



THE ISLAMIC PERSPECTIVE
*On Protecting Children From
Violence And Harmful Practices*

Sacred texts were reviewed by expert professors at Al-Azhar University.

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2016 – 1437 A.H.



**In the name of Allah,
The Compassionate,
The Merciful**

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Preface

All praises to Allah and prayers and peace be upon the Messenger of Allah and upon his people and companions and whoever followed him.

This guide to the protection of children from violence demonstrates some of the rights due to children. Children are the initial seeds from which future generations are formed. These generations have a mission to accomplish, which is to worship God, The Highest, and build upon the earth on which they live as enjoined by the words of God: “And I did not create the jinn and mankind except to worship Me”,¹ and “He has created you from the earth and settled you therein.”²

It is an established fact that fulfilling children’s rights is one of the foremost aims of Islamic law. These aims cover the safekeeping of the religion, soul, mind, offspring and wealth. All of the rights due to children fall under the aim of safekeeping of offspring.

If we refer to the discourse of the Holy Quran and the pure, prophetic Sunnah concerning children, we find verses in the Quran that illustrate how children are a blessing from God, The Highest, a blessing to give thanks for. This is demonstrated in the following verses: “To Allah belongs the dominion of the heavens and the earth; He creates what He wills. He gives to whom He wills female [children], and He gives to whom He wills male children. Or he makes them [both] males and females, and He renders whom He wills barren. Indeed, He is Knowing and Competent”.³

We also find the Sunnah of the Prophet calling for the proper upbringing of children, as this is one form of fulfilling the trust placed on the shoulders of fathers and mothers. An example of this is in the hadith of the Prophet (peace be upon him [pbuh]): “All of you are guardians and all of you are responsible for your subjects. A man is the guardian in his home and responsible for his wards and a woman in her home is a guardian and responsible for her wards”.⁴

This elucidates the general foundation for all rights to which children are entitled in Islam. If we consider the essence of these rights, we discover the source of positive approaches that heads of households and society should take towards children. We will also understand the negative aspects from which children should be protected.

1 Surat Al-Dharyat (Winds that Scatter), 51:56.

2 Surat Hud (Hud), 11:61.

3 Surat Al-Shura (Consultation), 42:49-50.

4 Reported by Al-Bukhari in his Sahih, Chapter: Friday prayer in villages and towns, 1/248-249:hadith 893.

One of the first and foremost positive approaches relates to their right to preservation of life at the time of birth. Allah says in the Quran: “Mothers shall breastfeed their children for two complete years for whosoever wishes to complete the suckling [period]...”⁵ Furthermore, the Sunnah enjoins goodness in upbringing and equality among the children, as instructed by the Prophet (pbuh): “Fear God and treat your children equally”,⁶ and “Whosoever has a female infant and does not bury her or weep over her, and does not prefer the male sons over her, Allah will admit him to heaven”.⁷ Another positive approach is their right to learn, where the Prophet (pbuh) has said, “Seeking knowledge is a duty on every Muslim and Muslima”.⁸ Performing this duty with regard to children is the responsibility of their guardians.

The negative matters from which children should be protected are those contrary to the positive matters, such as poor childrearing, making distinctions in treatment, depriving them of their rights to learning and burdening them with responsibilities inappropriate to their age. All these are negative matters from which the family and society should protect their children.

Without doubt, violence against children of any form in any place within or outside the home is one of the gravest matters that places great risks on childrearing, preventing them from learning what they need to fulfil their future mission in life in the best way.

This book examines all manifestations of violence that children may encounter in their lives and covers the harmful impacts of each one. It further explores the approaches to abolishing such manifestations from an Islamic perspective, reinforced by legal and medical evidence.

Specifically, this book scrutinizes all forms of violence against children, including causes, effects and treatment to prevent violence from taking place or ending it altogether. All assertions are supported by evidence in the noble Islamic Sharia that delineates essential human rights, especially those relating to childhood – rights that guarantee the positive aspects in life and prevent the negative.

5 Surat Al-Baqara (The Cow), 2:233.

6 Reported by Muslim in his Sahih, Book of Gifts, Chapter: Disdain of preferring some children with gifts, 3/1242-3421, on the authority of Al-Nu'man bin Bashir.

7 Reported by Abu Dawud in his Sunan, Book of Manners, Chapter: Benefits of caring for an orphan, 4/339-340, hadith 5146, on the authority of Ibn Abbas; printed by Dar-al-Rayyan.

8 Reported by Imam Ibn Majih in his Sunan, Book of Introduction, Chapter: Virtue of the scholars and urging the acquisition of knowledge, 1/81, h224, on the authority of Anas bin Malik. The examiner has said its chain of authorities is weak.



The scholars involved in researching the contents of this book have made greatly commendable efforts. Such hard work will, God willing, undoubtedly lead towards the worthy goal of protecting children from this malaise, allowing them to live their lives with the fullest level of physical, psychological and mental integrity.

And God, The Highest, is the Aim of our intent and the Guide to the correct path.

A handwritten signature in black ink, appearing to read 'Ahmed Mohamed Al-Tayeb'.

Shaykh of Al-Azhar
Prof. Dr. Ahmed Mohamed Al-Tayeb

Foreword

All praises to Allah and prayers and peace be upon the Messenger of Allah and upon his people and companions and whoever followed him.

The early years of a person's life are the time when the personality is formed. During this time, customs and orientations develop along with predispositions and interests. The person may begin to lean towards constructiveness or destructiveness, order or chaos, love or hate. These years are the basis of learning the behaviour necessary for abiding by societal morals and complying with social standards and rules of social discipline, as well as sound social interaction and successful relationships with others. All this is formed in the first years of life, which makes it a duty to give proper attention to this period. If the foundation is sound, the building will also be sound.

In the perfect Islamic Sharia, we find a model of faith-based standards that ensure sincere implementation. Islamic Sharia cares for childhood even before birth. It encourages the mother to safeguard her foetus and protect it from miscarriage. The foetus bears the right not to be exposed to harm through its mother, such as a deficiency in nourishment, because it is a legal duty for a person to avoid causing any harm to another, as exemplified by the Prophet's (pbuh) words: "There should be no harm or reciprocation of harm".¹ Moreover, Islam permits the pregnant woman to break her fast in Ramadan if she fears it will harm her foetus, on condition that she makes up the days she missed in Ramadan if possible. And if she is unable, she may feed a poor person for each day missed. Breaking the fast becomes a duty if a reliable and just doctor sees that the fast will certainly harm the foetus, as shown in the noble hadith: "Allah has waived fasting and shortened the prayer for the traveller and for pregnant and breastfeeding women".² In another situation, the Prophet (pbuh) advises us to accept and appreciate any concessions [reduced duties]: "Allah loves those who accept His concessions as He loves those who fulfil His serious duties".³

Even as they are born, children have the right to be received with benevolence and without distinctions being made between boys and girls. The Noble Quran clearly rebukes those who welcome boys but receive girls with sadness and loathing, as indicated in this verse: "When the glad news of the birth of their daughter is brought to them, their faces turn gloomy and

1 Reported by Ibn Majih in his Sunan, Book of Rulings, Chapter: Whosoever builds within his right and does not harm his neighbor, 2/784, h 234, on the authority of Ibada bin Al-Samit.

2 Reported by Al-Tirmidhi in his Sunan, Book of Fasting, Chapter: Regarding permitting the pregnant and breastfeeding woman to break her fast, 3/85, h 715, on the authority of Anas and rated as good by Al-Tirmidhi.

3 Reported by Al-Imam Ahmad in his Musnad, 2/108, on the authority of Ibn Umar, may Allah be pleased with him.



black with anger. They try to hide themselves from the people because of the disgrace of such news. Will they keep their newborn despite the disgrace or bury it alive? How sinful is their judgment!”⁴

If we consider the general principles upheld in all international conventions concerned with children, we find that their general frameworks do not deviate from some of the Islamic Sharia principles regarding the protection of children which have existed over the last 14 centuries and are distinguished by spontaneous application springing from faith. While international principles have called for the entitlement of all children to enjoy their rights without discrimination, Islamic Sharia has stipulated this in the Quran and Sunnah. Allah says, “O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing, Aware”,⁵ and His words, “The believers indeed are brothers...”.⁶ Equality is also a general principle of the Islamic state; no one is to be considered better than others except the most pious and there is no differentiation between a Muslim and a *dhimmi* (non-Muslim under Muslim governance), and there should be no hostility where justice is not sought. Allah says, “O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let hatred of a people prevent you from being just. Be just; that is nearer to righteousness...”.⁷

Islam, in its essence and in its texts and legislation, provides for a protective environment for children. The Prophet (**pbuh**) said, “Indeed Allah will question everyone who is responsible about his charge, whether kept or lost”.⁸ The protection of children is only achieved through confronting abuse, violence and exploitation that deprives, or threatens to deprive, the child of her or his basic right of access to adequate parental care, which even includes the choice of a good name, as well as education, health services, the enjoyment of play and recreation and the free expression of her/his inner thoughts.

Islamic Sharia forbids any aggression against a human body. This is a general ban that includes murder, battery, physical attack or sexual abuse. Allah has said, “... the killing of a person for reasons other than legal retaliation or for stopping corruption in the land is as great a sin as murdering all of mankind...”.⁹

4 Surat Al-Nahl (The Bees), 16:58-59.

5 Surat Al-Hujarat (The Dwellings), 49:13.

6 From Surat Al-Hujarat (The Dwellings), 49:10.

7 From Surat Al-Ma’ida (The Table Spread), 5:8.

8 Reported by Al-Tirmidhi in his Sunan, Book of Jihad, Chapter: Regarding the imam, 4/208, on the authority of Anas ibn Malik, may Allah be pleased with him.

9 From Surat Al-Ma’ida (The Table Spread), 5:32.

Sexual attacks on children cause serious damage and many actually cause the immediate loss of life. Sometimes this loss of life is delayed but occurs at the hands of family members. Girls are the object of the bulk of such attacks due to wrong and unjust rationales that blame the victim instead of providing her the support she needs in such a situation. She is punished instead of the attacker, especially in cases that result in pregnancy. No doubt, this is a great injustice against the child and Allah, The Highest, rejects injustice and commands that justice be implemented, exemplified by His words: “Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing”.¹⁰

The dire health and social impacts of child marriage mean that parents have a great responsibility to spare their children from such pain. Allah says, “And spend in the way of Allah and do not throw yourselves with your own hands into destruction. And do good; indeed, Allah loves the doers of good”.¹¹

In contrast to common perceptions, we did not find in the Sharia a specific definition of the marriage age, but we did find an unalterable criterion and that is reaching the age of maturity. Allah says, “And test the orphans [in their abilities] until they reach marriageable age. Then if you perceive in them sound judgment, release their property to them. And to not consume it excessively and quickly [anticipating] that they will grow up. And whoever [when acting as a guardian] is self-sufficient should refrain [from taking a fee]; and whoever is poor – let him take according to what is acceptable. Then when you release their property to them, bring witnesses upon them. And sufficient is Allah as Accountant”.¹²

There is a difference between puberty and physical wholeness and readiness, and between eligibility and maturity in managing life affairs. One point is agreed; what the married couple must have to fulfil their duties is discernment and prudence, and this logically conflicts with child marriage.

Requiring children to work in hard or dangerous labour causes them to fall into hardship and harm, even if it was not intended or done out of ignorance of the repercussions. If we say – as stated in legislation – that harm is forbidden, then burdening a child with hard labour is illegal. Moreover, we find that the legal texts have ordered people to assume responsibilities that do not wear them out, as exemplified in these divine verses: “... He has chosen you, and has imposed no difficulties on you in religion...”,¹³ “Allah intends for you ease and does not intend

10 Surat Al-Nisaa (The Women), 4:58.

11 Surat Al-Baqara (The Cows), 2:195.

12 Surat Al-Nisaa (The Women), 4:6.

13 Surat Al-Hajj (The Pilgrimage), 22:78.



for you hardship...”,¹⁴ and “Allah does not place a burden on a soul more than it can bear”.¹⁵ Considering that Allah has released any hardship from His rulings, this means that humans are forbidden from causing hardship to each other. If it is forbidden to impose hardship on adults, it is certainly forbidden to do so on children a fortiori.

These are the magnanimous principles of Islam, clearly laid out in this book. We beseech Allah that all Muslims may benefit from it to ensure the protection of children and their growth.

The book at hand, researched and written by the International Islamic Centre for Population Studies and Research, is a major work and the result of enormous efforts. A distinguished selection of expert scholars from Al-Azhar University made contributions in presenting the foremost manifestations of violence and other harmful practices against children, followed by approaches to confronting violence and preventing it from occurring in the first place, all from an Islamic viewpoint.

The sincere hope is that this work will arouse awareness of the necessity to abide by Islamic codes of childrearing and protection of the rights of children, entrenching the understanding of the magnitude of violence against children and acting seriously to confront it, refuting the cultural frameworks that foster violence and building sensitivity to the risks involved. This is the task of society as a whole – leaders, legislative and executive bodies and civil society organizations, along with propagators of the Islamic call and thinkers in the fields of education, childrearing and the media.

May Allah enable us all to do what He loves and accepts...

A handwritten signature in Arabic script, which appears to read 'Osama Mohammed Al-Abd'.

Prof. Dr. Osama Mohammed Al-Abd
President of Al-Azhar University

14 From Surat Al-Baqara (The Cow), 2:185.

15 From Surat Al-Baqara (The Cow), 2:286.

Introduction

Islam is not merely a religion. It is a way of life and path for worldly affairs. Allah – all praises be to Him – did not only send His Messenger (**pbuh**) to call people to a new religion that pulls them out of darkness into light; He also sent him to call for a new world that gives new form to life in various aspects. The aim of Islam is not only to regulate mankind’s relationship with their Lord, but also to reform people's inner selves and interpersonal relations with others. Moreover, the message of Muhammad (**pbuh**) was not only to seek the Hereafter; it was also a call to action in this life.

“Work for this life as if you will live forever, and work for the Hereafter as if you will die tomorrow.”¹

The foundation of life is the family, and a sound family means a sound life as a whole. A sound family cannot evolve if its three pillars – father, mother and children – are unfit. Children are the link that binds these pillars together. This is where the importance of children emerges. Today’s children are the youth of tomorrow, the mainstay of society and the leaders of the future.

Islam urges proper childrearing and care and keeping the child away from anything that could hurt his or her health or psychological or social condition. Children are a gift from God, The Highest, and a trust placed on the shoulders of the parents, society and the state. Allah says, “O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones, over which are [appointed] angels, harsh and severe; they do not disobey Allah in what He commands them but do what they are commanded”.² Also, the Prophet (**pbuh**) has said, “All of you are guardians and all of you are responsible for your subjects”.³

Islam has laid down some guidelines to ensure the respect of the child’s legitimate rights in her/his family and society and among peers. These guidelines emphasize sound upbringing, teaching children principles of knowledge and morals and protecting children from all forms of violence and discrimination that negatively impact their behaviour and health.

1 Narrated by al-Haithami in *Bughyat al-harith ‘an zawā'id musnad al-harith bin Abi Usama*, 2/983h 1093t, Centre to Serve the Sunnah and Biography, first printing, 1415AH/1992.

2 Surat Al-Tahreem (The Prohibition), 66:6.

3 Reported by Al-Bukhari in his Sahih, Book of Day of Gathering (Friday), Chapter: Friday in villages and cities, part 2, pg.380, h893.



Inherent to Islam's set of codes and jurisprudence is its special attention to children and childhood. As His Eminence the Grand Imam, Dr. Ahmed Mohamed Al-Tayeb has written in the introduction to 'Children in Islam'⁴ published in 2005 by the Islamic Centre for Demographic Studies and Research in cooperation with UNICEF:

The issue of childhood is one of the most important aims in Islamic legislation⁵ since it is at the heart of the primary aim which is 'preserving offspring'. ... Stringent jurisprudence attends to the child from the time of conception until she/he reaches maturity, passing through all phases of pregnancy, birth, nursing and weaning, up to the phases of kindness, discipline, and cultivation, followed by the period of befriending until the child is able to depend on her/himself...

All throughout these phases, the child is accompanied by a code of rules that form a special jurisprudence regarding children that addresses their upbringing, freedom and rights due from their parents, family, society, and state. This jurisprudence further forbids separation and discrimination in treatment based on gender.

In spite of the teachings of Islamic Sharia and jurisprudence, violence against children is practiced in everyday life in a variety of forms, ranging from mild verbal abuse to outright violence such as beating and disfiguring, exploitation, trafficking, neglect and various forms of bodily attack that might even end in bloodshed.

The essence of Islam and its texts and legislation avail a protective environment for children. The concept of child protection cannot be actualized without confronting the various forms of abuse, violence and exploitation that deprive – or threaten to deprive – children of any of their fundamental rights such as adequate parental care, access to education and health services, play and recreation and freedom of expression.

The care and protection of children is first and foremost the family's responsibility unless the family happens to be the source of abuse, exploitation or violence. In this case, society and state institutions must intervene to protect those children.

Laxity in confronting domestic and societal violence against children and feebleness in protecting children from this violence bears the possibility of many dangers:

1. Prevailing social customs could become fixed, or at least no harm is seen in these violent practices, which exacerbate the situation and cause it to recur.

4 Islamic Centre for Demographic Studies and Research, Al-Azhar University, 'Children in Islam: Their Care and Upbringing', Cairo, 2005, page 3.

5 The supreme purposes in Islam are summarized in the "five necessities" which are preserving the religion, preserving the self, preserving offspring, preserving the mind, and preserving wealth.

2. The inability of child victims of violence to report to those responsible for protecting them, which makes them vulnerable to even more violence and its effects.
3. The negative impacts of these practices are usually unseen, intangible and difficult to detect, or may not even become apparent for many years.
4. In the long term, violence against children often leads to psychological frustrations, lack of self-confidence, poor academic achievement and reluctance to participate in any family, community or school activities. Children exposed to such violence might also be pushed into addiction, running away, attempting suicide or eventually committing violent acts later in their lives due to their exposure to violence at a young age.

Jurisprudence differs on the definition of the legal age of a child. One such opinion states that a person is defined as a child from birth until her/his eighteenth birthday. This is the opinion adopted in this book and stipulated in international conventions and agreements concerning children.

In this framework, this book discusses the following manifestations of violence against children and methods for confronting and preventing its occurrence from an Islamic perspective:

- 1. Manifestations of violence against children and their right to protection in Islam.**
- 2. Various forms of violence against children**
 - I. Child marriage and forced marriage**
 - II. Female circumcision or female genital mutilation/cutting (FGM/C)**
 - III. Discrimination among children**
 - IV. Child labour**
 - V. Sexual abuse of children**
 - VI. Absence of family care and children living on the streets**
 - VII. Domestic violence against children**
 - VIII. Violence in schools and educational institutions**
 - IX. Exploitation of children in armed and other conflicts**
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 - XI. Violence against children through television and the Internet**
- 3. Key messages about the Islamic perspective on protection of children from violence and harmful practices**

In writing about these phenomena, the authors have endeavoured to be brief and simple and support the descriptions with judicial evidence from the Noble Quran and the prophetic Sunnah.



The book concludes with short messages on each phenomenon which advocates and protectors of child rights may use in their seminars, lectures and discussions and as part of their mission to educate on Islam.

A distinguished selection of eminent professors and scholars at Al-Azhar University were involved in writing this book, which was also reviewed by an editorial committee comprising leading experts in the Islamic world.

The book has been produced for use by a wide range of sectors concerned with children's issues: religious scholars and imams who advocate for the protection and care of children; health service providers; government authorities and organizations; non-governmental organizations working on children's issues; policymakers and programme planners concerned with childhood; international organizations working with children; and experts and other concerned individuals in the Islamic world.

They will certainly find what they need to fulfil their mission of caring for children and protecting them from violence.

May Allah grant success to all who seek to do good.

A handwritten signature in black ink, appearing to read 'G. El-Serour', with a long horizontal line underneath.

IICPSR Director and Editor
Prof. Dr. Gamal El-Din Ibrahim Abou El-Serour

Chapter 1. Manifestations of violence against children and their right to protection in Islam

The family is the basic unit upon which society is built. When the basic unit is strong and cohesive, this will be reflected in the structure as it is built up.

Because the child is the core of the family, Sharia has specific texts to regulate children's rights and their relationship with others based on compassion, mercy, affection and care.

Linguistically, *tifl* [child] means the newborn or the smallest of all;¹ and is customarily the young person, wherein Allah says: "... children who are not yet aware of the private parts of women..."² and "...and We settle in the wombs whom We will for a specified term, then We bring you out as a child, and then [We develop you] that you may reach your [time of] maturity..."³ namely, the phases of childhood that follow the time of being settled in the womb, then separation at birth, up until the child reaches the age of discernment and responsibility. Al-Qurtubi has said in his interpretation of the verse, "the words 'then We bring you out as a child' show that a person is defined as a child from the moment of separation until the time of reaching maturity".⁴ Modern systems have set the phase of maturity as the age of 18 years.

It is common understanding that childhood bears great significance as the basis for the future of all mankind. This is the period of integrated development that could be enriched through guidance and which responds to influential surrounding factors. In spite of international attention to children and the numerous recent state institutions concerned with the care of children, in many countries they still suffer physical and psychological abuse. This suffering has become a global phenomenon, varying in magnitude from one country to another. Many factors influence the development of this suffering; it must be treated due to its adverse effects on the future of humankind represented in the children who will become the women and men of the future. Here we will speak of protecting children from various types of violence and how Islam addresses this problem in terms of actions and tools to abolish them.

1 See: *Lisan-al-Arab*, (11/401), Article "Child", printed by Publishing house: Beirut, first printing; and *Al-Qamus Al-Mubit*, p. 1326, Article "Child", printed by The Message Corporation, Beirut.

2 From Surat Al-Nur (The Light), 24:31.

3 From Surat Al-Hajj (The Pilgrimage), 22:5.

4 Tafseer Al-Qurtubi, (5/272), printed by Dar-al-Shaab, Cairo.



Islam's care of children and assurance of their rights

Islam's view of children flows from its perception of humans as the creatures burdened with the task of sovereignty on earth, as a central and meaningful element in the regulation of the universe.⁵ Considering the lofty position of mankind, Islam gives attention to all phases of human development, and such attention to mankind in all its life phases is one of the salient characteristics of the rulings, legislation and systems under Islam.

Islam takes special care of humans from the early stage of childhood, which is the foundation of all ensuing stages and conditions. Childhood is the phase of establishing and constructing the person; we find that Islam cares for this phase and all periods of life, even prior to life while the child is still a foetus, then an infant, then an indistinct child, followed by a child with a distinctive personality.

The Islamic code has encompassed all aspects of the child's life – physical, emotional, financial, education and upbringing – with the best manner of care and maintenance. One of the first guarantees in Islamic legislation is regarding the child's physical rights, with breastfeeding a right of the child over her/his mother. The noble code has ordered the mother to breastfeed her child as follows: “Mothers shall suckle their children for two whole years; (that is) for those who wish to complete the suckling”;⁶ and obligated the father of the newborn to provide for the breastfeeding mother, “The duty of feeding and clothing nursing mothers in a seemly manner is upon the father of the child”.⁷ There are many forms of legislation and rulings in the divine code that aim to protect the child's physical rights.

The divine code also provides for the emotional needs of the child by laying down a comprehensive model of child care. One example is in the hadiths that refer to kissing one's children. Scholars of the Sunnah and hadith have even categorized this in chapters such as the 'Chapter on mercy, kindness to, and embracing children' in Sahih-Al-Bukhari in his Book of Manners. One such hadith speaks of the Messenger of Allah (pbuh) kissing Al-Hasan ibn Ali [his grandson] in the presence of Al-Aqra' bin Habis Al-Tamimi. Al-Aqra' said, “I have ten sons and have not kissed one of them.” The Messenger of Allah (pbuh) turned to him and said, “He who does not show mercy to others will not be shown mercy”.⁸ It is well known that kissing children leaves a great impact on their psyche, which is why the Prophet (pbuh) did it and advised others to do so.

5 Islamic Viewpoints of the Problem of Racial Discrimination, Omar Odeh El-Khatib, p. 123, Message Corporation, Beirut, second printing, 1398A.H.

6 From Surat Al-Baqara (The Cow), 2:233.

7 From Surat Al-Baqara (The Cow), 2:233.

8 Sahih Al-Bukhari, Book of Manners, Chapter 27: Mercy on people and animals. Part 10, pg. 428.

As for assuring the child's financial rights, the divine code has granted the child the right to own wealth and possessions even as a foetus, given the child a special capacity to accept earnings or possessions and firmly grounded the child's right to inheritance. In the latter regard, Allah says in the Quran: "Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children – you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise".⁹

The child's right to education is an absolute constant in the divine code. Children have the right over their parents or those responsible for them to receive a proper upbringing consistent with their best interests, potential and capabilities. Children also have a right over societal institutions, including the state, for the maintenance of their educational rights, whereby guardians are ordered to prevent the spread of obscenity among believers in order to help build a sound, moralistic society.

Some of the utmost priorities of upbringing are the child's education and training in worshipping Allah alone and obeying Him, and teaching the child noble personal and social ethics.

With regard to educational and childrearing rights, Islam, as it is well known, has been a religion of science from the moment it emerged. The right to an education is guaranteed for every individual in Muslim society, including children. There were even direct and explicit orders to teach children such as the Prophet's (pbuh) instructions, "Teach your children and families the Quran".¹⁰

The foregoing demonstrates how the codes and provisions regarding child rights in Islam have described all aspects of the child's physical, emotional, financial and educational life and upbringing.

Manifestations of violence against children

violence against children in some form or another is practiced in every place and in all societies. While some violent acts are unexpected, violence against children could be practiced by individuals whom the child knows and trusts such as fathers, mothers, friends or teachers.

9 Surat Al-Nisaa (The Women), 4:11.

10 Musannaf ibn Abi Shaiba, (6/131), printed by Al-Rushd Library, Riyadh, first printing, 1409AH.



The many forms of violence against children have disparate impacts, but the repercussions on children and the society as a whole are usually serious and damaging.

The Convention on the Rights of the Child delineates the actions that are considered violence against children, including all manifestations of violence or harm, physical or mental violence, neglect or negligent treatment, maltreatment or exploitation including sexual abuse.

Most laws have referred to violence as any apparent or unseen act, direct or indirect, material or moral, meant to harm oneself or another, a group or the property of one among them; such an act violates the law and exposes its perpetrator to being subjected to punishment according to the law.

Violence against children bears many forms, which can be categorized under three main types:

- **Physical violence**

Physical aggression, injury or harm is any attack using the hands or any other means that hurts the child's body, resulting in bruises, breaks, cuts, burns or other wounds or even in death. Serious physical attacks could include choking, beating, kicking, shaking, pulling hair, biting, pinching and other attacks, whether they leave a mark on the child's body or not. The worst of this type of violence is sexual violence.

- **Psychological violence**

Psychological attack or abuse is causing emotional or social injury to the child by committing acts that threaten the child's emotional health, leading to deficiencies in personal growth and disturbances in her/his social relations with others. This includes any act that distorts the child's emotional well-being or social growth.

Psychological violence might occur directly through actions or words directed at the child, including shouting, cursing, calling the child hateful names or using negative descriptions, making unfavourable comparisons with others and uttering derogatory words. These might be inflicted indirectly through witnessing fights or attacks between parents or relatives.

- **Neglect**

Neglect is a type of negative behaviour that grows out of the family's and school's weakness in satisfying physical needs such as the need for food, drink, clothing, and shelter and psychological needs such as the need for security, safety and care.

Forms of neglect encompass the failure to provide the child with health care, sufficient and appropriate food, clothing or shelter, and depriving the child of his/her right to an education and a sound social upbringing.

In modern times, numerous manifestations of violence against children have spread, the most prominent being:

1 Lack of physical health care

The physical health of the child does not receive sufficient attention in many countries. This is an example of behavioural neglect which affects the child throughout his/her life. Even though Islamic laws address children's physical health, many Islamic countries do not give it any attention.

Islam grants children their right to physical health care even before their appearance in the world. Islam give the foetus and its mother the right to care and forbids any harm from reaching the mother during her pregnancy. Any legal punishment that leads to her death during pregnancy is forbidden. The Messenger of Allah (pbuh) has urged postponing severe legal punishments of the 'woman from Ghamed' until she gives birth to and weans the child. This is to protect the foetus during and after birth.

Islamic jurisprudence has given the mother and her foetus the relief of breaking her fast in Ramadan. This arises out of Islam's concern for the soundness and proper nutrition of the foetus as it develops.

The child also has the right over its mother after birth to be breastfed of that which Allah has created to contain full nutrition. Therefore, Islam has obligated the mother to breastfeed her children. Furthermore, Islam has required that the mother be compensated for breastfeeding her child if she is divorced or widowed, in order to encourage mothers to extend the period of breastfeeding. The father must also pay for the one who breastfeeds his child if that person is not the child's mother.

