutions.
- Children's basic needs for food, clothing, health and education must be fulfilled. They should be enrolled in necessary psychological rehabilitation programmes that provide them with therapy and treatment for the trauma and the psychological scars they may have sustained during their painful experience.
- State ratification of relevant international treaties and conventions is also of paramount importance. Such instruments facilitate the unification of distressed families and support the fulfilment of their basic needs in crises. In addition, these agreements affirm the necessity of protecting children who have lost their families, and suggest measures to organize their maintenance while held in shelters awaiting stability or the transfer to safe havens.

The state has the responsibility to enact laws that regulate military service, both voluntary and involuntary, in order to guarantee that children are not recruited to take part in combat activities. The Prophet, Peace Be Upon Him, prohibited the employment of children in hard labour or in violent tasks. The Almighty Allah says:

﴿لَيْسَ عَلَى الضُّعَفَاءِ وَلَا عَلَى الْمَرْضَىٰ وَلَا عَلَى الَّذِينَ لَا يَجِدُونَ مَا يَنْفِقُونَ حَرَجٌ إِذَا نَصَحُوا لِلَّهِ وَرَسُولِهِ﴾ (سورة التوبة - الآية ٩١)

THERE IS NO BLAME ON THOSE WHO ARE WEAK OR ILL OR WHO FIND NO RESOURCES TO SPEND [IN HOLY FIGHTING, JIHAD], IF THEY ARE SINCERE AND TRUE [IN DUTY] TO ALLAH AND HIS MESSENGER. (AL-TAWBAH, OR THE REPENTANCE, VERSE 91)

Ibn Omar is reported to have said: "I was offered (as a soldier) to Allah's Messenger, Peace Be Upon Him, on the day of (The Battle of) Uhud. I was then 14 years old but he did not allow me to take part in the battle."

- The state is responsible for training its soldiers and guiding them during combat to completely avoid unjustified killings,

looting and rape, and to refrain from the abuse of civilians, especially women and children. One of the commandments of the Messenger of Allah, Peace Be Upon Him, is that reported by Anas, May Allah Be Pleased With Them. The Prophet, Peace Be Upon Him, said: “Set forth in the Name of Allah, with (the help of) Allah and in adherence to the religion of the Messenger of Allah, and do not kill an elderly person, or a young child or a woman.”⁸⁴ This Islamic guideline, in accordance with the Prophetic instruction referred to above, is clearly important for the preparation and instruction of military forces in how to deal with civilians, especially women and children, and in terms of their responsibility to provide them with the needed protection in these difficult circumstances.

- Individuals, the state, civil society institutions and international agencies, each within the limitations of their own sphere, should expose the inhumane practices undertaken by occupation troops or militant forces against all civilians during armed conflicts. No one should show complacency in this regard or waver in exerting every needed effort in order to bring to justice the perpetrators of atrocities, who should be prosecuted as war criminals, brought before courts of justice and punished accordingly.



UNICEF/HQ03-0231/ PATRICK ANDRADE

﴿قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ﴾
(سورة الزمر - الآية ٩)

SAY: “ARE THOSE WHO KNOW EQUAL TO THOSE WHO KNOW NOT?”
IT IS ONLY MEN OF UNDERSTANDING WHO WILL REMEMBER [I.E., GET
A LESSON FROM ALLAH’S SIGNS AND VERSES]. (AL-ZUMAR, OR THE
TROOPS, VERSE 9)

⁸⁴ Narrated by Abu Dawud in his *Sunan, Kitab Al-Jihad* (Book of Jihad), chapter “Invocating against the Polytheists,” 3/38-39, Hadith 2614. Narrated on the authority of Anas bin Malik May Allah Be Pleased With Him. It is also narrated by Al-Bayhaqi in *Al-Sunan Al-Kubra, Kitab Al-Siyar* (Book of Biographies), chapter “What was reported about not killing noncombatants such as priests, the elderly and others.” Narrated on the authority of Anas, May Allah Be Pleased With Him.

THE RIGHT OF THE CHILD TO EDUCATION

- Bringing up children and developing their abilities in early childhood
- The right of the child to a good basic education without gender discrimination
- The right of the child to continuously learn and acquire skills
- The mass media as educational tools

Several Qur'anic verses point to the sublime status of education and the esteemed position enjoyed by scholars on earth and in the Heavens. The Almighty Allah says:

﴿يَرْفَعُ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَالَّذِينَ أُوتُوا الْعِلْمَ دَرَجَاتٍ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ﴾ (سورة المجادلة - الآية 11)

ALLAH WILL EXALT IN DEGREE THOSE OF YOU WHO BELIEVE, AND THOSE WHO HAVE BEEN GRANTED KNOWLEDGE. AND ALLAH IS WELL-ACQUAINTED WITH WHAT YOU DO. (AL-MUJADALAH, OR THE ARGUMENT, VERSE 11)

The Almighty also says:

﴿إِنَّمَا يَخْشَى اللَّهَ مِنْ عِبَادِهِ الْعُلَمَاءُ إِنَّ اللَّهَ عَزِيزٌ غَفُورٌ﴾ (سورة فاطر - الآية 28)

IT IS ONLY THOSE WHO HAVE KNOWLEDGE AMONG HIS SLAVES WHO FEAR ALLAH. VERILY, ALLAH IS ALL-MIGHTY, OFT-FORGIVING. (FATIR, OR CREATOR, VERSE 28)

He also guides us to make this invocation:

(وَقُلْ رَبِّ زِدْنِي عِلْمًا) (سورة طه - الآية 114)

...AND SAY: "MY LORD! INCREASE ME IN KNOWLEDGE." (TAHA, VERSE 114)

We find rich evidence in the Prophetic tradition that seeking knowledge is mandatory. Al-Tirmidhi reported that the Prophet, Peace Be Upon Him, said: "He who departs (home) in pursuit of knowledge is in the cause of Allah until he returns."⁸⁵ Muslim reported that the Prophet, Peace Be Upon Him, said: "When the son of Adam dies his work ceases except for three: (leaving behind) continuous charity, (leaving behind) knowledge that is of benefit (to humankind), or (leaving behind) a righteous child who would make invocation on his behalf."⁸⁶ Further evidence on the virtue of knowledge and scholars is the Prophetic tradition in which the Prophet, Peace Be Upon Him, said: "The virtue of the scholar above the worshipper is like my virtue over the lowest of you." He also said: "Whoever takes a way in pursuit of knowledge, Allah will ease with it his way to Heaven."⁸⁷ He also said: "The angels spread their wings for the seeker of knowledge as an expression of content for what he does; everything in the heavens and the earth asks forgiveness for the seeker of knowledge, even the fish in the water. The virtue of the scholar over the worshipper is like the virtue of the moon over the rest of the planets. Scholars are the inheritors of prophets; prophets have bequeathed neither a dinar nor a dirham but have bequeathed knowledge. So, whoever acquires it acquires an abundant fortune."⁸⁸ This Hadith is an all-embracing statement when it comes to the virtue of seeking knowledge; nothing more needs to be said.

⁸⁵ Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-'Ilm* (Book of Knowledge), chapter "The virtue of seeking knowledge," 5/29, Hadith 2647. Narrated on the authority of Anas bin Malik, May Allah Be Pleased With Him.

⁸⁶ Narrated by Muslim in his *Sahih, Kitab Al-Wasayah* (Book of Testimonial Disposition), chapter "What a person earns of rewards after his death," 3/1255, Hadith 1631. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him.

⁸⁷ Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-'Ilm* (Book of Knowledge), chapter "The virtue of learning *fiqh* (jurisprudence) over worship," 5/48-49. Narrated on the authority of Abu Al-Darda'. The Hadith is narrated through two different paths, one of which is said by Al-Tirmidhi to be *sahih* (authentic). Abu Dawud also reported in his *Sunan, Kitab Al-'Ilm* (Book of Knowledge), chapter "Urging the seeking of knowledge," 3/316, Hadith 3641. Narrated on the authority of Abu Al-Darda', May Allah Be Pleased With Him.

⁸⁸ Narrated by Muslim in his *Sahih, Kitab Al-Dhikr wa Al-Du'a' wa Al-Tawbah wa Al-Istighfar* (Book of God's Remembrance, Invocation, Repentance and Seeking Forgiveness), chapter "Meeting in congregation for Qur'anic recitation and God's remembrance," 4/2074, Hadith 2699. Narrated on the authority of Abu Hurayrah. It is also narrated by Al-Tirmidhi in his *Sunan, Kitab Al-'Ilm* (Book of Knowledge), chapter "The virtue of learning *fiqh* (jurisprudence) over worship," 5/48-49, Hadith 2682. Narrated on the authority of Abu Al-Darda', this text is taken from Al-Tirmidhi.



UNICEF/HQ03-0288/ASAD ZAIDI

Developing the epistemological, psychological and social abilities of a child in the early years is considered a matter of utmost importance; such abilities constitute the basic building blocks that support the child in developing other abilities at later stages. Preparing children to take delivery of knowledge is a right for the youngsters, a duty upon the parents and an essential necessity, not a luxury. This basic right should not be neglected under any circumstance or for whatever pretext; negligence in this regard will lead to serious repercussions that will weigh heavily on the future of these children, who live in international, regional and local circumstances that highly value science and education, and the material power linked to both. Generally speaking, education is indisputably the vehicle of development; it contributes directly to the growth of national income by means of enhancing the productive abilities of the labour force. Education is one of the most important strategies to control poverty. Countries with high illiteracy rates and marked inequality between the sexes in the acquisition of learning seem less able to compete in an increasingly global economy.

Bringing up children and developing their abilities in early childhood

Psychologists and pedagogues divide childhood into three stages, each of which extends from five to seven years. Each stage is different from the other in terms of educational tools and pedagogical means offered to the child, and the information and skills the child may acquire. These stages are: early childhood, late childhood and adolescence. Parents have the responsibility to assess the requirements of their children, provide for their needs, develop their abilities and ensure that they acquire the appropriate level of education in each of these stages of growth.

In the first stage, which represents childhood below the age of six or seven years, the child's pressing need is for security and tranquility. The child also needs to be assured of respect and given confidence, and learn expression within his or her natural abilities and resources. From very early on, the child needs to accomplish success in some of the activities undertaken. A fulfilling sense of success is good for building self-confidence, and constitutes an incentive for the child to pursue more success in the tasks assigned to him or her in accordance with abilities and age.

Satisfying all of these is necessary for wholesome psychological development. They should be fulfilled in the best possible way, so as to enable the child to grow in a proper and balanced way. These needs are interwoven and interact with one another, as well as with physical and mental development needs. The failure to fulfil any of them impacts on others, and may lead to frustration.

We do not mean fulfilment in an absolute sense. A balanced and flexible approach imposes some order on the child, while avoiding extremism and a harsh parental attitude. Muslim reported on the authority of A'ishah, May Allah Be Pleased With Her, that the Messenger of Allah, Peace Be Upon Him, said: "O A'ishah! Allah is kind and he loves kindness; he gives for kindness what he does not give for violence."⁸⁹

Developing the mental and epistemological abilities of children in early childhood occurs principally through individual and group games, either with family members or under their supervision. This is a basic right of the child; playing affords the opportunity to learn about the surrounding environment, and triggers the child's potential mental abilities while enhancing linguistic abilities. Playing gives the child the opportunity to communicate with parents and other children in a manner embodying the values of participation, tolerance and respect for others.

It is reported that the Prophet, Peace Be Upon Him, was once praying when his grandson Al-Hasan mounted his back, prompting the Prophet to prolong his prostration. When the prayer was over, his companions asked him: "Why did you prolong the prostration?" The Messenger of Allah, Peace Be Upon Him, said: "My son mounted me, and I feared toppling him."

