



ISLAMIC PERSPECTIVE ON CHILHOOD & CHILD PROTECTION

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Content Page

Introduction.....	2
Childhood in Islam.....	5
The Rights of the Child.....	13
Loving Children.....	18
Child Protection in Islam.....	20
Conclusion.....	32
Bibliography.....	34

Introduction:

All praise is due to Allah, and Allah's Peace and Blessings be upon His Final Messenger, his pure family, his noble Companions, and all those who follow them with righteousness until the Day of Judgment.

It is claimed by some western academics that the concepts of childhood, children's rights, and the need for them to be protected did not exist until recently. For example, the French philosopher and historian Phillipe Aries argued that the concept of childhood as a distinct state is mostly absent until the past few hundred years. Aries' argument is based on his analysis of medieval figurative art. He states:

“Medieval art until about the twelfth century did not know childhood or did not attempt to portray it. It is hard to believe that this neglect was due to incompetence or incapacity; it seems more probable that there was no place for childhood in the medieval world”¹

Another assertion is that the love, attention, and warmth that children enjoy in Western society is non-existent in other cultures and societies. It is claimed that European or western culture is a neontocracy which means that children are highly valued and loved. In contrast to this, non-Western cultures are viewed as being gerontocratic meaning that male elders dominate, and exercise control and children are not valued. In a gerontocracy children's rights, wishes and feelings are ignored.²

In this essay I will attempt to dispel the notion that childhood is a modern phenomenon which only exists in the west. I will discuss, with evidence from the Quran, Sunnah and the works of the Fuqaha' to prove that Islam not only recognises childhood as a distinct stage; but has also given children their rights and calls Muslims to love and show compassion towards children and protect them from harm.

In Islam there is a special and distinct interest in children and childhood. It can be said that from an Islamic perspective, the rights of children and their need to be protected from harm, is included within the grand objectives of the Shariah (Al-Maqasid Al-Kubra).

Islam recognises childhood as a distinct phase in human development during which specific Shariah rules apply to the child and these are thoroughly discussed in the books of the Fuqaha.

Children seen as gifts and blessings from Allah:

“And those who say ‘our Lord! Gift us from our children and spouses that which will be the coolness of our eyes and make us leaders for the pious’” (Quran 25:74)

“He gifts to whomever he wants male offspring and he gifts to whomever he wants female offspring.” (Quran 42:49)

The Messenger of Allah (ﷺ) said:

¹ The Anthropology of Childhood by Lancy DF, p3, Cambridge University Press

² Ibid, p.11

“Indeed, your children are gifts from Allah to you”³

One of the grand objectives of the Shari’ah is the preservation of life. The realisation of this objective is via marriage and procreation. Indeed the Messenger of Allāh (ﷺ) encouraged men to marry women who are the most loving and are able to bare children.

A man came to the Prophet (ﷺ) and said: I have found a woman of rank and beauty, but she does not give birth to children. Should I marry her? He said: No. He came again to him, but he prohibited him. He came to him third time, and he (the Prophet) said: “Marry the one who is loving and fertile, for I shall outnumber the peoples by you.”⁴

Unlike the so-called Western neotocracy, Islam does not view children as a burden. Across Europe today there has been a steady decline in fertility rates due to modern methods of birth and population control. The United Nations states that the number of people in the EU block will drop to 365 million by 2100, down from 446 million today.⁵

Birth control is not a modern phenomenon as it has existed throughout the ages. Infanticide, or the intentional killing of infants, was in the past used as a form of population and birth control. Poverty and the inability to provide for children was used to justify evil. Allāh says in the Quran:

“And kill not your children for fear of poverty. We provide for them and for you. Surely, the killing of them is a great sin” (Sūrah al-Isra:31)

The above verse also relates to the cruel custom prevailing among the Arabs during the age of ignorant. During that period of time, some people used to kill their children, particularly daughters, at birth in fear of having to face the expenses on their maintenance. Allāh is the One who gives sustenance. During the pre-Islamic age female infanticide was widespread and it was normalised custom within the Jahili society.