In continuation of the child's right to bodily health care, the divine code has laid down the responsibilities of the father. The parents or caretakers are obligated to provide children the primary element of physical care, which is sustenance. This is exemplified in the hadith of the Prophet (pbuh), "It is enough for a person to be [considered] sinful if he neglects the one whom hesustains".¹¹

To round out the required support, the father must provide suitable nourishment, shelter and clothing for his children.

The divine code further demands that the parents protect their children from risks including preventing diseases and infections. This can be done by teaching them general health and hygiene

¹¹ Narrated by Imam Muslim, 2/692, No. 996, and Imam Ahmad in Al-Musnad, 2/160, No. 6495.



practices so they develop firm habits that help prevent their being afflicted by disease. The code also orders people to seek treatment and accustom children to exercise. This is clear in the Sunnah of the Messenger of Allah (pbuh).

2 Lack of psychological health care for children

The absence of psychological health care for children is another manifestation of violence that goes unnoticed in many societies. Many individuals think that providing good food, clothing and shelter is sufficient to foster a balanced psyche in the child. For this reason, they nonetheless are guilty of certain actions that affect children's emotional health, such as humiliating them, calling them by names they hate or admonishing them in front of others, and so on.

Islamic law has shown great concern for caring for children's psychological health from the moment of birth. The Messenger of Allah (pbuh) authorized giving people better names. It was his practice to change bad [derogatory] names to good names. The Convention on the Rights of the Child agrees with Islam's call to give good names to children and their right to a name.

Since the habits children acquire at a young age have a great effect on the formation of their manners and behaviour, it is imperative that the parents accustom their children to good habits that could help them to be happy in their worldly life and afterlife, and be a source of stable emotional health.

Mercy, compassion and affection are among the noble sentiments that Allah has placed in the hearts of mothers and fathers. These are benevolent emotions that could have a great impact on the children's upbringing and their emotional formation. For this reason, we find that the Sharia entrenches these sentiments of mercy and compassion in all of its rulings and encourages mothers and fathers to commit to them.

3 Female genital mutilation/cutting (FGM/C)

Many people assume that FGM/C is a new issue that has been raised only in recent years. Some even think that it was stirred up after the International Conference on Population and Development, held in Cairo in 1994. This is not the case. The issue of FGM was brought up by Shaykh Rashid Ridha in his magazine *Al-Manar* in 1904. People at that time had asked him whether female circumcision was obligatory and he responded under the title 'Necessity of circumcision and its relation to the Sunnah' by quoting Ibn Al-Mundhir that "[Female] circumcision has no basis [Sharia text] and no Sunnah to be followed".

In 1951, the Egyptian Minister of Health called upon His Eminence, Shaykh Mahmoud Shaltout, member of the Senior Scholars Authority and professor of Sharia at Al-Azhar (and later Grand Imam) to query him about the issue of female circumcision, specifically FGM/C. He replied in all clarity, “The Sharia declares a general principle: Wherever meticulous study – not time-bound opinions that serve a specific dispute or go along with the traditions of a certain people – proves that a given matter causes harm to one’s health or physical deformity, then that matter must be legally forbidden in order to prevent such harm or corruption from taking place”.

With the advancement of medical knowledge, monitoring of cases and meticulous research, experts have come to a consensus that FGM/C causes grave harm. If a doctor happens to disagree with this consensus, you will see that he is not an expert on the subject and speaks in an unscientific manner. His opinion is formed by the prevailing culture or assumption that the Sharia orders it, so he becomes fanatic about the issue. Specialized physicians and concerned international medical organizations believe that this practice is harmful. Therefore, it should be forbidden and criminalized. This does not mean forbidding of a practice from the Sunnah of the Messenger (pbuh), as some people claim.

4 Sexual violence against children

This category of violence against children refers to the use of children to satisfy the sexual desires of others. Sexual aggression ranges from harassment to actual intercourse with the child. This will undoubtedly lead to numerous adverse effects on the child, such as a permanent sense of shame or humiliation, self-contempt, impaired learning, difficulty in comprehension and a desire for revenge. Sexual assault also has physical ramifications such as laceration of tissues or affliction with dangerous sexual diseases such as syphilis, gonorrhoea and HIV/ AIDS, and preventing a girl from being able to have a child due to damaged sexual organs.

Islam stands firmly against deviant sexual practices to preserve the dignity and innocence of childhood stolen by sexual exploitation. Such assaults deny children's basic human dignity because they are made into tools or games for those whose hearts are empty of mercy, virtue and shame.

Islam strives to preserve the child’s right to be protected from anything that might lead to moral and sexual deviation, paving the road for chastity and modesty from the moment the child perceives life. In this setting, parents are obligated to separate their children in their beds and children must ask permission before entering the parents' room to avoid a corruptive view of their nakedness at an early age. There is no doubt that Islam encompasses children with this all-inclusive care to prevent them from becoming victims of sexual exploitation or deviation.



5 Child marriage

Another common form of sexual exploitation is child marriage. This practice ought to be punished, whether it is arranged by the parents, lawyers or intermediaries. The penalty must act as a deterrent to confront this phenomenon which is widespread in many countries.

Islamic legislation concurs with the Convention on the Rights of the Child on the issue of sexual exploitation, as the Convention stipulates the protection of children from all forms of sexual exploitation and physical aggression.

Causes and effects of violence against children

whether within or outside the family environment, violence against children has many economic and social causes. Economic reasons include poverty, financial pressures, inability to find gainful employment and poor living conditions such as crowding and large families living in small spaces, which aggravate boredom and quarrelling. Such conditions generate animosity, anger, feelings of inferiority and bitterness and often lead to violence.

Among the social stimuli is the parents' approach to socialization of their children. This is a significant factor in cementing values and behaviours, making children believe in certain values to the exclusion of others. The high population growth and housing crisis in some societies mean the state will be unable to provide adequate services such as schools, hospitals, transportation and employment opportunities. These conditions exacerbate people's sense of helplessness and incite them to chase after money, which naturally results in anxiety and stress. Violent behaviour is a common reaction to this anxiety and stress. The use of force and violence in interactions within a household and among individuals in the community then result.

The repercussions of violence are considerable and difficult to comprehend. Violence is the seed of children's malice and hatred of the whole society. It breeds fear of and reclusion from people. Individuals who are exposed to violence are more likely to feel unsafe. Sometimes it could lead children towards delinquency and running away from home, which is the primary source of children living on the street. Furthermore, exposure to violence could result in various injurious physiological and bodily impacts.

Violence also hinders society's economic growth by debilitating human capital, impeding investment and weakening the economy. The ultimate outcome is a serious lack of state services available to individuals. For the wheel of development to turn, the causes of violence against children must be examined and practical solutions laid down in plans and programmes to ensure sustainable development.

Legislative measures to prevent violence against children

1 The divine code urges mercy and kindness.

Mercy is a characteristic of the divine Sharia sent by Allah, The Highest, to guide people in their relationships with each other. Legislative texts encourage the practice of mercy with all creatures, even animals. Considering this, mercy is certainly required in people's dealings with each other, especially with children.

2 Punishment and its use to prevent violence

Any gathering of individuals is likely to entail disputes and differences of opinion and human souls have a tendency towards abuse and violence so there must be a way to reduce this violence. Sharia has set up punitive measures to minimize various forms of violence; these measures fall under the category of discretionary penalties.

A discretionary penalty (*ta'zir*) is a manner of proffering justice on an offence that has no corresponding legal punishment (*hadd/hudūd*), i.e., a penalty that has not been specified in the Sharia. Rather, it is left to the judge to decide what he deems to be a punishment to deter crimes that do not fall under crimes punishable by retribution (*qisās*) or *hudūd*.

The scope of discretionary penalties not defined by the Sharia is quite wide in contrast to the punishments under *hudūd* and *qisās*. *Ta'zir* might be ordered in the form of [disciplinary] beating, imprisonment, cash fine, admonishment, deprivation of political rights or any other penalty the judge sees fit for the violation that was committed.

With regard to the subject of violence against children, Sharia has left the door open to *ta'zir* because it is meant to be a punishment that is commensurate with the degree of violence committed. For example, with regard to imprisonment, the Sunnah indicates that imprisonment is permitted for some offenses that do not reach the degree of *hudūd*. It has been narrated that the Prophet (pbuh) jailed a man on a charge and subsequently released him. The penalty could also be set as a cash fine if it is deemed a sufficient deterrent.



3 Conditions set by Sharia for disciplining children

The Sharia has given attention to limiting the range of disciplinary measures, with their methods and conditions, in consideration of the impact on the stability of Muslim society as a whole. Islam has determined certain matters that must be abided in disciplining children, particularly avoiding treating them with any form of violence. Guardianship is meant to be in their best interests, not to tyrannize them. It is not lawful for a guardian to use tyranny in exercising this right.

As has been shown, the Sharia gives due attention to the protection of children from abuse and neglect and designates measures to prevent slipping into the practice of any violence or injury, whether physical or psychological. This has also been asserted by international agreements, particularly the Convention on the Rights of the Child. There is no doubt that the application of these measures and instructions to address violence requires the collaborative efforts of many organizations and community institutions. Naturally, the family is the starting point for addressing violence by limiting its causes and treating its impacts. This is followed by study curricula, religious institutions, mass media and other entities that contribute to solving this dangerous societal problem.

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by several horizontal strokes.

Prof. Ali Gomaa
Former Mofti of the Republic

Chapter 2. Various forms of violence against children

I. Child marriage and forced marriage

Child marriage

Islamic Sharia uses an invariable standard to determine the suitable timing for marriage, that is, reaching the age of maturity.

Allah has said, “And test the orphans [in their abilities] until they reach marriageable age. Then if you perceive in them sound judgment, release their property to them”.¹

Child marriage, also referred to as early marriage, means marrying young children. In books of Islamic jurisprudence, particularly books of Sharia in general, children are usually referred to as those under the age of puberty. Sharia texts indicate that during the phase prior to puberty, people are not required to fulfil certain legal obligations such as prayer, fasting and pilgrimage (*hajj*) because such rulings are directed to the adult and no one other than the adult is obliged to bear these duties. The Messenger of Allah (*pbuh*) said, “There are three whose actions are not recorded: a boy until he reaches puberty, a sleeper until he awakes, and an insane person until he comes to his senses”.² Since puberty is a presumed sign of the presence of a mind that could be entrusted [with responsibilities], it is usually connected to the beginning of adulthood.

Marriage is a religious and social responsibility that demands the ability and willingness of both husband and wife to bear its responsibilities, so it is not right to apply this burden to children.

Allah has said, “O you who believe, fulfil [all] contracts...”³

And the Messenger of Allah (*pbuh*) said, “O young, whoever among you can afford it, let him get married”.⁴

The international consensus of defining the legal age of children from the moment of formation of the foetus (before birth) until the age of 18 years did not emerge from a void.

1 Surat Al-Nisaa (The Women), 4:6.

2 Reported by Ahmad 6/144, No. 25157, and Abu Dawud, Book of Prescribed Punishments, Chapter: On the insane person who steals or injures someone, part 4, pg. 140, No. 4401.

3 From Surat Al-Ma’ida, 5:1.

4 Narrated by Al-Bukhari, Book of Marriage, Chapter: On those who can afford should marry, Fath-al-Bari, 9/106, No. 5065.



Rather, it reflects a scientifically based conviction that the period of physical, psychological and social care and preparation of the child should not be less than that, and could actually be more. This is the period in which the girl or boy learns to bear her/his responsibilities and becomes able to make decisions that affect her/his present and future such as marriage. This also agrees precisely with what is well known in the True Religion. Islam is innocent of this custom; the practice of marrying at an early age was not mentioned at all in the Quran. Furthermore, we did not find any mention of a specific age for marriage; however, we do find an unchangeable criterion which is the reaching of maturity. The fact of the matter is that early marriage is no more than a custom; it is not part of Sharia or worship. Moreover, the phenomenon is not exclusive to Muslim society but reaches deep into many other cultures.

In spite of the slow and gradual containment of the phenomenon of the marriage of children under 18 years of age, it continues to exist with the support of societies in some regions. There, mothers and fathers encourage their sons to practice it and may even force their girls into it in order to protect their honour or to reduce the burden of sustaining them. This orientation towards early marriage, while it appears to display mercy, has been shown through modern medicine, without doubt, to lead to complications and adverse effects, both immediate and cumulative. It should not be underestimated or played down.

When considering the health aspects, we find that repeated and overlapping pregnancies and nursing periods before the girl's body is fully developed and without sufficient periods of rest so that she may recover the nutritional state needed for growth, pregnancy, and breastfeeding lead to a condition called nutritional depletion. Maternal mortality rates are high among young mothers, as is the incidence of premature births and a number of other diseases that afflict the urinary tract and reproductive system of young mothers. Abundant scientific evidence demonstrates that the risk of infection with HIV during sexual intercourse is higher in females than in males. Such risks increase even more among young girls whose growth is not fully complete but are subjected to sexual relations with husbands who are older than they are and have had previous sexual experiences. This is compounded by the emotional, familial and social problems related to this phenomenon caused by incomplete physical maturity and the emotional immaturity of husband and wife. Also, child marriage denies them their rights to normal growth and to a proper education.

Sharia has given parents the right and also the duty to care for their children's physical health and upbringing so that they may emerge from childhood happy with their lives and their afterlives.

With this comes the question: Who is the child? The answer: the one who is under the age of maturity as we have shown above. The second question is: When does the child become mature enough to bear legal responsibilities and have the right to make the decisions that she/he deems

will help to realize her/his best interests, whether worldly or spiritual, such as financial dealings and marriage, etc.? Religious scholars vary in their assessment of the age limits of maturity, as follows:

1. **One group sees the limit as the passing of 15 years from the moment of birth as the age of maturity, whether for females or males.**
2. **Some Maliki and Hanafi religious scholars believe that the limit should be 17 years for both females and males, which is the opinion of Abu Hanifa according to one report about him.**
3. **In another account, Abu Hanifa stated that the age of maturity for a boy is 18 years.**
4. **In a third account, Abu Hanifa was of the opinion that 19 is the age of maturity for males and 17 is the age for females.⁵**
5. **In another report, Abu Hanifa was of the opinion that 19 years is the age of maturity for both females and males.⁶**

Laws in most countries and United Nations instruments, particularly the Convention on the Rights of the Child, stipulate that 18 years is the age of maturity for both females and males.

From here we understand that the preferred age for a safe marriage, health-wise and lawfully, is after the age of 18 years. Allah says, “And test the orphans [in their abilities] until they reach marriageable age. Then if you perceive in them sound judgment, release their property to them”.⁷

Position of Islam towards child marriage

At this point, we turn to a review of Islamic scholars’ opinions of early marriage, or what could be expressed as child marriage.

Religious scholars maintain three opinions:

Opinion 1. Some legal scholars are of the opinion that the father has the right to marry off his young girl or boy, whether or not it is the young person’s choice.

Opinion 2. Ibn Hazm Al-Zaheri was of the opinion that marriage of girls is valid, but not of boys. It appears he based his exception for girls on the report that the Messenger of Allah (**pbuh**) married Aisha (may Allah be pleased with her) when she was still small.

Opinion 3. According to the opinion of Uthman Al-Bata, Ibn Shabrama, who was a judge in Kufa during the era of the caliph Al-Mansour, and Abu Bakr Al-Asam, one of the foremost

⁵ Al-Mughni of Ibn Qudama, part 4, pg. 514.

⁶ Al-Jami’ li-ahkam al-Quran [Compilation of Quranic Rulings], Al-Qurtubi, part 5, pg. 35.

⁷ Surat Al-Nisaa (The Women), 4:6.



Mu'tazalite scholars, the marriage of either young girls or boys is not lawful. The latter scholar based his opinion on two points:

1. They do not need marriage since they are not yet mature.
2. Getting married would harm them.

Facts on the differences among religious scholars regarding child marriage

Whoever speculates on the differences among religious scholars on child marriage will find that the dispute is only on the surface; it is not a genuine dispute due to the following matters:

1. The evidence given by those who permit marrying young people under the age of puberty does not provide the required conclusive proof. One such reference is the Quranic verse, “And those who no longer expect menstruation among your women – if you doubt, then their period is three months, and [also for] those who have not menstruated...”⁸

If it is assumed that the girl who has not yet menstruated falls under this meaning, then the meaning is only a possibility and not conclusive. This possibility could be weakened by Sharia principles that bear conclusive proof that no person is to be charged with what she/he cannot endure. Marrying a girl who cannot endure the burden of marriage and its responsibilities falls in this category. Those who do not have menstruation are not necessarily girls; they could be adult women who can endure marriage and its responsibilities. Therefore, the girl who cannot endure marriage does not fall in this category.

2. Another reference used [to support child marriage] is the verse, “And marry the unmarried among you...”⁹ The unmarried female is the one who has no husband, whether young or adult. This verse gives an indication of the permissibility of marrying her without her consent, as the supporters of child marriage say. However, what is intended in this verse is to speak to the guardians responsible for the interests of the girl and [for knowing] her ability to fulfil the physical and emotional obligations of marriage. Since she cannot bear that, using this verse as proof contradicts what the Sharia has stipulated; therefore, it is not allowed.

Some supporters deduce the permissibility of child marriage from the Sunnah, where they say that the Prophet (**pbuh**) married Aisha, may Allah be pleased with her, when she was a six-year-old girl and consummated the marriage when she was nine. Her father, Abu Bakr Al-Siddiq, arranged the marriage.¹⁰ This was a unique situation [for the Prophet (**pbuh**)] meaning

8 Surat Al-Talaq (Divorce), 65:4.

9 From Surat Al-Nur (The Light), 24:32.

10 Reported by Sahih Al-Bukhari, reported by 'Irwa ibn Al-Zubair, Book of Marriage, Chapter: Who consummates with a woman of the age of nine years, 70/27-28.

that the matter is a specific case not to be generalized.¹¹ This latter assumption is supported by the words of Allah, “O wives of the Prophet, you are not like any other women...”.¹² On the assumption that it is not a matter of a specific case, it is also known that the assessment of age prior to adopting the Hijri dates during the time of Umar ibn Al-Khattab was not based on an exact time calculation as is used nowadays.

<p>Child marriage is no more than a custom; it is not part of Sharia or worship and it leads without doubt to significant adverse effects. Therefore, the age of marriage is after the age of 18 years. Marriage is a religious and social responsibility that demands the ability and willingness of both husband and wife to bear its responsibilities, so it is not right to apply this burden to children.</p>	<p>Allah has said, “O you who believe, fulfill [all] contracts...”¹³</p> <p>And the Messenger of Allah (pbuh) said, “O young, whoever among you can afford it, let him get married.”¹⁴</p>
<p>Young girls may not be entrusted with marriage because they should not be entrusted with more than they can bear. Evidence shows that those who enter early marriage are covered by this general principle of Sharia.</p>	<p>God Almighty has said: “On no soul doth God place a burden greater than it can bear.”¹⁵</p> <p>The Prophet (pbuh) said: “There should be neither injury nor return of injury.”¹⁶</p>

Based on the foregoing, the balance is tipped in favour of prohibition of child marriage. Moreover, the dispute over the matter is not a genuine dispute; it is only a dispute on the surface.

11 Nayl Al-Awtar by Al-Shawkani, part 6, pg. 137, most recent printing, Aleppo.

12 From Surat Al-Ahzab (The Combined Forces), 33:32.

13 From Surat Al-Ma’ida, 5:1.

14 Narrated by Al-Bukhari, Book of Marriage, Chapter: On those who can afford should marry, Fath-al-Bari, 9/106, No. 5065.

15 Surah Al-Baqarah 286

16 Compiled by ibn Majah in his Sunan, Book of Judgments, 2/784 H 2341 through ibn Abbas



Forced marriage

Child marriage has no legitimate basis in the Sharia and forced marriage is clearly invalid and prohibited.

The word 'forced' comes from 'force', which means subjugation and compulsion to do something. On this basis, the meaning of 'forced marriage' is a marriage that takes place without the desire to conclude the marriage contract on the part of either the male or female, child or adult. In the previous section, we spoke of child marriage; here we speak of marriage wherein the guardian arranges the marriage of those under his guardianship who have reached the age of maturity without their desire to do so. This occurs with regard to females. As for males, once they reach adulthood, forced marriage is customarily inconceivable. For this reason, we speak here of the guardian's compulsion of the rational, adult yet unmarried woman to marry someone she does not wish to marry.

The issue here is of a guardian who concludes a marriage contract for a rational, adult yet unmarried woman whether she agrees to it or not. As for the adult woman who is no longer virgin, i.e., she has been married before, scholars agree that it is unlawful to force her to get married.

Scholars have two opinions in this case:

Opinion 1. The man has a right to force his rational, adult, not yet married daughter to get married unless she would be harmed by consorting with an elderly or disabled man or one with a chronic disease, which would mean bypassing the original purpose of the marriage.

Opinion 2. The father has no right to force his rational, adult, not yet married daughter to get married and if such a marriage does take place, it is considered invalid as if it had never happened.

The preferred opinion is the statement that it is unlawful for the father to force his rational, adult, not yet married daughter to get married due to the strength of the basis of this opinion. The most convincing proof is the words of the Messenger of Allah (pbuh), "A previously married woman should not be married until her consent has been sought, and a virgin should not be married until her permission has been sought." They said, 'O Messenger of Allah, what is her permission?' He said, 'If she remains silent.'¹⁷

We further state that if the consent of the rational, adult, not yet married woman is a condition for the legality of the marriage, it follows that if she does get married, the validity of

¹⁷ Reported by Al-Bukhari in his Sahih, Book of Marriage, Chapter: The father or any other shall not marry the virgin or previously married woman without her consent. 3/358, h5136, on the authority of Abu Huraira.

the marriage depends on her consent; if she agrees, the marriage is valid and if she refuses, the marriage is invalid.

Forced marriage usually occurs with young girls. The severe social repercussions and harm to a girl's health caused by child marriage mean the parents bear a great responsibility to avoid such consequences. Allah says, "And spend in the way of Allah and do not throw [yourselves] with your own hands into destruction. And do good; indeed, Allah loves the doers of good".¹⁸

The more closely we examine this issue in Islamic thought, the more we find that the duties and demands of husband and wife require discernment and wisdom. The person with a stable belief and strong volition will fully comprehend the meaning of Allah's words in the Quran: "... and He placed between you affection and mercy..."¹⁹ "And live with them in kindness..."²⁰ "And due to the wives is similar to what is expected of them, according to what is reasonable..."²¹ A noble hadith of the Prophet says, "The whole world is a provision, and the best object of benefit of the world in the righteous woman",²² and "Let one of you acquire a thankful heart, a tongue that remembers Allah, and a believing wife who will help him with regard to the Hereafter".²³ It is hard to imagine that these words would be addressed to a boy whose mind and thoughts are not yet mature, or to a girl who herself still needs care and preparation.

Based on the foregoing, child marriage has no legitimate basis in the Sharia and forced marriage is clearly invalid and prohibited.

<p>Conclusion of a marriage contract by force (coercion) without the agreement of the wife is a matter that no rulings of the Sharia approve; therefore, this act is to be ruled invalid.</p>	<p>The Messenger of Allah (pbuh) has said, "A previously married woman should not be married until her consent has been sought, and a virgin should not be married until her permission has been sought".²⁴</p>
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18 Surat Al-Baqarah (The Cow), 2:195.

19 From Surat Al-Rum (The Romans), 30:21.

20 From Surat Al-Nisaa (The Women), 4:19.

21 From Surat Al-Baqarah (The Cow), 2:228.

22 Reported by Muslim in his Sahih, Book of Marriage, Chapter: The best provision in this life is a righteous woman. 2/109, h1467, on the authority of Abdullah ibn Umar, may Allah be pleased with him.

23 Reported by Imam Al-Tirmidhi in his Sunnan, Book of Tafsir [Interpretation], Chapter: Tafsir of Surat Al-Tawba (The Repentance), 5/277, h3094, on the authority of Thawban and classified as "good" by Al-Tirmidhi.

24 Reported by Al-Bukhari in his Sahih, Book of Marriage, Chapter: The father or any other shall not arrange the marriage of the virgin or previously married woman without her consent. 3/358, h5136, on the authority of Abu Huraira.



II. Female circumcision or female genital mutilation/cutting (FGM/C)¹

There is neither medical nor religious justification to FGM/C. In addition, its adverse effects on health and psychological state are forbidden in Islamic Sharia.

FGM/C is a traditional practice that is erroneously thought to prepare the girl for womanhood. The age at which the procedure is conducted varies from one culture to another. In some cultures, girls are circumcised while still infants while for others it is performed at a much later age. For the most part, FGM/C is done between the ages of 4 and 13 years.

Types of FGM/C

Although many studies indicate a wide variety of types of FGM/C, these could be categorized under four main types:

Type 1 Involves removal of the clitoral head, meaning cutting of the highest tip of the skin of the clitoris. It sometimes entails cutting part or all of the clitoris.

Type 2 (Clitoridectomy) Refers to the removal of the clitoral head and clitoris and partial or complete removal (excision) of labia minora (inner vaginal lips).

Type 3 (Infibulation) Refers to the partial or complete removal of all parts of the female's external genital organs. It also entails stitching or narrowing the vaginal opening.

Type 4 (Uncategorized) Includes such procedures as pricking, piercing or incising of the clitoris and/or labia; stretching of the clitoris and/or labia; cauterization by burning the clitoris and surrounding tissues; scraping the tissue surrounding the vaginal orifice or cutting of the vagina; introducing corrosive substances or herbs into the vagina for the purpose of tightening or narrowing it.

Complications and harmful effects of FGM/C

There are both medical and social complications of FGM/C. The medical complications could be divided into two parts:

¹ "Female circumcision between the incorrect use of science and the misunderstood doctrine". Third edition, 2013 http://www.unicef.org/egypt/media_8534.html

1 Immediate complications of the FGM/C procedure:

- Severe pain at the site of the wound.
- Severe bleeding caused by laceration of the blood vessels and body parts near the site of the operation.
- Severe infection of the wound that could lead to blood poisoning (sepsis).
- Trauma could lead to death as a result of severe bleeding.
- Spread of infections such as HIV or hepatitis C due to contamination of surgical tools.

2 Ongoing and long-term complications in the woman and her future children:

- Deformities and fibrosis around the area of the wound (caused by scarring).
- Fibrosis causing the shrinkage or narrowing of the vaginal orifice.
- Pain when urinating, urinary tract infections, urinary incontinence and urinary retention.
- Contamination of the wound could lead to chronic pain and infection in the groin and the possibility of infertility.
- Extreme narrowing of the vaginal opening could lead to difficulty in giving birth and may require cutting or widening of the perineum or ultimately the need for caesarean section.
- Prolonged childbirth could lead to pressure against the bladder and surrounding tissues resulting in laceration of tissues and possible urethral fistula (hole between the urinary tract and the vagina) or perineal fistula (hole between the vagina and the rectum).
- Increased incidence of obstructed labour in young girls due to immature physical development and deformities of the vaginal opening and surrounding area due to FGM/C.
- Lack of sexual harmony between the spouses and its consequent problems.
- Prolonged childbirth (obstructed labour) leads to a higher percentage of injury to brain tissue, a higher incidence of poor vital signs in the baby, higher neonatal mortality and the increased need for intensive medical care of newborn babies.



There is no medical justification for FGM/C; rather, it could lead to many health problems that impact the child in the short and long term.

Allah says in the Quran: “O you who believe, take your precautions...”²

The Messenger of Allah (pbuh) said, “There should be neither harming nor reciprocating harm”.³

Allah, The Highest, also says: “... and do not throw [yourselves] with your own hands into destruction...”.⁴

Psychological complications and harmful effects of FGM/C

Subjecting a girl to FGM/C could expose her to affliction with one or more of the following complications, depending on her level of awareness, self-esteem and ability to handle shocks:

- Anxiety.
- Emotional trauma.
- Feeling of shame and distorted self-image.
- Fear of marriage.
- Inability to fulfil sexual desires.
- Lack of interest in sexual relations.
- Frustration and depression (between the spouses).

Social repercussions

The harmful social effects include discord and conflict between the spouses that sometimes reach the point of divorce.

Islamic viewpoint of FGM/C

In countries where FGM/C is practiced, erroneous concepts and beliefs are widespread. One idea is that this operation is for beautification or removal of extra protrusions. Medical facts, however, show that the organs that are removed are not superfluous; rather, they have specific functions to preserve general health. Another mistaken belief is that the parts that are removed, if left as is, will enlarge to the point of being like male reproductive organs. One common misbelief says that the uncircumcised female is unable to control her sexual desire, but this is not true because it is the brain that controls sexual desire.

² Surat Al-Nisaa (The Women), 4:71.

³ Reported by Ibn Majah in his Sunan, Book of Rulings, Chapter: Whoso builds on his rightful property shall not harm his neighbour.

⁴ Surat Al-Baqara (The Cow), 2:195.