Freedom of expression and the discussion of ideas within the family constitute an important factor in developing the child's abilities. Children who enjoy this kind of freedom are able to develop self-confidence, maturity, the ability to meet challenges and overcome problems, and leadership qualities needed for attaining success in adulthood.

⁸⁹ Narrated by Al-Bukhari in his *Sahih, Kitab Al-Adab* (Book of Good Manners), chapter "What has been reported about kindness in all matters," 4/2003-2004, Hadith 2593. Narrated on the authority of A'ishah, May Allah Be Pleased With Her.

The right of the child to a good basic education without gender discrimination

In late childhood, from age seven to age 12, the child needs to reinforce what is known as the super-ego or conscience; conscience is comprised of religion, law, norms, customs and traditions. The existence of clear rules in this period is mandatory, and the child should not have many choices in this matter. The family has the duty to prepare the child for interacting with society at a later stage; the rules have to be implemented with a degree of firmness and love.



UNICEF/HQ06-0322/ GIACOMO PIROZZI

It is in congruence with the teachings of Islam that children in this stage should be provided with a supportive environment, without discrimination between males and females, ensuring their right to obtain a good basic education and proceed with it in accordance with their mental abilities. Islam urges the seeking of knowledge, and elevates the standard of a Muslim who is strong in faith, health and education, whether male or female. More than 14 centuries ago, Islam pointed to the necessity of teaching all children and training them so as to be able to confront the challenges of their times, which may be different from the times of their parents.

In light of this directive, it is necessary to oppose any action likely to deny children a basic education, including discrimination between male and female children. The belief that some children do not deserve to be educated is a result of certain notions about the importance of education for each gender; or of the lack of educational services in some countries, or in some regions within a country; or of the high cost of education, rendering it beyond the means of some families; or of bias against some children due to certain physical or mental disabilities they suffer; or of reactions to children suffering from communicable or non-communicable diseases (such as HIV/AIDS or others).

Depriving some children of an education leads to psychological trauma. These children perceive themselves as inferior and as lacking a promising future. What is even more serious is that they are rendered more vulnerable to various forms of violence and exploitation, because they will have no opportunity to enjoy childhood with their playmates and develop their skills within educational institutions. Many will be absorbed in the labour market at a very early age, where they may perform

dangerous or immoral jobs, or be employed in very low-paying jobs that teach them few skills. They may alternatively end up doing hard labour at home, or, as is the only choice in some cases, being forced into early marriage, which in turn can be very damaging to their health.

Legislative institutions and non-governmental organizations have a responsibility to create a legal framework that supports children's right to education, and that obliges parents to send their children to school when they reach the age of mandatory schooling. It is important to set up the mechanisms that will guarantee the implementation of these measures. The state must also shoulder its responsibility by allocating sufficient funds to build schools and guarantee educational services to all children irrespective of the geographical location of their residence. Children of all ages should be included under the umbrella of state responsibility, without discrimination. Furthermore, the cost of these services must not exclude the children of any family.

The international community also has a responsibility to assist developing countries in providing the necessary funds for education, so that the lack of local resources does not impede the fulfilment of the right to education for some children in one or another developing country.

Children at this age must be treated with kindness and compassion at school. Allah's Messenger, Peace Be Upon Him, said to A'ishah: "O A'ishah! Kindness will invariably make things more beautiful while its lack will make them ugly." As the child grows older, he or she becomes fonder of being appreciated by schoolmates, and will usually exert much effort in order to gain that appreciation. The child will actively engage in many domestic and school activities in order to draw attention and gain the needed social appreciation. Fulfilling the child's need to be appreciated will instill confidence and reassurance within him or her that the people around him are willing to meet his needs, appreciate his requirements and are prepared to do what it takes to make him happy. The failure to satisfy this desire will lead to frustration and numerous problems that will prevent him or her from having fulfilling experiences. As a consequence, the child may develop a belligerent attitude, become violent or surrender completely to bullies. Such a child is usually more vulnerable to behavioural disturbances.

It is not enough to make education available to all children; the quality of education needs to be improved too. Inferior education will inevitably lead to failure in inculcating positive habits in children, such as order, punctuality, honesty and the search for perfection. It will also lead to poor learning and the failure to acquire any valuable skills. There will, as well, be a failure in teaching students how to analyse data or think creatively, with the consequence that opportunities will be missed to match the requirements of the labour market and the skills of graduates. At this stage, perhaps the most serious repercussion of inferior educational quality is the high percentage of school dropouts and the loss of the opportunity on their part to acquire knowledge in the various sciences. The adverse effects are not dissimilar to those that occur when children do not join school at all.

Improving the quality of education is linked to improving school buildings, facilities, equipment and toilets, and raising the standards of teachers through training and qualification. They should master pedagogic methods and become well versed with the subjects they teach. The teacher should also be trained to treat children as if they were his or her own, and to befriend them so that they trust him or her with their confidence and are able to fully benefit from his or her tutoring. The teacher should maintain reverence and set a model for the children, never lying as he commands them to be truthful, and never cheating or deceiving as he commands them to be honest. The teacher should be guaranteed fair remuneration, in order to lead a decent life.

High-quality education requires curricula with three crucial dimensions: scientific content; teaching methods that nurture the child's intelligence and generate within him or her a passion for research, reading and innovation; and assessment tools for measuring the child's abilities and achievements. An ideal education should conform to modern methods and look to the future, rather than remaining deadlocked in the present reality; curricula need to attract interest and become sought after by families and their children as a means of acquiring knowledge and the appropriate skills to improve social and economic conditions.

All of these factors pose significant challenges to policy makers, programmers, pedagogues and parents alike, and may need to be addressed through educational reform.

The right of the child to continuously learn and acquire skills

While the provision of a good basic education to children represents a non-negotiable minimum requirement, it does not express the ultimate ambition for education as a continuous process that, in terms of its content, impact and time frame, goes beyond the school by means of:

- Opportunities for further education beyond the basic stage in a manner that corresponds to children's desire and abilities. Desire should never be impeded because families are deficient in material means or because of unfair discrimination among children within the same family due to gender or other factors.
- The diversification of educational resources and the provision of various aspects of knowledge. Access to these resources should be facilitated, whether they happen to be offered by schools, in the form of local community training and educational programmes organized by non-governmental organizations, or as material available to children via the mass media (television, radio and printed publications) or the Internet.
- The diversification of the content of education so that it not only helps develop the child's scientific and practical skills, but also other useful livelihood skills, such as leadership, negotiating, decision-making, dialogue, defending truth, environmental protection and maintenance, personal hygiene and caring for parents. Sharia refers to all these issues; each is allocated a special entry in the science of Islamic jurisprudence because of its everlasting impact on humans at the various stages of their lives. That said, it is also necessary that the subject matter of education must correspond to the age of the child, and should not rouse him or her to think about misbehaving, nor invite him or her to engage in banned or prohibited acts.

Pursuing education, gaining knowledge and acquiring livelihood skills are all basic necessities in order to safely pass through the third stage of childhood. This is the stage that extends from the ages of 12 to 18 years. It is in this phase that the child, whether male or female, reaches adolescence and rebels against childhood and against the status quo as a means of proving him or herself. The child becomes psycho-



UNICEF/HQ05-1076/ ROGER LEMOYNE

logically ready to discover the unknown and investigate whatever rouses his or her curiosity, and becomes more predisposed to pressure from his or her peers. At this stage, parental harshness only increases a child's rebellion, which may reveal itself in ways concealed from the sight of the parents. It is important to open communication channels. Parents should befriend their sons and daughters to lead them safely through adolescence. At this stage, harshness is not the right way to communicate with them; on the contrary, parents and teachers should instead befriend children at home and at school by answering their questions, satisfying their curiosities, and bolstering their faith and determination to resist the pressures they come under. Correct scientific and Islamic information should be offered, while avoiding erroneous information that may arouse their instincts and cause harm to their health.

The positive impacts of continuous education and the acquisition of livelihood skills include saving girls in particular from negative experiences such as early marriage, and helping them to resist detrimental traditional practices that have no ground in science or religion. These forms of protection help guarantee girls their rights and develop their ability to confront mistreatment or abuse. The benefits extend not only to the girls, but go beyond them to touch their own future children, particularly their daughters, who will be much less prone to deprivation, discrimination, or various types of violence and exploitation.

The mass media as educational tools

Mass media represent a basic platform for developing children's abilities and skills. The Convention on the Rights of the Child calls on states to recognize the importance of the mass media, and urges making sure that the media provide children with information that empowers them socially, spiritually and morally. The mass media have an important role to play especially in compensating for lost opportunities to develop children's abilities, low-quality education, or the failure of the family to undertake its duties to care for the child. It is essential that the state support children's programmes and insist on enhancing their quality. It should take steps to improve the abilities of producers and presenters, and make sure that they are provided with the appropriate working environment and are awarded encouraging incentives.



THE CHILD IN ISLAM: KEY MESSAGES

The basic rights of the child in Islam

The right of the child to health

The right of the child to be protected

The right of children to education

THE BASIC RIGHTS OF THE CHILD IN ISLAM

1. Children are glad tidings from God, allurements of this world, a source of satisfaction and a great bounty that deserves thankfulness.

The Almighty Allah says:

﴿وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَيِّنًا وَحَقْدَةً وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ أَفِيَالٍ طَائِلٍ يُؤْمِنُونَ وَيُبِعِمَةَ اللَّهُ هُمْ يَكْفُرُونَ.
(سورة النحل – الآية ٧٢)

AND ALLAH HAS MADE FOR YOU *AZWAJ* [MATES OR WIVES] OF YOUR OWN KIND, AND HAS MADE FOR YOU, FROM YOUR WIVES, SONS AND GRANDSONS, AND HAS BESTOWED ON YOU GOOD PROVISION. DO THEY THEN BELIEVE IN FALSE DEITIES AND DENY THE FAVOUR OF ALLAH [BY NOT WORSHIPPING ALLAH ALONE]... (AN-NAHL, OR THE BEE, VERSE 72)

﴿وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا لِلْمُتَّقِينَ
إِمَامًا. (سورة الفرقان – الآية ٧٤)

The Almighty Allah also says: AND THOSE WHO SAY: “OUR LORD! BESTOW ON US FROM OUR WIVES AND OUR OFFSPRING THE COMFORT OF OUR EYES, AND MAKE US LEADERS OF THE *MUTTAQUN* [THE PIOUS]. (AL-FURQAN, OR THE CRITERION, VERSE 74)

﴿الْمَالُ وَالْبَنُونَ زِينَةُ الْحَيَاةِ الدُّنْيَا وَالْبَالِيغَاتُ الصَّالِحَاتُ خَيْرٌ عِنْدَ رَبِّكَ
نَوَابًا وَخَيْرٌ أَمَلًا﴾ (سورة الكهف – الآية ٤٦)

The Almighty Allah also says: WEALTH AND CHILDREN ARE THE ADORNMENT OF THE LIFE OF THIS WORLD. BUT THE GOOD RIGHT-EOUS DEEDS THAT LAST ARE BETTER WITH YOUR LORD FOR REWARDS AND BETTER IN RESPECT OF HOPE. (AL-KAHF, OR THE CAVE, VERSE 46)

2. Progeny is a gift from the Almighty Allah.

﴿لِلَّهِ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ يَخْلُقُ مَا يَشَاءُ يَهَبُ لِمَن يَشَاءُ إِنثًا وَيَهَبُ لِمَن يَشَاءُ الذُّكُورَ (٤٩) أَوْ يَزْوِجُهُمْ ذُكْرَانًا وَإِنثًا﴾
(سورة المشوري - الآية ٤٩ - ٥٠)

The Almighty Allah says: TO ALLAH BELONGS THE KINGDOM 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 BESTOWS BOTH MALES AND FEMALES, AND HE RENDERS BARREN WHOM HE WILLS. (ASH-SHURA, OR CONSULTATION, VERSES 49-50)

3. The Islamic Sharia guarantees the child's right to have a lineage and be the product of legitimate wedlock. Sharia commands the Muslim to stay away from shameful deeds, whether open or secret.