“And when the female (infant) buried alive (as the pagan Arabs used to do) shall be questioned. For what sin she was killed?” (Sūrah al-Takwir: 10-11)

Islam came and abolished this evil custom and laid down the foundation for child protection. Islam looks at childhood with hope and high expectation. This is because children of today are the leaders of tomorrow. In order to prepare children to attain success and lead their communities, they would need to be guided, treated with kindness, aught good manners and protected from harm.

The Messenger of Allāh (ﷺ) said:

³ Al-Mustadrak ‘ala as-Sahīhain, Vol. 2, p. 312, Dar a-Kutub al-Ilmiyyah, Beirut

⁴ Sunan Abu Dawud, Hadith No. 2050

⁵ <https://www.euronews.com/2020/07/31/new-study-forecasts-the-eu-s-population-will-plummet-by-millions-more-than-expected>

"Be kind to your children, and perfect their manners."⁶

Islam has stated clear rules and principles relating to children and their upbringing. I will cover some of these rules and principles later on in this essay. The essay is divided into four sections. In the first section I will discuss the definition of childhood in comparison to western notion of childhood. In the second section, I will discuss the rights of children in Islam and analyse these rights in light of the United Nations Convention on the Rights of the Child (UNRC). In the third section, I will provide evidence of how Islam encourages us to love children and take care of their emotional wellbeing. In the last section, I will provide and analyse evidence how Islam seeks to protect children from harm.

⁶ Sunan Ibn Majah, Hadith No. 367

Part I

Childhood in Islam

Islam views children as a blessing and the adornment of this world. Children are a cause of happiness and joy in the life of this world . Allāh says:

“Wealth and children are an ornament of the life of the world, and the everlasting good works are better with your Lord in reward and better in expectation.” (Sūrah al-Kahf:46)

And He says:

“And Allāh has made for you wives from amongst your own kind, and has made for you from your wives, sons and grandsons. He has bestowed on you good provision.”

(Surah An-Nahl: 72)

All of the Islamic Jurists agree that the period of childhood begins from birth. The great Hanafi Jurist Imām Ibn Abidin says:

“He (the author of Durr al-Mukhtar) excluded the foetus for it is not called a child (Tifl) ...because the child is the baby when comes it out from its mother’s womb until it reaches puberty”⁷

Islam gave importance to childhood and recognised it as a distinct phase of human development. Allāh says:

“... then We (Allāh) bring you out as infants, then (give you growth) that you may reach your age of full strength...” (Sūrah al-Hajj:5)

Islam’s concern for the child is before it is even conceived in its mother’s womb. If the parents of the child are good, the child is also likely to be good. It is for this reason Islam encourages people who are intending to get married to select a spouse who is pious. The Messenger of Allāh (ﷺ) said:

“A woman may be married for four things: her wealth, her lineage, her beauty and her religious commitment. Seek the one who is religiously-committed, may your hands be rubbed with dust (i.e., may you prosper).”⁸

The purpose of marriage should not simply be for love and pleasure, rather the focus should also be on producing strong and righteous children. This can only be achieved by selecting a righteous spouse. This why the Messenger of Allah (ﷺ) said:

⁷ Radd al-Muhtar ‘ala al-Durr al-Mukhtar, Kitab al-Zakat, Vol. 2 p.361, Dar al-Fikr

⁸ Sahih Al-Bukhāri No.5090

"Choose the best for your sperm, and marry compatible women and propose marriage to them."⁹

Childhood is the most important and fundamental stage of a person's entire life. And since childhood is the first stage of a person's life, Islam took special care of it. There are numerous references in the Qur'an and the Sunnah about childhood.