It is not correct to say that FGM/C is an instinctive practice. This characteristic is only applied to male circumcision. It is not permissible to base this opinion on weak hadiths to justify a legal ruling on a matter that entails tremendous danger to the woman's life. This practice afflicts the most sacred relationship cared for under Islam, the relationship that attends to the woman's emotions and respects her need to satisfy her sexual desires on the same level as men.

From an Islamic viewpoint, the Quran is empty of any text that mentions FGM/C, even remotely. Calling it 'Sunnah circumcision' is merely a deception to give it a degree of holiness and deceive people that the practice comes from Islam. The truth is clear that none of the hadiths attributed to the Noble Prophet (pbuh) in this matter are based on genuine sources from the Sunnah. Ibn Al-Mundhir said, "FGM/C has no report to refer to or *Sunna* to follow".⁵

In 1998, a group of scholars from more than 35 Islamic countries gathered at Al-Azhar University in Cairo to discuss this issue (among other reproductive health issues) and concluded that this practice is not obligatory in Islam.⁶ Rulings according to Islamic Sharia were divided into two categories:

Absolute: Refers to matters of consensus (*ijma'*) according to divine proof in the Book of Allah and spoken by His Prophet (pbuh) that leave no room for improvement or interpretation (*ijtihad*). No dispute [over the matter] is permissible for the one who is aware of its absolute nature. Such absolute matters are the realm of colleges of Sharia [to ponder], along with most matters of belief and principles of duties, forbidden matters, virtues and morals.

Assumptive: Refers to the sources of *ijtihad*, and all matters where there is no absolute proof in an authentic text or explicit consensus.

The characteristic that goes with these assumptive matters is that they should not limit themselves to discussing the differences and those who differ over them should not step out of the bounds of mercy unless they oppose each other and sever relations because of it. These matters [of *ijtihad*] were and still are among the greatest manifestations of open-mindedness and ease in this religion.

Under this second category, there are some who believe the issue of FGM/C to be legal according to Sharia. But the first fact we must consider is that FGM/C was not mentioned at all in the Quran. Also, there is not one authentic proof in a hadith from which could be derived a Sharia ruling in a matter as dangerous to human life as this one. There must also be a consensus among legal scholars, which there is not in this issue. Allah creates humans in the best form, so if an important part of the body is cut or severed this would be changing Allah's creation, which is not a moral or virtuous action.

5 Nail AlAwtar by Elshokani 1/112,113.

6 Recommendations of the Conference on Population and Reproductive Health in the Muslim World: International Islamic Centre for Population Studies and Research, Al-Azhar University, 1998.



The Messenger (**pbuh**) spoke the truth when he said, “Allah curses those who change the creation of Allah”.⁷ Allah, praise be to Him, has also said: “They call upon instead of Him none but female [deities], and they [actually] call upon none but a rebellious Satan, whom Allah has cursed. For he had said, ‘I will surely take from among Your servants a specific portion. And I will mislead them, and I will arouse in them [sinful] desires, and I will command them so they slit the ears of cattle, and I will command them so they will change the creation of Allah.’ And whoever takes Satan as an ally instead of Allah has certainly sustained a clear loss”.⁸

We must be aware of Allah in the nurturing of our daughters in the true religion, upright character and sound upbringing as this is the basis of self-control and purifying our desires. Allah has spoken the truth: “And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate justice”.⁹

The noble deed is not as absolutely necessary as the obligation, duty or Sunnah. Islamic Sharia establishes the principle that whenever careful study proves that a given matter entails harm to one’s health or deformation of creation, then this matter must be forbidden in order to halt such damage.

As we all know, Islamic Sharia was instituted to realize people’s best interests and fend off corruption. Sharia as a whole either repels evils or calls forth goodness. Allah, praise be to Him, said to His Prophet (**pbuh**): “Thus Allah presents [the example of] truth and falsehood. As for the foam, it vanishes, [being] cast off; but as for that which benefits the people, it remains on the earth...”.¹⁰ Allah made that which benefits people in their worldly life and afterlife to be the truth delivered through His Messenger, whereby He said: “O Mankind, the Messenger has come to you with the truth from your Lord...”¹¹. He also said of him: “...and what has been revealed to you from your Lord is the truth...”,¹² “And those who have been given knowledge see that what is revealed to you from your Lord is the truth...”.¹³

Any harm to one’s health is forbidden according to the hadith by the Messenger (**pbuh**), “There should be neither harming nor reciprocating harm”.¹⁴ This is a noble hadith narrated by Al-Daraqutni on the authority of Abi Saeed Al-Khudri; Al-Hakim classified it as authentic (*sahih*) according to the conditions set by Muslim, and as confirmed (*mu’akkida*) when narrated

7 Agreed upon on the authority of Ibn Mas’oud

8 Surat Al-Nisaa (The Women), 4:117-119

9 Surat Al-Nisaa (The Women), 4:9

10 From Surat Al-Ra’d (The Thunder), 13:17.

11 From Surat Al-Nisaa (The Women), 4:170.

12 From Surat Al-Ra’d (The Thunder), 13:1.

13 From Surat Saba (Sheba), 34:6.

14 Reported by Al-Daraqutni in his Sunan, Book of Selling, 3/77, h288, on the authority of Abi Saeed Al-Khudri.

in other formats such as the Prophet's (pbuh) words, "Cursed are those who harm a believer, or plot to do so",¹⁵ "Whoever harms others, Allah will harm him",¹⁶ and "Whoever harms a believer, Allah will harm him".¹⁷

For these reasons, some contemporary scholars deem FGM/C to be forbidden due to its origins, or at least subject to the reasons for banning due to its impact on the soul or blood or a safe life. This is based on the universal foundations of jurisprudence (*fiqh*) that the fundamental rule regarding [the shedding of] blood is forbiddance. The rationale for applying this rule to FGM/C is that it compromises the soundness of the body and wounds it. Any action of this kind is subject to the rule of forbiddance.

Furthermore, there is no practice in the noble Sunnah of the Prophet that is called 'Sunnah circumcision' for females. The biography (*sira*) of the Prophet that carefully covers all the minute details of his and his family's life makes no mention that the Messenger of Allah (pbuh) circumcised his daughters or wives or any other women members of his family.

Most Muslim countries such as the Kingdom of Saudi Arabia, Gulf countries, Syria, Palestine, Libya, Tunisia, Algeria, Morocco, Malaysia, Pakistan, etc., know nothing of this practice whatsoever. Does it make sense that the Muslims in all these countries would ignore an important ritual of Islam or certain Sunnah of the Prophet as the proponents of FGM claim?¹⁸

Science demonstrates that the centre of control of sexual desires is the brain, so if we wish to control this desire we must address, cultivate and nurture the brain (the mind) using upright religious education.

FGM reduces the woman's ability to be sexually fulfilled during marital relations although this is her right guaranteed by Islam. Some legal scholars have declared that cutting the labia minor requires the payment of full indemnity. They justify this by noting that the 'enjoyment of intercourse' occurs in this bodily part, so every missed chance for enjoyment or portion thereof requires the penalty of compensation. Forbidding the cause (which is FGM/C) is therefore absolutely permissible and even a priority.¹⁹ In *Al-Muhalla*, Ibn Hazm Al-Zaheri has recorded the opinions of scholars in this regard and differed with them on imposing *qisas* [retaliatory punishment as an 'eye for an eye'] on the deliberate perpetrator, even though the basic rule is

15 Reported by Al-Tirmidhi, Book of Righteousness, Chapter: Treachery and Fraud, 4/332, h1941, on the authority of Abu Bakr Al-Siddiq.

16 Reported by Al-Tirmidhi in his Sunan, Book of Righteousness, Chapter: Treachery and Fraud, 4/332, h1940, on the authority of Abi Surma, as good (*hasan*).

17 See the previous hadith 9 Guide to Children in Islam: Care, Protection, and Growth. International Islamic Centre for Population Studies and Research, Al-Azhar University in cooperation with UNICEF, 2005.

18 Al-Awa, Salim. FGM from an Islamic Viewpoint, p. 16.

19 Ibn Hazm, Al-Muhalla, Cairo, 10/458.



that indemnity is imposed on the one who erred. On this he said, "Any girl who has undergone FGM that caused immediate or delayed harm to her may raise a lawsuit against her father and mother and against the person who conducted the procedure. The judge may require *qisās* from her father and mother and the person who conducted the procedure by cutting from each one of their bodies the same amount as that which was cut from her clitoris".²⁰ Legal scholars have decided that *qisās* is the punishment for cutting the labia minor if the conditions are present; otherwise indemnity (*diya*) applies.²¹

The responsibility that Allah has laid upon the shoulders of the scholars and legislators is great and requires familiarity with all sides of the issue before issuing a ruling on it. Such a ruling (*fatwa*) entails matters that affect the quality of life for many people. Islam came to guide and give happiness to people. The tolerant principles of Islam light our way and guarantee a good upbringing and adherence to the virtues, morals and ethics of Islam. FGM/C is far removed from these lofty aims and noble purposes. We can conclude that FGM/C bears no medical benefit; rather, it entails physical and psychological harms forbidden by Islamic Sharia.

The practice of female genital mutilation is among the most prominent forms of violence against women. It causes numerous complications which impair women's right to enjoy their marital lives and as there is no benefit, it must be rejected as a violation of women's privacy and the integrity of their bodies which God has forbidden.

<p>The practice of female genital mutilation is among the most prominent forms of violence against women. It causes numerous complications which impair women's right to enjoy their marital lives and as there is no benefit, it must be rejected as a violation of women's privacy and the integrity of their bodies which God has forbidden.</p>	<p>Do not transgress limits; for God loveth not transgressors.²²</p>
<p>Abandonment of FGM/C is not sinful according to the Sharia and it is not right to say that it is from the Sunnah or from human nature (<i>fitra</i>).</p>	<p>The Quran contains no verses that mention female circumcision (FGM/C). Any hadiths that are cited to indicate its legitimacy are all weak and flawed.</p>

²⁰ Ibid.

²¹ Within the same meaning El Moghana by Ibn Kadama, (12/158 and 11/546)

²² Surah Al-Baqarah 190.

III. Discrimination among children

The teachings of Islam make all people equal in duties and rights. There is no room for discrimination among them on the basis of race, gender, colour, disability or any other reason.

Discrimination among children based on race, gender, colour, religion, disability, wealth or any other reason is a very dangerous phenomenon. It contradicts Islamic teachings that guarantee equality among all people, considering them as equal as the teeth of a comb. They vary only in their pious behaviour and in what each person offers of assistance for her/himself, society and nation as expressed in her/his awareness of Allah.

In this regard, Allah says in the Quran: "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you..."¹ And the Prophet (pbuh) has said, "O mankind, your Lord is one, and your father is one; all of you are Adam and Adam comes from dust. The most honourable of you in the sight of Allah is most righteous of you. No Arab is better than a non-Arab and no non-Arab is better than an Arab except in piety".² The Messenger of Allah (pbuh) overheard Abu Dharr Al-Ghafari say to an African man who angered him, "You son of a black woman". This angered the Prophet (pbuh) who said, "Transgressed the bounds, transgressed the bounds" – meaning it has gone too far – "No son of a white woman is better than a son of black woman except in righteousness and good works". Then Abu Dharr put his cheek to the ground and told the African, "Stand up and step on my cheek".³ One time when the Prophet (pbuh) was busy with a group of Quraysh leaders calling them to Islam, Ibn Umm Maktoum, a poor, blind man came to him – not knowing that he was busy with this group – and asked him to teach him something of what Allah taught him. The Messenger (pbuh) was averse to him and frowned and turned away. Upon this action the following verses were revealed in the Quran to admonish him severely: "[The Prophet] frowned and turned away, because there came to him the blind man, [interrupting]. But what would make you perceive [O Muhammad], that perhaps he might be purified, or be reminded and the remembrance would benefit him? As for he who thinks himself without need, to him you give attention. And not upon you [is any blame] if he will not be purified. But as for he who came to you striving [for

1 Surat Al-Hujarat (The Dwellings), 49:13.

2 Reported by Ahmad in his Musnad, part 5, pg. 411 – printed by Dar-al-Fikr.

3 Reported by Al-Baihaqi in Shu'ub Al-Iman, 4/288, h5135 – printed by Dar Al-Kutub Al-'Ilmiyya.



knowledge], while he fears [Allah], from him you are distracted”.⁴ After this incident, whenever the Messenger (pbuh) saw Ibn Umm Maktoum spreading out his mat he would say to him, “Welcome to one for whose sake my Lord admonished me”.⁵ He would always take care of him and ask him what he needed. After the Hijrah, he put him in charge of Al-Madina twice during two different battles.

Islam enshrines the principles of justice and equality as part of the most important foundations of human life.

Allah says: "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you..."⁶ And the Prophet (pbuh) has said, "O mankind, your Lord is one, and your father is one; all of you are Adam and Adam comes from dust. The most honourable of you in the sight of Allah is most righteous of you. No Arab is better than a non-Arab and no non-Arab is better than an Arab except in piety".⁷

The position of Islam on gender discrimination among children and Islam's attention to girls

During the Days of Ignorance, people's perception of females was largely wrong and even led to oppression and crimes against them. Their lives were seen as expendable and worse yet, as a heavy burden and shame in their lives. The Quran heavily condemns this perception: "When the glad news of the birth of their daughter is brought to them, their faces turn gloomy and black with anger. He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide".⁸

Islam has forbidden this injustice against girls that had reached the point where people would carry their newborn girls in their own hands and bury them alive.

4 Surat Abasa (He Frowned), 80:1-10.

5 Reported by Al-Turmozi in his Sunan, Kutab El Tafseer, Surat Abasa 432/5-3331 by Aisha, Dar Al Hadeeth.

6 Surat Al-Hujarat (The Dwellings), 49:13.

7 Reported by Ahmad in his Musnad, part 5, pg. 411 – printed by Dar-al-Fikr.

8 Surat Al-Nahl (The Bees), 16:58-59.

What cruelty is this? What level of appalling vulgarity did they reach? What would be their account and punishment on the day when Allah takes account of their gross injustice and dangerous aggression? Allah has said: “And when the girl [who was] buried alive is asked, for what sin she was killed”.⁹

Islam has forbidden burying girls alive and prepared the conditions for their safety and security to lead a contented life. It has decreed just rights and full equity for them as shown in this hadith: Anas ibn Malik, may Allah be pleased with him, reported that the Messenger of Allah (pbuh) said, “He who brought up two girls¹⁰ properly until they grew up, he and I will come together on the Day of Resurrection like this”, and he interlaced his fingers. Another narration says, “I will enter the Garden with someone who brings up two daughters until they come of age, and we will be like these two”, and held his index finger and middle finger together.¹¹

Here we note the great value attributed to the quality upbringing of girls and of the important standing caregivers of girls hold. This standing is close to the Messenger of Allah (pbuh) and close to Allah’s mercy. Righteous providers for girls will be safe from Allah’s punishment if they stand for the truth and fulfil their duties towards their daughters in terms of upbringing, attention and care.

While it is true that customs of the Days of Ignorance died out with ending of that age, traces remain as seen in some fathers who still grumble with disgust if they have a female baby. He is not happy with her as he would be with a boy. He receives her at first sight reluctantly. The matter goes even further; he may even complain to his wife and treat her harshly and ultimately divorce her as if the matter is in her hands. But no one controls it other than the Creator, the All Able – all praises be to Him – who speaks only the truth: “To Allah belongs the dominion of the heavens and the earth. He creates what he wills. He gives to whom He wills female [children], and He gives to whom He wills males. Or He makes them [both] males and females, and He renders whom He wills barren. Indeed, He is Knowing and Competent”.¹²

The rational person who has true faith in Allah will delight in the birth of a girl just as in the birth of a boy, because she/he knows that in Allah’s will and wisdom can only be found goodness, and that this matter is in the hands of Allah, The Highest, alone, and He is Able to do all things.

An image far removed from the spirit of Islam but deeply steeped in weak souls is the hatred of girls and harsh treatment of the wife if she gives birth to a girl. This is in spite of the fact that Allah – all praises be to Him – is the one who shapes His creation in the womb, whether female or male, white or black and so on. Allah says: “It is He who forms you in the wombs however He

9 Surat Al-Takwir (The Overthrowing), 81:8-9.

10 Translator’s note: The meaning of ‘jariya’ here is ‘young girl’ [not the more common contemporary meaning of ‘female slave’].

11 Narrated by Muslim in his Sahih, Book of Righteousness, Chapter: Virtue of doing good to daughters, 4/2027-2028, h4631.

12 Surat Al-Shura (Consultation), 42:49-50.



wills. There is no deity except Him, the Exalted in Might, the Wise”.¹³ Allah rewards every male or female for their actions as follows: “And their Lord responded to them, ‘Never will I allow to be lost the work of [any] worker among you, whether male or female, you are of one another..’”.¹⁴

Another image of discrimination between boys and girls is manifested in each one’s shares of food and education. The girl is not given a share equal to her brother, which could impact her health and psychosocial condition. The Messenger of Allah (pbuh) has said, “Whoever has three daughters or three sisters and teaches them knowledge and manners until Allah provides for them otherwise, he will certainly attain Heaven”. Then some of the Companions asked him, “Or two daughters or two sisters, O Messenger of Allah?” to which he answered, “Or two daughters or two sisters”.¹⁵

Islam forbids gender-based discrimination between children.

The Quran states, “To Allah belongs the dominion of the heavens and the earth. He creates what he wills. He gives to whom He wills female [children], and He gives to whom He wills males. Or He makes them [both] males and females, and He renders whom He wills barren. Indeed, He is Knowing and Competent”.¹⁶

The Messenger of Allah (pbuh) has said, “Fear Allah and observe equity among your children”.¹⁷

Islamic orientation towards preventing discrimination between children

Islam shows fairness to both the female and the male and forbids harmful practices including burying the female infant and detesting her, in addition to other remnants of harmful practices such as hating the birth of girls and consequent mistreatment of the wife. But there is still another entrenched behaviour, possibly more common in the Muslim environment that must be confronted by all Muslims. That is the preference for boys over girls, which is clearly noticeable when there is one boy among a group of girls. The father and mother give the boy

¹³ Surat Aal ‘Imran (The Family of Imran), 3:6.

¹⁴ From Surat Aal ‘Imran (The Family of Imran), 3:195.

¹⁵ Sharh Al-Sunnah by Abi Muhammad Al-Hussaini Al-Bakhouri, 13/44, on the authority of Ibn Abbas.

¹⁶ Surat Al-Shura (Consultation), 42:49-50.

¹⁷ Reported by Muslem, Kitab Al Hebat (Book of Gifts), Hatred and preferring some children over others in the Gifts, 1242/3-3421, by Nuoman Bin Bashir.

special treatment although this contradicts the Islamic atmosphere and principles. Islam calls for equity among the children, which is a requirement which will no doubt bear its fruits in their upbringing and growth. In a hadith reported by Al-Nu'man ibn Bashir (may Allah be pleased with them), Al-Nu'man said, "My father gave me a gift but Amra bint Rawaha (my mother) said she would not agree to it unless she made the Messenger of Allah (**pbuh**) a witness to it. So my father went to Allah's Messenger and said, 'I have given a gift to my son from Amra bint Rawaha, but she ordered me to make you as a witness to it, O Apostle of Allah' to which he asked, 'Have you given (the like of it) to every one of your sons?' He replied, 'No.' Then he said, 'Fear Allah and be just to your children.' My father then returned and took back his gift".¹⁸

Another matter that does not conform with the justice of Islam which occurs in some environments is depriving females of their inheritance or giving them less than their rightful share. This violates Allah's words: "For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share".¹⁹

In addition to this, in some cases the female's share is greater than the male's. The mother, for example, is never deprived of the inheritance under any conditions although a male could be precluded. We can appreciate the extent to which Islam is just and fair to females in view of the rights accorded to them. Allah says: "Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise".²⁰

The teachings of Islam are that all people are equal in duties and general rights because they are servants of Allah; there is no exception to this duty. Allah says: "There is no one in the heavens and earth but that he comes to the Most Merciful as a servant. He has enumerated them and counted them a [full] counting".²¹

Because they come from one father and one mother, Allah says: "O mankind, fear your Lord who created you from one soul and created from it its mate and dispersed from both of them

18 Narrated by Al-Bukhari in his Sahih, Book of Gifts, Chapter: Attestation of Gifts, 5/211, h2587 printed.

19 Surat Al-Nisaa (The Women), 4:7.

20 Surat Al-Nisaa (The Women), 4:11.

21 Surat Maryam (Mary), 19:93-94.



many men and women...”.²² Therefore, there is no room for discrimination among them due to a difference in race, gender, colour, religion, disability, wealth or any other reason.

Islam calls to giving due attention to the care of girls, guaranteeing their rights to familial, health and economic care, so whoever cheats them of their rights is a sinner.

Allah says: “When the glad news of the birth of their daughter is brought to them, their faces turn gloomy and black with anger. He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide.”²³

And the Messenger of Allah (pbuh) said, “If anyone has a female child and does not bury her alive or humiliate her, and does not prefer his male children over her, Allah will enter him into Paradise”.²⁴

²² Surat Al-Nisaa (The Women), 4:1.

²³ Surat Al-Nahl (The Bees), 16:58-59.

²⁴ Reported by Abu Dawud in his Sunan, Book of Etiquette, Chapter: Virtue of sponsoring an orphan, 4/339-340, h5146, on the authority of Ibn Abbas, printed by Dar Al-Rayyan.

IV. Child labour

The exploitation of children through labour that is hard and dangerous labour or that violates their rights is forbidden in Islam due to the adverse effects and harm it causes them. Harm is forbidden according to the words of the Messenger of Allah (pbuh), “There should be neither harming nor reciprocating harm”.

Islam enjoins work, raises its standing and esteem, considers it a grand endeavour and promises sincere workers plentiful rewards. The words of Allah emphasize this: “Whoever does righteousness, whether male or female, while he is a believer - We will surely cause him to live a good life, and We will surely give them their reward [in the Hereafter] according to the best of what they used to do”.¹ And, “And say, ‘Do [as you will] for Allah will see your deeds, and [so will] His Messenger and the believers. And you will be returned to the Knower of the unseen and the witnessed, and He will inform you of what you used to do’”.² “And we certainly gave David from Us bounty. [We said], ‘O mountains, repeat [Our] praises with him, and the birds [as well].’ And We made pliable for him iron, [Commanding him], ‘Make full coats of mail and calculate [precisely] the links, and work [all of you] righteousness, for be sure I see all that you do’”.³

About work, the Prophet (pbuh) has said, “Nobody has ever eaten a better meal than that which one has earned by working with one’s own hands. David (pbuh), the Prophet of Allah, used to eat from the earnings of his manual labour”.⁴ “No doubt, one had better take a rope (and cut) and tie a bundle of wood and sell it whereby Allah will keep his face away (from Hellfire) rather than ask others who may give him or not.”⁵ “There is none amongst the Muslims who plants a tree or sows seeds, and then a bird, or a person or an animal eats from it, but is regarded as a charitable gift for him.”⁶ “Indeed, Allah loves the believer who is a skilled worker”,⁷ and “He who reaches the evening weary from the work of his own hands will spend the evening forgiven [of his sins]”.⁸

1 Surat Al-Nahl (The Bees), 16:97.

2 Surat Al-Tawbah (The Repentance), 9:105.

3 Surat Saba (Sheba), 34:10-11.

4 Reported by Al-Bukhari in his Sahih, Book of Selling, Chapter: Man’s earnings and manual labour, pg. 303, The Opening -4 (2072).

5 Reported by Al-Bukhari in his Sahih, Book of Distribution of Water, Chapter: Selling wood and hay, 5/46, The Opening -5 (2373).

6 Reported by Al-Bukhari in his Sahih, Book of Cultivation and Farming – 5/3, Chapter: Virtue of sowing and planting, The Opening-5 (2320).

7 Narrated by Al-Tabarani in *Al-Mu’jam Al-Awsat*, 9/60h, 8934T, Dar-al-Hadith, examined by Ayman Salih.

8 Narrated by Al-Tabarani in *Al-Mu’jam Al-Awsat*, 7/338h, 7520, Chapter: Seeking refuge from the evil of one’s actions.



Child labour maybe defined as any work that deprives children of their fundamental rights or childhood, hurts their dignity or harms them physically or psychologically. Examples of such work include:

- **Work that causes physical, psychological or social harm or deprives them of the right to play and enjoy their time and childhood.**
- **Work that hinders their education.**
- **Work that deprives them of the opportunity to enrol in school.**
- **Work that forces them to leave school early.**
- **Work that forces them into hard labour for long hours, most notably child labour in homes, using them to beg and ask for donations and exploiting them in armed conflicts.**

Child labour is a form of violence against children that is widespread in many societies. Much attention has been accorded to this matter by those concerned with and specialized in children's issues in order to address the negative impacts that reflect on the well-being of the individual, family and society.

Consequences of child labour

Child labour entails grievous effects and dangerous repercussions such as the forcing the child to suffer the burden of excessively hard work. As a result of child labour, children are exhausted physically by working long hours, their health deteriorates and their proper growth is curbed, leading to weakened senses and poor vital signs.

Child labour exposes them to physical injury, health risks, occupational illnesses and accidents such as burns, breaks, deformed limbs, falling from high places and inhaling poisonous gases. Children working in very dangerous occupations even face risk of death.

The matter is even more serious when we realize that the child, due to her/his young age, is more vulnerable to occupational hazards and less able to bear these burdens and the accompanying psychological conditions. This is compounded by the lack of health care for working children, the child's lack of experience and interest in education and professional training, which lead to the child's incorrect use of tools and unconcern for using protective means such as gloves, shoes and masks. Failure to train children in sound professional principles and entrusting them with the operation of machines that do not fit their physical or mental capabilities further exacerbate the problem.

Child labour also deprives children of the opportunity to get an education equal to that of their peers. Most of the time, working children are not able to enrol in school at all or leave school early. Consequently, they miss out on the values, ethics and morals that could be gained from knowledge and are deprived of learning to read and write and thus of the ability to acquire

knowledge. This negatively impacts their mental and creative abilities, preventing them from gaining the experience and skills needed to succeed in life.

Sadly, child labour deprives children of the enjoyment of their childhood and parental compassion. It burdens them with responsibilities that exceed their physical and mental capacities. It exposes them to difficult work conditions and physical and emotional violence which could lead to a dulling of feelings, troubled emotions, weakened affection, lack of self-respect, inability to communicate well with others and negative thinking and emotions such as frustration, anxiety, depression, resentment and aggressive behaviour.

Causes of child labour

Child labour is a difficult problem that occupies the minds of those concerned with the affairs of children due to the problems it causes to the individual, family and society. The reasons for the spread of this phenomenon are many: poor household economic conditions; low household income; poverty and deprivation; and low-quality education. Such conditions force children into the labour market at an early age in the hopes of increasing the family's income. They do not know that the solution to poverty is not in depriving children of their rights to education and protection from exploitation and violence. The damage caused by child labour is much greater than the benefit that could return to the family. Depriving children of quality education makes them lose the opportunity to climb the ladder of social mobility. In some cases, the family educates some of the children and pushes others to work, which creates divisions among the children and spreads mutual envy and hatred.

Child labour prevents children from enrolling in school or causes them to drop out in the early phases because they do not comprehend their own interests or the magnitude of the risks that await them. Sometimes their families try to compel them to study subjects for which they are not prepared. Other children give up studying deliberately to work in jobs that generate rapid income, which they perceive as a sign of manhood. Compulsory basic education has not succeeded in overcoming such mistaken perceptions and behaviour. Another long-term adverse effect is the high rate of divorce. Marital and familial conflicts and the breakdown of family cohesion abound. These are consequences of the absence of religious deterrents and lack of adherence to Islamic teachings that guide familial relationships. Children are brought up without care, protection, role models, guidance, supervision or follow-up. As a result, the family is diverted from being a caring, protective environment for its children to being an expulsive environment, which easily influences them and draws them towards work and acquiring quick cash.

One direct reason for children seeking work is the imprisonment, debilitating illness or death of the father or breadwinner. When children lose their primary means of support, they end up working to meet their needs.



On the macro scale, the failure to abide by international treaties and conventions regarding child rights and child protection laws, as well as the absence of monitoring of the labour market, all exacerbate the phenomenon of child labour.

The position of Islam on child labour

Islam has accorded special attention to children. It could be said that their welfare is a primary aim of Islamic Sharia. There are numerous codes and rulings to cover all phases of the child's life, from foetus to infant to toddler to young child to adolescent to youth. These codes seek to guarantee children's good upbringing and keep them away from any negative influence on their health and psychosocial state, and ultimately to foster citizens able to perform their mission in life, namely, to serve Allah alone and contribute to building the earth. These laws and provisions guarantee the child rights mentioned above. It is acceptable in Islam for children to voluntarily occupy themselves with work that suits their age and personal abilities as long as this does not conflict with their rights to an education, play or enjoy their childhood. It could actually be necessary to develop their skills, expand their knowledge and contribute to their physical, cognitive and emotional formation. The exploitation of children in hard and dangerous work that deprives them of their rights to an education and recreation is absolutely forbidden in Islam.