﴿وَهُوَ الَّذِي خَلَقَ مِنَ الْمَاءِ بَشَرًا فَجَعَلَهُ نَسَبًا وَصِهْرًا وَكَانَ رَبُّكَ قَدِيرًا﴾
(سورة الفرقان - الآية ٤٥)

The Almighty Allah says: AND IT IS HE WHO HAS CREATED MAN FROM WATER, AND HAS APPOINTED FOR HIM KINDRED BY BLOOD AND KINDRED BY MARRIAGE. AND YOUR LORD IS EVER ALL-POWERFUL TO DO WHAT HE WILLS. (AL-FURQAN, OR THE CRITERION, VERSE 45)

﴿وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً﴾ (سورة الروم - الآية ١٢)

He also says: AND AMONG HIS SIGNS IS THIS, THAT HE CREATED FOR YOU WIVES FROM AMONG YOURSELVES, THAT YOU MAY FIND REPOSE IN THEM, AND HE HAS PUT BETWEEN YOU AFFECTION AND MERCY. (AR-RUM, OR THE ROMANS, VERSE 12)

﴿وَلَا تَقْرَبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَّنَ﴾ (سورة الأنعام - الآية ١٥١)

He also says: COME NOT NEAR TO AL-FAWAHISH [SHAMEFUL SINS, ILLEGAL SEXUAL INTERCOURSE] WHETHER COMMITTED OPENLY OR SECRETLY... (AL-AN'AM, OR THE CATTLE, VERSE 151)

4. The child has the right to be born without hereditary diseases. Each person should seek as much as possible a partner who is free from hereditary diseases; it is also desirable to avoid marrying close relatives.

It is narrated that Omar ibn Al-Khattab said: "Do not marry a close relative lest the child be born scrawny."⁹⁰ He is also reported as saying, "Marry the distant lest you produce scrawny progeny."

50 Narrated 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* (medicine or therapy), 3/31, Edition of the Al-Khyriyah Press in Egypt.

5. Every action that adversely affects the chances of the child to lead a normal life or that harms its body or psychology is prohibited.

The Prophet, Peace Be Upon Him said: "There should be neither harming nor reciprocating harm."⁹¹

6. Islamic Sharia forbids causing harm to a child or pregnant mother.

﴿وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِنْ إِمْلَاقٍ نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ﴾

(سورة الأنعام - الآية 151)

The Almighty Allah says: KILL NOT YOUR CHILDREN BECAUSE OF POVERTY. WE PROVIDE SUSTENANCE FOR YOU AND FOR THEM... (AL-AN'AM, OR THE CATTLE, VERSE 151)

7. Islam commands us to call our children names that have acceptable meanings. Names should not be objectionable. They should not cause psychological trauma by drawing ridicule or arousing curiosity and expressions of astonishment from others.

The Prophet, Peace Be Upon Him, said: "Honour your children and give them pleasant names."⁹²

8. Children should be welcomed upon their birth without discrimination between males and females. The Qur'an condemns those who celebrate the birth of males, but express sadness and dismay when females are born.

﴿وَإِذَا الْمَوْءُودَةُ سُئِلَتْ (أ) بِأَيِّ ذَنْبٍ قُتِلَتْ﴾ (سورة التكوير - الآية 8 - 9)

The Almighty Allah says: AND WHEN THE FEMALE [INFANT] WHO WAS BURIED ALIVE IS ASKED [ON THE DAY OF JUDGMENT] FOR WHAT SIN WAS SHE KILLED? (AL-TAKWIR, OR THE FOLDING UP, VERSES 8-9)

91 Narrated by Ibn Majah in his collection of *Sunan, Kitab Al-Ahkam* (Book of Legal Judgments), chapter "The judgment regarding he who builds for himself while harming his neighbor," 2/748, Hadith 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 1387. Narrated on the authority of Tha'labah Bin Abu Malik, second edition, edited by Hamdi Abd Al-Majid Al-Salafi.

92 Narrated by Ibn Majah in his *Sunan, Kitab Al-Adab* (The Book of Good Manners), chapter "Being compassionate towards the parents and behaving well towards the daughters," 2/1211, Hadith 3671. Narrated on the authority of Anas, Edition of Issa Al-Halabi publishers, edited by Muhammad Fu'ad Abd Al-Baqi.

9. The child has the right to expect that his or her parents will train him or her to perform religious duties. Parents should also set a good example for their child through their own good conduct, and should embrace the child with kindness and compassion, and avoid harshness and cruelty.

The Prophet, Peace Be Upon Him, said: “May Allah have mercy on a parent who helps his or her child to be good to him or her.”⁹³

He also said: “He is not one of us he who shows no mercy to our young.”⁹⁴

He also said: “He who shows no mercy will be shown no mercy.”⁹⁵

A'ishah narrated that The Messenger of Allah, Peace Be Upon Him, said: “Kindness will invariably make things more beautiful, while its lack will make them ugly.”

10. A child who is deprived of parental care must be sponsored. The sponsor of an orphan is expected to provide what the parents usually provide without discrimination between an orphan whose father is known and a foundling.

The Prophet, Peace Be Upon Him, said: “I and the sponsor of the orphan will be (companions) in Heaven just like these two...” and he showed his middle and index fingers.⁹⁶

93 Narrated by Ibn Abu Shaybah in *Al-Musannaf, Kitab Al-Adab* (The Book of Discipline), chapter “The right of the child upon the parent,” 6/101. Narrated on the authority of Al-Sha'biy, this narration is of the category of *mursal* – it is not reliable because the companion who is supposed to have reported it is missing from the chain of narrators. Edition of Dar Al-Fikr publishers, Beirut, Lebanon, 1414 H (1994 AD).

94 Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Birr* (The Book of Righteousness), chapter “What has been reported regarding showing mercy to children,” 4/322, Hadith 1921, on the authority of Ibn Abbas. Abu 'Issa said this Hadith is of the category of *hasan* (agreeable).

95 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Adab* (The Book of Good Manners), chapter “Compassion towards the child, kissing it and embracing it,” 4/79, Hadith 5997. Narrated on the authority of Abu Hurairah, May Allah Be Pleased With Him. It is also narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Birr* (Book of Righteousness), chapter “What has been narrated about showing mercy to the child,” 4/318, Hadith 1911. Narrated on the authority of Abu Hurayrah. Abu 'Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic).

96 Narrated by Ahmad in his *Musnad*, 5/250, on the authority of Abu Umama, May Allah Be Pleased With Him. It is also reported by Al-Tabarani in *Al-Mu'jam al-Kabir*, 8/239, Hadith 7821, on the authority of Abu Umama.

- | | |
|---|---|
| <p>11. When a child attains intellectual capacity and the ability to comprehend things, he or she has the right to be provided with knowledge by his or her parents. Parents are expected to perform this duty from the moment the child sets foot on the road of learning.</p> | <p>It is narrated that Imam Ali bin Abu 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.”</p> |
| <p>12. The principles of Sharia provide for equal educational opportunities for males and females.</p> | <p>The Prophet, Peace Be Upon Him, said: “Seeking knowledge is obligatory upon every Muslim, male or female.”⁹⁷</p> |
| <p>13. State legislative and executive institutions and the institutions of civil society have a role to play in supporting and protecting the rights of the child.</p> | <p>The Prophet, Peace Be Upon Him, said: “Each of you is a shepherd, and each of you is accountable for his or her flock.”⁹⁸</p> |

⁹⁷ Narrated 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 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 10439. Narrated on the authority of Abdullah bin Mas’ud. The two narrations bolster each other.

⁹⁸ Narrated by Al-Bukhari in his *Sahih, Kitab Al-Jum’ah* (Book of Friday), chapter “Friday in villages and towns,” 1/248, Hadith 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 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 2928. Narrated on the authority of Abdullah bin Omar, May Allah Be Pleased With Them Both.

THE RIGHT OF THE CHILD TO HEALTH

Preserving children's lives and maintaining their growth in Islam

1. Health is one of the greatest bounties.

The Prophet, Peace Be Upon Him, said: "Nothing a person can have after faith is better than good health."⁹⁹

He also said: "Whoever among you lives in security, enjoys good health and possesses the sustenance for his day; it is as if he owns the entire world."¹⁰⁰

The Prophet, Peace Be Upon Him, said: "A strong believer is better and more beloved to Allah than a weak believer."¹⁰¹

2. Sharia commands husbands to treat their wives well at all times, but particularly during pregnancy.

(وَعَابِرُوهُنَّ بِالْعُرُوفِ) (سورة النساء - 19)

The Almighty Allah says: ...AND LIVE WITH THEM HONOURABLY... (AN-NISA', OR THE WOMEN, VERSE 19)

The Prophet, Peace Be Upon Him, said: "I command you to take care of the women."¹⁰²

The Messenger of Allah, Peace Be Upon Him, said: "The most perfect in faith among believers is he who is best in manner and kindest to his wife."¹⁰³

3. One of the rights of the child in the embryonic stage is that its mother should take good care of her health during pregnancy.

The Prophet, Peace Be Upon Him, said: "Allah has exempted the traveller from observing the fast and licensed him (or her) to shorten the prayer to a half. Pregnant women and breastfeeding women have been licensed to break the fast."¹⁰⁴

⁹⁹ Narrated by Ibn Majah in his *Sunan, Kitab Al-Du'a' bi Al-'Afw wal-'Afiyah* (The Book of Invocation for Forgiveness and Good Health), 2/1265. Narrated on the authority of Abu Bakr, May Allah Be Pleased With Him.

¹⁰⁰ Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Zuhd*, untitled chapter number 34, 4/574, Hadith 2346.

¹⁰¹ Narrated by Imam Muslim in his *Sahih, Kitab Al-Qadar* (Book of Destiny), chapter "The injunction to be strong, renounce weakness, seek help from Allah and leave destiny to Him," 4/2052, Hadith 2164. Narrated on the authority of Abu Hurairah, May Allah Be Pleased With Him. Ibn Majah also reported it in his *Sunan, Kitab al-Muqaddimah* (Book of the Introduction), section on destiny, 1/31, Hadith 79. Narrated on the authority of Abu Hurairah, May Allah Be Pleased With Him.

¹⁰² Narrated by Al-Bukhari in his *Sahih, Kitab Al-Nikah* (Book of Wedlock), chapter "The exhortation of taking care of the women," 3/369. Narrated on the authority of Abu Hurairah, May Allah Be Pleased With Him.

¹⁰³ Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Iman* (Book of Faith), chapter "What has been narrated about perfecting faith and how it increases and decreases," 5/9, Hadith 2612. Narrated on the authority of A'ishah. Abu 'Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic). Ahmad also reported it in his *Musnad*, 6/47.

¹⁰⁴ Narrated by Abu Dawud in his collection of *Sunan, Kitab Al-Sawm* (Book of Fasting), chapter "Choosing to break the fast," 2/329, Hadith 2408. It is also narrated on the authority of Anas in the edition of Dar Al-Hadithah, Cairo. It is also narrated 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 breastfeeding woman," 3/85, Hadith 715, narrated on the authority of Anas and categorized by Al-Tirmidhi as *sahih* (authentic).