The Islamic viewpoint of these two issues is as follows:

1 Development of children's life skills

Assigning children simple jobs that enable them to acquire life skills is beneficial as long as it does not harm them or deprive them of their rights.

The third caliph Uthman ibn Affan (may Allah be pleased with him) said, "**Do not charge the young with earning [a living], for if he does not find [a way to earn], he will steal. Be upright as Allah made you upright. And eat that which is good and right for you**".⁹

Children could undertake voluntary tasks which are safe and fit their age and abilities and do not conflict with their rights to education and spiritual, moral or social development. Such

⁹ Reported by Malik in Al-Mawta', Book of Asking Permission, Chapter: On ordering to be kind to servants, 2/981, h42, printed by Issa Al-Halabi.

tasks include household chores, helping with farming, manufacturing, commercial work or other activities such as participating in public service. Contributing to these activities will give a child a feeling of importance, especially if balanced with an opportunity to play. Participating in work activities will increase children's abilities, hone their skills, give them experience and contribute to their mental, psychological, physical and social growth. It ingrains in them constructive values such as self-confidence and pride, respect for others, social responsibility, cooperation, solidarity and tolerance. Taking part in such activities is acceptable according to Sharia for the positive effects on the child's personality. It fosters a strong and righteous citizen who will lead a happy life and afterlife. This is the desired goal of Islam.

The Messenger of Allah (pbuh) and his Companions are the ultimate example for undertaking such work and encouraging it. He (pbuh) would himself take care of mending his shoes, sewing his clothes and helping with the housework. He would not look down upon such work or see any problem with it. Aisha, wife of the Prophet (may Allah be pleased with her), was asked, "Did the Messenger of Allah (pbuh) work in his house?" She answered, "Yes, the Messenger of Allah (pbuh) would mend his shoes¹⁰, sew his clothes, and work in his house as anyone does in his home".¹¹ Aisha was also asked about what the Prophet (pbuh) would do among his family. She answered, "He was at the service of his family. If the time for prayer came he would get up and pray".¹² Abdullah ibn Awfa (may Allah be pleased with him) also reported that, "The Messenger of Allah (pbuh) used to recite a great deal of remembrance, engage little in idle talk, make the prayer long and keep the sermon short, and he would not refrain from walking with a widow or poor person and tending to their needs".¹³ Also, Al-Baraa Ibn Aazib (may Allah be pleased with him) said, "He used to recite a great deal of remembrance, engage little in idle talk, make the prayer long".¹⁴ The actions of the Prophet (pbuh) are a model for young and old. And here is the example of the 15-year-old boy, Ali ibn Abi Talib, who wore the Prophet's (pbuh) gown, and slept on his bed in his home that was surrounded by the polytheists who wanted to kill him the night before the Hijrah (emigration). The Prophet (pbuh) slipped through their blockade without being seen and hurried off with his Companion, Abu Bakr Al-Siddiq, to the cave at Jabal Thawr, the first stop on their journey to Al-Madina.

Asma, the young daughter of Abu Bakr, the delicate, feminine girl who avoided hardship and troubles, gave up all that to carry food and drink to the Prophet and his Companion in the cave. It was a painful trip; she trekked back and forth for three days. At the same time, Abdullah,

10 "Mend his shoes", meaning he used an awl to perforate and sew them.

11 Reported by Al-Baghawi in Sharh Al-Sunnah, 3/242.

12 Reported by Al-Bukhari in his Sahih, Book of Etiquette, Chapter: How a man should behave with his family. Part 10, pg. 461, printed by Al-Salafia, The Opening, 10 (6039).

13 Reported by Al-Nisa'i in his Sunan, Book of Friday Prayer, Chapter: What is preferred in shortening the khutbah. 2/421, h1413.

14 Reported by Al-Bukhari in his Sahih (The Opening), Book of Battles, Chapter: Battle of the Trench, 7/399, h4104.



the son of Abu Bakr, collected information about the movements of the polytheists to inform the prophet and his companions, while Amer bin Fahira was erasing their tracks and provided them with milk to drink.¹⁵

2 Exploitation of children in hard labour

Islam has forbidden the exploitation of children in hard and dangerous labour or that which violates their legitimate rights.

Allah says: “On no soul does Allah place a burden greater than it can bear...”¹⁶ and “... Wrong not and you shall not be wronged”.¹⁷

The Messenger of Allah (pbuh) has said, “He is not one of us who does not have mercy upon our young”.¹⁸

The meaning of child labour – as we have presented – is the exploitation of children in work that is hard and dangerous or compromises their other rights such as education and recreation. This is usually due to their families forcing them to work such jobs to augment the household income and improve their standard of living. International organizations concerned with children are keen to offer a definition of child labour that reveals the negative meaning of work, i.e., work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development and interferes with their schooling. Even local laws forbid child labour. Legislative bodies have issued a set of laws to protect children and ensure their access to all their rights, starting with a general humanitarian principle that they have a right to care and education. With these services, they may be prepared to bear their future responsibilities. Exhausting them in hard labour deprives them of this right and constitutes blatant aggression against them. Islam clearly forbids child labour due to its serious effects and great dangers that threaten children along with their families and communities. Child labour also conflicts with the fundamental obligations to protect children and prepare them for the future. It is inconsistent with their rights which guarantee a proper upbringing to become sound members of a cohesive, successful community where everyone enjoys safety, security, happiness and stability. It is also at variance with their right to be provided for by their parents until they are able to depend on themselves. Child labour contradicts their right to live in dignity in decent

15 Sahih Al-Bukhari, The Opening, 7/132-231.

16 Surat Al-Baqara (The Cow), 2:286.

17 Surat Al-Baqara (The Cow), 2:279.

18 Narrated by Al-Tirmidhi, Book of Righteousness, Chapter: On having mercy on the young. 4/322-1920.

conditions that are appropriate to their needs to grow and develop their minds, conditions that give them sufficient opportunities to learn and mature. Furthermore, being required to work causes them harm and harm is forbidden as stated in the hadith of the Messenger (**pbuh**), “There shall be no harming and no reciprocation of harming”.¹⁹ Child labour is a type of social injustice forbidden by Islam on account of it being the worst of actions. Allah, Most High, has said: “Wrong not and you shall not be wronged”.²⁰ The Wise Legislator [Allah] did not charge man with worship practices until after puberty and did not order man to do more than he can handle. Allah said: “On no soul does Allah place a burden greater than it can bear...”,²¹ and also said: “...and has not placed upon you in the religion any difficulty”.²² And in another verse: “Allah intends for you ease and does not intend for you hardship...”.²³ If Allah, glory be to Him, did not mean for mankind to face hardships, then people are forbidden from troubling each other. And if this is forbidden among adults, it is certainly forbidden for children.

The Messenger (**pbuh**) enjoined gentle care of children, encompassing them with mercy and compassion and avoiding cruelty and harshness in dealing with them. He said, “He is not one of us who does not have mercy upon our young”.²⁴ He also said, “He who is merciful to others will not be treated mercifully”.²⁵ And, “Kindness is not to be found in anything but that it adds to its beauty and it is not withdrawn from anything but it makes it defective”.²⁶ In another hadith he said, “Allah has mercy on the father who helps his son to honour him”.²⁷ He also called for mercy upon parents who help their children and bring them up with gentle care. Aisha (may Allah be pleased with her) reported that the Messenger of Allah (**pbuh**) said, “O Aisha, be gentle. For if He wills goodness for a household, He shows them the way of gentleness”.²⁸ She also reported that she said, “I heard the Messenger of Allah (**pbuh**) say this in my house: ‘O Allah, treat harshly those who rule over my *ummah* with harshness, and treat gently those who rule over my *ummah* with gentleness’”.²⁹ Also reported by Usama bin Zaid (may Allah be pleased with them), “The Messenger of Allah (**pbuh**) used to take me and sit me on one leg and have Al-Hasan ibn Ali sit on the other leg. Then he would hug the two and say, ‘O Allah, have mercy on them as I

19 Narrated by Ahmad 1/313, no. 2867, and Ibn Majih in his Sunan, 2/784 h 2340. Al-Bousiri said of it: “The men in the chain of relaters are worthy of confidence but the chain is interrupted.”

20 From Surat Al-Baqara (The Cow), 2:279.

21 From Surat Al-Baqara (The Cow), 2:286.

22 From Surat Al-Hajj (The Pilgrimage), 22:78.

23 From Surat Al-Baqara (The Cow), 2:185.

24 Narrated by Al-Tirmidhi, Book of Righteousness, Chapter: On showing mercy to the young. 4/322-1920.

25 Reported by Al-Bukhari, Book of Etiquette, Chapter: Showing mercy to the child and kissing him. 10/426 – 4/79h, 5997.

26 Narrated by Muslim, Book of Manners, Chapter: Showing mercy to the child and kissing him. 10/426 – 2594.

27 Reported by Ibn Abi Shaiba in Al-Musannaf, 6/101.

28 Narrated by Imam Ahmad in Al-Musnad, 6/104.

29 Narrated by Muslim, 1828, Book of Government, Chapter: Virtue of the just imam and punishment of the tyrant and encouragement of gentle treatment of subjects.



am merciful to them”³⁰. Aisha (may Allah be pleased with her) also reported, “A Bedouin came to the Prophet and said, ‘You (people) kiss the boys! We don’t kiss them.’ The Prophet said, ‘I cannot put mercy in your heart after Allah has taken it away from it’”³¹. Similarly, Abdullah ibn Amru ibn Al-Aas (may Allah be pleased with them) reported, “The Messenger of Allah (pbuh) said, ‘The Compassionate One has mercy on those who are merciful. If you show mercy to those who are on the earth, He Who is in the heaven will show mercy to you’”³². Also, Jarir ibn Abdullah (may Allah be pleased with them) said, “The Messenger of Allah (pbuh) said, ‘Allah will not show mercy to a person who does not show mercy to other people’”³³. And finally, Abu Huraira (may Allah be pleased with him) reported, “I heard Abul-Qasim (pbuh) say, ‘Mercy is taken away only from him who is wicked’”³⁴.

The role of the state and society in eliminating the causes of child labour

The society in which child labour is widespread is one that does not apply the principles of human rights and care for children. Depriving some children of education and the resulting disparate life opportunities and social levels eventually forms a fragmented generation. This threatens the victims with social isolation and reduces any potential for integration. Families that push children into work which deprives them of the education they need to succeed in life, or that educate some children to the exclusion of others create unjustified divisions, hatred and envy among the siblings. Depriving children of an education also reveals the family’s failure to fulfil its social responsibility and exposes it to possible legal accountability. The grave outcomes of child labour incite us to confront the state and society and advocate for its abolition. The first step is to apply the Islamic code of good upbringing of children, protection of their rights and welfare and protecting them from any negative influence on their health and psychosocial state. People must be convinced of the importance of this issue, work diligently to confront it, refute the cultural surroundings that support it and raise general awareness of the dangerous consequences. This is the task of society as a whole – leaders, legislative and executive authorities, civil society organizations, Islamic scholars and thinkers, educators and the media. Religious scholars could play a pivotal role in entrenching the belief in the importance of this issue, raising awareness and responding to erroneous cultural and religious justifications.

30 Narrated by Al-Bukhari, The Opening 10 (6003), Book of Manners, Chapter: On holding a boy on one’s lap. 10/434 printed by Al-Salafia.

31 Narrated by Al-Bukhari, The Opening 10 (5998), Book of Manners, Chapter: Whoever allowed a small girl to play with him. 10/426.

32 Reported by Abu Dawud, Book of Manners, Chapter: On mercy. 4/287h, 4941 printed by Dar Al-Hadith.

33 Narrated by Al-Bukhari, The Opening 13 (7376), Book of Oneness, Chapter: Allah’s words: Say, Invoke Allah.

34 Narrated by Al-Tirmidhi, (1923), Book of Righteousness, Chapter: Mercy on Muslims, 4/323 printed by Mustafa Al-Halabi, examined by Ibrahim Atwah.

It is the state's duty to assist the most poverty-stricken families to protect their children from being pushed into working and deprived of an education.

“Every one of you is a guardian and is responsible for his charges. A man is the guardian of his family (household) and is responsible for his subjects; a woman is the guardian of her husband's home and of his children and is responsible for them.”³⁵



V. Sexual abuse of children

The noble religion of Islam forbids and criminalizes the sexual abuse of children for the gross harm it causes and has established severe punishments against the perpetrators. It is the responsibility of the state, society and the family to provide the means to protect children from this crime.

Sexual abuse of children is defined as any inappropriate sexual behaviour with children including touching the child's sexual organs; forcing the child to touch the sexual organs of adults; sexual intercourse; incest, rape or harassment of any kind; exposure to any sexual or pornographic materials; or sexual exploitation. It also includes any compulsion, deception, bribe, threat or pressure on a child to practice any sexual activity. Sexual abuse occurs when an adult or a child uses another child to obtain sexual pleasure. Sexual abuse is a form of misuse of authority on a child.

Considering the increasing incidence of children being exposed to abuse and maltreatment around the world, all national and international conventions emphasize the importance of the family unit with regard to childrearing and the child's right to familial protection and all other rights to care, protection and education.

This crime has grave repercussions for children and society, beginning with severe psychological damage to child victims that could trouble them throughout their entire lives. It could also result in children having no lineage or families and being deprived of familial care, exacerbating social ills. It may also contribute to the spread of dangerous sexual diseases such as syphilis, gonorrhoea and AIDS. Allah has said: "And do not approach immoralities – what is apparent of them and what is concealed..."¹

¹ From Surat Al-Anaam (The Cattle), 6:151.

Causes of sexual abuse and Islamic orientation for protecting children

1 Absence of family care

Islam has warned mothers and fathers not to neglect their children, which could leave them exposed to sexual abuse.

Allah has said: “O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones...”²

The Messenger of Allah (pbuh) said, “It is sufficient for a man to be [considered] sinful if he neglects whom he sustains”.³

He also said, “Be kind to your children and perfect their manners”.⁴

Children need the care, guidance and advice of their parents. If the parents become too busy to care for their children, the children will be exposed to the risk of sexual abuse in various forms. These children will stumble about without a sincere adviser and end up befriending evil, licentious individuals from whom they acquire bad habits and who might exploit the children sexually. It could happen that these individuals are someone the child knows such as a servant, driver, guard, older relative or friend with whom he or she plays. For these reasons, Islam has warned of neglecting the guidance of children and made it a grave sin. The Prophet (pbuh) has said, “It is sufficient for a man to be [considered] sinful if he neglects whom he sustains”.⁵ With regard to the responsibility of the mother and father to the family he said, “Beware. Every one of you is a shepherd and everyone is answerable with regard to his flock. The ruler is a shepherd over his people and shall be questioned about his subjects. A man is a guardian over the members of his family and shall be questioned about them. A woman is a guardian over the household of her husband and his children and shall be questioned about them...”⁶ Mother and father are both responsible before Allah for the trusteeship of their children, which encompasses guiding, educating, rearing, caring and watching over them to notice any indications of exposure to sexual abuse. Parents must have access to the information that familiarizes them with such indications. If they neglect this responsibility, they will risk harsh

2 From Surat Al-Tahrim (The Prohibition), 66:6.

3 Abu Dawud in his Sunan, Book of Zakat, Chapter: Attending to kin. Part 2, pg. 132, no. 1692

4 Reported by Ibn Majih in his Sunan, Book of Manners, Chapter: Righteous treatment of the father and kindness to daughters. 2/2211h, 3671, on the authority of Anas, may Allah be pleased with him.

5 Abu Dawud in his Sunan, Book of Zakat, Chapter: Attending to kin. Part 2, pg. 132, no. 1692.

6 From the hadith reported by Muslim in his Sahih, Book of Government, Chapter: Virtue of a just imam. Hadith no.20/1829, part 6/452.



punishment on the Day when no wealth or offspring can help them. Allah says in the Quran: “O you who have believed, protect yourselves and your families from a Fire...”⁷ To explain this verse, Ali ibn Abi Talib (may Allah be pleased with him) said, “Protect yourselves and your families, meaning: teach your families good”. Also, Al-Hasan said, “Teach them, instruct them, and forbid them”. Abu Bakr Al-Jassas said, “This shows that we must teach our children and families in religion and goodness and indispensable manners”.⁸ Similarly, Allah says: “And enjoin prayer upon your family [and people] and be steadfast therein”.⁹ Therefore, the parents' neglect of their children and leaving them unattended is a serious crime according to Islamic Sharia. Parents must foster a close relationship with and befriend their children in order to be aware of and help treat their problems before they accumulate and become more difficult to solve.

2 Lack of sound sexual awareness

A conspicuous problem is that many families, teachers, preachers and media professionals shy away from handling issues of sexual awareness. They colour such discourse with shame, which leaves children blundering into this realm alone. Many will miss the correct path and resort to others to understand the changes taking place in their bodies and risk falling into the heat of depravity. Islam has addressed these matters in a clear, composed manner to guide and educate Muslims. The Quran speaks frankly of this information but with a refined approach. Allah says: “And they who guard their private parts, except from their wives or those their right hands possess, for indeed, they will not be blamed, but whoever seeks beyond that, then those are the transgressors”.¹⁰ Also: “It has been made permissible for you the night preceding fasting to go to your wives [for sexual relations]. They are clothing for you and you are clothing for them.”¹¹ And: “Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish and put forth [righteousness] for yourselves”.¹² Families, teachers, preachers and counsellors must all disseminate this culture and information including respect for others. They must educate youth and adolescents to protect them from learning this information from others and being misguided. The vocabulary used should be non-provocative and non-stimulating, and take into consideration the age of the recipient. What should be said to the child differs from what should be said to the adolescent or young person.

7 From Surat Al-Tahrim (The Prohibition), 66:6.

8 Al-Jassas, Ahkam Al-Quran (Rulings of the Quran), 3/466.

9 From Surat TaHa, 20:132.

10 Surat Al-Mu'minin (The Believers), 23:5-7.

11 From Surat Al-Baqara (The Cow), 2:187.

12 From Surat Al-Baqara (The Cow), 2:223.

Attention should be given to sexual awareness-raising for children that is suitable to their age and in line with Islamic teachings and principles.

3 Harassment

The spread of sexual harassment of women in the streets is well known. This phenomenon damages their dignity and triggers numerous physical and psychological problems. Examples are the degeneration of moral values, lack of restraint based on religious beliefs and lack of respect for the honour of women, who are daughters, mothers and sisters. It utterly opposes the honourable teachings of Islamic Sharia that enjoins respect for and welfare of women. Islam certainly fights improper behaviour and all actions that incite the spread of this phenomenon. Islam commanded people to adhere to modesty, to lower the gaze and not to overstep inviolable limits. Allah has said: “Tell the believing men to lower their gaze and guard their private parts. That is purer for them. Indeed, Allah is Acquainted with what they do. And tell the believing women to lower their gaze and guard their private parts...”¹³ And the Messenger of Allah (pbuh) said, “Everything belonging to a Muslim is inviolable to a Muslim, his honour, his blood, and property”.¹⁴ This is a comprehensive matter meant to ward off deviant behaviour wherever people may be.

4 Watching pornographic films, images, magazines and websites

In the absence of familial care, youth and adolescents, whether on purpose or not, slide into the wasteland of sexual images and films, magazines and websites that circulate shameful pictures. This could lead to the sexual abuse of children. Viewing pornographic material disgraces whoever does it every time he does it, but also creates an environment where people come to accept it, leading to even further moral degradation. Islam has laid down the moral approach for mothers, fathers, teachers and officials to follow in rearing children.¹⁵ Islam also requires state officials responsible for media, culture and publishing to handle their duty to prohibit all material that could cause harm. Abu Saeed Al-Khudri (may Allah be pleased with him) reported that the Messenger of Allah (pbuh) said, “There should be no harming and no reciprocation of harming”.¹⁶

¹³ Surat Al-Nur (The Light), 24:30 and part of 31.

¹⁴ Reported by Imam Muslim in his Sahih, Book of Righteousness, Chapter: The Prohibition of wronging, forsaking, or despising a Muslim and the inviolability of his blood, honour and wealth. 4/1986h, 2564, on the authority of Abu Hurairah, may Allah be pleased with him.

¹⁵ Childrearing in Islam. Abdullah Naseh Alwan, 1/128.

¹⁶ Reported by Ibn Majih in his Sunan, Book of Rulings, Chapter: Whoso builds on his rightful property shall not harm his neighbour. 2/784, h2340, on the authority of Ibn Abbas.



Islam encourages youth and adolescents to fill their free time with beneficial activities that protect them from deviant behaviour.

The Messenger of Allah (pbuh) said, “There are two blessings which many people squander: good health and free time”.¹⁷

He also said, “The feet of a slave of Allah will not move in the Day of Judgment until he is asked about four things: about his life and how he spent it, about his youth and how he used it up, about his wealth and how he earned it and spent it, and about his knowledge and what he did with it”.¹⁸

5 Children sharing a bed

More than one child sleeping in the same bed could lead, whether intentionally or not, to an arousal of sexual feelings and unfortunate consequences. Islam is mindful of the risks of this situation. Therefore, the Messenger of Allah (pbuh) has ordered the separation of children in their beds.

6 Poverty

No doubt poverty is one of the factors that lead to deviancy in various forms, so Islam aims to combat poverty by establishing certain laws to prevent its spread. The primary obligation is payment of the *Zakat* (alms tax) by the rich, which is given to the poor. The Prophet (pbuh) said to Mu’adh when he sent him on a mission to Yemen, “You are going to a people from the People of the Book... then tell them that Allah has made Zakat obligatory for them that it should be collected from the rich and distributed among the poor...”.¹⁹ He also called for fostering and caring for orphans: “I and the one who fosters an orphan will be like these two in heaven” and Malik²⁰ held his index finger and middle finger together to explain this. The Messenger of Allah (pbuh) also enjoined people to care for the needs of orphans and widows for housing, cash, clothing, discipline and education,²¹ where he said, “The one who strives to help the widow and the poor is like the one who fights in the way of Allah”. The narrator added, “I think he (pbuh) also said,

17 Reported by Al Bukhari, 177/4 Hadith 6412 Book 81 To make the Heart Tender (Ar-Riqaq).

18 Reported by Abu Yaali in his Musnad, 13/351, h7434, on the authority of Abi Barardha. It examiner labelled it good (hasan).

19 A portion of a hadith reported by Muslim in his Sahih, Book of Faith, Chapter: Inviting to the two testimonies [of faith]. Hadith no. 29/19, part 1/228.

20 A narrator of the hadith.

21 Al-Nawawi’s explanation of Muslim, Sahih Muslim, 9/340-399.

‘He is like the one who stands for prayer without tiring and the one who fasts without breaking the fast’.²² It is certain that if society rises up to fulfil this duty, there will be no poor person or orphan left without care or exposed to crimes of aggression against his/her dignity and body.

7 Parental discord and conflicts

Among the main causes of children falling into risky conditions is the state of discord between their mothers and fathers. When children live under the pressures of family discord, they may try to escape such an environment and become vulnerable to exploitation of various forms, such as sexual exploitation or living on the street. Islam has paid attention to the serious impact of conflicts between parents on their children. For this reason, Islam has instructed the spouses to hide any disputes and their causes and effects from the family. A companion of the Messenger of Allah (**pbuh**) asked about the wife’s right over her husband to which he said, “That you should give her food when you eat, clothe her when you clothe yourself, do not strike her on the face, do not revile her or separate yourself from her except in the house”,²³ meaning, “do not separate from her except in the bed”.²⁴ In this regard, if a Muslim/a has a conflict with his/her spouse, neither one may cut off relations with the other or make it known to the children. Any arguments should be held quietly in a private place or bedroom so that the effect of the dispute or quarrel does not transfer to other members of the family, causing them to fear for their futures.

8 Not filling the free time of children and adolescents with beneficial activities

A key element in the incidence of sexual abuse of children is the lack of activities to fill their time usefully, leaving them prey to bad influences among their peers who try to make sexual abuse look attractive. Islam addresses the problem of free time by advising parents to play with their children and fill their time with useful activities. A traditional adage says, “Play with your son for seven years, discipline him for seven years, befriend him for seven years, then release the rope and let him go free”.²⁵ In hadith, the Messenger of Allah (**pbuh**) said, “Teach your sons archery and swimming and how to leap on a horse”.²⁶ It is said that the Messenger of Allah (**pbuh**) would play with children and it is certain that Al-Hasan and Al-Hussain would climb on his noble back while he was crawling on all fours and they would hang on either side of him while he gave them a ride and said, “Your

22 Reported by Muslim in his Sahih, On asceticism and gentle manners. Chapter: Doing good to widows and the poor, hadith no. 41/2982, part 9/339.

23 Reported by Abu Dawud in Book of Marriage, Chapter: On the woman’s right over her husband. Abridged Sunan Abu Dawud by Al-Hafidh Al-Mundhiri, 3/67.

24 Ma’allim Al-Sunan, Abu Sulaiman Al-Khatibi, within the abridged Sunan Abu Dawud, 3/69.

25 Reported to have been spoken by Umar or Ali. Also said to be the words of Abdul-Malik bin Marwan, *Ghurur al-khasa’is al-wadhiha* (Best of the Brilliant Traits), Muhammad bin Ibrahim Al-Kutubi, pg. 718.

26 Reported by Ibn Minda and Abu Musa as in *Asad-al-Ghabah* (Lion of the Forest), 1/241.



camel is the best camel, and the best in uprightness is you two”.²⁷ These are some of the key causes of the crime of sexual abuse of children. We have seen how Islam seriously considers these causes and possible solutions to provide a protective environment for children free of malaise and problems. But it is the responsibility of parents, teachers, preachers, the media and other reformers to work towards establishing future generations and rearing them according to Islamic teachings.

Legal rulings on sexual abuse of children

Islam has prohibited and criminalized the sexual abuse of children due to the grave risks it entails and laid down severe penalties as in the Quranic verse: “**And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and an evil way**”.²⁸ And in describing the righteous believers, Allah says, “**And those who do not invoke with Allah another deity or kill the soul which Allah has forbidden [to be killed], except by right, and do not commit unlawful sexual intercourse. And whoever should do that will meet a penalty. Multiplied for him is the punishment on the Day of Resurrection, and he will abide therein humiliated**”.²⁹ Islam has placed harsh penalties on this serious crime that leaves destructive impacts on the victim, which is tantamount to murder. All scholars agree that if the sexual abuser of children is married, then the due punishment is stoning. Stoning is a valid penalty as observed in the words and actions of the Messenger of Allah (**pbuh**) and agreed upon due to the frequency of nearly unanimous sources and the consensus of his companions. If the offender is yet unmarried, the penalty is 100 lashes. Allah has said, “**And those who call not on any other God along with Allah, nor kill a person that Allah has forbidden except for just cause, nor commit adultery (or fornication), and he who does that shall meet with the punishment of sin. Doubled to him will be the punishment on the Day of Resurrection, and he will abide therein disgraced.**” Allah also said: “**Do you, of all peoples, approach males and leave your wives whom your Lord has created for you? Nay, you are a people who transgress.**”³⁰ Islam has put strict punishments to this serious crime, as it has destructive effects on the abused child. These punishments differ in severity depending on the impact of the harassment acts on the child.

Sexual abuse of children is an immoral act forbidden by Islam and deserving of severe punishment.

Allah says: “And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and an evil way”.³¹

27 Narrated by Al-Tabarani in Al-Kabir, on the authority of Jabir ibn Abdullah (may Allah be pleased with them). See *Mujamma’ Al-Zawa’id* (Collection of Extras), 9/182.

28 Surat Al-Israa (The Night Journey), 17:32.

29 Surat Al-Furqan (The Criterion), 25:68-69.

30 Surat El Sho’ra 26:166-167.

31 Surat Al-Israa 17:32.

VI. Absence of parental care and children living on the streets

The right of the child to parental care – whether by a blood relation or alternative caretaker – is one of a set of rights bearing special significance in Islamic Sharia.

The child's right to family care

'Street children' refers to those who live in the streets due to irregular or absent familial interaction or children who work in the streets during the daytime and return to their families at home to sleep.

Of the rights guaranteed for children in the Islamic Sharia is the right to parental care that ensures a safe life, both physically and psychologically. Without doubt, the presence of both parents in the child's life is very important to ensure proper development, particularly if the parents have some degree of awareness and responsibility that enables them to fulfil their role in rearing and educating the child in a sound and healthy manner.

It is commonly understood that an orphan is the a child who has lost one or both parents before reaching maturity. The benefit that is lost due to orphanhood is an intangible, moral matter. Orphans need to be compensated for the loss of parental compassion and care so that they may grow into young people with a complete physical and psychosocial upbringing and are not insensitive or lacking emotions. Orphans are not necessarily poor in terms of money because they could be heirs to large sums. This is mentioned in the verse: "And give to the orphans their properties and do not substitute the defective [of your own] for the good [of theirs]. And do not consume their properties into your own. Indeed, that is ever a great sin".¹ Allah also says, "And test the orphans [in their abilities] until they reach marriageable age. Then if you perceive in them sound judgment, release their property to them. And do not consume it excessively and quickly, [anticipating] that they will grow up",² and "And do not approach the orphan's property except in a way that is best until he reaches maturity".³ These and other noble verses show that the orphan could be wealthy but this does not contradict the child's status of orphan. Such children still have a right to be compensated for the care, compassion and security lost upon the death of one or both parents. This is indicated in the hadith of the Prophet (pbuh), "Whoever pats the head of an orphan and does it only for the sake of Allah will have a good deed recorded

1 Surat Al-Nisaa (The Women), 4:2.

2 From Surat Al-Nisaa (The Women), 4:6.

3 From Surat Al-An'am (The Cattle), 6:152.



for every hair that his hand passes over. And whoever takes good care of an orphan boy or girl, he and I will be like these two in heaven” and he pressed his index and middle fingers together.⁴

Importance of child’s right to alternative family care

The child’s right to parental care, whether by blood relations or an alternative, is part of a set of rights bearing special significance in Islamic Sharia.

This right is a given fact without having to be demanded because children do not have the legal capacity to take legal action. They also do not have guardianship over others or even over themselves, meaning that due to their young age and immature mental development, they cannot maintain or demand their own rights. If a right is a constant for a weak person who cannot maintain or demand it, then it belongs to a set of divine rights to be demanded by conscientious individuals with legal capacity who are closest to the child in relation or guardianship. Lacking that, it is the responsibility of all members of society as a whole. If the society fails to fulfil the child’s rights, including the right to parental care, then all members of society are to blame and this obligation is not to be waived until they fulfil this right before all other rights. This is because it now falls under Allah’s rights over mankind, which must be fulfilled before all other rights according to the hadith of the Prophet (pbuh) which says, “Pay Allah’s debt as He has more right to be paid”⁵. Also, “The debt due to Allah is the one which most deserves to be paid”.⁶ On this basis, arranging parental care for children who have lost a parent is an obligation in order to fulfil their rights and protect them. This addresses the prioritization of such a right among Allah’s rights. This right is also prologue to children’s right to knowing themselves and their origins. They should be named in a manner that indicates their origins [lineage] and links them to their future relations so that they are not ignorant of their lineage. The result may be a sense of shame ending in reclusion from their peers and escape from society although they are not to blame. Ignorance of one’s lineage is a harsh situation for an innocent, blameless person to face. Such children have a right to be treated on an equal level with their peers. This is the task of their guardians and the society, hand in hand.

4 Narrated by Ahmad in his Musnad, part 5, pg. 250, no. 22207.

5 Narrated by Al-Bukhari, part 1, pg. 279, Book of rewards on patience, Chapter: Hajj and vows for the deceased person, h 1852.

6 Narrated by Al-Bukhari in his Sahih, Book of Fasting, Chapter: On the one who dies and still owes fasting, 1/502, h1953.

Reasons for the absence of family care

The causes of the absence of family care for children are many and often lead to their resorting to the streets. Among these causes are marital and familial disputes, breakdown of the family unit and rising rates of divorce, which deprive children of rearing, care, good role models, appropriate guidance, wise supervision and continuous follow-up. Under these conditions, the family goes from being a protective environment for children to a repulsive environment, making it easy for them to be drawn into the streets.

Another cause of the absence of family care is not knowing who the child's family is, and the deserted or abandoned child is called a 'foundling'. If one or both of the child's parents is lost [deceased], she/he is called an orphan. Islam has accorded these two types of children the right to alternative parental care as mentioned above.

This occurs with a lack of religious conscientiousness and adherence to the Islamic code that regulates familial relationships. Islam has ensured the wife's right to be treated well, as in the following Quranic verse: "...And live with them in kindness. For if you dislike them – perhaps you dislike a thing and Allah makes therein much good".⁷ Allah also says: "... do not harm them in order to oppress them...".⁸ Also in this regard, the Messenger of Allah (pbuh) said, "The believers who show the most perfect faith are those who have the best behaviour, and the best of you are those who are the best to their wives".⁹ Islamic Sharia requires the father to support the mother of his children and their children to ensure their safety and security and enjoyment of human dignity. Allah's instructions say: "Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period]. Upon the father is the mothers' provision and their clothing according to what is acceptable. No person is charged with more than his capacity. No mother should be harmed through her child, and no father through his child".¹⁰ In response to a woman who asked about the amount of support she may take from her miserly husband without him knowing, the Messenger (pbuh) answered, "Take what is sufficient for you and your child within reason and fairness".¹¹

Other causes are domestic violence, quarrelling and harsh corporal punishment, which cause children to run away from home to wander and sleep in the streets.

7 Surat Al-Nisaa (The Women), 4:19.

8 Surat Al-Talaq (The Divorce), 65:6.

9 Reported by Al-Tirmidhi in his Sunan, Book of Nursing Infants, Chapter: On the woman's right over her husband, 3/457, h1162, on the authority of Abu Huraira. Abu Issa said it is 'hasan sahih' [good and authentic].

10 Surat Al-Baqara (The Cow), 2:233.

11 Reported by Al-Bukhari in his Sahih, Book of Support Expenses, Chapter: If the man does not pay support. 3/416, h 5364, on the authority of Aisha.



Islam gives parents the right to guide, discipline and cultivate their children in accordance with the Sharia, considering this to be the best gift that parents could give to their children. The Messenger of Allah (pbuh) said, “There is no gift that a father gives his son more virtuous than good manners”.¹² Such discipline must be conducted without the use of violence or vulgar expressions so that the children may develop self-esteem and self-confidence and also return the good behaviour towards their parents in the future. The Messenger of Allah (pbuh) has said, “Allah has mercy on the father who helps his son to honour him”.¹³ In other words, the father does not cause the children to be disobedient due to his bad actions, mistreatment, neglect or failure to fulfil his duties towards his children. Starting with the principle of illegality of causing harm, Islamic law has forbidden both psychological and physical injury and urges us to treat our children with compassion, affection and mercy. Consideration is to be given to the normal development of their lives and their various needs throughout the different stages of their lives. Understanding and foresight are necessary to treat them properly, instil in them respect for themselves and support the development of their self-confidence and ability to confront life’s trials. The Messenger of Allah (pbuh) said, “He is not one of us who does not show mercy on our young”.¹⁴ An ancient adage also speaks of the best manner of childrearing: “Play with him for seven years, discipline him for seven years, befriend him for seven years, then release the rope and set him free”.¹⁵

The parents must also avoid corporal and psychological punishment of their children of any kind, especially when there are other available methods of childrearing such as withholding rewards, advising, temporary banishment, conditional deprivation of play or recreation or other measures that the child would feel to be punishment. These options could be more effective than corporal punishment in achieving the aim of childrearing.

It is worth noting here that contemporary studies on childrearing warn of the negative repercussions of using beating as a means in educating children. It actually generates future counterproductive violent behaviour in them with their own children or with anyone who is weaker than they in general.

Contemporary studies on childrearing warn of the negative repercussions of using beating as a means of educating children. It actually generates future counterproductive violent behaviour in them with their own children or with anyone who is weaker than they in general.

12 Reported by Al-Tirmidhi in his Sunan, Book of Righteousness, Chapter: On disciplining the child. 4/338, h 1952.

13 Reported by Hana ibn Al-Sirri in his Book of Piety, Chapter: The parents’ rights. 1/200, h993.

14 Narrated by AL-Tirmidhi, Book of righteousness, chapter: on mercy to children. 4/322-1920.

15 Reported to be the words of Umar or Ali. Also said to be the words of Abdul-Malik bin Marwan (Best of the Brilliant Traits), Muhammad bin Ibrahim Al-Kutubi, pg. 718.

Islam calls for fostering orphans and caring for them until they have been properly reared and do not feel any degree of emotional or physical deprivation.

Allah has said: “Therefore, treat not the orphan with harshness”.¹⁶

And the Messenger of Allah (pbuh) has said, “I and the one who takes the responsibility of the orphan will be in Paradise thus”, and he pressed his index finger and middle finger together.¹⁷

Islamic Sharia methods of protecting children without parental care

Islam’s concern for the situation of children living on the street springs from its attention to children’s rights and ensuring an appropriate educational and familial environment for them. Of no mystery to anyone is the extent of the benefit that results from such care, which also has wider social and humanitarian significance. Child rights arise from a set of rights that are attributed to Allah, glory be to Him, whose importance must be amplified and their seriousness explained so that people will work to preserve them.

Upon investigating the approach of Islamic Sharia, it could be said that the protection of children involves two directions, in family settings and social care institutions.

1 Protection of children without parental care in family settings

It is clear that Islamic Sharia entails clear instructions to guarantee children’s rights to alternative parental care. Sharia has legislated a set of means to achieve this care, including declaring kinship for children whose lineage is unknown, nursing infants and fostering orphans. These three types of care, along with how they guarantee children’s rights to alternative parental care, are discussed below.

Declaring kinship for children whose lineage is unknown

One method of providing alternative parental care in Islam is giving a name to a child whose lineage is unknown or is a foundling. The purpose is for the declarer to state that the child is his [and is his responsibility] by stating, 'This is my son'. If the individual makes this declaration, it will be considered valid on his own conditions even if he was on his deathbed.

¹⁶ Surat Al-Ma’ida (The Table Spread), 5:2.

¹⁷ Surat Al-Baqara (The Cow), 2:220.



Nursing as a method of providing alternative parental care

If a child breastfeeds from the milk of a woman during the legally specified period for nursing, then the woman who breastfed her/him becomes her/his 'milk mother' and is considered *mahrāma* [forbidden to marry] just as any other female relatives as mentioned in the verse, "... your [milk] mothers who nursed you, your sisters through nursing...".¹⁸ This noble verse shows that the child also has sisters through nursing and the wet nurse is his milk mother. Even her husband who was a cause for the milk to flow is considered the child's father. Therefore, whoever is forbidden to marry due to immediate kinship is also applied to the nursing woman and her immediate family. This is clear in the hadith of the Prophet (pbuh), "Breastfeeding makes unlawful (for marriage) the same things that blood ties make unlawful".¹⁹

If breastfeeding leads to the prohibition of intermarrying, then the relationship between the breastfed child and the family whose mother breastfed him is a normal relationship with no restrictions on mixing within it. In this situation, the members of the family will not disapprove of the presence of a stranger among them who is forbidden to mix or live among them or to see them and be seen because the breastfed child becomes a son to the nursing mother and her sons and daughters all become his siblings through nursing. This is how nursing becomes a method of alternative family care. In this matter, Imam Muhammad Abu Zahra stated, "Through nursing, the wet nurse becomes a mother to the nursing child as if he is her own son and may then be integrated into one family. If such a relationship requires the same forbiddance as with kinship in many cases, then it must also be the case under these conditions. Therefore, nursing is a way to give life to children who have no family. This is a safe method of vitalisation, unparalleled and not found in any other code".²⁰

Foster family (*kafala*) for a child lacking parental care

Foster family refers to the approach of hosting children to raise them and show them compassion. The foster family could be one deprived of the blessing of childbearing and who has the humanity, tenderness and material means to accommodate children lacking parental care. If these children happen to be orphans, then caring for them falls in the realm of fostering and is rewarded as shown in the Quran and Sunnah, namely, the one who fosters and cares for an orphan or pats her/his head out of affection, satisfaction and compassion as partial compensation for what the orphan is missing in her/his life. Islam encourages this type of fostering and promises those who take on the responsibility great rewards from Allah, praise be to Him. This is crystal clear from the noble Quranic verses and ahadith of the Prophet (pbuh) mentioned previously.

18 Surat Al-Nisaa (The Women), 4:23.

19 Reported by Al-Bukhari in his Sahih, Book of Testimonies, Chapter: Testimony regarding kinship and infants. 2/159, h2645.

20 Civil Status, pg. 83, Dar Al-Fikr Al-Arabi.

2 Protection of children without parental care at social care institutions

It is a given that children without parental care, including children living on the street, have human rights that may not be infringed upon or neglected. It is not their fault if they find themselves in this situation, so it is the society's full responsibility to care for them and move them to a better situation that will allow them to embark on the same path as all other children who have proper family environments.

Alternative care for children when foster care is not available or fails at the community level is important. The success of foster care depends on the child's personal comfort and the extent to which the alternative parents accept the child. Furthermore, the numbers of children in urgent need of such care are increasing, which underscores the importance of this type of care to absorb them and address cases of children without parental care who find no shelter with an alternative family.

Islamic Sharia clearly appreciates the importance of this vital aspect of care for these innocent children. The Sharia requires a portion of any surplus funds or booty in the state's treasury, or *bayt al-mal* [house of funds] as it is known in Islamic terminology, to be allocated for this purpose. The words of Allah indicate this: "And know that anything you obtain of war booty - then indeed, for Allah is one fifth of it and for the Messenger and for [his] near relatives and the orphans, the needy, and the [stranded] traveller, if you have believed in Allah and in that which We sent down to Our Servant on the day of criterion - the day when the two armies met. And Allah, over all things, is competent".²¹ It is apparent from this noble verse that Allah has required one fifth of the booty to be given to the orphans. This right belongs to a set of rights that protect the most important of society's best interests. It comes interlinked with the rights of Allah, His Messenger, and the Messenger's close relatives, which refers to Bani Hashem and Bani Al-Muttalib, then the poor and the wayfarers cut off from normal sources of income and unable to reach their destination.

Considering that Islam attributed such importance to allocating a portion of war booty – a source of state funds in the early days of the Islamic state – to caring for this group of people, it stands to reason that the contemporary state is obligated to allocate such funds in the state budget in order to achieve the care and safety of all of them.

Without doubt, a right that is interlinked with Allah's right and His Messenger's right to be spent for the interests of Muslims in general and the Messenger's relatives in particular must also be attributed this high degree of social value and religious importance. The noble verses in the Quran spoke of this right and emphasized the importance of attending to the rights of orphans and children who need alternative parental care.

²¹ Surat Al-Anfal (The Spoils of War), 8:41.



Another proof of this is the verse of the Quran: “And what Allah restored to His Messenger from the people of the towns - it is for Allah and for the Messenger and for [his] near relatives and orphans and the [stranded] traveller - so that it will not be a perpetual distribution among the rich from among you. And whatever the Messenger has given you - take; and what he has forbidden you - refrain from. And fear Allah; indeed, Allah is severe in penalty”.²² This noble verse reiterates the previous verse in emphasizing the importance of orphans’ rights at the level of the general community.

Where alternative care for children without parental care is to be established in social care institutions, it is the state that will undertake the funding, implementation, monitoring and accountability. This care is implemented through public institutions able to accommodate children who lack parental care by building units similar to those that a typical family would live in. In this environment, one alternative mother would be assigned to two or three children; these mothers must be selected very carefully to ensure they will have true compassion for the children, love the work they are doing, and most importantly believe in the noble mission of rearing these innocent souls so that they may fulfil their roles of Allah’s vice-regents on earth and worshipping their Lord and Creator. It is also important to provide an alternative father figure for these children to round out what they need in terms of care and compassion.

Children living on the street and those lacking parental care have a right over the community and state to be offered projects and services that ensure a safe and decent life for them.

Allah has said: “...And cooperate in righteousness and piety, and do not cooperate in sin and aggression...”.²³

And: “...And they ask you about the orphans. Say, Improvement for them is best. And if you mix your affairs with theirs - they are your brothers. And Allah knows the corrupter from the amender. And if Allah had willed, He could have put you in difficulty. Indeed, Allah is Exalted in Might and Wise”.²⁴

²² Surat Al-Hashr (The Gathering), 59:7

²³ Surat Al-Ma’ida (The Table Spread), 5:2.

²⁴ Surat Al-Baqara (The Cow), 2:220.

The role of the state in protecting children living on the street

Legislative and regulatory proposals regarding the care of the vulnerable and those who are unable to protect their rights – such as the right of children living on the street to alternative family care – cannot be serious or correct unless they are coupled with the right protection tools. With these tools, the phase of written recommendations may move on to the phase of obligatory legislation, with the protection tools ensuring the respectful application of the legislation. Any goal that is not supported by a protection tool is unlikely to be achieved. For this reason, the issue of protection is of utmost importance. The general principles on which to base these protection tools can be summarized as follows:

1 General principles

The general principles that regulate the role of the state in protecting children living on the street without parental care may be divided into three categories:

- The one who has a right to protection is the vulnerable child who cannot yet discern or safeguard its benefits. The general rules for incrimination and punishment require that whenever the holder of a right is vulnerable or unable to protect it, the legal intervention to protect that right must be strong and resolute. This applies to the rights of children, especially of children living on the street.
- The right of Allah, if it conflicts with the right of the human, takes priority because it is related to the general benefit of all people, not anyone specific. On the assumption that child rights are among the rights ascribed to Allah, Most High, then they are of the highest social significance and deserve to be protected on the same high level accorded to the interests they foster.
- Whenever the holder of a right is weak, she/he is vulnerable to attack and the wiles of greedy souls. This scenario is clearly stated in the Quran, particularly in terms of unjustly devouring the wealth of the orphans. Allah says: “And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate justice. Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze”.²⁵ And: “And give to the orphans their properties and do not substitute the defective [of your own] for the good [of theirs]. And do not consume their properties into your own. Indeed, that is ever a great sin”.²⁶ These two noble verses and others indicate

²⁵ Surat Al-Nisaa (The Women), 4:9-10.

²⁶ Surat Al-Nisaa (The Women), 4:2.



the magnitude of injustice that orphans are exposed to with regard to their wealth because of their young age and inability to protect their own interests. These injustices could reach the point of infringement of their humanity when they concern arranging the marriage of orphan girls. This was mentioned in the following verse: “And they request from you, [O Muhammad], a [legal] ruling concerning women. Say, 'Allah gives you a ruling about them and [about] what has been recited to you in the Book concerning the orphan girls to whom you do not give what is decreed for them - and [yet] you desire to marry them - and concerning the oppressed among children and that you maintain for orphans [their rights] in justice'. And whatever you do of good - indeed, Allah is ever Knowing of it”.²⁷ This noble verse shows that exhibiting greed towards orphans is not limited to their wealth but also actually engulfs the humanitarian aspect of their lives, both females and males.

It is well known that whenever the owner of a right is weak and vulnerable to others' greed, this calls for protection with a harsh punishment in case of infringement of rights. Some of these rights call for stronger protection because infringing them leads to the collapse and total failure of the child's life. These rights are linked to morals so if they are attacked, the punishment should be even harsher.

2 The role of monitoring

Monitoring plays a special role in alternative care for children without parental care because it guarantees their protection even before the monitoring begins, by ensuring that the monitor fulfils the conditions for such care. This in turn will ensure that the child has the greatest measure of security and comfort in her/his life and in the protection in future. Monitoring considers the eligibility of the alternative parents to fulfil their mission. If any shortcomings, deviation or errors are observed, they could be addressed, evaluated and corrected proactively. Attention must be paid to the general good. This manner of pre- and post-intervention monitoring of alternative family care is a legitimate form of enjoining good and forbidding evil as commanded by Allah who made it a charitable act for the Islamic *ummah*, as signified in these verses: “And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful”.²⁸ And: “You are the best nation produced [as an example] for mankind. You enjoin what is right and forbid what is wrong and believe in Allah...”.²⁹ Therefore, in enjoining right and forbidding the wrong is a guarantee of good treatment of orphans and preventing injustices against them or deviance in their upbringing.

27 Surat Al-Nisaa (The Women), 4:127.

28 Surat Aal 'Imran (The Family of Imran), 3:104.

29 From Surat Aal 'Imran (The Family of Imran), 3:110.

The grave consequences of the phenomenon of children without parental care push us to exert all possible efforts to confront and root it out. This may be achieved through abiding by Islamic legislation that regulates familial relationships, attention to children's upbringing and protection of their rights and welfare. Also needed is a deep faith in the importance of this issue, sincere efforts to abolish it and awareness-raising on the gravity of the possible repercussions. This is the task of the society as a whole – leaders, legislative and executive authorities, civil society organizations, charitable associations, callers to Islam, thinkers, educators and the media.



VII. Domestic violence against children

Islam lays down the fundamentals, principles and texts to prevent domestic violence in all its forms.

Definition of domestic violence against children

Domestic violence in general is the use of disproportionate force by one or more members of the family to an extent rejected by local customs, the law and Islamic Sharia. In domestic violence, a member of the family or extended family harms others in the household in a manner censured by society and disapproved of by the Sharia and the law.

Domestic violence against children is generally described as any action that exposes the life of the child physically, psychologically or mentally to dangers such as violence or abuse. Any violence exercised by someone with authority or uncontested power against a minor in the family is considered familial violence against that individual, whether that individual was of an age prior to the age of discernment or during the phase of discernment, and whether the method of violence was physical or psychological. Violence is a form of aggression against children which the victim has no means to repel or resist. This has a direct impact on the child's life and behaviour in general.

The report of the United Nations Secretary-General on violence against children shows that most victims of domestic violence are children, whether due to direct aggression or to neglect. Millions of children are victims of violence of all kinds and thousands of children die at the hands of their parents as a result of violence.

Causes of domestic violence against children

Some causes that lead to the perpetration of this crime against children are:

- Lack of sound religious upbringing and education in childrearing and growth.
- Lack of sound social preparation of the fathers and mothers prior to marriage.
- Absence of a religious sense of responsibility towards children.
- Poor communication and lack of a common language of understanding between the spouses and among members of the family, causing anxiety in the child and affecting her/his behaviour. This generally arises where emotional harmony is absent or with unequal cultural and ideological backgrounds that negatively affect childrearing.

- The phenomenon of child marriage or marrying children who are not prepared to form a family and have no or little knowledge of childrearing principles and the proper care of children.
- Violence springing from the stepfather towards his wife's children as opposed to his own children, and violence of the stepmother against her husband's children.

Motives of domestic violence against children

1. **Personal motives:** The roots could be selfishness, the desire for revenge and abnormal behaviours resulting from childhood trauma which reflect on their behaviour as adults and how they are bringing up their children. For example, having been deprived in their lives, they think that deprivation is the right way to raise children.
2. **Economic motives:** These could be the most prominent motives for using violence against children. Examples are poverty and unemployment that cause the father or widowed mother to push their children to work and deprive them of a normal school and social life and childhood.
3. **Inappropriate beliefs:** These lead the father to use violence in confronting the family in general and the children in particular on the justification of proving his manhood and an erroneous understanding of guardianship.
4. **Behavioural deviations** such as the fathers' or mothers' alcohol and drug addictions.

Types of domestic violence against children

The many forms of domestic violence against children can be summarized as follows:

1 Physical violence

This includes all actions that lead to harm or bodily injury of the child, such as a beating that results in a disability. This includes hitting, beating by hand, club, or sharp instrument, throwing stones, choking, pulling hair or attacking the child to the point of death, or any other action that causes harm to the child. This extends to making children work in jobs that are inappropriate to childhood and deprive them of an education for economic reasons, starving the child or not providing support to the child or the family.

2 Psychological violence

This type of violence is any speech or action that hurts children, affects their psychological well-being and is reflected in their uprightness and assimilation in society. Actions include



swearing, cursing, threatening, humiliating and insulting the child in front of her/his friends using words or behaviour that hurts the child's feelings.

Caging or isolating children from their friends causes them to be withdrawn from society and restricts their freedom. They develop troubled behaviour and thinking, stuttered speech and fear of association and group thinking which helps them to develop talents and abilities and acquire skills.

3 Sexual violence

This type of violence is among the ugliest and most detestable forms of violence practiced against children. It hurts them both physically and psychologically, causing emotional disorders and distress. Such acts, which include rape and sexual aggression, violate the child's sense of dignity, conflict with general morals and are refuted by social customs and religious principles. Because sexual violence is engulfed in secrecy and extreme social wariness, it can be difficult to reveal it and help the victims.

Islam urges mothers and fathers to care for and attend to children and to be good examples to them.

The Messenger of Allah (pbuh) said, "It is sufficient for a person to be [considered] sinful if he neglects whom he sustains".¹

Effects of domestic violence against children

Domestic violence against children, whether at the hands of the father, mother or someone else related to the child, is one of the most dangerous forms of violence since it is directed at those who cannot defend themselves or protect their rights. The victims of domestic violence against children are not just the children themselves but also the family as a whole and to some extent the community. Domestic violence results in a troubled child who is afflicted with depression and psychological disorders, and it could affect the development of the child's cognitive, speech and comprehension abilities. The final outcome is the compromised integrity of the child's behaviour, which reflects badly on the family and society.

Studies have shown that children who live on the street often do so as a result of domestic violence in the household in general and which is directed at them in particular. The society bears the consequences of their neglect and alienation caused by such bad actions.

¹ Abu Dawud in his Sunan, Book of Zakat, Chapter: On doing kindness to close relatives, part 2, pg. 132, no. 1692.

Islamic approach to preventing domestic violence against children:

The effective prevention of domestic violence against children lies in skilled childrearing based in an Islamic approach. Islam has laid down the fundamentals, principles and texts that forbid domestic violence in any form. It further provides guidance to any individuals who wish to fulfil their responsibility towards children and their welfare and not neglect them. On forbidding physical violence, Allah has said in the Quran: “And when the girl [who was] buried alive is asked, for what sin she was killed,”² and the Prophet (pbuh) has said, “Everything belonging to a Muslim is inviolable for a Muslim; his honour, his blood, his property.”³

Furthermore, the father is obligated to provide child support. The Messenger of Allah (pbuh) said, “It is sufficient for a person to be [considered] sinful if he neglects whom he sustains.”⁴

Along with forbidding psychological violence came the injunction of living in kindness in order to create an atmosphere of tranquillity for the child. Allah says: “And live with them in kindness...”⁵ It is also known that violence directed against children is also directed against the mother whose heart is torn apart at the sight of any injury to her child. Likewise, violence against the mother in front of the child is psychological violence against the child. All forms of such violence are prohibited. In terms of prohibiting sexual violence, man was commanded to be chaste. Allah says: “And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way.”⁶

And the Messenger (pbuh) has said, “O young men, whoever of you can afford it, let him get married, but he who cannot afford it should observe fast for it is a means of controlling the sexual desire.”⁷

To forbid verbal violence, cursing and swearing the Prophet (pbuh) said, “Aisha, verily Allah is kind and He loves kindness and confers upon kindness which he does not confer upon severity.”⁸ He (pbuh) would also supplicate as follows, “O Allah, treat harshly those who rule over my *ummah* with harshness, and treat gently those who rule over my *ummah* with gentleness.”⁹ He also said, “Whenever there is compassion in something, it adorns it, and when it is removed

2 Surat Al-Takwir (The Overthrowing), 81:8-9.

3 Sahih Muslim, Book of Righteousness, Chapter: Inviolability of the Muslim. Part 4, pg. 1986.

4 Narrated by Muslim, 2/692, no. 996; Imam Ahmad in Al-Musnad, 2/160, no. 6495.

5 From Surat Al-Nisaa (The Women), 4:19.

6 Surat Al-Israa (The Night Journey), 17:32.

7 Reported by Al-Bukhari [in his Sahih], Book of Marriage, Chapter: On whoever can afford it should marry, Fath-al-Bari, 9/106, h5065.

8 Reported by Imam Muslim in his Sahih, Book of Righteousness, Manners, and Familial Relations, Chapter: The virtue of kindness, part 16, pg. 146, explanation by Al-Nawawi.

9 Reported by Muslim in his Sahih, Book of Government, Chapter: The virtue of a just imam and punishment of the tyrant. 3/1458, h1828.



from something it disgraces it”.¹⁰

Among the most important means of prevention is the undertaking of the state to protect children from the occurrence of violence. This springs from the general responsibility exemplified by the hadith of the Prophet (pbuh), “All of you are guardians and are responsible for your subjects”.¹¹ He also said, “Indeed Allah will question everyone who is responsible about his charge, whether he preserved or lost, until He questions the man about the inhabitants of his home”.¹²

The state should develop social security and rehabilitation programmes for families to empower them in rearing their children in positive ways. Legislation should also be formulated to include harsh penalties for the crime of violence against children and the state should ensure the enforcement of these laws explicitly. Islam declares the parents’ right to rear and direct their children in accordance with Sharia rulings and made this the best that the parents could offer to their children, as exemplified in the words of the Messenger of Allah (pbuh), “There is no gift that a father gives his son more virtuous than good manners”.¹³ At the same time, Islam has set standards and provisions to prevent the misuse of this right and required that the exercise of this right be far from resorting to any form of violence so that the children grow up with self-esteem and confidence in themselves and respect their parents later in life. The Messenger of Allah (pbuh) said, “Allah has mercy on the father who helps his son to honour him”.¹⁴

A general rule contained in Islamic Sharia is that no harm may be inflicted on oneself or on another. It follows that no parent may beat her/his child. Psychological injury is the same as physical injury; both are forbidden. Islam enjoins kindness, mercy and affection in the treatment of children and in tending to their normal life development and various needs. Wisdom and foresight are needed to foster self-confidence and the ability to face life. The Messenger of Allah (pbuh) said, “He is not one of us who does not have mercy on our young”.¹⁵ A traditional adage on the optimal upbringing of children stated the following: “Play with him for seven years, discipline him for seven years, befriend him for seven years, then cut the rope and set him free”.¹⁶

While there is a hadith saying to beat the children if they neglect the daily prayers at the age of 10, specifically the words of the Prophet (pbuh), “Command your children to pray when they become seven years old, and beat them for it (prayer) when they become ten years old,

10 Reported by Imam Muslim in his Sahih, Book of Righteousness, Manners, and Familial Relations, Chapter: The virtue of kindness. Part 16, pg. 146, 4/2004, h2594. Explanation by Al-Nawawi.