4. Sharia mandates the sponsorship, nursing and milk feeding of the infant by its mother. The mother sins if she neglects her responsibility towards her breastfeeding infant, who is otherwise helpless.

﴿وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِمَّ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ﴾ (سورة البقرة - الآية ٢٣٣)

The Almighty Allah says: THE MOTHERS SHALL GIVE SUCK TO THEIR CHILDREN FOR TWO WHOLE YEARS, [THAT IS] FOR THOSE [PARENTS] WHO DESIRE TO COMPLETE THE TERM OF SUCKLING, BUT THE FATHER OF THE CHILD SHALL BEAR THE COST OF THE MOTHER'S FOOD AND CLOTHING ON A REASONABLE BASIS.

(AL-BAQARAH, OR THE HEIFER, VERSE 233)

5. Islam permits family planning by distancing pregnancies so that the mother has the chance to regain her health after each pregnancy, and to be able to care for and breastfeed her infant.

Jabir, May Allah Be Pleased with Him, narrated that we used to practise coitus interruptus in the lifetime of the Prophet, Peace Be Upon Him. This reached the Prophet, and he did not prohibit us from doing it.¹⁰⁵

6. Immunizing children and inoculating them against diseases is a duty in Islam.

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ﴾ (سورة البقرة - الآية ١٩٥)

The Almighty Allah says: AND DO NOT THROW YOURSELVES INTO DESTRUCTION (BY NOT SPENDING YOUR WEALTH IN THE CAUSE OF ALLAH), AND DO GOOD. TRULY, ALLAH LOVES AL-MUHSINUN [THE GOOD-DOERS].

(AL-BAQARAH, OR THE HEIFER, VERSE 195).

7. Islam exhorts seeking therapy and searching for a cure for illnesses.

The Prophet, Peace Be Upon Him, said: "Allah brought down the illness and its cure, so seek therapy, but not with a prohibited (thing)."¹⁰⁶

¹⁰⁵ Muslim reported it in his *Sahih*, 1 /235, Hadith 281. Narrated on the authority of Jabir.

¹⁰⁶ Narrated by Abu Dawud in his *Sunan, Kitab Al-Tib* (The Book of Medicine), chapter "Remedy-seeking man," 4/3, Hadith 3855. Narrated on the authority of Osama bin Shurayk. It is also reported by Al-Tirmidhi in his *Sunan, Kitab Al-Tib* (The Book of Medicine), chapter "What has been said about medication and urging one to seek it," 4/383, Hadith 3038. Narrated on the authority of Osama bin Shurayk. Abu 'Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic).

Personal and environmental hygiene

- | | |
|--|--|
| 8. Cleanliness is one of the signs of faith. | <p>The Prophet, Peace Be Upon Him, said: "Cleanliness is part of faith."¹⁰⁷</p> <p>He also said: "Allah is beautiful and he loves beauty."¹⁰⁸</p> |
| 9. Islam exhorts protecting water and food from pollution. | <p>The Prophet, Peace Be Upon Him, said: "Cover the food and drinks."¹⁰⁹</p> <p>He also said: "Let not one of you urinate into stagnant water and then use it for bathing."¹¹⁰</p> |
| 10. Ablution for prayer is a sign of cleanliness that is repeated several times each day. | <p>﴿بَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ﴾ (سورة المائدة - الآية ٦)</p> <p>The Almighty Allah says: O YOU WHO BELIEVE! WHEN YOU INTEND TO OFFER <i>AS-SALAT</i> [PRAYER], WASH YOUR FACES AND YOUR HANDS [FOREARMS] UP TO THE ELBOWS, RUB [BY PASSING WET HANDS OVER] YOUR HEADS, AND [WASH] YOUR FEET UP TO THE ANKLES. (AL-MA'IDA, OR THE TABLE SPREAD, VERSE 6)</p> |
| 11. One of the recommended actions during ablution is to thoroughly wash between the fingers and the toes. | <p>The Prophet, Peace Be Upon Him, said: "When you make ablution, wash thoroughly between your fingers and toes."¹¹¹</p> |

107 Al-Haythamiy narrated it in *Majma' Al-Zawa'id, Kitab Al-Taharah* (Book of Cleansing), chapter "Thorough washing (between the fingers and the toes)," 1/236. Al-Haythami attributed the Hadith to Al-Tabarani.

108 Muslim narrated it in his *Sahih, Kitab Al-Iman* (Book of Faith), chapter "Prohibiting arrogance and illustrating it," 1/93, Hadith 91. Narrated on the authority of Abdullah bin Mas'ud, May Allah Be Pleased With Him.

109 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Ashribah* (Book of Drinks), chapter "Covering the container," 3/473, Hadith 5624. Narrated on the authority of Jabir.

110 Al-Bukhari narrated it in his *Sahih, Kitab Al-Wudu'* (Book of Ablution), chapter "Stagnant water," 1/102, Hadith 239. Narrated on the authority of Abu Hurairah, May Allah Be Pleased With Him. It is also reported by Muslim in his *Sahih, Kitab Al-Taharah* (Book of Cleansing), chapter "Forbidding urination in stagnant water", 1/235, Hadith 282. Narrated on the authority of Abu Hurayrah.

111 Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Tahrah* (Book of Cleansing), chapter "What has been narrated about thorough washing between the fingers and the toes," 1/56, Hadith 38. Narrated on the authority of Laqit bin Sabrah. Abu 'Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic).

12. One of the recommended actions during ablution is to rinse the mouth and the nose, and clean the ears.

It is confirmed that the Prophet, Peace Be Upon Him, used to clean his ears inside out, inserting his fingers into his ears when performing an ablution.¹¹²

The Prophet, Peace Be Upon Him, said: “When one of you performs an ablution, let him rinse his nose with water.”¹¹³

13. Islam warns against polluting the environment.

﴿وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا ذَلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ مُؤْمِنِينَ﴾
(سورة الأعراف - الآية ٨٥)

The Almighty Allah says: AND DO NOT DO MISCHIEF ON THE EARTH AFTER IT HAS BEEN SET IN ORDER; THAT WILL BE BETTER FOR YOU, IF YOU ARE BELIEVERS. (AL-A'RAF, OR THE HEIGHTS, VERSE 85)

The Prophet, Peace Be Upon Him, said: “Avoid urinating or excreting in these three places: water reservoirs; public roads and shaded places (where people are likely to sit).”¹¹⁴

14. Water in Islam is a source of blessing and a means of cleansing; it should therefore be kept free from pollution.

﴿وَنَزَّلْنَا مِنَ السَّمَاءِ مَاءً مُّبَارَكًا فَأَنْبَتْنَا بِهِ جَنَّاتٍ وَحَبَّ الْحَصِيدِ﴾
(سورة في - الآية ٩)

The Almighty Allah says: AND WE SEND DOWN BLESSED WATER [RAIN] FROM THE SKY, THEN WE PRODUCE THEREWITH GARDENS AND GRAIN [EVERY KIND OF HARVEST] THAT ARE REAPED. (QAF, VERSE 9)

﴿وَأَنْزَلْنَا مِنَ السَّمَاءِ مَاءً طَهُورًا﴾ (سورة الفرقان - الآية ٤٨)

He also says: AND IT IS HE WHO SENDS THE WINDS AS HERALDS OF GLAD TIDINGS, GOING BEFORE HIS MERCY [RAIN]; AND WE SEND DOWN PURE WATER FROM THE SKY. (AL-FURQAN, OR THE CRITERION, VERSE 48)

112 Abu Dawud narrated in his *Sunan, Kitab Al-Tahrah* (Book of Cleansing), chapter “Description of the ablution of the Prophet, May Peace Be Upon Him,” 1/27, Hadith 108. Narrated on the authority of Uthman bin Affan, May Allah Be Pleased With Him.

113 Narrated by Muslim in his *Sahih, Kitab Al-Taharah* (Book of Cleansing), chapter “What has been reported about washing between the fingers,” 1/212, narrated on the authority of Abu Hurairah, May Allah Be Pleased With Him.

114 Narrated by Abu Dawud in his *Sunan, Kitab Al-Taharah* (Book of Cleansing), chapter “The places that the Prophet, Peace Be Upon Him, forbade urinating in,” 1/7, Hadith 26. Narrated on the authority of Mu'adh bin Jabal, May Allah Be Pleased With Him. It is also narrated by Ibn Majah in his *Sunan, Kitab Al-Taharah* (Book of Cleansing), chapter “Forbidding urination or excretion on the public road,” 1/119, Hadith 328.

15. The mosque in Islam is a landmark that bestows beauty on the environment. Worshippers should keep it clean and preserve its beauty.

﴿يَا بَنِي آدَمَ خُذُوا زِينَتَكُمْ عِنْدَ كُلِّ مَسْجِدٍ﴾ (سورة الأعراف - الآية ٣١)

The Almighty Allah says: O CHILDREN OF ADAM! TAKE YOUR ADORNMENT [BY WEARING YOUR CLEAN CLOTHES] WHILE PRAYING... (AL-A'RAE OR THE HEIGHTS, VERSE 31).

The Prophet, Peace Be Upon Him, said: "Whosoever removes filth from the mosque, Allah will build for him a house in Heaven."¹¹⁵

16. Islam exhorts domestic hygiene.

The Prophet, Peace Be Upon Him, said: "Allah is good and clean, and loves cleanliness; He is munificent and loves munificence; He is generous and loves generosity; so keep your courtyards clean."¹¹⁶

Protection from sexually transmitted diseases (especially HIV/AIDS) and care for patients

17. Islam calls for taking the necessary measures to prevent the spread of infections.

﴿وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ﴾ (سورة البقرة - الآية ١٩٥)

The Almighty Allah says: AND SPEND IN THE CAUSE OF ALLAH [I.E., JIHAD OF ALL KINDS] AND DO NOT THROW YOURSELVES INTO DESTRUCTION [BY NOT SPENDING YOUR WEALTH IN THE CAUSE OF ALLAH], AND DO GOOD. TRULY, ALLAH LOVES *AL-MUHSINUN* [THE GOOD-DOERS]. (AL-BAQARAH, OR THE HEIFER, VERSE 195)

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا خُذُوا حِذْرَكُمْ﴾ (سورة النساء - الآية ٧١)

He also says: O YOU WHO BELIEVE! TAKE YOUR PRECAUTIONS, AND EITHER GO FORTH [ON AN EXPEDITION] IN PARTIES, OR GO FORTH ALL TOGETHER. (AN-NISA', OR THE WOMEN, VERSE 71)

¹¹⁵ Narrated by Ibn Maja in his *Sunan, Kitab Al-Masajid wa Tatyibiha* (Book of the Mosques and Keeping Them Clean and Pleasant), 1/250, Hadith 757. Narrated on the authority of Abu Sa'id Al-Khudri.

¹¹⁶ Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Adab* (Book of Good Manners), chapter "What has been narrated on cleanliness," 5/111, Hadith 2799. Narrated on the authority of Sa'id bin Al-Musayyab, Abu 'Issa said this Hadith is of the category of *gharib* (strange or alien).

18. Care for patients, including those with HIV/AIDS, is a religious duty.

﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى﴾ (سورة المائدة – الآية ٢)

The Almighty Allah says: HELP YOU ONE ANOTHER IN *AL-BIRR* AND *AT-TAQWA* [VIRTUE, RIGHTEOUSNESS AND PIETY]... (AL-MA'IDA, OR THE TABLE SPREAD, VERSE 2)

The Prophet, Peace Be Upon Him, said: "Those who show mercy Allah will have mercy on them. Show mercy to those on earth and the One in the Heavens will have mercy on you."