11 Reported by Al-Bukhari in his Sahih, Book of Friday Prayer, Chapter: Friday prayer in villages and cities. 1/248-249, h893.

12 Narrated by Al-Tirmidhi, 4/208, no. 1705.

13 Imam Ahmad in his Musnad, m4, pg. 77, Dar Sadar, Beirut.

14 Reported by Hannad bin Al-Sirri in his Book of Asceticism, Chapter: Rights of the Parents, 1/200, h993.

15 Narrated by Al-Tirmidhi, Book of Righteousness, Chapter: On having mercy on children. 4/322- 1920.

16 Reported as a saying of Umar or Ali. Also said to be the words of Abdul Malik bin Marwan (Best of Brilliant Traits), Muhammad bin Ibrahim Al-Kutubi, pg. 718.

and do not let (boys and girls) sleep together”,¹⁷ the meaning of beating in the hadith is a light beating that does not cause pain, is not in the face and does not cause the child any physical or psychological injury. Furthermore, it is important to remember that Islam forbids physical, verbal or psychological violence as a method of childrearing.

<p>Islam forbids physical, verbal or psychological violence as a method of childrearing.</p>	<p>Allah, Most High, has said, “And when the girl [who was] buried alive is asked, for what sin she was killed”,¹⁸ the Prophet (pbuh) said, “Everything belonging to a Muslim is inviolable for a Muslim; his honour, his blood, his property”.¹⁹ And he (pbuh) said to Aisha, “O Aisha, verily Allah is kind and He loves kindness and confers upon kindness which he does not confer upon severity”.²⁰</p>
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The parents must avoid any kind of corporal and psychological punishment of their children, especially when there are other methods of childrearing available such as withholding rewards, advising, temporary banishment, conditional deprivation of play or recreation or other measures that the child would feel to be punishment. These options could be more effective than corporal punishment in achieving the aim of childrearing.

17 Reported by Abu Dawud in his Sunan, Book of Prayer, Chapter: When to instruct the boy to pray. 1/130, h495.

18 Surat Al-Takwir (The Overthrowing), 81:8-9.

19 Sahih Muslim, Book of Righteousness, Chapter: Inviolability of the Muslim, Part 4, pg. 1986.

20 Reported by Imam Muslim in his Sahih, Book of Righteousness, Manners, and Familial Relations, Chapter: The virtue of kindness, part 16, pg. 146, explanation by Al-Nawawi.



VII. Violence in schools and educational institutions

The prophet (pbuh) said to Aisha: “God is forbearer and He loves forbearance, and rewards for forbearance while He does not reward severity, and does not give for anything besides it (forbearance)”¹ He also said (pbuh): “Aisha, whenever there is compassion in something, it adorns it, and whenever it is removed from something it disgraces it”²

School is a principal factor in the formation of children’s personalities and the establishment of their orientations and relationships, as their circles of relationships are widened at school through interacting with new children. In this atmosphere, children learn more social norms and new roles that widen their sense of rights and responsibilities as well as how to control emotions and reconcile their needs with the needs of others and how to cooperate and behave.

Through school, we can detect deviations in students’ behaviour early on, which provides an opportunity to address the issue before it escalates into a student attacking classmates, stealing things, trying to escape from school and damaging school property. However, a deeper consideration of some educational systems reveals flaws in their structure, objectives, content, methods and means of assessment. This reflects a lived reality exemplified by the desire to obtain a certificate even at the expense of a person’s upbringing and the development of capabilities that would allow him/her to serve his/her country, society and nation. What should be focused on here is the absence of emotional education from which the crisis of will and conscience arose, despite its importance in building a child’s psyche. This leads to the child’s flawed psychological or emotional development or the absence of that development, which is the direction in which our energies must be mobilized.

Violence has come to be a widespread behavioural phenomenon in schools and educational institutions. The phenomenon is not limited to just one country, as it has spread to afflict nearly all countries of the world. Nor is school violence restricted to specific individuals: its scope encompasses entire groups and societies. Violence is observable in the behaviour of small children and adults, the healthy and the sick, with distinct causes, objectives and results.

This phenomenon represents a direct threat to students’ formation and character and may exert a direct influence on their deviating from the correct path. This is at the forefront of

1 Compiled by Imam Muslim in his Sahih. Book of Righteousness, Manners and Joining the Ties of Kinship, Chapter on Compassion v. 16, p. 146, Al-Nawawi’s Commentary.

2 Compiled by Imam Muslim in his Sahih. Book of Righteousness, Manners and Joining the Ties of Kinship, Chapter on Compassion v. 16, p. 146, Al-Nawawi’s Commentary, Chapter on Compassion, 2004/4 H 2594.

phenomena that merit study and research by psychologists and educational scholars in the hopes of arriving at radical solutions.

<p>School is an important educational institution that helps raise children. As such it has a duty to establish a foundation of the values of tolerance, love and non-violence.</p>	<p>The Messenger of God said: “He is not one of us who does not have mercy upon our young...”.³</p> <p>And: “The merciful are shown mercy by Ar-Rahman. Be merciful on the earth, and you will be shown mercy from Who is above the heavens”.⁴</p>
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School violence

The two forms of violence in schools are the physical and the psychological and they typically occur together. The forms of violence committed by teachers and school employees – with or without the expressed or implied approval of Ministries of Education and other authorities that supervise schools – include physical abuse and other forms of punishment, cruel and humiliating treatment, sexual violence, gender-based violence and intimidation. The types of violence committed by children include bullying, intimidation, sexual violence, gender-based violence, schoolyard quarrels, gang violence and assault with weapons. Technology represents a new means for intimidation through the use of the Internet and mobile phones, paving the way for new terms like 'cyberbullying'.

School violence is a behaviour that leads to harm for students, teachers and school property. It represents one of the most dangerous forms of violence because it impedes learning at school and prevents the institution from performing its role. The violence may be student-on-student and take the form of beating, pushing, mocking or name calling. The violence could take place between a student and school property, resulting in holes and writing on the walls, attacking chairs, doors and windows, and tearing up books, tools, illustrations and maps. It could take the form of student-on-teacher violence through threats, swearing, assault and ridicule, or teacher-on-student violence in the form of beatings, threats, menacing, mocking, discriminatory treatment, persecution, marginalization and scowling, all out of the teacher’s belief that violence is the ideal method for controlling the classroom.

3 Narrated by Al-Tirmidhi – Book of Righteousness – On Mercy of Boys 322/4 - 1920.

4 Compiled by Al-Tirmidhi in his Sunan - Book of Righteousness –Chapter on Mercy of Muslims 4/322-323 H 1924 through ibn Umar, and Al-Tirmidhi classified it as a good, authentic hadith.



Some students come from environments in which they are subjected to violence and practice violence themselves, and the school can provide those students with alternative ways to live and conduct themselves by demonstrating behavioural patterns that are free of violence. This represents the corrective role of the school, which follows the example of the Prophet (pbuh), a role model who displayed exemplary behaviour with his companions and children. He was the apex of mercy, compassion, kindness and gentleness.

Types, forms and effects of school violence

School violence can be classified into several categories including violence that occurs among students, among teachers, between teachers and their students or students and their teachers, and between the principal and teachers. Violence can also occur against school property.

Types of violence within schools take numerous forms, including:

1. **Verbal violence:** This entails sharp or harsh speech in the form of expressions and profanities and/or motions and gestures.
2. **Physical violence:** involving the use physical force to cause bodily pain and/or injury.
3. **Psychological violence:** Forms of psychological violence vary and include:
 - Rejecting requests and needs in a vulgar manner.
 - Neglect, lack of attention and hurting feelings.
 - Humiliation and degradation.
 - Spreading fear and witnessing violence.
 - Isolation resulting from being deprived from participating with one's peers.
 - Benefiting from the exploitation of children's weakness.

The psychological impact of violence on students is worse than the violent act itself, as the mental implications leave a mark and create callousness. Violence also works to destroy a student's character and lower her/his sense of self-esteem.

Perhaps one of the most significant effects of the phenomenon of school violence is that it hinders the school from performing its function, as time allocated to the educational process is wasted and the school environment becomes unsuitable for achieving its objectives.

4. **Vandalism.** Damage to school property or buildings.

Reasons behind school violence

The reasons behind school violence can be summarized as follows:

1 Family childrearing methods and socialization within the family

The family plays an important role in the formation of appropriate and inappropriate behaviours in children. Parenting strategies that rely on oppression, cruelty, bullying, neglect, overprotection and failure to teach the child social norms and religious and moral values, compounded by the fragmentation of the family, divorce and domestic violence, all represent causes of violence.

2 Individual factors

In terms of the psychological and emotional characteristics of an individual and his/her personality, research has shown that students with behavioural and attention deficit disorders and with negative perceptions of the self are more inclined to commit or fall victim to violence and aggression. Violence is also linked to erroneous ideas among adolescents and youth and a dearth of cognitive or social skills.

3 The school environment

Negative characteristics of schools lead to the occurrence and spread of violent behaviours among students. A school climate based on psychological and social abuse, failure to commit to dialogue, discussion, logical thinking and courtesy, and a lack of justice and equality, compounded by educational curricula and courses that wreak failure, inability and frustration on students, will contribute to the emergence of violence. Also playing a role are religious, sectarian, ethnic and physical discrimination; a dearth of social and sports activities; and failure to allow students to release their emotions.

The most important factors and variables in schools that cause the spread of violence among students are as follows:

- Teachers mistreating students by insulting them or describing them as stupid, which leads the student to develop a sense of hatred towards the school and possibly to drop out of school.
- Increasing the number of students despite limited available resources. This diminishes the educational services provided by increasing the density of the school population which in turn, may leave the needs of a large number of students unfulfilled, resulting in increased violence and school dropouts, which is a gateway to deviation.



- A mismatch between school activity programmes and the wishes, preferences and needs of the vast majority of students. This is caused by internal factors like a shortage of sports fields and reliance on theoretical instead of practical activities for students, which forces them to find other ways to release energy outside of school.
- Difference between methods for giving directions at school and prevalent approaches towards childrearing within the family. This leaves students in a state of confusion as they do not have a frame of reference through which to judge their actions and the reactions of others towards their behaviour.
- Inability of the school to establish harmony between the various cultures of students in the school. The students come from different home environments and cultural backgrounds. The school's inability to find compatibility between these cultures will result in cultural conflict, which often leads to violence.
- Excessive severity on the part of some administrators and teachers when holding students accountable for mistakes or not doing their homework. Schools drive these students away, and they then become vulnerable to deviance.
- Inability of schools to instil positive social values in students that will help society achieve its goals. Schools sometimes contribute to the opposite by contributing to the formation of negative values, which will be reflected in students' negative behaviour in the future.

The role of teachers in combating school violence

Teachers must conduct themselves well and be role models for their students by avoiding violence and adhering to mercy and compassion.

God's Prophet (pbuh) said: "Aisha, whenever there is compassion in something, it adorns it, and whenever it is removed from something it disgraces it".⁵

Teachers are the cornerstone of the educational process in combating violent behaviour by fulfilling their function of being role models for students. They represent the highest role model, in whom mercy, compassion, gentleness, kindness and sympathy prevail. This is a general trend found in the instruction of the Prophet (pbuh), who said: "Whoever was given his share of gentleness, then he has been given a share of good. And whoever has been prevented from his share of gentleness, then he has been prevented from his share of good".⁶ Aisha reported that the Prophet (pbuh) said: "God is Forbearer and He loves forbearance, and rewards for forbearance

5 Compiled by Imam Muslim in his Sahih. Book of Righteousness, Manners and Joining the Ties of Kinship, Chapter on Compassion v. 16, p. 146, Al-Nawawi's Commentary, Chapter on Compassion, 2004/4 H 2594.

6 Compiled by Al-Tirmidhi in his Sunan – Book of Righteousness, Chapter: On Compassion 4/367 H 2013, declared good by Al-Tirmidhi.

while He does not reward for severity and does not give for anything besides it (forbearance)”.⁷ And among his supplications (**pbuh**): “O God! Treat harshly those who rule over my Ummah with harshness, and treat gently those who rule over my Ummah with gentleness”.⁸ He also said: “Whenever there is compassion in something, it adorns it, and whenever it is removed from something it disgraces it”.⁹

The Prophet (**pbuh**) took a great interest in children. He was polite to them and urged mercy towards them, saying: “He is not one of us who does not have mercy upon our young...”¹⁰ and Abu Hurayrah said: “The Messenger of God, may God bless him and grant him peace, kissed Hassan ibn ‘Ali while al-Aqra ibn Habis at-Tamimi was sitting with him. Al-Aqra’ observed, ‘I have children and I have never kissed any of them.’ The Messenger of God, may God bless him and grant him peace, looked at him and said, ‘Whoever does not show mercy will not be shown mercy’”.¹¹

Jurists and scholars of education have shown an interest in the teacher-student relationship throughout the years and have identified a number of qualities necessary for successful education. They were keen to apply these qualities and Ibn Sirin says: “Indeed this knowledge is faith, so carefully consider from whom you take your faith”.¹² Our scholar forebearers mentioned such qualities as patience, understanding, modesty, compassion towards students, leniency, a soft side, being kind towards friends, telling the truth and sincerity towards all of Creation.

Ibn Jamaah instructs teachers to display kindness and compassion towards students and treat them as they treat their sons, saying: “The teacher must care for the best interests of his students and treat them with the tenderness, compassion, and kindness with which he treats his most cherished sons”.

Whenever Abu Hanifa – may God have mercy on him – would see his students, he would accept them with an open mind and generous heart and say: “You are the path of my heart, the clearing of my sorrow. I saddled and bridled the *fiqh* for you, so ride it if you wish”.¹³

The biography of the Prophet (**pbuh**) includes many models featuring leniency that are useful for addressing violence. If teachers imitate these models, they and the educational system will succeed in their vision and mission.

7 Compiled by Imam Muslim in his Sahih. Book of Righteousness, Manners and Joining the Ties of Kinship, Chapter: The Virtue of Compassion v. 16 p. 146, Al-Nawawi’s commentary.

8 Compiled by Imam Muslim in his Sahih. Book of Righteousness, Manners and Joining the Ties of Kinship, Chapter: The Virtue of the Just Imam and Punishment for the Unjust 3/1458 H 1828.

9 Compiled by Imam Muslim in his Sahih. Book of Righteousness, Manners and Joining the Ties of Kinship, Chapter on Compassion v. 16, p. 146, Al-Nawawi’s Commentary, Chapter on Compassion, 2004/4 H 2594.

10 Compiled by Abu Daoud in his Sunan, Book of Manners, Chapter: On Mercy 4/287 H 4943.

11 Compiled by ibn Daoud in his Sunan, Book of Manners of a Man Kissing His Son, 4/357 H 5218.

12 Al-Faqih wAl-Mutafaqqih by Al-Khatib Al-Baghdadi, Chapter: Choosing Jurists 1/251.

13 Maghani Al-Akhyar by Abu Muhammad Mahmoud Al-Ghitabi Al-Ayni Al-Hanqi 5/10.



The role of peers

The role of the family has declined in recent times despite the importance that it holds based on the social nature of human beings. People require membership in a group in which they can build relationships with peers who belong to the same age group; have similar orientations, attitudes and hobbies; are brought together by common interests; and together search for self-esteem. The group embraces the individual and accepts his/her opinions and thoughts, and within the group he/she feels free. The group defines the role that the individual may play, allowing him/her opportunities for social interaction and helping him/her to achieve autonomy and self-actualization. It is a community in which the individual finds support for his/her efforts to free him/herself from authority and also provides a place for recreation.

Peer groups are formed spontaneously when the child grows and expands the circle of his/her interests and relationships. The group has a system of behavioural norms that imposes specific demands on the child when carrying out his/her role in the group. The group is able to exert enormous pressures on an individual and force him/her to do things he/she would not do apart from the group. The group is dominated by a collective consciousness where the individual disappears and the group spirit dominates. The peer group is a group of companions who play an influential role in the socialization process outside of the family, both in school and beyond.

A peer group can have positive and negative educational effects on a student.

The positive aspects of a peer group can be summarized as follows:

- The child can realize personal desires through peers.
- The child has the opportunity to play multiple social roles.
- The child begins to become aware of the rights of others and take them into account.
- The group corrects behavioural deviations by exerting pressure on members.
- The group helps the child to obtain a measure of independence from parents and authority figures.
- The individual is permitted to take on social responsibility through the role determined by the group.
- The individual develops leadership qualities as well as the ability to analyse and solve problems.
- The company of friends represents a source of emotional involvement and enhances social skills.

Thus the family must encourage children to belong to such groups, but should also always take note of children's behaviour and how their world view develops in order to intervene when necessary. This will ensure that the family is not tempted by unacceptable customs, traditions

and values, and that what children learn from peer groups is positive, because what appears to one group as deviance on the part of the child could be utterly normal for his/her companions; on this topic the Prophet (pbuh) said: “A man follows the religion of his friend; so each one should consider whom he makes his friend”.¹⁴

If the influence of a friend extends to religion, how does it impact behaviours and orientations?

The onus is on the family, as the Prophet (pbuh) said: “Every one of you is a guardian and is responsible for his charge”.¹⁵ He also said: “Indeed, God will question every guardian about his charge”.¹⁶

In light of the role that the peer group plays, the Prophet (pbuh) demonstrated the impact that results from selecting a companion when he said: “The example of a good pious companion and an evil one is that of a person carrying musk and another blowing a pair of bellows. The one who is carrying musk will either give you some perfume as a present, or you will buy from him, but the one who is blowing a pair of bellows will either burn your clothes or you will get a bad smell from him”.¹⁷ This is because the individual is influenced by those around him and indeed they influence each other. It is human nature to copy one’s friends in their behaviour and appearance. Thus by associating with the righteous, an individual acquires their character and behaviours, and by associating with deviants, an individual will acquire their deviance. On this topic God says: “And do not incline towards those who do wrong, lest you be touched by Fire, and you would not have other than God any protectors; then you would not be helped”.¹⁸

Regarding methods for keeping our sons and daughters away from contact or interaction with bad friends, God says: “O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones, over which are [appointed] angels, harsh and severe; they do not disobey God in what He commands them but do what they are commanded”.¹⁹

As long as this is the case, what standards or tests should we utilize to judge the proper selection of peers? God described this through the tongue of Moses who said: “And appoint for me a minister from my family – Aaron, my brother. Increase through him my strength and let him share my task that we may exalt you much and remember you much”.²⁰

14 Compiled by Al-Tirmidhi in his Sunan, Kitab ul-Zahd, no. 45 v. 4 p. 589 H 2378, classified as good by Al-Tirmidhi.

15 Compiled by Al-Bukhari in his Sahih, Book on Friday, Chapter: Friday in Villages and Cities 1/248-249 H 893.

16 Narrated by Al-Tirmidhi 4/208 no. 1705.

17 Compiled by Al-Bukhari in his Sahih, Book on Selling, Chapter: Perfume and the Sale of Musk 2/1717 H 2101.

18 Surah Al-Hud Verse 113,

19 Surah Al-Tahrim Verse 6.

20 Surah Taha Verses 29-34.



He wants someone to be supportive, be an aide in times of need, share with him in making decisions and giving opinions and help him remember God so as not to regret later and say: “Oh, woe to me! I wish I had not taken that one as a friend. He led me away from the remembrance after it had come to me. And ever is Satan, to man, a deserter”.²¹

Participating in targeted group activities helps to eliminate school violence and thus selecting quality companions and friends is a must.

God said: “...And cooperate in righteousness and piety, but do not cooperate in sin and aggression...”.²²

And God’s messenger (pbuh) said: “A man follows the religion of his friend; so each one should consider whom he makes his friend”.²³

Educational approaches for combating school violence

Many methods may be adopted to combat and address school violence, including the following:

1. **Detecting aggressive tendencies:** Aggressive tendencies can be detected in children by observing them during their free time, and by giving the children alternatives to help them process their emotions.
2. **Limiting models of aggression:** Children can observe educators who address aggression without violence, and they can observe adults attempting to adapt to stimuli non-aggressively.
3. **Strengthening non-aggressive behaviour:** The child simply realizing the negative and painful effects of aggression is not sufficient. Educators must teach and strengthen alternative responses.
4. **Transitioning aggressive children away from damaging styles:** It is very useful to inform aggressive children that their behaviour is unacceptable.
5. **Expressing interest in the individual harmed by aggression:** For example, if one child continues to push a classmate standing in his/her place, the teacher’s job is to direct his/her words at the child who was pushed, saying something like ‘You were first and should remain in your place.’ This prevents the abusive child from reaping the fruits of his/her aggression. At the same time, practical examples may be demonstrated in front of the other children to solve the problem of aggression in a non-aggressive manner.

21 Surah Al-Furqan Verses 28-29.

22 Surah Al-Ma’idah Verse 2.

23 Compiled by Al-Tirmidhi in his Sunan, Kitab ul-Zahd, Chapter: no. 45 v. 4 p. 589 H 2378, classified by Al-Tirmidhi to be good and authentic.

6. **Providing enough time for activities and follow-up:** The best places to let out emotions are sports fields and children must be provided sufficient time for these activities.
7. **Family cooperation:** These considerations must be adopted both by educators and parents. They must monitor the child’s behaviour and understand the circumstances in which aggression arises. For this reason, it is very important that this problem be addressed, and parents must be instructed on how to practice non-aggressive behaviour. The problem of aggression is linked to the child’s home environment and not the child himself/herself. This calls for contributions from all adults (parents and educators) in establishing programmes to reduce the extent of aggression within children.

<p>Educational methods for combating school violence include early detection and treatment of aggression.</p>	<p>God said: “O you who have believed, take your precaution...”²⁴</p> <p>And: “O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones...”²⁵</p>
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In addition to the above methods for combating and treating violence, the following means can be employed as well:

1. **Adopt a plan to protect children from violence.** This plan must start with an appreciation of reality based on an analytical understanding of the phenomenon and its extent in society, and must extend to the future by demonstrating prospects for protecting children from violence and identifying the gap between current data and the vision for the future. This all falls into a framework of objectives, beginning with a vision and message characterized by clarity, a systems approach and a practical orientation towards implementing this plan. Roles must be identified along with diverse activities, programmes and plans that all educational institutions participate in implementing. This process begins with the family and extends to all societal institutions responsible for all forms of violence and should include an arena in which this can be practiced and implemented. Rules for behaviour in schools based on rights and duties must be established to provide and maintain a safe school environment that is free of fear and violence. The plan also includes the development of legislation and laws that guarantee accountability and deter those who engage in violence against children, to guarantee the rules and regulations necessary for combating the various faces of school violence without excess or negligence.
2. **Spread a culture of tolerance, non-violence, citizenship and human rights** among the members of society, forging citizens who care fully for the rights of the child and the family

²⁴ Surah Al-Nisaa’ Verse 71.
²⁵ Surah Al-Tahrim Verse 6.



in light of both Islamic Sharia and international conventions which uphold the child's right to special protection. This basis ensures the child's right to opportunities that allow him/her to grow up in a healthy and sound environment with freedom, dignity and protection from all forms of neglect, cruelty and exploitation within the family, school and society. The child has the right for the family to be based on good decision-making and to meet criteria defined by Sharia and for its relationships to be based on love and compassion. Children should be taught negotiation skills to enable them to identify the subject of disputes and arrive at a successful solution. Outreach plans must be designed and disseminated through various forms of media to target families, educators and students themselves to equip them with behaviours that reduce violence. Educators and officials must participate in local society and hold educational and awareness-raising meetings that address childrearing and religious dimensions for caretakers and the school community. The goal of these meetings is to demonstrate proper approaches to childrearing and the means to ensure a good upbringing by utilizing behavioural change methods in order to reduce violence. Programmes that strive to highlight desired behaviours and means for combating undesirable behaviours must also be designed, adopted and presented through institutions and organizations founded by the community like public clubs and youth care centres.

3. **Ensure the establishment of good, warm and safe relationships between family members and the school community**, act in partnership between the family and the school in all efforts made in the field of education, and emphasize that the roles of the two institutions depend on each other, as neither is independent of the other.
4. **Provide psychological support** to victims of school and societal violence.
5. **Include subjects within the curriculum that address various forms of violence** and help students to acquire desired behaviours; and provide teachers and school administrators with teaching methods that are free of violence and help to attract the students' attention. This will help to formulate positive attitudes towards school and allow for educational activities that incentivize students to participate actively in the educational process. In this way, they will find a way to release energy and satisfy their needs.
6. **Improve the use of social workers and psychologists in educational institutions** in order to address problems of violence.
7. **Emphasize the equality of all in terms of rights and duties** through educational curricula and through preaching in religious institutions.
8. **Develop the knowledge, skills and abilities of all personnel who deal with children** including parents, those responsible for childcare, school educators and children themselves.
9. **Applying policies and rules** to protect children in schools.



The phenomenon of violence in schools has manifold forms and numerous cultural and social causes, and stems from negative educational trends. There is no doubt that combating or reducing violent behaviour against children requires the adoption of various methods and strategies that do not focus solely on combating or reducing violent behaviours (treatment), but also through researching and eliminating the factors and causes behind violence (prevention). This will help to avoid the psychological, social and physical violence that results from children's exposure to violence, as well as to ensure the basic rights set forth in Sharia, the Law, and international conventions in order to enable various educational institutions, like schools, that are entrusted with the process of socialization to perform their roles well.



IX. Exploitation of children in armed and other conflicts

The right of children to be protected from armed conflict is based on a correct reading of the Holy Quran, the Sunnah of the Prophet (pbuh), and the consensus [*ijmaa'*] of the Ummah's religious scholars.

The types of exploitation that children are subject to in armed conflicts, political struggles and domestic unrest in various countries have multiplied, and children have indeed been used in these conflicts.

Children in more than 50 countries around the world suffer from armed conflicts or their effects. According to UNICEF estimates,¹ the civilian casualty rate in armed conflicts has greatly increased in recent decades and is now estimated to be greater than 90 per cent. Children represent nearly half of these casualties, and approximately 20 million children have been forced to flee their homes because of conflicts and human rights violations. Some live as refugees in neighbouring countries and others have been internally displaced inside their countries' borders. According to the 2010 annual report of the Special Representative of the Secretary-General on Children and Armed Conflict, an estimated 27.1 million people have been forced to flee their homes because of armed conflicts and are now internally displaced within their home countries, and no less than half of these people are children.

More than 2 million children have died² as a direct result of armed conflicts during the last decade, and more than three times that many, i.e., upwards of 6 million children, have been seriously injured or permanently disabled. Additionally, more than 1 million children have been orphaned or separated from their relatives, and between 8,000 and 10,000 children are either killed or receive amputations due to landmines every year.

According to estimates, approximately 300,000 child soldiers³ under the age of 18 years (including both boys and girls) are involved in more than 30 conflicts around the world. Children are used as fighters, porters and cooks or are sexually exploited.

Some children are forcibly conscripted or kidnapped while poverty, abuse and discrimination push others to join fighters or seek revenge because of violence committed against them and their families.

1 UNICEF, Children in Armed Conflicts and Emergency Situations. See also United Nations document centre A/HRC/15/58, www.unicef.org/Arabic/protection/24267-25751.html.

2 Ibid.

3 Ibid.

This occurs despite the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which entered into force in 2002. The protocol prohibits involving children younger than 18 years of age in hostilities and requires that nations raise the minimum age for mandatory conscription and direct participation in conflicts to 18 years. The protocol likewise requires that States Parties to the protocol raise the minimum age for voluntary enlistment from the current minimum age, which is 15 years.

During armed conflicts, girls and women are subject to dangers such as rape and sexual exploitation, trafficking, humiliation and mutilation. The use of rape and other forms of violence against women has become a strategy used by all sides in wars. For example, after the Rwandan genocide in 1994, news reports indicated that nearly all surviving females over the age of 12 years had been raped. During the conflict in the former Yugoslavia, estimates indicated that more than 20,000 females were subjected to sexual violence. Such conflicts also lead to family separations, which puts a great economic and psychological burden on women.

Children also experience emotionally and psychologically painful events during armed conflicts such as the gruesome death of parents and close relatives; separation from their families; witnessing the killing or torture of loved ones; fleeing their homes and communities; being subjected themselves to killing, bombings and other life-threatening situations; abuses such as kidnapping, arrest, detention, rape and torture; disruptions to school systems and societal life; abject poverty; and a dim future. Some may themselves participate in acts of violence, as children are greatly influenced by the levels of tension and conditions that their adult guardians endure.⁴

There are those who take advantage of political disputes to exploit children, using demonstrations and protests staged against opposing parties to influence public opinion on the dispute. Children's present and future lives are affected, as children may even fall victim to these struggles.

The Islamic perspective on children in armed conflicts

Armed conflicts that endanger children's lives can be offensive or defensive wars. The danger facing children in each of these two cases, as well as the type of protection afforded to affected children, differs according to each case, as explained below.

1 Dangers facing children in offensive wars and ways to avoid them

If a child's home country starts an offensive war because of certain conditions or political considerations, one of the most significant dangers to children's rights is that the country declaring war may resort to enlisting children to participate in hostilities. Another danger is

⁴ Ibid.



that their country may be unable to protect them physically or psychologically once hostilities break out, especially from retaliatory attacks by the other party. At that time, therefore, there are two aspects to protecting children's rights: refraining from conscripting children; and protecting them from dangers posed by attackers. These two aspects are explained below.

A. Refraining from enlisting children for participation in hostilities

It is well known that refraining from conscripting children is among the most important obligations of belligerents (state and non-state) towards children. It also represents the most important right of children in relation to the countries in which they reside. In an authentic hadith by Ibn Umar, he said, "On the day of the Battle of Uhud, I offered to [fight for] the Messenger (**pbuh**). I was a fourteen year-old boy, and he did not permit me"⁵

That is to say, he offered to fight in the Battle of Uhud. This hadith shows it is impermissible to involve children in hostilities.

Islamic jurists agree that children are exempted from jihad and that it is impermissible to involve them in wars or conscript them, whether or not a child agrees to participate. This consensus has been narrated by Ibn Rushd and others,⁶ and it is consistent with the Quranic verse, "There is no blame on those who are infirm, or ill, or who find no resources to spend (on the cause), if they are sincere (in duty) to Allah and His Messenger: no ground (of complaint) can there be against such as do right: and Allah is Oft-forgiving, Most Merciful".⁷ Children therefore have the right to be protected from armed conflicts, and this right is based on the Holy Quran, the Sunnah of the Prophet (**pbuh**) and the consensus of the Ummah's religious scholars.

Islam prohibits involving children in wars and all types of armed conflicts.

God said, "On no soul doth Allah Place a burden greater than it can bear...".⁸ Ibn Umar (may God be pleased with him and his father) said, "On the day of the Battle of Uhud, I offered to the Messenger (**pbuh**). I was a fourteen year-old boy, and he did not permit me".⁹

5 Narrated by Sunan An-Nasa'i – Vol. 1 – Pg. 155 – Book of Divorce – Chapter: When Does the Divorce of a Boy Count? – Printed by Dar Al-Kutub Al-Musawarra.

6 The Distinguished Jurist's Primer – Vol. 1 – Pg. 381 – Printed by Dar Al-Maarifa, Beirut.

7 Surat At-Tawbah, Verse 91. Trans. by Yusuf Ali.

8 Surat Al-Baqarah (the Cow) verses 286.

9 Narrated by Sahih al-Bukhari 2/168 to 264 Chapter: The boys attaining the age of puberty and their witness by ibn Omar.

B. The need to ensure that children are protected from the dangers of hostilities

Children's rights are not limited to the right to avoid conscription into hostilities. Society must also secure the means to allay their fears of warfare and provide them familial warmth. A child should not be separated from his/her mother, as it is said that the Prophet (pbuh) said, "Whosoever separates a mother from her child shall be separated from his loved ones in Paradise".¹⁰ In all cases, the food, water, clothing, shelter, medical treatment and educational services which children need must be secured, in addition to psychological rehabilitation to treat the effects of war trauma. In situations in which children lose their parents due to fighting, the state must provide them with safe shelter and arrange for people to treat them like family and with compassion in order to replace the mothers and fathers they lost.

2 Dangers defensive wars pose to children and ways to avoid them

The dangers of defensive wars manifest themselves in two ways, as described below.

A. The conscription of children to repel invasion and children's exposure to the dangers of war

In this case, it is not permissible for a country defending its territory to enlist children, just as it is not permissible for attackers to use the launch of a war as justification for enlisting children. They should not even consider doing this, as it is well known that it is impermissible to conscript children into hostilities for any reason whatsoever. This is established by the Quran and the Sunnah, and a consensus of the Ummah's religious scholars agrees with this.

Likewise, it is impermissible to neglect children's daily needs. Their hunger must be nourished, and they must be given protection to ease their fear. Children must be provided every form of care capable of protecting them from the dangers of war and its psychological agonies.

B. The neglect of Islamic principles that forbid killing children and non-combatants

In Islam, war is not an end in itself, but rather a means for defence, preventing injustice, repelling invasion and defending oneself from unjust aggressors who attack others, conquer them and impose their will upon them. In this case, resistance is legitimate according to the Quranic verse, "If then any one transgresses the prohibition against you, Transgress ye likewise against him...",¹¹ as well as the verse, "The recompense for an injury is an injury equal thereto

10 An authentic hadith compiled by At-Tirmidhi in his Sunan – Vol. 4 Pg. 134 Book of Military Expeditions – Chapter: On Dislike of Demonstrating the Bad and its Good At-Tirmidhi – Number 1566.

11 Surat Al-Baqarah, Verse 194. Trans. by Yusuf Ali.



(in degree)...”.¹² These two holy verses, along with other verses and examples from the Sunnah of the Prophet (**pbuh**), show it is acceptable to respond to offenses in kind so long as justice is maintained and acceptable limits are observed. However, this permission does not allow for attacks against non-combatants, elderly people, monks, ascetics and other similar non-combatants, including women and children. The Quran says, “Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loveth not transgressors”.¹³

Because wartime defence is allowed in order to repel aggression, and because the aforementioned groups and similar people are not committing any aggression, fighting them constitutes a transgression and an injustice. God will hold anyone who commits such a transgression accountable, and His judgment shall not be withdrawn unless whoever does this while fighting is given an appropriate punishment in this world, as this represents an attack against all of humanity and against people who must be protected and defended. Also, it is impermissible for attackers to assail children, even if they were attacked in a similar way, because although one may respond to aggression in kind, one may not transgress the limits of Islamic law.

This is shown in a hadith narrated by Ibn Umar (may God be pleased with him and his father) which says the Prophet (**pbuh**) forbade the killing of women and children;¹⁴ in a hadith narrated by Ahmed and Abu Dawood, which says that the Prophet (**pbuh**) said, “Do not kill a child or a servant”;¹⁵ in a hadith narrated by Anas (may God be pleased with him), which says the Prophet (**pbuh**) said, “Set off in the Name of God and with God, and do not kill a single old man, small child, or woman. Do not be dishonest about your spoils, but do collect them, and act right and do good, for God loves those who do good”;¹⁶ in a hadith narrated by Ibn Abbas, which says that the Prophet (**pbuh**) was sending his armies off when he (**pbuh**) said, “Set off in the Name of God Almighty and fight for His sake against disbelief. Do not betray another, be dishonest, torture, or kill young boys or monastics”;¹⁷ and in another hadith where the Prophet (**pbuh**) said, “Do not kill children during war,” and they said, “Oh Messenger of God, are they not the children of polytheists?” And he said, “Are not the finest among you children of polytheists”?¹⁸ So every human being, regardless of religion, age or sex, has virtue. Therefore, no human being may be killed or physically or psychologically harmed.

12 Surat Ash-Shuraa, Verse 40. Trans. by Yusuf Ali.

13 Surat Al-Baqarah, Verse 190. Trans. by Yusuf Ali.

14 Compiled by Abu Dawood in his Sunan – Book of Jihad – Chapter: On the Killing of Women 53/3 Hadith 2668.

15 Compiled by Ibn Majah in his Sunan – Book of Jihad – Chapter: Invading, Boarding, and the Killing of Women and Children 948/2 Hadith 2842.

16 Compiled by Abu Dawood in his Sunan – Book of Jihad – Chapter: On the Prayers of Polytheists 38/3 Hadith 2613 from Burayra, may God be pleased with him.

17 Compiled by Al-Tabarani in Al-Mu’jam Al-Kabir 283/1 Hadith 826.

18 See previous source.

For the same ends of protecting children’s rights and shielding them from the horrors of war, Islam also forbids killing women in wars, as they are usually responsible for and attached to children, and their lives are intertwined with the lives of their children. Rabah bin Rabee narrated that the Messenger (pbuh) went out on a conquest, and Khalid bin Al-Waleed was at the vanguard of the army. The vanguard came upon a woman who had been struck and killed by them, and they were looking at her until the Messenger (pbuh) caught up with them on his camel. He said, “She should not have been killed”. He then followed Khalid and told him, “Do not kill a child or a hired servant”.¹⁹ And Ibn Umar narrated, “A woman was found killed in one of the conquests of the Prophet (pbuh), and the Prophet (pbuh) then forbade the killing of women and young boys”.²⁰ In Abu Dawood’s narration, he said, “She was killed, but had not fought”.²¹ This prohibition is meant to protect women and children from psychological torment and invokes the hadith of the Prophet (pbuh), which recounts that he said “Do not separate a mother from her child”. And he (pbuh) was asked, “Until when”? The Prophet (pbuh) said, “Until a boy reaches puberty and a girl menstruates”.²² And during a war, Abu Bakr Zaid bin Abu Sufyan was collecting tithes and said, “Do not kill any women, children, or elderly. Do not cut down any fruit-bearing trees or destroy buildings. Do not slaughter a sheep except to eat it, and do not chop down or burn any palm trees. Do not be indulgent or destructive”.²³

<p>Islam forbids endangering children, women or the elderly during wars, all types of armed conflict and other situations.</p>	<p>Allah Said From Ibn Umar - he said, “God’s Messenger (pbuh) said, ‘Set off in the Name of God, with God, and according to the religion of His Messenger, and do not kill a single old man, small child, or woman’”.²⁴</p>
<p>The principles of Islamic Sharia secure the prohibition of violence against children during armed conflicts, political struggles and domestic unrest to an extent that exceeds existing legal systems.</p>	

19 Compiled by Ibn Majah in his Sunan – Chapter: Invading, Boarding, and the Killing of Women and Children 948/2 Hadith 2842 referring to Hanzalah, the writer and the hired servant: Al-Ajeer.
 20 Compiled by Abu Dawood in his Sunan – Book of Jihad – Chapter: On the Killing of Women 53/3 Hadith 2668, compiled by At-Tirmidhi in his Sunan.
 21 Compiled by Abu Dawood in his Sunan – Book of Jihad – Chapter: On the Killing of Women 54/3 Hadith 2669.
 22 Compiled by Al-Bayhaqi in As-Sunnan Al-Kubra – Military Expeditions – Chapter: The Time When it is Permissible to Separate 216/9 Hadith 18326 referring to Ibadah bin Al-Samit. Al-jariyya means females.
 23 Compiled by Imam Malik in Al-Muwatta, Book: Jihad, Chapter: Forbidding the Killing of Women and Children in Conquests 358/2 Hadith 10 printed by Dar Al-Hadith, Cairo.
 24 Compiled by Abu Dawood in his Sunan – Book of Jihad – 38/3 – 39 Hadith 2614 from Anas ibn Malik.



X. Trafficking in children

Trafficking in children is a type of corruption on Earth because it turns human beings, who are created with honour by God, into things that can be bought and sold.

By **trafficking in children**, we mean any action or interaction in which a child is transported from one person or group of people to another person in exchange for payment or any form of compensation.

It can also be the act of selling, purchasing or offering to sell a child; delivering, receiving or transporting a child; or exploiting him or her sexually, commercially, economically, in scientific research and experiments or for any other illegitimate purposes, regardless of whether the crime occurred abroad.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, defines trafficking in children as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”. Exploitation includes “sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs,” human tissue, or parts thereof, as well as begging.

The act of child trafficking involves the use of force, persuasion or deception, or the receipt of benefits and gifts. Families and others sometimes participate in this crime, and it may even result from the child’s own initiative. When an individual undertakes the task of transporting a child, various people may take turns transporting, trading or supporting the transport and trade of the child during different points along the course of transport and delivery. There may be an agent to receive children and convey them to the end of their journey, which is often a permanent group in charge of reception. Others may also aid the trafficking process by forging documents and travel papers. The International Labour Organization therefore considers a child a victim of trafficking if he/she is transported from his place of residence for the purpose of exploitation. Anyone who contributes to or benefits from this practice is considered a party to the crime. These parties may include parents, guardians, traffickers, intermediaries who provide travel documents and transport the children, corrupt government officials, businessmen and document forgers.

Causes of trafficking in children

It is well known that the causes of child trafficking are complicated, interrelated and often mutually reinforcing. Two of the most prominent causes – poverty and lack of social awareness and low levels of education – are discussed below.

1 Poverty

Poverty is one of the principal causes of child trafficking, which underscores the fact that impoverished families are at risk, especially when poverty is associated with ignorance, illness and backwardness in general. This explains the prevalence of the child trafficking phenomenon in impoverished areas, and it also explains the phenomenon's steady spread as poverty has increased around the world.

2 Lack of social awareness and low levels of education

Childcare standards in some societies usually allow a third or fourth child to be sent to work and live in an urban centre with an extended family member or with someone outside the family in exchange for the promise of education and familiarization with business fundamentals. Traffickers use this custom to exploit children by advertising themselves as employment agents and urging families to part with their children. They then traffic the children to work in prostitution, as domestic servants or on commercial projects. In the end, families receive little, if anything, from their children's wages. Meanwhile, the children are deprived of education and training, and are far from their families with their hopes of better economic opportunities unfulfilled. Other causes of trafficking include the greed of some children's families, a lack of political and economic stability in some countries (especially poor countries), and large-scale natural disasters and their repercussions.

Objectives of trafficking in children

Child trafficking has a number of objectives which concern all organizations promoting the rights of children and civil society organizations generally. These objectives are symptomatic of dangerous afflictions which have spread throughout all countries, both developing and developed.

Some of these objectives include:

- Sexual exploitation, including seasonal marriage and child brides.
- Begging.



- Cheap labour.
- Adoption.
- Using children as a source for organ transplants.
- Exploiting children in armed conflicts, political struggles and internal unrest.

Trafficking in children is a type of corruption on Earth because it turns human beings, who have been honoured by God, into things that can be bought and sold.

God Almighty said, “We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of Our Creation”.¹

He also said, “... and seek not (occasions for) mischief in the land: for Allah loves not those who do mischief”.²

God’s Messenger (pbuh) said, “There are three whom I will oppose on the Day of Resurrection: a man who gave his word and then betrayed it; a man who sold a free man into slavery and kept the money; and a man who hired someone, benefited from his labour, then did not pay his wages”.³

How trafficking in children could be addressed

The root causes of this phenomenon can be addressed by the following measures:

1. Encouraging microfinance and grant programmes to marginalized, at-risk families that may include trafficking victims, to enable them to undertake small projects that provide them with a steady income.
2. Including child trafficking issues in policies and programmes that address issues of human and children’s rights; enforcing existing laws; promoting economic and social development; establishing programmes to end poverty and encourage economic, social and cultural empowerment; and curbing population growth.

1 Surat Al-Isra, Verse 70. Trans. by Yusuf Ali.

2 Surat Al-Qasas, Verse 77. Trans. by Yusuf Ali.

3 Sahih Al-Bukhari – Book of Sales and Trade – Chapter: The Punishment for Selling a Free Man.

3. Holding meetings and seminars to raise awareness in areas where trafficking in children is common and working with the media and different segments of civil society to create space for reflection about how to solve child trafficking problems. Pamphlets, videos, advertisements and other appropriate tools can also be used to raise awareness and can be distributed in various languages to be displayed in prominent locations.
4. Taking measures to end harmful customs and practices that may lead to trafficking such as violence against women, gender-based discrimination and marriage of child brides.
5. Enacting domestic legislation containing mandatory labour standards which meet international standards. Laws which address domestic workers need to be formulated, in addition to a model employment contract that ensures their rights. Additionally, a guide must be formulated, published and utilized in orientation courses for emigrating foreign workers.
6. Raising awareness and warning against child trafficking among immigration employees, law enforcement officers, prosecutors, judges, attorneys and embassy and consular employees so they can use their knowledge of the topic of child trafficking when interacting with potential victims and their traffickers.
7. Giving children who are at risk of being abused necessary skills and informing them of their rights so they do not fall victim to abuse, are able to avoid child trafficking gangs and are able to protect themselves from these organizations. This can be done by preparing specialized groups of employees.
8. Establishing centres for rehabilitating children who are victims of exploitation and reintegrating them into society as well as establishing guidelines for prohibiting trafficking in children.
9. Preparing field studies documenting child trafficking to be used to create standards and formulate policies.
10. Creating a mechanism to protect newborns from being switched or abducted.

Islamic rulings for combating trafficking in children

1. Child trafficking amounts to a deviation from humane conduct on the part of its perpetrators. This deviation reveals a capacity within their souls to commit evil and endanger human life that is incomprehensible to everyone. Therefore the punishment established by law does not correspond to the abominable crimes of child trafficking, as it is incapable of producing the deterrence necessary to strike fear in the hearts of perpetrators and prevent them from continuing to do so.



2. Child abduction cannot be considered an ordinary crime of theft. The prevailing opinion regarding this issue is the view held by Shafi'is and Imam Ahmed, and the alternative opinion is held by Zaidi Shias and Hanafis.⁴ They view *ta'zir* as the necessary punishment for this crime, which is a punishment determined by a judge according to the seriousness and severity of the crime. *Ta'zir* may be appropriate in cases of individual theft which are not organized in nature and are not committed for the purposes of exploiting children for sexual pleasure or pornography. In the latter cases, the consensus punishment for these grave actions is the penalty which is used for crimes of *hirabah* and corruption on Earth.

When child abduction is undertaken as an occupation or committed in order to obtain illegitimate earnings, it spreads moral corruption among mankind worse than murder, and so a child exposed to such base deeds will find his or her own morals corrupted. The child's moral values diminishes, his/her relationship with society is harmed and his/her relationship with God, which would otherwise be one of servitude, is corrupted. Together, these abominations are worse than murder.

3. If this crime goes beyond the scope of normal crimes to be a type of criminal behaviour uniquely dangerous to society, it enters the realm of *hirabah*. *Hirabah* is a public crime which targets the highest interests of society. Because the crime is public, it affects all people and not just one person or a definable group of people. Child abduction is a crime of this type.

The punishments prescribed by secular law – namely imprisonment and fines – cannot be considered sufficient for deterring people from committing these grave crimes against humanity. Rather, interpretations of Islamic texts should be used to determine suitable punishments for these heinous crimes. This is the appropriate legislative approach to criminalizing and punishing these grave acts.

⁴ Al-Kasani's *Buraqī' Al-Sanai'* – Vol. 7 – Pg. 67, Al-Jamaliyya Press, and Al-Ramli's *Nihayat Al-Mohtaj* – Vol. Pg. 438, Al-Babi Al-Halabi Press, and Ibn Qudamah's *Al-Mughni* – Vol. 10 – Pg 245 – Al-Manar Press.

In addition to punitive measures that deter child trafficking, cooperation between countries and societies is necessary in order to address and eradicate this phenomenon.

God Almighty said, “...help ye one another in righteousness and piety, but help ye not one another in sin and rancor...”⁵

The Messenger (pbuh) said, “All of you are guardians and responsible for your wards and the things under your care”.⁶

He (pbuh) also said, “God shall ask every guardian whether he has kept or lost his charge. And He shall even ask man about the members of his household”.⁷

5 Surat Al-Isra, Verse 70. Trans. by Yusuf Ali.

6 Surat Al-Qasas, Verse 77. Trans. by Yusuf Ali.

7 Sahih Al-Bukhari – Book of Sales and Trade – Chapter: The Punishment for Selling a Free Man.



XI. Violence against children through television and the Internet

The state, society and families are responsible before God Almighty for looking after their children and protecting them from dangers posed by the misuse of modern means of communication. The Messenger (pbuh) said, “All of you are guardians and responsible for your wards and the things under your care”.

Many people consider media an accurate and objective reflection of human life. This view is held not only by children but also by adults, many of whom see television as a magical window through which they can look at reality as it is.

In actuality, this notion is absolutely incorrect; the media does not always express reality as it is. Rather, it conveys a collection of ideas that reflect the opinions of those who say, write or express them. There is a misunderstanding about the role of media in society and a lack of perception that taints the relationship between media outlets and their audiences, and this issue is even more severe and acute with regard to children.

Parents are responsible before God Almighty for looking after their children and protecting them from dangers posed by the misuse of modern means of communication.

The Messenger (pbuh) said, “God shall ask every guardian whether he has kept or lost his charge. And He shall even ask man about the members of his household”.¹

Violence on television and the Internet

Different forms of media vary in their characteristics. By knowing these differences, people can understand how to create a foundation from which children and families can interact with these forms of media and use them safely. A number of concepts related to television and the internet must be considered, as follows.

¹ Narrated by At-Tirmidhi 208/4 No. 1705.

Television

1. Television conveys an image and, for a number of people, this image is completely real. This causes errors in perceiving, understanding and interacting with reality.
2. Television is the most important medium for the household consumption of drama, which is based on fictional scripts presented in a theatrical manner to artistically imitate reality. It is well known that when children see something which resembles reality, they get the idea that this is authentic reality and a representation of real life. Regardless of whether this happens with films, television series or plays, whether in the form of cartoons, puppets or material that was made for television, it has similar effects on a child's perception and gives him/her violent tendencies.
3. Television has always been an outlet for which access to content is difficult to control. This is especially true for a number of satellite channels that broadcast content grossly inappropriate for children. This situation requires that parents exercise control over their children's access to such channels and programmes, efforts with which children may disagree.
4. Television remains the only form of media which is familial in nature. Therefore, in most cases, a child does not decide by himself what to watch. This decision is instead made by the family as a whole, or by whichever parent usually makes this decision. Parents may watch material that is inappropriate for children while their children are with them, and this inadvertently causes the children to absorb a number of inappropriate values and behaviours without realizing it.
5. Television's effects are cumulative. Cultivation theory suggests that television's most significant effects arise from cumulative exposure to its contents. Television's direct influence is immediate and temporary. However, its indirect influence, which lies in the accumulation of information and conceptions over a long period of time, is what helps form a personality and causes it to adhere to certain attitudes, interests and principles, regardless of whether these attitudes and principles are positive or negative.

Forms of violence presented on television and their effects on children

Despite the positive effects of television on children, which increase their cognitive awareness and strengthen their moral and societal values, it can also negatively affect their behaviour. Children could become inclined to engage in violence as a result of what they see on television. The forms of violence presented on television vary and can be divided into two basic types:



1 Violence with content including children

This is when children are part of violent activity shown on television, and it occurs in the following two cases:

- A child as a victim of violence. This occurs in a great deal of television material, especially in dramas, where a child is shown as a victim of violence in the form of beatings, killing, cursing, insults, physical abuse or exploitation. These displays make children fearful of others, and especially of people who commit these types of violent acts against children.
- A child as a perpetrator of violence. In some television material, a child responds to violence directed against him/her by others, or the child initiates verbal or behavioural violence, either against other children or elders such as parents, teachers or others. Out of empathy with and fondness for these characters, children often attempt to imitate them. They thus engage in the same behaviours with others, which may result in improperly behaved children whose personalities take on a violent tinge.

2 Violence with content that does not include children

Many believe that children's exposure to violent content which does not include children is less dangerous. Nevertheless, studies confirm that when children view content depicting violence between adults, they are much more affected by it than adults are. Seeing adults use violence as a means for resolving disputes presents children with a bad example and makes them more prone to using violence in a similar manner. From their perspective, it seems that if adults are doing this, it is undoubtedly the correct way to solve problems. Programmes such as wrestling, war films and films depicting other conflicts all reinforce these values in children. Fictional cartoon programmes also support these behaviours, as children see their beloved cartoon characters constantly using violence to solve problems. Most cartoon films are based on a struggle between two sides, one of which is good and the other evil. Children perceive fighting in its most primitive form and this is how they understand it best. This violent struggle may saturate children's interactions and behaviour with violence.

The Internet

The Internet is intrinsically linked with computers, and computers are always viewed as useful tools for children, as they are educational and instructional. Children's parents, schools and friends constantly approve of and encourage their computer proficiency. In reality, however, this positive view about computers is used to justify children's extended withdrawal from normal social activities such as playing and spending time with family. This increases children's social

isolation and may result in the insulation of their convictions, opinions, attitudes and values from their social surroundings, and prevent children from testing, changing and correcting them.

The Internet is an interactive, non-linear and multi-directional medium in which children participate in creating the content they see. The Internet constantly delivers much more than what children expect to receive, and their resulting immersion in the Internet increases the likelihood that they will fall victim to violent practices online.

As a result of this immersion in online activities, children have a clear personal relationship with computers and the Internet. A computer changes from being a device which performs a number of tasks and becomes a child's best friend. The personal relationship that arises between children and computers makes the children constantly vulnerable to being influenced by, convinced of and believing everything they see online.

The great ability of computers and the Internet to entertain children, especially with video games, increases their strong impulse to engage with and immerse themselves in entertainment instead of focusing on other tasks such as education and instruction. Children therefore become engrossed in playing video games. These games contain extremely high levels of violence in which children are active participants.

Social aspects, especially social networks, are the most important aspects for the second-generation Internet (Web 2.0). Children are thus able to directly interact with real people, which makes them susceptible to becoming real and direct victims of the most violent and despicable forms of violence.

In the stages of personality formation, especially during adolescence, children are extremely susceptible to a culture of violence and may be drawn to various types of radical groups.

Finally, a significant problem is that children are often more adept at using technology than their parents. Children use their knowledge and skills to hide their activities from a normal, supervised environment and the oversight of their parents and other family members.

Forms of violence on the Internet and the effects on children

1. A child participating in violent action. This usually happens in online games, which are among the most popular games in which children participate, especially during late childhood and adolescence. In these games, children engage in a great deal of violence including killing, using weapons and engaging in verbal violence. This undoubtedly causes children to develop aggressive behaviour.
2. A child interacting with violence. This usually occurs during social engagements on the Internet, which is full of thousands of websites containing millions of individuals who use



violent forms of speech. This causes violence to transform from a 'practice' and become a 'culture'. Anonymity and the ability to insult others with impunity are undoubtedly factors which increase a child's disposition to continuously engage in violence.

3. A child subject to electronic crimes. This occurs when miscreants subject children to electronic crimes. These crimes may go beyond being electronic and become practical realities including verbal harassment, physical abuse, exploitation, enlisting children in terrorism and violent actions, meeting children and coercing them into these actions in real life, and exploiting some children's skills with computers and the Internet by directing them towards disguised, destructive activities which may seem legitimate to some children. International reports indicate the exploitation of children in online crime is conducted in an organized manner by international professional networks. These reports note that these activities have encouraged some miscreants, including perverted family members, to exploit children and photograph them in offensive positions on the Internet. Online interactions with strangers made up 13 per cent of the sources of these activities.

A parents' guide to safely using different forms of media

Parents can guard against a number of factors while monitoring their children's relationship with different forms of media, including television and the Internet, in the context of matters that should be avoided and others that should be used. This topic goes to the core of parents' responsibility, as the Quran says, "O ye who believe! save yourselves and your families from a Fire whose fuel is Men and Stones, over which are (appointed) angels stern (and) severe who flinch not (from executing) the Commands they receive from Allah, but do (precisely) what they are commanded".² And the Prophet (pbuh) said, "All of you are guardians and responsible for your wards and the things under your care".³

Parents must direct their children to watch appropriate material and discuss necessary issues with them.

The Quran says, "O ye who believe! save yourselves and your families from a Fire whose fuel is Men and Stones ...".⁴

Media risks which must be avoided

- **Avoid the 'glass house' approach.** Many parents attempt to overprotect their children by very strictly controlling the content they watch. They do not permit them to watch normal

² Surat At-Tahrim, Verse 6. Trans. by Yusuf Ali.

³ Compiled by Al-Bukhari in his Sahih, Book of Friday Prayer, Chapter: Friday Prayer in Villages and Cities 248/1, 249 Hadith 893.

⁴ Surat At-Tahrim, Verse 6. Trans. by Yusuf Ali.

children's channels and insist that their children constantly watch religious children's channels which broadcast things such as hymns, or that they receive constant exposure to religious material. However, reality suggests that overprotection gives children an unrealistic image about the outside world, which causes them to lose intellectual and behavioural balance upon undergoing any actual, real-life test. These children are thus endowed with fragile personalities that are liable to break the first time they are tested. Children who are raised in a glass house such as this believe the world is a place for virtuous people, characterized by good morals and filled with honesty, love and peace. Unfortunately, this image is not accurate.