THE RIGHT OF THE CHILD TO BE PROTECTED

Protection from violence and mistreatment

1. In its essence, texts and laws, Islam provides a protective environment for children.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ﴾ (سورة التحریم – الآية ٦)

The Almighty Allah says: O YOU WHO BELIEVE! WARD OFF YOURSELVES AND YOUR FAMILIES AGAINST A FIRE [HELL] WHOSE FUEL IS MEN AND STONES, OVER WHICH ARE [APPOINTED] ANGELS STERN [AND] SEVERE, WHO DISOBEY NOT [FROM EXECUTING] THE COMMANDS THEY RECEIVE FROM ALLAH, BUT DO THAT WHICH THEY ARE COMMANDED. (AT-TAHRIM, OR HOLDING [SOMETHING FORBIDDEN], VERSE 6)

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 (or she) was responsible for (in this life)."¹¹⁷

2. Islam commands absolute equality among children.

The Prophet, Peace Be Upon Him, said: "Fear Allah, and be fair in treating your children."¹¹⁸

3. Islam enjoins parents to teach, discipline and refine their children.

The Prophet, Peace Be Upon Him, said: "Nothing a parent may award his (or her) child is better than a good upbringing."¹¹⁹

¹¹⁷ Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Jihad* (The Book of Jihad), chapter "Rules 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.

¹¹⁸ Muslim narrated it in his *Sahih, Kitab Al-Hibat* (Book of Awards), chapter "Abhorring the preference of some children over others in rewards," 3/1242-1243. Narrated on the authority of Al-Nu'man bin Bashir.

¹¹⁹ Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Birr wa Al-Silah* (Book of Righteousness and Kinship), chapter "What has been narrated about bringing up the child," 4/338, Hadith 1952. Narrated on the authority of Ayyub bin Musa, quoting his father, who quoted his own father. Al-Hakim also reported it in *Al-Mustadrak, Kitab Al-Adab* (Book of Good Manners), 4/292, Hadith 7679/1, on the authority of Amr bin Al-'As. Al-Hakim said this Hadith is of the category of *sahih* (authentic), but it is not one Bukhari and Muslim narrated.

4. Islam calls for shunning violence. Parents, teachers and others should set good examples for their children in what they say or do.

The Prophet, Peace Be Upon Him, said: "Whoever introduces into Islam a good way, he (or she) will be rewarded for initiating it, and will receive a reward whenever someone follows it without taking a thing away from the reward of the latter. But whoever introduces into Islam a bad way, he (or she) will carry the burden of its sin as well as the burden of the sin incurred by whoever follows it without taking a thing away from the burden of the latter."¹²⁰

5. Islam pays attention to the right of the public road. Moral and legal rules have been set to preserve this right.

The Prophet, Peace Be Upon Him, said: "Beware. Avoid sitting on the road (ways)." The people said: "There is no way out of it, as these are our sitting places where we have talks." The Prophet, Peace Be Upon Him, said: "If you must sit there, then observe the rights of the way." They asked: "What are the rights of the way?" He said: "They are the lowering of your gazes (on seeing what is sinful to look at), refraining from harming people, returning greetings, enjoining the good and forbidding evil."¹²¹

6. The Islamic Sharia prohibits every aggression against the human body or human soul.

﴿وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُفَاتِنُوكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ
الْمُعْتَدِينَ﴾ (سورة البقرة - الآية ١٩٠)

The Almighty Allah says: AND FIGHT IN THE WAY OF ALLAH THOSE WHO FIGHT YOU, BUT TRANSGRESS NOT THE LIMITS. TRULY, ALLAH LIKES NOT THE TRANSGRESSORS. (AL-BAQARAH, OR THE HEIFER, VERSE 190)

The Prophet, Peace Be Upon Him, said: "The Muslim is forbidden what is for another Muslim: his blood, his property and his honour."¹²²

¹²⁰ Muslim narrated it in his *Sahih, Kitab Al-'Ilm* (Book of Learning), chapter "Whosoever introduces a good or a bad way and whosoever calls for guidance or misguidance," 4/2059, Hadith 1017. Narrated on the authority of Jarir bin Abdullah, May Allah Be Pleased With Him.

¹²¹ Narrated by Al-Bukhari in his *Sahih, Kitab Al-Mazalim* (The Book of the Oppressions), chapter "What is said about the open courtyards of houses and sitting in them, and sitting on the ways," 2/111, Hadith 2465. Narrated on the authority of Abu Sa'id Al-Khudri. It is also reported by Muslim in his *Sahih, Kitab Al-Libas wa Al-Zinah* (The Book of Dressing and Adornment), chapter "Forbidding sitting on the roads and enjoining giving the road its right," 3/1675, Hadith 2121. Narrated on the authority of Abu Sa'id Al-Khudri.

¹²² Narrated 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, honour or property," 4/1986, Hadith 2564. Narrated on the authority of Abu Hurairah, May Allah Be Pleased With Him. It is also reported by Ahmad in his *Musnad*, 2/277, on the authority of Abu Hurairah, May Allah Be Pleased With Him.

6. *continued*

He also said: "The Muslim is a brother to the Muslim; he does not betray him, nor lie to him nor forsake him. The whole of the Muslim is sacred to his fellow Muslim: his honour, his property and his blood. *Taqwa* (piety) is here. It is sufficient evil for a man to despise his brother."¹²³

7. Sexual abuse of children by those who are supposed to be caring for them is a betrayal of trust and of the covenant with Allah.

﴿بَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمَانَاتِكُمْ وَأَنْفُسَكُمْ تَعْلَمُونَ﴾ (سورة الأنفال — الآية ٢٧)

The Almighty Allah says: O YOU WHO BELIEVE! BETRAY NOT ALLAH AND HIS MESSENGER, NOR BETRAY KNOWINGLY YOUR *AMANAT* [THINGS ENTRUSTED TO YOU, AND ALL THE DUTIES THAT ALLAH HAS ORDAINED FOR YOU]. (AL-ANFAL, OR THE SPOILS OF WAR, VERSE 27)

﴿وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا﴾ (سورة الإسراء — الآية ٣٤)

He also says: AND FULFIL [EVERY] COVENANT. VERILY, THE COVENANT WILL BE QUESTIONED. (ISRA, OR THE CHILDREN OF ISRAEL, VERSE 34)

8. Sexual abuse of children by adult males is an act of the people of Lut (sodomy), which is absolutely forbidden in Islam.

﴿وَلَوْطًا إِذْ قَالَ لِقَوْمِهِ إِنَّكُمْ لَتَأْتُونَ الْفَاحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ (٢٨) إِنَّكُمْ لَتَأْتُونَ الرِّجَالَ وَتَقْطَعُونَ السَّبِيلَ وَتَأْتُونَ فِي نَادِيَكُمُ الْمُنْكَرَ فَمَا كَانَ جَوَابَ قَوْمِهِ إِلَّا أَنْ قَالُوا اتَّبِعْنَا بَعْدَآبِ اللَّهِ إِنْ كُنْتُمْ مِنَ الصَّادِقِينَ (٢٩) قَالَ رَبِّ انصُرْنِي عَلَى الْقَوْمِ الْمُفْسِدِينَ﴾ (سورة العنكبوت — الآية ٢٨-٢٩-٣٠)

The Almighty Allah says: AND [REMEMBER] LUT, WHEN HE SAID TO HIS PEOPLE: "YOU COMMIT *AL-FAHISHAH* [SODOMY, THE WORST SIN], WHICH NONE HAS PRECEDED YOU IN [COMMITTING] AMONG THE '*ALAMIN* [HUMANS AND JINNS]. VERILY, YOU PRACTISE SODOMY WITH MEN AND ROB THE WAYFARER [TRAVELLERS]! AND PRACTISE *AL-MUNKAR* [DISBELIEF AND POLYTHEISM, AND EVERY KIND OF EVIL WICKED DEED] IN YOUR MEETINGS." BUT HIS PEOPLE GAVE NO ANSWER EXCEPT THAT THEY SAID: "BRING ALLAH'S TORMENT UPON US IF YOU ARE ONE OF THE TRUTHFUL." HE SAID: "MY LORD! GIVE ME VICTORY OVER THE PEOPLE WHO ARE *MUFSIDUN* [THOSE WHO COMMIT GREAT CRIMES AND SINS, OPPRESSORS, TYRANTS, MISCHIEF-MAKERS, CORRUPTERS]. (AL-ANKABUT, OR THE SPIDER, VERSES 28-30)

123 Narrated 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 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, honour or property," 4/1986, Hadith 2564. Narrated on the authority of Abu Hurairah, May Allah Be Pleased With Him.

8. *continued*

The Prophet, Peace Be Upon Him, said: “Cursed is he who engages in the act of the people of Lut.” He said it three times.¹²⁴

Protection from physical and sexual abuse

9. Parents are responsible for sparing their children the ill health, and psychological, familial and social problems associated with early marriage.

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ﴾ (سورة البقرة - الآية 195)

The Almighty Allah says: AND SPEND IN THE CAUSE OF ALLAH [I.E., JIHAD OF ALL KINDS] AND DO NOT THROW YOURSELVES INTO DESTRUCTION... (AL-BAQARAH, OR THE HEIFER, VERSE 195)

10. The Islamic Sharia adopts an unchangeable standard in determining the appropriate age for marriage, and that is the detection of sound judgment.

﴿وَابْتَلُوا الْيَتَامَى حَتَّى إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ﴾ (سورة النساء - الآية 6)

The Almighty Allah says: AND TRY ORPHANS [AS REGARDS THEIR INTELLIGENCE] UNTIL THEY REACH THE AGE OF MARRIAGE; IF THEN YOU FIND SOUND JUDGMENT IN THEM, RELEASE THEIR PROPERTY TO THEM... (AN-NISA' OR THE WOMEN, VERSE 6)

11. Abandoning female circumcision does not constitute a sin under Islamic Sharia. It is not accurate that female circumcision is one of the requirements of natural instinct; male circumcision, however, is.

There is nothing in the Qur'an that refers to female circumcision. In this regard, the traditions attributed to the Prophet, Peace Be Upon Him, are all inauthentic or weak.

¹²⁴ Narrated by Al-Hakim in *Al-Mustadrak, Kitab Al-Hudud* (Book of Penalties), 4/396, Hadith 8053. Narrated on the authority of Abu Hurairah.

Protection from economic exploitation

12. The Islamic Sharia obligates a father to sustain his child. Such action is also highly rewarded by Allah as it is considered a means of seeking the pleasure of Allah. It is more virtuous to spend money on children than the Cause of Allah (jihad).

﴿وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ﴾ (سورة البقرة - الآية ٢٣٣)

The Almighty Allah says: ...BUT THE FATHER OF THE CHILD SHALL BEAR THE COST OF THE MOTHER'S FOOD AND CLOTHING ON A REASONABLE BASIS. (AL-BAQARAH, OR THE HEIFER, VERSE 233)

The Prophet, Peace Be Upon Him, said: "The best money spent by a man is the money he spends on his children."¹²⁵

It has been narrated that: "There is such a sin of which there is no expiation except toiling to earn a livelihood."¹²⁶

13. The Islamic Sharia state forbids humans from inflicting hardship on one another. Observing such a prohibition in the case of children clearly takes precedence.