Exposing children to a variety of material and discussing its contents with them is therefore the best way to teach children that the world is neither ideal nor monstrous, but rather simply a place where both good and evil exist. Consequently, children's capabilities to distinguish between good and evil must be developed, and they must be taught how to act when viewing bad behaviour. For example, they can close their eyes or express their opinions about this bad behaviour.

- **Avoid using television as a babysitter.** Many families leave their children in front of the television while they complete their tasks. This further accustoms children to watching television alone, which can be dangerous for their psychological development during various stages of childhood, as it brings about a state of direct influence at an early age and makes children feel that they decide what they watch. This feeling makes children bossy about whatever they feel like and leads them to reject any supervision or prohibitions later. Watching television together as a group is definitely the only way to correct violent behaviour during the early years and fix children's perceptions about the actions they see. This is a clear example of parents forsaking their responsibilities towards their children, and it violates the sayings of the Messenger: "God shall ask every guardian whether he has kept or lost his charge. And He shall even ask man about the members of his household".⁵
- **Avoid directly forbidding or prohibiting.** What is forbidden is desired, and imposing censorship and prohibition is temporarily effective but unsustainable. Therefore, parents should offer guidance and limit the number of hours of television and Internet use. This is the best way to convince children that parents make the final decisions and have a degree of control. At the same time, this method encourages children to act wisely in order to avoid having their parents forbid or prohibit anything.
- **Avoid having the television on constantly.** Studies indicate that a large percentage of families leave televisions on throughout waking hours, which can make a child believe

⁵ Compiled by Ibn Hibban in his Sahih – Chapter on: The Caliphate and the Emirate 344/10 Hadith 4492, referring to Anas – and it is said this is a valid hadith.



everything that is shown is equally important and serious. Parents can also become indifferent to the effects of certain contents.

- **Avoid giving children devices of their own.** It is inadvisable for televisions to be placed in children's bedrooms or to make televisions available for them to use constantly and continuously. Doing so puts children in control at all times and makes them feel free to watch anything they want. In the case of the Internet, which is based on solo use, what children view must be continuously monitored, and programmes must be installed to protect them from exposure to inappropriate content. Similarly, times for being online must be specified, and children must be forbidden from closing their doors while using the Internet. Then parents should also maintain close supervision while children are using the Internet so children feel they might be reprimanded if a parent finds them misbehaving online.

Guidelines for preventing dangers posed by media violence

1. **Discuss, question and do not stay silent.** While watching any content, regardless of whether it is violent, ask questions for discussion, offer a sound viewpoint and do not remain silent. Children interpret silence as approval from their parents regarding the legitimacy of the content they have seen. Whenever your children ask you something, do not scold them. Rather, simply explain why certain behaviour is considered negative while other behaviour is considered positive, and realize that discussions between parents and children are the Sunnah of the prophets and the virtuous. This is what the prophet Abraham did with his father Azar and his son Ismail, and it is also what Noah did with his son, what Luqman did with his son, and what David did with Solomon. They were not forbidden from discussing religious and ideological differences with each other.
2. **Watch television together.** The television is a family device and must always be watched together so you can continuously manage what your family is watching and hold the final decision about what they see. However, don't constantly force them to watch what you want to see, and don't leave if children change the channel to watch children's shows. Instead, always watch and discuss with them, as your presence allows you to counsel and guide them and follows the example of the Messenger (pbuh), who said, "Religion is genuine advice".⁶
3. **Give your children entertainment options.** Do not make television and Internet the only entertainment available to your children. Rather, give them other entertainment choices. Involve them in games, accompany them to the park, read them books and stories and cultivate their hobbies. Do not make television or the Internet their only tools for perceiving reality and the world around them. The Messenger (pbuh) used to play with Hassan and Hussein and accompany them to mosque amidst the people.

⁶ Compiled by Muslim in his Sahih: The Book of Faith – Chapter: Showing that Religion is Genuine Advice 74/1 Hadith 55 referring to Tamim Al-Dari.

4. **Strengthen your children's critical thinking skills.** When you foster an environment of discussion, do not stop after presenting your opinion, and do not consider it the only correct one. Rather, give your children a chance to debate and discuss. By doing this, you strengthen their critical thinking skills and give them the ability to rationally distinguish between right and wrong. Developing their thinking is part of your responsibility.
5. **Participate in electronic activities with your children.** Do not leave them alone to use electronics while you are away. Play video games with them, add them as friends on social networks, send them emails, inquire about and monitor their electronic activity and keep an eye on their friend's pages. It may even be useful to occasionally chat with them so you and your children are in the same chat rooms in various chat applications. The only way to regulate their behaviour is to be with them in the electronic sphere. Do not leave your children alone in this virtual world.
6. **Develop your technological skills.** Always be aware of the latest technological developments and teach your children how to interact with them. Do not be afraid of occasionally being their student, and do not let your children become more technologically savvy than you. Know that if your children surpass you with regards to technology, they will become better able to hide their activities from you, and you will eventually become ignorant of what they do.
7. **Do not refrain from providing religious and moral support.** Tie in all the values you want to instil in your children with religious and moral restraint, and realize that religion and good morals are fixed measures which can always be invoked without mistake. They give your clear and stable moral references, which can be called upon whenever they are overcome by hesitation or doubt about any situation.

Recall Luqman's exhortation to his son, as recounted in the Holy Quran, "Behold, Luqman said to his son admonishing him: 'O my son! Join not in worship (others) with Allah: for false worship is indeed the highest wrong-doing. And We have enjoined on man (to be good) to his parents: in travail upon travail did his mother bear him, and in years twain was his weaning: (hear the command) 'Show gratitude to Me and to thy parents: to Me is (thy final) Goal.' But if they strive to make the join in worship with Me things of which thou hast no knowledge obey them not; Yet bear them company in this life with justice (and consideration) and follow the way of those who turn to Me (in love): in the End the return of you all is to Me, and I will tell you the truth (and meaning) of all that ye did. O my son! (said Luqman) If there be (but) the weight of a mustard-seed and it were (hidden) in a rock, or (anywhere) in the heavens or on earth, Allah will bring it forth: for Allah understands the finer mysteries, (and) is well-acquainted (with them). O my son! Establish regular prayer, enjoin what is just, and forbid what is wrong: and bear with patient constancy whatever betide thee; for this is firmness (of purpose) in (the conduct of) affairs."



And swell not thy cheek (for pride) at men nor walk in insolence through the earth; for Allah loveth not any arrogant boaster. And be moderate in thy pace, and lower thy voice; for the harshest of sounds without doubt is the braying of the ass..”⁷

Also recall the sayings of the Messenger (pbuh) to Ibn Abbas, “Oh child, I will teach you some expressions. Remember God, and He shall protect you. Remember God, and you shall find Him at your side. Seek to know Him in times of ease, and He shall counsel you in times of adversity. If you ask, ask Him alone. And if you seek help, seek help from God alone. The pen has dried with what suits you. Even if all of creation were to endeavour to harm you, they would only harm you with what God has ordained. If you are able to happily and assuredly act in accordance with God’s wishes, then do so. And if not, the virtue of patience is surely much greater than [the harm in] your dislike”.⁸

- 8. Monitor, but do not punish.** Monitor all the time, but do not constantly punish. Excessive punishment leads children to adopt the punished behaviours and wait for an opportunity to engage in them when you are absent. Do not stop monitoring, and develop a coherent plan for methods of punishment that you can carry out according to a child’s age, ability to discern and the severity of the reprehensible act that has been committed. And remember that violence cannot be remedied with a violent response. The Messenger (pbuh) said, “Whenever there is compassion in something, it adorns it, and it is never removed from something without blemishing it”.⁹ He (pbuh) also said, “Surely, if God loves the people of a house, he bestows them with compassion”.¹⁰

The state, society and families are responsible before God Almighty for looking after their children and protecting them from dangers posed by the misuse of modern means of communication. The Messenger (pbuh) said, “All of you are guardians and responsible for your wards and the things under your care”.

7 Surat Luqman, Verses 13-19. Trans. by Yusuf Ali.

8 Compiled by At-Tirmidhi in his Sunan: The Book of Characteristics of the Day of Judgment – Chapter No: 59 Vol. 4 Pg. 167 Hadith 20016 referring to Ibn Abbas. Abu Issa said this is an authentic hadith.

9 Compiled by Muslim in his Sahih – Book: Al-Birr – Chapter: The Virtue of Clemency 2004/4 Hadith 2594 referring to Aisha.

10 Compiled by Imam Ahmed in his Musnad 488/40 Hadith 24427 referring to Aisha. Printed by Ar-Risalah.

Chapter 3. Key messages about the Islamic perspective on protection of children from violence and harmful practices

<p>Children are a gift from God, Most High. Islamic texts have provided for their rights from the moment of conception in their mother's womb until they reach adulthood and have elevated their interest in being raised on a basis of mercy, love and care.</p>	<p>“To God belongs the dominion of the heavens and the earth; He creates what He wills. He gives to whom He wills female [children], and He gives to whom He wills males. Or he makes them [both] males and females, and He renders whom He wills barren. Indeed, He is Knowing and Competent”.¹</p>
<p>Violence against children includes all acts that may negatively impact their opportunities in life or harm their bodies or psyches and is forbidden under Sharia.</p>	<p>God has said, “... the killing of a person for reasons other than legal retaliation or for stopping corruption in the land is as great a sin as murdering all of mankind...”.²</p> <p>The Prophet (pbuh) said: “There should be neither injury nor return of injury”.³</p> <p>The Prophet (pbuh) said: “A Muslim is one from whose tongue and hands the other Muslims are secure and a believer is one from whom the people's lives and wealth are safe”.⁴</p>

1 Surat Al-Shura (Consultation), 42:49-50.

2 From Surat Al-Ma'ida (The Table Spread), 5:32.

3 Compiled by Ibn Majah in his Sunan - Book of Judgments - 2/784 H 2340 through Ibada bin Al-Samat

4 Compiled by Al-Bukhari in his Sahih - Book on Faith: Chapter: A Muslim is one from whose tongue and hand the other Muslims are secure, 1/44 H 10, through Abdullah ibn Amr ibn Al-Aas



<p>Children are allurements of the life of this world and a great blessing for which we should be thankful. For that reason, the family and the state are responsible for their care and protection from all forms of violence.</p>	<p>God Almighty has said: “Wealth and sons are allurements of the life of this world: but the things that endure, Good Deeds, are best in the sight of thy Lord, as rewards, and best as (the foundation for) hopes”.⁵</p> <p>“And those who pray ‘Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes and give us (the grace) to lead the righteous’”.⁶</p>
<p>The state must provide all necessary services for the well-being and proper development of children.</p>	<p>“Every one of you is a guardian and is responsible for his charges. A man is the guardian of his family (household) and is responsible for his subjects; a woman is the guardian of her husband's home and of his children and is responsible for them”.⁷</p>

5 Surah Al-Kahf 46

6 Surah Al-Furqan 74

7 Compiled by Al-Bukhari in his Sahih, Book on Friday, Chapter: Friday in Villages and Cities 1/248, 249 H 893

Child marriage and forced marriage

<p>Marriage is a religious and social responsibility that demands the ability and willingness of both husband and wife to bear its responsibilities, so it is not right to apply this burden to children.</p>	<p>God has said, “O you who believe, fulfil [all] contracts...”⁸</p> <p>And the Messenger of God (pbuh) said, “O young, whoever among you can afford it, let him get married”.⁹</p>
<p>Young girls may not be entrusted with marriage because they should not be entrusted with more than they can bear. Evidence shows that those who enter early marriage are covered by this general principle of Sharia.</p>	<p>God Almighty has said: “On no soul doth God place a burden greater than it can bear”.¹⁰</p> <p>The Prophet (pbuh) said: “There should be neither injury nor return of injury”.¹¹</p>
<p>Conclusion of a marriage contract by force (coercion) without the agreement of the wife is a matter that no rulings of the Sharia approve; therefore, this act is to be ruled invalid.</p>	<p>The Messenger of God (pbuh) has said, “A previously married woman should not be married until her consent has been sought, and a virgin should not be married until her permission has been sought”.¹²</p>
<p>Islamic Sharia has a fixed criterion for the age of marriage which is reaching maturity.</p>	<p>God Almighty said: “Make trial of orphans until they reach the age of marriage; if then ye find sound judgment in them, release their property to them”.¹³</p>

8 From Surat Al-Ma’ida, 5:1.

9 Narrated by Al-Bukhari, Book of Marriage, Chapter: On Those who can afford should marry, Fath-al-Bari, 9/106, No. 5065.

10 Surah Al-Baqarah 286

11 Compiled by ibn Majah in his Sunan, Book of Judgments, 2/784 H 2341 through ibn Abbas

12 Reported by Al-Bukhari in his Sahih, Book of Marriage, Chapter: The father or any other shall not arrange the marriage of the virgin or previously married woman without her consent. 3/358, h5136, on the authority of Abu Huraira

13 Surah Al-Nisaa’ 6



Female genital mutilation/cutting (FGM/C)

<p>There is no medical justification for FGM/C; rather, it could lead to many health problems that impact the child in the short and long term.</p>	<p>God says in the Quran: “O you who believe, take your precautions...”.¹⁴</p> <p>The Messenger of God (pbuh) said, “There should be neither harming nor reciprocating harm”.¹⁵</p> <p>God, Most High, also says: “... and do not throw [yourselves] with your own hands into destruction..”.¹⁶</p>
<p>Abandonment of FGM/C is not sinful according to the Shariah and it is not right to say that it is from the Sunnah or from human nature (<i>fitra</i>).</p>	<p>The Quran contains no verses that mention female circumcision. Any hadiths that are cited to indicate its legitimacy are all weak and flawed.</p>
<p>The practice of female genital mutilation is among the most prominent forms of violence against women. It causes numerous complications which impair women’s right to enjoy their marital lives and as there is no benefit, it must be rejected as a violation of women’s privacy and the integrity of their bodies which God has forbidden.</p>	<p>Do not transgress limits; for God loveth not transgressors.¹⁷</p>

14 Surat Al-Nisaa (The Women), 4:71.

15 Classified by Ibn Majah in his Sunan, Book of Rulings, Chapter: Whoso builds on his rightful property shall not harm his neighbor.

16 Surat Al-Baqarah (The Cow), 2:195.

17 Surah Al-Baqarah 190

Discrimination among children

<p>Islamic justice is built around the principle of human life and does not accept discrimination on any basis such as language, skin colour, ethnicity, religion, sex or gender.</p>	<p>God says: “O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of God is the most righteous of you...”¹⁸</p> <p>The Prophet (pbuh) has said, “O mankind, your Lord is one, and your father is one; all of you are Adam and Adam comes from dust. The most honourable of you in the sight of God is most righteous of you. No Arab is better than a non-Arab and no non-Arab is better than an Arab except in piety”.¹⁹</p>
<p>Islam forbids gender-based discrimination against children.</p>	<p>The Quran states, “To God belongs the dominion of the heavens and the earth. He creates what he wills. He gives to whom He wills female [children], and He gives to whom He wills males. Or He makes them [both] males and females, and He renders whom He wills barren. Indeed, He is Knowing and Competent”.²⁰</p> <p>The Messenger of God (pbuh) has said, “Fear God and observe equity among your children”.²¹</p>

18 Surat Al-Hujarat (The Dwellings), 49:13.

19 Classified by Ahmad in his Musnad, part 5, pg. 411, Dar-al-Fikr

20 Surat Al-Shura (Consultation), 42:49-50.

21 Compiled by Muslim in his Book of Gifts, Chapter: Against Preferring Some Children's Preference with Gifts 3/1242-1243 through Niman bin Bashir



Islam calls to giving due attention to the care of girls, guaranteeing their rights to familial, health and economic care, so whoever cheats them of their rights is a sinner.

God says: “When the glad news of the birth of their daughter is brought to them, their faces turn gloomy and black with anger. % He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide”.²²

And the Messenger of God (pbuh) said, “If anyone has a female child and does not bury her alive or humiliate her, and does not prefer his male children over her, God will enter him into Paradise”.²³

22 Surat Al-Nahl (The Bees), 16:58-59.

23 Classified by Abu Dawud in his Sunan, Book of Etiquette, Chapter: Virtue of sponsoring an orphan, 4/339-340, h5146, on the authority of Ibn Abbas, T, Dar Al-Rayyan.

Child labour

<p>Islam has forbidden the exploitation of children in hard and dangerous labour or that which violates their legitimate rights.</p>	<p>God says: “On no soul does God place a burden greater than it can bear...”.²⁴</p> <p>and “...Wrong not and you shall not be wronged”.²⁵</p> <p>The Messenger of God (PBUH) has said, “He is not one of us who does not have mercy upon our young”.²⁶</p>
<p>Assigning children simple jobs that enable them to acquire life skills is beneficial as long as it does not harm them or deprive them of their rights.</p>	<p>The third caliph Uthman ibn Affan (may God be pleased with him) said, “Do not charge the young with earning [a living], for if he does not find [a way to earn], he will steal. Be upright as God made you upright. And eat that which is good and right for you.”²⁷</p>
<p>It is the state’s duty to assist the most poverty-stricken families to protect their children from being pushed into working and deprived of an education.</p>	<p>“Every one of you is a guardian and is responsible for his charges. A man is the guardian of his family (household) and is responsible for his subjects; a woman is the guardian of her husband’s home and of his children and is responsible for them”.²⁸</p>

24 Surat Al-Baqarah (The Cow), 2:286.
 25 Surat Al-Baqarah (The Cow), 2:279.
 26 Narrated by Al-Tirmidhi, Book of Righteousness, Chapter: On having mercy on the young. 4/322-1920.
 27 Reported by Malik in Al-Mawta’, Book of Asking Permission, Chapter: On ordering to be kind to servants, 2/981, h42, edition Issa Al-Halabi.
 28 Compiled by Al-Bukhari in his Sahih, Book on Friday, Chapter: Friday in Villages and Cities 1/248, 249 H 893



Sexual abuse of children

<p>Sexual exploitation of children is an immoral act forbidden by Islam and deserving of severe punishments.</p>	<p>God has said: “And do not approach immoralities – what is apparent of them and what is concealed...”²⁹</p> <p>God says: “And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and an evil way”³⁰</p>
<p>Islam has warned mothers and fathers not to neglect their children, which could leave them exposed to sexual abuse.</p>	<p>God has said: “O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones...”³¹</p> <p>The Messenger of God (pbuh) said, “It is sufficient for a man to be [considered] sinful if he neglects whom he sustains”³²</p> <p>He also said, “Be kind to your children and perfect their manners”³³</p>
<p>Islam encourages youth and adolescents to fill their free time with beneficial activities that protect them from deviant behaviour.</p>	<p>The Messenger of God (pbuh) said, “There are two blessings which many people squander: good health and free time”³⁴</p> <p>He also said, “The feet of a slave of God will not move in the Day of Judgment until he is asked about four things: about his life and how he spent it, about his youth and how he used it up, about his wealth and how he earned it and spent it, and about his knowledge and what he did with it”³⁵</p>

29 From Surat Al-Anaam (The Cattle), 6:151.

2 Surat Al-Israa (The Night Journey), 17:32.

31 From Surat Al-Tahrim (The Prohibition), 66:6.

32 Abu Dawud in his Sunan, Book of Zakat, Chapter: Attending to kin. Part 2, pg. 132, no. 1692.

33 Compiled by Ibn Majah in his Sunan, Book of Manners, Chapter: Righteous treatment of the father and kindness to daughters. 2/2211h, 3671, on the authority of Anas, may God be pleased with him.

34 Compiled by Al-Bukhari in his Sahih – Book of Compassion, Chapter: On Health, Free Time, and No Life but the Afterlife, 4/177 H 6412

35 Reported by Abu Yaali in his Musnad, 13/351, h7434, on the authority of Abi Barardha. Its examiner labeled it good (hasan).

Absence of parental care and children living on the streets

<p>The child's right to parental care is guaranteed by Sharia and is recognized by a proper understanding of natural law.</p>	<p>“Every one of you is a guardian and is responsible for his charges. A man is the guardian of his family (household) and is responsible for his subjects; a woman is the guardian of her husband's home and of his children and is responsible for them.”³⁶</p>
<p>Islam calls for fostering orphans and caring for them so they can be properly reared and do not feel any degree of emotional or physical deprivation.</p>	<p>God has said: “Therefore, treat not the orphan with harshness.”³⁷</p> <p>And the Messenger of God (pbuh) has said, “I and the one who takes the responsibility of the orphan will be in Paradise thus,” and he pressed his index finger and middle finger together.”³⁸</p>
<p>Street children and those lacking parental care have a right over the community and state to be offered projects and services that ensure a safe and decent life for them.</p>	<p>God has said: “...And cooperate in righteousness and piety, and do not cooperate in sin and aggression...”³⁹</p> <p>And: “...And they ask you about the orphans. Say, Improvement for them is best. And if you mix your affairs with theirs - they are your brothers. And God knows the corrupter from the amender. And if God had willed, He could have put you in difficulty. Indeed, God is Exalted in Might and Wise.”⁴⁰</p>

36 Compiled by Al-Bukhari in his Sahih, Book on Friday, Chapter: Friday in Villages and Cities 1/248, 249 H 893

37 Surat Al-Dhuha (The Forenoon), 93:9.

38 Reported by Al-Tirmidhi in his Sahih, Book of Testimonies, and Chapter: Testimony regarding kinship and infants. 2/159, h2645

39 Surat Al-Ma'ida (The Table Spread), 5:2.

40 Surat Al-Baqarah (The Cow), 2:220.



Domestic violence against children

<p>Islam urges mothers and fathers to care for and attend to children and to be good examples to them.</p>	<p>The Messenger of God (pbuh) said, “It is sufficient for a person to be [considered] sinful if he neglects whom he sustains.”⁴¹</p>
<p>Islam forbids physical, verbal or psychological violence as a method of childrearing.</p>	<p>Allah, Most High, has said, “And when the girl [who was] buried alive is asked, for what sin she was killed”,⁴² the Prophet (pbuh) said, “Everything belonging to a Muslim is inviolable for a Muslim; his honour, his blood, his property”.⁴³</p> <p>And he (pbuh) said to Aisha, “O Aisha, verily Allah is kind and He loves kindness and confers upon kindness which he does not confer upon severity”.⁴⁴</p>

41 Abu Dawud in his Sunan, Book of Zakat, Chapter: On doing kindness to close relatives, part 2, pg. 132, no. 1692.

42 Surat Al-Takwir (The Overthrowing), 81:8-9.

43 Sahih Muslim, Book of Righteousness, Chapter: Inviolability of the Muslim. Part 4, pg. 1986.

44 Reported by Imam Muslim in his Sahih, Book of Righteousness, Manners, and Familial Relations, Chapter: The virtue of kindness, part 16, pg. 146, explanation by Al-Nawawi.

Violence in schools and educational institutions

<p>School is an important educational institution that helps raise children. As such it has a duty to establish a foundation of the values of tolerance, love and non-violence.</p>	<p>The Messenger of God said: “He is not one of us who does not have mercy upon our young...”.⁴⁵</p> <p>And: “The merciful are shown mercy by Ar-Rahman. Be merciful on the earth, and you will be shown mercy from Who is above the heavens”.⁴⁶</p>
<p>Teachers must conduct themselves well and be role models for their students by avoiding violence and adhering to mercy and compassion.</p>	<p>God’s Prophet (pbuh) said: “Aisha, whenever there is compassion in something, it adorns it, and whenever it is removed from something it disgraces it”.⁴⁷</p>
<p>Participating in targeted group activities helps to eliminate school violence and thus selecting quality companions and friends is a must.</p>	<p>God said: “...And cooperate in righteousness and piety, but do not cooperate in sin and aggression...”.⁴⁸</p> <p>And God’s messenger (pbuh) said: “A man follows the religion of his friend; so each one should consider whom he makes his friend”.⁴⁹</p>
<p>Educational methods for combating school violence include early detection and treatment of aggression.</p>	<p>God said: “O you who have believed, take your precaution...”.⁵⁰</p> <p>And: “O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones...”.⁵¹</p>

45 Narrated by Al-Tirmidhi – Book of Righteousness – On Mercy of Boys 322/4 - 1920

46 Compiled by Al-Tirmidhi in his Sunan - Book of Righteousness -Chapter on Mercy of Muslims 4/322-323 H 1924 through ibn Umar, and Al-Tirmidhi classified it as a good, authentic hadith

47 Compiled by Imam Muslim in his Sahih. Book of Righteousness, Manners and Joining the Ties of Kinship, Chapter on Compassion v. 16, p. 146, Al-Nawawi’s Commentary, Chapter on Compassion, 2004/4 H 2594

48 Surah Al-Ma’idah Verse 2

49 Compiled by Al-Tirmidhi in his Sunan, Kitab ul-Zahd, Chapter: no. 45 v. 4 p. 589 H 2378, classified by Al-Tirmidhi to be good and authentic

50 Surah Al-Nisaa’ Verse 71

51 Surah Al-Tahrim Verse 6



Exploitation of children in armed and other conflicts

<p>Islam forbids endangering children, women or the elderly during wars, all types of armed conflict and other situations.</p>	<p>From Ibn Umar - he said, “God’s Messenger (pbuh) said, ‘Set off in the Name of God, with God, and according to the religion of His Messenger, and do not kill a single old man, small child, or woman’”.⁵²</p>
<p>Islam prohibits involving children in wars and all types of armed conflicts.</p>	<p>God said, “On no soul doth God Place a burden greater than it can bear...”⁵³</p> <p>Ibn Umar (may God be pleased with him and his father) said, “On the day of the Battle of Uhud, I offered to the Messenger (pbuh). I was a fourteen year-old boy, and he did not permit me”.⁵⁴</p>

⁵² Compiled by Abu Dawood in his Sunan – Book of Jihad – 38/3 – 39 Hadith 2614 from Anas ibn Malik.

⁵³ Surah Al-Baqarah 286

⁵⁴ Compiled by Al-Bukhari in his Sahih – Book of Witnesses – Chapter: Children’s Reaching Puberty and Their Testimony 168/2 Hadith 264 from Ibn Umar.

Trafficking in children

<p>Trafficking in children is a type of corruption on Earth because it turns human beings, who have been honoured by God, into things that can be bought and sold.</p>	<p>God Almighty said, “We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of Our Creation”.⁵⁵</p> <p>He also said, “... and seek not (occasions for) mischief in the land: for God loves not those who do mischief”.⁵⁶</p> <p>God’s Messenger (pbuh) said, “There are three whom I will oppose on the Day of Resurrection: a man who gave his word and then betrayed it; a man who sold a free man into slavery and kept the money; and a man who hired someone, benefited from his labour, then did not pay his wages”.⁵⁷</p>
<p>In addition to punitive policies that deter child trafficking, cooperation between countries and societies is necessary in order to address and eradicate the phenomenon of trafficking in children.</p>	<p>God Almighty said, “...help ye one another in righteousness and piety, but help ye not one another in sin and rancour...”.⁵⁸</p> <p>The Messenger (pbuh) said, “All of you are guardians and responsible for your wards and the things under your care”.⁵⁹</p> <p>He (pbuh) also said, “God shall ask every guardian whether he has kept or lost his charge. And He shall even ask man about the members of his household”.⁶⁰</p>

55 Surat Al-Isra, Verse 70. Trans. by Yusuf Ali.

56 Surat Al-Qasas, Verse 77. Trans. by Yusuf Ali.

57 Sahih Al-Bukhari – Book of Sales and Trade – Chapter: The Punishment for Selling a Free Man.

58 Surat Al-Ma’ida, Verse 2. Trans. by Yusuf Ali.

59 Compiled by Al-Bukhari in his Sahih, Book of Friday Prayer, Chapter: Friday Prayer in Villages and Cities 248/1, 249 Hadith 893.

60 Compiled by Ibn Hibban in his Sahih, Chapter: On the Caliphate and the Emirate 344/10 Hadith 4492. Narrated by At-Tirmidhi 208/4 No. 1705.



Violence against children through television and the Internet

<p>Parents are responsible before God Almighty for looking after their children and protecting them from dangers posed by the misuse of modern means of communication.</p>	<p>The Messenger (pbuh) said, “God shall ask every guardian whether he has kept or lost his charge. And He shall even ask man about the members of his household”.⁶¹</p>
<p>Parents must direct their children to watch appropriate material and discuss necessary issues with them.</p>	<p>The Quran says, “O ye who believe! save yourselves and your families from a Fire whose fuel is Men and Stones ...”.⁶²</p>

⁶¹ Narrated by At-Tirmidhi 208/4 No. 1705

⁶² Surat At-Tahrim, Verse 6. Trans. by Yusuf Ali