﴿وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ﴾ (سورة الحج - الآية ٧٨)

The Almighty Allah says: ...AND HAS NOT LAID UPON YOU IN RELIGION ANY HARDSHIP... (AL-HAJJ, OR THE PILGRIMAGE, VERSE 78)

﴿يُرِيدُ اللَّهُ بِكُمْ الْيُسْرَ وَلَا يُرِيدُ بِكُمْ الْعُسْرَ﴾ (سورة البقرة - الآية ١٨٥)

The Almighty Allah says: ALLAH INTENDS FOR YOU EASE, AND HE DOES NOT WANT TO MAKE THINGS DIFFICULT FOR YOU. (AL-BAQARAH, OR THE HEIFER, VERSE 185).

﴿لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾ (سورة البقرة - الآية ٢٨٦)

He also says: ALLAH BURDENS NOT A PERSON BEYOND HIS SCOPE. (AL-BAQARAH, OR THE HEIFER, VERSE 286).

The Prophet, Peace Be Upon Him, said regarding domestic servants: "Do not charge them with what they cannot bear; and when you charge them with a heavy task, you should assist them."¹²⁷

125 Narrated by Imam Muslim in his *Sahih, Kitab Al-Zakat* (The Book of Alms), chapter "The virtue of spending on children and servants and the sinful act of neglecting them or withholding their maintenance," 2/691-692, Hadith 994. Narrated on the authority of Thawban, May Allah Be Pleased With Him. It is also reported by Al-Tirmidhi in his *Sunan, Kitab Al-Birr* (Book of Righteousness), chapter "Maintaining the family," 4/344-345, Hadith 1966. Narrated on the authority of Thwaban. Abu 'Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic).

126 Narrated by Al-Haythamiy in *Majma' Al-Zawa'id, Kitab Al-Buyu'* (Book of Selling and Buying), chapter "Working and trading, enjoining the earning of a living," 4/63-64. Narrated on the authority of Abu Hurayrah. The Tabrani in *Al-Awsat* said it is a weak (inauthentic) narration.

127 The Hadith is narrated by Muslim in his *Sahih, Kitab Al-Iman* (Book of Faith), chapter "Rules pertaining to the servant who should be fed from the same type of food the master eats and clothed from the same type of garment the master wears and that he is not tasked with what is beyond his capacity," 3/1283. Narrated on the authority of Abu Dharr.

14. The sale and trafficking of children across borders, and profiteering from sexually exploiting them or in the sale and pushing of drugs, have destructive effects on the lives and health of children. Islam warns that the taking of one soul or exposing it to destruction is equivalent to killing all of humanity.

﴿مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا﴾
(سورة المائدة - الآية 32)

The Almighty Allah says: ...IF ANYONE KILLED A PERSON NOT IN RETALIATION FOR MURDER, OR [AND] TO SPREAD MISCHIEF IN THE LAND – IT WOULD BE AS IF HE KILLED ALL MANKIND... (AL-MA'IDA, OR THE TABLE SPREAD, VERSE 32)

﴿إِنَّ الَّذِينَ يُحِبُّونَ أَنْ تَشِيعَ الْفَاحِشَةُ فِي الَّذِينَ آمَنُوا لَهُمْ عَذَابٌ أَلِيمٌ فِي الدُّنْيَا وَالْآخِرَةِ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ﴾ (سورة النور - الآية 19)

He also says: VERILY, THOSE WHO LIKE THAT [THE CRIME OF] ILLEGAL SEXUAL INTERCOURSE SHOULD BE PROPAGATED AMONG THOSE WHO BELIEVE, THEY WILL HAVE A PAINFUL TORMENT IN THIS WORLD AND IN THE HEREAFTER. AND ALLAH KNOWS AND YOU KNOW NOT. (AN-NUR, OR THE LIGHT, VERSE 19)

15. Alcoholic drinks and narcotics are strictly forbidden in Islam.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ﴾ (سورة المائدة - الآية 90)

The Almighty Allah says: O YOU WHO BELIEVE! INTOXICANTS [ALL KINDS OF ALCOHOLIC DRINKS] AND GAMBLING, AND *AL-ANSAB* AND *AL-AZLAM* [ARROWS FOR SEEKING LUCK OR DECISION] ARE AN ABOMINATION OF SHAITAN'S [SATAN'S] HANDIWORK. SO AVOID [STRICTLY ALL] THAT [ABOMINATION] IN ORDER THAT YOU MAY BE SUCCESSFUL. (AL-MA'IDA, OR THE TABLE SPREAD, VERSE 90)

“The Prophet, Peace Be Upon Him, prohibited every intoxicant and *mufattir* (anything that excites and irritates the mind, body and heart).”¹²⁸

128 Narrated by Abu Dawud in his *Sunan*, *Kitab Al-Ashribah* (Book of Drinks), chapter “Prohibition of intoxicants,” 3/327, Hadith 3686. Narrated on the authority of Umm Salamah, May Allah Be Pleased With Her. It is also narrated by Ahmad in his *Musnad*, 6/309, on the authority of Umm Salamah, May Allah Be Pleased With Her.

Protecting children deprived of parental care

16. One of the basic principles in Islam is that humans are all brothers and sisters whose lineages eventually meet at the origin of one father and one mother.

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا﴾ (سورة النساء - الآية 1)

The Almighty Allah says: O MANKIND! BE DUTIFUL TO YOUR LORD, WHO CREATED YOU FROM A SINGLE PERSON [ADAM], AND FROM HIM [ADAM] HE CREATED HIS WIFE [HAWWA, OR EVE], AND FROM THEM BOTH HE CREATED MANY MEN AND WOMEN; AND FEAR ALLAH THROUGH WHOM YOU DEMAND [YOUR MUTUAL RIGHTS], AND (DO NOT CUT THE RELATIONS OF) THE WOMB [KINSHIP]. SURELY, ALLAH IS EVER AN ALL-WATCHER OVER YOU. (AN-NISA' OR THE WOMEN, VERSE 1)

17. Islam enjoins Muslims to set up a society dominated by justice, love, solidarity and mercy.

﴿وَيُؤْتُونَ عَلَى أَنْفُسِهِمْ وَلَوْ كَانَ بِهِمْ خَصَاصَةٌ﴾ (سورة الحشر - الآية 9)

The Almighty Allah says: ...AND GIVE THEM [EMIGRANTS] PREFERENCE OVER THEMSELVES EVEN THOUGH THEY WERE IN NEED OF THAT. (AL-HASHR, OR THE GATHERING, VERSE 9)

The Prophet, Peace Be Upon Him, said: "He who has extra food, let him give it to the one who has no food."¹²⁹

He also said: "The most beloved among the people to Allah is he who is of more benefit to them. The most beloved of all actions to Allah is that you bring happiness into the heart of a believer, relieving him from distress or paying for him his debt. It is more beloved to me that I serve the need of my Muslim brother than spend a month worshipping in seclusion."¹³⁰

¹²⁹ Narrated by Muslim in his *Sahih*, *Kitab Al-Nikah* (Book of Marriage), chapter "The merit of freeing a female slave and marrying her," 2/1047-1048, Hadith 1365. Narrated on the authority of Anas, May Allah Be Pleased With Him. It is also narrated by Abu Dawud in his *Sunan*, *Kitab Al-Zakat* (Book of Alms), chapter "Money rights," 2/129, Hadith 1663. Narrated on the authority of Abu Sa'id Al-Khudri, May Allah Be Pleased With Him.

¹³⁰ Narrated by Al-Tabarani in the *Al-Mu'jam Al-Kabir*, 12/453, Hadith 13,646, on the authority of Abdullah ibn Omar, May Allah Be Pleased With Them Both. Al-Haythami also narrated it in *Majma' al-Zawa'id*, 8/191, attributing it to Al-Tabarani. One of its narrators, Sikkin bin Siraj, is weak (inauthentic).

17. *continued*

He also said: “The example of the believers as regards their being merciful among themselves, and showing love and kindness to one another, resembles one body, so that, if any part of the body is not well, then the whole body shares the sleeplessness (insomnia) and fever with it.”¹³¹ The Prophet, Peace Be Upon Him, also said: “You will not be admitted into Heaven until you believe, and you will not believe until you love one another.”¹³²

18. The Almighty Allah makes it mandatory for society to provide full care for orphans. The Almighty revealed verses of the Qur’an that continue to be recited reminding people of this responsibility.

﴿وَيُطْعَمُونَ الطَّعَامَ عَلَىٰ حُبِّهِ مِسْكِينًا وَيَتِيمًا وَأَسِيرًا﴾

(سورة الإنسان - الآية ٨)

The Almighty Allah says: AND THEY GIVE FOOD, INSPITE OF THEIR LOVE FOR IT (OR FOR THE LOVE OF HIM), TO THE *MISKIN* [THE POOR], THE ORPHAN, AND THE CAPTIVE... (AL INSA, OR MAN, OR AD DAHR, OR TIME, VERSE 8)

﴿وَيَسْأَلُونَكَ عَنِ الْيَتَامَىٰ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ تُخَالِطُوهُمْ فَابْتَغُوا مِنْكُمْ﴾

(سورة البقرة - الآية ٢٢٠)

AND THEY ASK YOU CONCERNING ORPHANS. SAY: “THE BEST THING IS TO WORK HONESTLY IN THEIR PROPERTY, AND IF YOU MIX YOUR AFFAIRS WITH THEIRS, THEN THEY ARE YOUR BROTHERS.”

(AL-BAQARAH, OR THE HEIFER, VERSE 220)

19. Islam calls for the sponsoring of the orphan, and the rearing of him or her within the embrace of a faithful and compassionate family up to the stage when he or she attains full independence, which means having the ability to confront the challenges of life with competence and aptitude.

﴿أَلَمْ يَجِدْكَ يَتِيمًا فَآوَىٰ﴾ (سورة الضحى - الآية ٦)

The Almighty Allah says: DID HE NOT FIND YOU [O MUHAMMAD صلى الله عليه وسلم] AN ORPHAN AND GIVE YOU A REFUGE?

(ATH-THUHA, OR THE GLORIOUS MORNING LIGHT, VERSE 6)

131 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Adab* (Book of Good Manners), chapter “What is said regarding being merciful to the people and to the animals,” 4/82, Hadith 6011. Narrated on the authority of Al-Nu’man bin Bashir, May Allah Be Pleased With Him. Narrated also by Muslim in his *Sahih, Kitab Al-Birr* (Book of Righteousness), chapter “The believers being merciful, loving and kind to one another,” 4/1999-2000, Hadith 2586. Narrated on the authority of Al-Nu’man bin Bashir, May Allah Be Pleased With Him.

132 Narrated by Muslim in his *Sahih, Kitab Al-Iman* (Book of Faith), chapter “Explaining that only believers will be admitted to Heaven, that loving the believers is part of faith and that promoting peace is one way of attaining it,” 1/74, Hadith 54. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him.

19. *continued*

The Prophet, Peace Be Upon Him, said: “The best house among the Muslims is the one that shelters an orphan who is well treated; and the worst household among the Muslim is the one in which an orphan is badly treated.”¹³³

He also said: “Whoever touches over an orphan’s head for the sake of Allah (out of affection), he will be rewarded with good deeds for every hair he touched. Whoever has an orphan and treats him or her kindly, I and he will be in Paradise like that (then he combined his index and middle fingers).

He also said: “Whoever embraces an orphan from among the Muslims, and shares with him his food and drink, Allah will admit to Heaven, unless he commits a sin that is unforgivable.”¹³⁴

He also said: “Whoever embraces an orphan from among the Muslims, and shares with him his food and drink until he is no longer in need, he will have deserved to be admitted to Heaven, unless he or she were to commit an unforgivable sin.”¹³⁵

He also said: “By He who sent me with the Truth, Allah will not punish on the Day of Resurrection the one who shows compassion to the orphan, speaks to him tenderly, and has mercy on him for his orphanhood and weakness.”¹³⁶

20. Islam warns against neglecting the provision of health care to orphans, or deliberately doing things that may cause orphans distress, whether these things are of a material or moral nature.

﴿كَلَّا بَلْ لَا تَكْرُمُونَ الْيَتِيمَ﴾ (سورة الفجر – الآية ١٧)

The Almighty Allah says: NAY! BUT YOU TREAT NOT THE ORPHANS WITH KINDNESS AND GENEROSITY [I.E., YOU NEITHER TREAT THEM WELL, NOR GIVE THEM THEIR EXACT RIGHT OF INHERITANCE]! (AL FAJR, OR THE DAWN, VERSE 17)

﴿أَرَأَيْتَ الَّذِي يُكَذِّبُ بِالْإِيمَانِ (١) فَذَلِكَ الَّذِي يَدْعُ الْيَتِيمَ (٢) وَلَا يَحْضُرُ عَلَى طَعَامِ الْمَسْكِينِ﴾ (سورة الماعون – الآية ١-٢)

He also says: HAVE YOU SEEN HIM WHO DENIES THE RECOMPENSE? THAT IS HE WHO REPULSES THE ORPHAN [HARSHLY]. (AL-MĀ’UN, THE UTENSIL, VERSES 1-7)

133 Narrated by Ibn Majah in his *Sunan, Kitab Al-Adab* (Book of Good Manners), chapter “Orphan rights,” 2/1213, Hadith 3679. Narrated on the authority of Abu Hurayrah. One of its narrators, Yahya bin Sulayman, is weak (inauthentic).

134 Narrated by Al-Tirmidhi in his *Sunan, Kitab Al-Birr* (Book of Righteousness), chapter “What has been narrated about orphan compassion and sponsorship,” 4/230, Hadith 1917. Narrated on the authority of Ibn Abbas. Al-Tirmidhi weakened the Hadith.

135 See footnote 33.

136 Narrated by Al-Mundhiri in *Al-Tarhib wa Al-Tarhib, Kitab Al-Hudud* (Book of Penalties), chapter “Whoever treats kindly a female or a male orphan that is under his sponsorship I shall be his companion in Heaven,” 3/349, on the authority of AbuHurairah, May Allah Be Pleasèd With Him.

20. *continued*

The Prophet, Peace Be Upon Him, said: "Be fearful of the weeping of the orphan; it travels by night when the people are asleep."¹³⁷

Protecting child victims of armed conflicts and natural disasters

21. The Islamic Sharia affirms in unequivocal terms the necessity of showing solidarity and combining efforts in order to relieve the distressed victims of armed conflicts and natural disasters.

﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ﴾
(سورة الحجرات - الآية ١٣)

The Almighty Allah says: O MANKIND! WE HAVE CREATED YOU FROM A MALE AND A FEMALE, AND MADE YOU INTO NATIONS AND TRIBES, THAT YOU MAY KNOW ONE ANOTHER. VERILY, THE MOST HONOURABLE OF YOU WITH ALLAH IS THAT [BELIEVER] WHO HAS *AT-TAQWA* [PIETY]. VERILY, ALLAH IS ALL-KNOWING, ALL-AWARE.

(AL-HUJURAT, OR THE INNER APARTMENTS, VERSE 13)

﴿إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ﴾ (سورة الحجرات - الآية ١٠)

The Almighty Allah also says: SO MAKE RECONCILIATION BETWEEN YOUR BROTHERS, AND FEAR ALLAH, THAT YOU MAY RECEIVE MERCY. (AL-HUJURAT, OR THE INNER APARTMENTS, VERSE 10)

The Prophet, Peace Be Upon Him, said: "Seek for my satisfaction through supporting those who are weak among you. You are only being supported and provided with sustenance because of the care you provide to those who are weak among you."¹³⁸

¹³⁷ Narrated by Al-Mundhiri in *Al-Tarhib wa Al-Tarhib, Kitab Al-Hudud* (Book of Penalties), chapter "Whoever treats kindly a female or a male orphan that is under his sponsorship I shall be his companion in Heaven," 3/349, on the authority of Abu Sa'ïd. He attributed it to Al-Isbahani.

¹³⁸ Narrated by Abu Dawud in his *Sunan, Kitab Al-Jihad* (The Book of Jihad), chapter "Victory achieved because of the weak," 3/33, Hadith 2594. Narrated on the authority of Abu Al-Darda', it is also narrated by Al-Hakim in *Al-Mustadrak, Kitab Qasm Al-Fay'* (Distribution of the Booties), 2/157, Hadith 2641. Narrated on the authority of Abu Al-Darda'. Al-Hakim decided the Hadith was of the category of *sahih* (authentic).

21. *continued*

He also said: "Whoever relieves a believer from one of the hardships of this world, Allah relieve him from one of the hardships of the Day of Judgement. And whoever eases straitened circumstances (for the believer), Allah will make things easier for him in this world and in the Hereafter. Whoever conceals a Muslim's faults, Allah will conceal his faults in this world and in the Hereafter. Allah will help a person as long as he helps his brothers."¹³⁹

22. The Prophet, Peace Be Upon Him, forbade the employment of children in hard labour and violent tasks. He stipulated a specific age limit for those who take part in combat operations, and in that he made no distinction between a free person and a slave.

﴿لَيْسَ عَلَى الضُّعَفَاءِ وَلَا عَلَى الْمَرْضَىٰ وَلَا عَلَى الَّذِينَ لَا يَجِدُونَ مَا يُنْفِقُونَ حَرَجٌ إِذَا نَصَحُوا لِلَّهِ وَرَسُولِهِ مَا عَلَى الْمُحْسِنِينَ مِنْ سَبِيلٍ وَاللَّهُ غَفُورٌ رَحِيمٌ﴾ (سورة التوبة - الآية ٩١)

The Almighty Allah says: THERE IS NO BLAME ON THOSE WHO ARE WEAK OR ILL OR WHO FIND NO RESOURCES TO SPEND [IN HOLY FIGHTING, OR JIHAD], IF THEY ARE SINCERE AND TRUE [IN DUTY] TO ALLAH AND HIS MESSENGER. NO GROUND [OF COMPLAINT] CAN THERE BE AGAINST *AL-MUHSINUN* [THE GOOD-DOERS]: AND ALLAH IS OFT-FORGIVING, MOST MERCIFUL. (AT-TAUBA, OR BARAAAT [IMMUNITY], VERSE 91)

Ibn Omar is reported to have said: "I was offered (as a soldier) to Allah's Messenger, Peace Be Upon Him, on the day of (The Battle of) Uhud. I was then 14 years old but he did not allow me to take part in the battle."

23. The Islamic Sharia prohibits unjustified killings, looting and rape during combat. Civilians, especially women and children, should be spared all harm.

One of the recommendations the Prophet, Peace Be Upon Him, made to army commanders was: "Set forth in the name of Allah, with (the help of) Allah and in adherence to the religion of the Prophet, Peace be Upon Him. Do not kill any old person, any child or any woman."¹⁴⁰

139 Narrated by Abu Dawud in his *Sunan, Kitab Al-Adab* (Book of Good Manners), chapter "Helping the Muslim," 4/288, Hadith 4946. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. It is also reported by Al-Tirmidhi in his *Sunan, Kitab Al-Birr*, chapter "What has been narrated about screening a Muslim," 4/326. Narrated on the authority of Abu Hurayrah. According to Al-Tirmidhi, the Hadith is *hasan* (agreeable).

140 Narrated by Abu Dawud in his *Sunan, Kitab Al-Jihad* (Book of Jihad), chapter "Invoking against the polytheists," 3/38-39, Hadith 2614. Narrated on the authority of Anas bin Malik, May Allah Be Pleased With Him. It is also narrated by Al-Bayhaqi in *Al-Sunan Al-Kubra, Kitab Al-Siyar* (Book of Biographies), chapter "What was narrated about not killing noncombatants such as priests, the elderly and others." Narrated on the authority of Anas, May Allah Be Pleased With Him.

THE RIGHT OF THE CHILD TO EDUCATION

1. Numerous textual evidences in Sharia point to the sublime status of education, and the esteemed position enjoyed by scholars on earth and in the Heavens.

﴿قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ﴾
(سورة الزمر - الآية ٩)

The Almighty Allah says: IS ONE WHO IS OBEDIENT TO ALLAH, PROSTRATING HIMSELF OR STANDING [IN PRAYER] DURING THE HOURS OF THE NIGHT, FEARING THE HEREAFTER AND HOPING FOR THE MERCY OF HIS LORD [LIKE ONE WHO DISBELIEVES]? SAY: "ARE THOSE WHO KNOW EQUAL TO THOSE WHO KNOW NOT?" IT IS ONLY MEN OF UNDERSTANDING WHO WILL REMEMBER [I.E., GET A LESSON FROM ALLAH'S SIGNS AND VERSES]. (AZ-ZUMMAR, OR THE GROUPS, VERSE 9)

﴿يَرْفَعِ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَالَّذِينَ أُوتُوا الْعِلْمَ تَرَجَاتٍ﴾
(سورة المجادلة - الآية ١١)

He also says: ALLAH WILL EXALT IN DEGREE THOSE OF YOU WHO BELIEVE, AND THOSE WHO HAVE BEEN GRANTED KNOWLEDGE. AND ALLAH IS WELL-ACQUAINTED WITH WHAT YOU DO. (AL-MUJADILA, OR THE WOMAN WHO PLEADS, VERSE 11)

﴿إِنَّمَا يَخْشَى اللَّهَ مِنْ عِبَادِهِ الْعُلَمَاءُ﴾ (سورة فاطر - الآية ٢٨)

He also says: IT IS ONLY THOSE WHO HAVE KNOWLEDGE AMONG HIS SLAVES WHO FEAR ALLAH. (FATIR, OR THE ANGELS, VERSE 28)

﴿وَقُلْ رَبِّ زِدْنِي عِلْمًا﴾ (سورة طه - الآية ١١)

He also says: ...AND SAY: "MY LORD! INCREASE ME IN KNOWLEDGE." (TAHA, VERSE 114)

2. Islam enjoins learning and makes it mandatory for every Muslim male and Muslim female. Islam emphasizes useful knowledge.

The Prophet, Peace Be Upon Him, said: "Humans are either teachers or learners. There is nothing good beyond that."¹⁴¹

He also said: "O Allah! I seek refuge in you from knowledge that is of no use."¹⁴²

141 Narrated by Al-Darimi in his *Sunan, Kitab Al-Muqaddimah* (Book of the Introduction), chapter "The loss of knowledge," 190, Hadith 246. Narrated on the authority of Abu Al-Darda', May Allah Be Pleased With Him.

142 Narrated by Muslim in his *Sahih, Kitab Al-Dhikr wa Al-Du'a'* (Book of God Remembrance and Invocation), chapter "Seeking refuge from what to do and what not to do," 4/2088, Hadith 2722. Narrated on the authority of Zayd bin Arqam.

2. *continued*

He also said: "Knowledge comes only through learning."¹⁴³

He also said: "Facilitate things for the people (treat them in the most agreeable way); do not make things difficult for them; give them glad tidings and do not repulse them."¹⁴⁴

3. Developing mental and epistemological abilities in early childhood occurs principally through individual and group games, either with family members or under their supervision. This, indeed, is a basic right of the child.

It is reported that the Prophet, Peace Be Upon Him, was once praying when his grandson Al-Hasan mounted his back, prompting the Prophet to prolong his prostration. When the prayer was over, his companions asked him: "Why did you prolong the prostration?" The Messenger of Allah said: "My son mounted me, and I feared toppling him."

4. At school, children should be treated with kindness and compassion, and kept away from violence or any physical or psychological harm.

The Prophet, Peace Be Upon Him, said to A'ishah: "O A'ishah! Kindness will invariably make things more beautiful while its lack will make them ugly."

5. Improving the quality of education is very much linked to raising the standard of the teacher through training and qualifying, so that he or she is well versed in pedagogic means and methods, and is aware of what he or she teaches to children and youth. The teacher must provide a good model for children.

Muslim caliphs and governors left us a legacy of recommendations made to teachers of children. One such example is the written recommendation by Omar bin 'Khattab to the teacher of his children. He said to him: "Let your first action in attending to my children be 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."

143 Narrated by Al-Bukhari in his commentary, *Kitab Al-'Ilm* (Book of Learning), chapter "Knowledge must come before saying or acting as evident from the verse in which the Almighty Allah says (Know that there is no god but Allah) thus starting with knowing," 1/62. It is also reported by Al-Khatib in his *Tarikh* (History), 5/201.

144 Narrated by Ahmad in his *Musnad*, 1/283, Hadith 365. Narrated on the authority of Ibn Abbas, May Allah Be Pleased With Them Both. Al-Bukhari also narrated it in *Al-Adab al-Mufrad*, 245/1320.

6. The Prophet, Peace Be Upon Him, exhorted equality between girls and boys in education.

The Prophet, Peace Be Upon Him, said: "Seeking knowledge is obligatory for every Muslim, male or female."¹⁴⁵

He also said: "Whosoever has three daughters or three sisters, whom he teaches and brings up until Allah provides them with the means of independence, will definitely be rewarded with an admission to Heaven." Some of his companions asked him what if such a person had two daughters or two sisters, he said even if two daughters or two sisters.¹⁴⁶

He also said: "Whoever has in his possession a slave girl, whom he teaches well and brings up well and then frees her and marries her, will be doubly rewarded."¹⁴⁷ The double reward is for freeing her mind and then freeing her body.

7. It is right to provide recreation and strike a balance in teaching knowledge.

Al-Ghazali emphasized what has been reported in the Prophetic tradition: "Give your hearts a break; an hour (like this) and an hour (like that)."¹⁴⁸

Al-Ghazali said: The child should be permitted once dismissed from class to play in a pleasant manner so as to have a break and rest from the burden of learning. Exhausting the child in education without given him a chance to play will only kill his heart and erode his intelligence.

In order to incite the child to work in earnest and with enthusiasm, Al-Ghazali said: "The child should be rewarded for what he shows of pleasant manners and good conduct. He needs to be praised for his good achievements in public so as to be happy and pleased." (Al-Ihya'; volume 3, page 70)

145 Narrated 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 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 10,439. Narrated on the authority of Abdullah bin Mas'ud. The two narrations bolster each other.

146 Abu Muhammad Al-Husayni Al-Bakhuri, *Sharh Al-Sunnah*, 13/44. Narrated on the authority of Ibn Abbas.

147 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Nikah* (The Book of Marriage), chapter "The taking of slave girls and the case of the one who frees his slave girl and then marries her," 3/344, Hadith 5083. Narrated on the authority of Abu Burdata, on the authority of his own father.

148 Al-Zubaydi reported it in *Ithaf Al-Sadah Al-Muttaqin* (this is an elucidation of Al-Ghazali's masterpiece *Ihya' 'Ulum al-Din*), 5/308.

8. The psychological approach is consistent with the Prophetic guidelines on child rearing, and with giving the child necessary care in every stage of childhood.

Imam Ghazali said this in relation to bringing up children and the sin parents may incur should they neglect their responsibilities: "Let it be known that training children is one of the most important and most emphasized matters. The child is a trust in the custody of his parents; his pure heart is a precious jewel that is free from any engraving or impression, but is vulnerable to any engraving, and is inclined towards any tendency that is impressed on it. If the child is trained to do good and is brought up accordingly, he will be happy in this life and in the hereafter; his parents will gain their reward, and so shall every teacher and trainer. If he is trained to do bad and is neglected and left to his own instincts like a beast, however, he will suffer and be at a loss. In this, his custodians and sponsors will incur sin."

9. Islam calls for rearing children so that they are psychologically balanced.

The compilers of the Hadith reported that Al-Aqra' bin Habis saw the Prophet, Peace Be Upon Him, kissing (his grandsons) Al-Hasan and Al-Husayn. He said: "I have ten children and I have never kissed any of them." The Prophet, Peace Be Upon Him, said to him: "What can I do for you if Allah has removed mercy from your heart."¹⁴⁹

10. Islam commands the preservation of married life so the family can perform its role in education.

﴿وَعَايِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَنَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا﴾ (سورة النساء - الآية 19)

The Almighty Allah says: O YOU WHO BELIEVE! YOU ARE FORBIDDEN TO INHERIT WOMEN AGAINST THEIR WILL; AND YOU SHOULD NOT TREAT THEM WITH HARSHNESS, THAT YOU MAY TAKE AWAY PART OF THE *MAHR* [DOWRY] AND LIVE WITH THEM HONOURABLY. IF YOU DISLIKE THEM, IT MAY BE THAT YOU DISLIKE A THING, AND ALLAH BRINGS THROUGH IT A GREAT DEAL OF GOOD. (AL-NISA', OR THE WOMEN, VERSE 19)

The Prophet, Peace Be Upon Him, said: "Let not a believing man dislike his wife; should he dislike one of her manners, he might like another of her manners."¹⁵⁰

149 Narrated by Al-Bukhari in his *Sahih, Kitab Al-Adab* (The Book of Good Manners), chapter "Compassion towards the child, kissing it and embracing it," 4/79, Hadith 5997. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. It is also reported by Al-Tirmidhi in his *Sunan, Kitab Al-Birr* (Book of Righteousness), chapter "What has been narrated about showing mercy to the child," 4/318, Hadith 1911. Narrated on the authority of Abu Hurayrah. Abu 'Issa said this Hadith is of the category of *hasan sahih* (agreeable and authentic).

150 Narrated by Muslim in his *Sahih, Kitab Al-Rada'* (Book of Breastfeeding), chapter "Recommending to men that they take good care of their wives," 2/1091, Hadith 1469. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him.

11. Islam exhorts the good rearing and bringing up of children, and commands parents to follow closely who they associate with and befriend.

The Prophet, Peace Be Upon Him, said: "Take good care of your children and bring them up well."¹⁵¹

He also said: "A person follows the way of his intimate friend; so let one of you see who his or her friends are."¹⁵²

¹⁵¹ Narrated by Ibn Majah in his *Sunan, Kitab Al-Adab* (Book of Good Manners), chapter "Taking good care of the parents and being benevolent with the daughters," 2/1211, Hadith 3671. Narrated on the authority of Anas bin Malik. The Hadith suffers from a weak narrator: Al-Harith bin Al-Nu'man who has been weakened by Abu Hatim.

¹⁵² Narrated by Abu Dawud in his *Sunan, Kitab Al-Adab* (Book of Good Manners), chapter "Who a person is exhorted to sit with," 4/261, Hadith 4833. Narrated on the authority of Abu Hurayrah, May Allah Be Pleased With Him. It is also reported by Al-Tirmidhi in his *Sunan, Kitab Al-Zud* (Book of Ascetics), chapter 45 (untitled), 4/589, Hadith 2378. Narrated on the authority of Abu Hurayrah. Abu 'Issa said this Hadith is *hasan sahih* (agreeable and authentic).

BIBLIOGRAPHY

Sahih Al-Bukhari. By Muhammad bin Isma'il Al-Bukhari, who died in the year 256 of Hijrah. Al-Iman Bookshop edition, Al-Mansurah, 1419 H (1998 AD).

Sahih Muslim. By Al-Imam Abu Al-Husayn Muslim bin Al-Hajjaj Al-Qushayri. Mustafa Al-Halabi edition, revised and edited by Muhammad Fu'ad Abd Al-Baqi.

Sunan Abu Dawud. By Al-Imam Abu Dawud Sulayman bin Al-Ash'ath Al-Sijistani, who died in the year 275 of Hijrah. Al-Dar Al-Hadithah edition, Cairo, 1408 H (1988 AD).

Al-Jami' Al-Sahih, which is *Sunan Al-Tirmidhi*. By Abu 'Issa Muhammad bin 'Issa bin Sawdah, who died in the year 279 of Hijrah. Al-Dar Al-Hadithah edition, revised and edited by Ahmad Muhammad Shakir, Muhammad Fu'ad Abd Al-Baqi and Ibrahim Atwah.

Sunan Al-Nasa'i. By Abu Abd Al-Rahman Ahmad bin Shu'ayb Al-Nasa'i. Dar Al-Zayat for heritage, 1407 H (1987 AD).

Sunan Ibn Majjah. By Al-Hafiz Abu Abdillah Muhammad bin Yazid Al-Qazwini, who is known as Ibn Majjah. He died in the year 275 of Hijrah. Edition of Dar Ihya' Al-Kutub Al-Arabiyyah, revised and edited by Muhammad Fu'ad Abd Al-Baqi.

Sunan Al-Darimiy. By Al-Imam Abdillah bin Abd Al-Rahman Al-Darimiy, who died in the year 255 of Hijrah. Dar Al-Zayat for heritage, 1407 H (1987 AD). Revised and edited by Fu'ad Ahmad.

Muwatta' Malik. By Al-Imam Malik bin Anas, Dar Al-Hadith edition.

Musnad Al-Imam Ahmad. By Ahmad bin Hanbal Al-Shaybani, who died in the year 241 of Hijrah. Beirut edition, Lebanon.

Al-Mustadrak 'Ala Al-Sahihayn. By Abu Abdillah Muhammad bin Abdillah Al-Hakim Al-Nisaburi, who died in the year 405 of Hijrah. Dar Al-Kutub Al-'Ilmiyyah edition, Beirut, first edition, 1411 H (1990 AD).

Al-Mu'jam Al-Kabir. By Al-Hafiz Abu Al-Qasim Sulayman bin Ahmad Al-Tabarani, who died in the year 360 of Hijrah. First edition, edited and revised by Hamdi Abd Al-Majid Al-Sakafi.

Al-Sunan Al-Kubra. By Al-Imam Abu Bakr Ahmad bin Al-Husayn Al-Bayhaqiy, who died in the year 458 of Hijrah. Dar Al-Ma'rifah edition, Beirut.

Sunan Al-Daraqutn. By Al-Imam Ali bin Omar Al-Daraqutn, who died in the year 385 of Hijrah. Al-Madina Al-Munawwarah edition, Hijaz, 1386 H (1966 AD). Edited and revised by Al-Sayyid Abdullah Hashim Yamani Al-Madani.

Majma' Al-Zawa'id wa Manba' Al-Fawa'id. By Al-Imam Nuruddin Ali bin Abu Bakr Al-Haythami, Dar Al-Kutub Al-'Ilmiyah edition, Beirut.

Musnad Al-Shihab. By Judge Abu Abdillah Muhammad bin Salamah Al-Qada'i, Al-Risalah Foundation edition, first edition, 1405 H (1985 AD). Edited and revised by Abd Al-Majid Al-Salafi.

Al-Tarhib Wa Al-Tarahhub. By Abd Al-Azim Abd Al-Qawi Al-Mundhir, 'Issa Al-Jali edition. Edited and revised by Mustafa Muhammad Amarah.

Nayl Al-Awtar Sharh Muntaqa Al-Akhbar Min Ahadith Sayyid Al-Ahkyar. By Sheikh Muhammad bin Ali bin Muhammad Al-Shawkani, Mustafa Al-Halabi edition, the last edition.