Imām Ibn al-Jawzi (d.510AH) has discussed human development and categorised the stages of human development into five stages:

1. *Tufulah* childhood from birth until a person reaches maturity age 0-15
2. *Shabab* period of youth from the age of maturity until the age of 35
3. *Kuhulah* middle age from 35 until the age of 50
4. *Shaykhukha* old age from 50 until the age of 70
5. *Haram* period of decline from the age of 70 until the end of life¹⁰

In addition to the stages of development highlighted by Imam Ibn al-Jawzi, Islam also pays attention to the pre-birth stage which starts from conception until the child is born.

This categorisation of the stages of human development mentioned by Imam Ibn al-Jawzi is largely consistent with most of the ideas modern educationalists. According to developmental psychologist, there are six stages of human development:

1. Infancy 0-2
2. Early Childhood 3-9
3. Adolescence 10-18
4. Early Adulthood 19-45
5. Middle Adulthood 46-65
6. Late Adulthood 65+¹¹

As mentioned above, the period of childhood (*Tufulah*) begins with birth and ends when a person reaches maturity (*Bulugh*). There are three important stages in childhood which the Quran and Sunnah have made reference to and they are:

1. Suckling stage (*Rada'ah*)
2. Nursing stage (*Hadanah*)
3. Discerning stage (*Tamyiz*)

Rada'ah (The Suckling Stage)

The period of infancy or early childhood is characterised by weakness. A child is born weak and completely dependent on its primary carer. Islam recognises this and Allāh has made

⁹ Sunan Ibn Mājah No.1968

¹⁰ Ibn al-Jawzi, Abul Faraj, Tanbeeh al-Nāim al-Ghamar 'Ala Mawasim al-'Umar, p.37, Dar al-Bashair al-Islamiyyah

¹¹ Sigeman, Carol K. & Rider, Life-Span: Human Development, Cengage, USA

obligatory on the one responsible for the child's care to ensure the child's basic needs are met.

Allāh the Almighty created for the infant nourishment of pure milk in the mother's breast. He says:

“The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling...” (Sūrah al-Baqarah:233)

Mufti Shafi Usmani while explaining the above verse, says:

“Suckling is an obligation of the mother. If she does not feed without a valid reason or because of some hostility or displeasure, she will be a sinner.... The second rule is about the total period of suckling which is two years. Unless there be some special reason, it is the right of the child that this period be completed”¹²

The mother is instructed to breastfeed her child while the child's body strengthens, and its digestive system becomes able to deal with solid food and this usually starts from two years. When the baby is breast fed it grows mentally and physically. Breast-feeding has many advantages.

Modern science has discussed the importance and benefits of breastfeeding. Research explains that infants that are breastfed experience nutritional and developmental advantages that enhance their health throughout their lives.

There are many short and long-term health benefits for the child from breast-feeding. Short term benefits include reduced morbidity and protection from infectious disease. Many research have concluded that breast-feeding, particularly prolonged breastfeeding, may confer protection against long-term health problems such as asthma, allergic disease, type 1 diabetes, inflammatory bowel disease, lymphoma, leukemia, obesity, hypertension, and improved neurocognitive development.¹³

There is a hadith on the general benefit of milk reported on the authority of Ibn 'Abbas who narrates that the Messenger of Allah (ﷺ) said:

“Whoever Allāh has fed food, let him say: “O Allāh bless us with it and feed us better than it.” And whoever Allāh has given him milk, let him say: “O Allāh bless us in it and increase in it”. This is because nothing can replace food and drink other than milk”¹⁴

The Muslim scholars in the past have discussed the benefits of breastfeeding long before it was discussed by contemporary researchers. Imam Ibn Muflih al-Hanbali (d.763AH) said:

“And the best milk for the human is the milk of the women, and that which is drunk from the udder”

¹² Ma'ariful Qur'an by Mufti Shafi Usmani, (English) Vol.1, p.603, Maktabah Darul Uloom, Pakistan

¹³ Goldberg, GR, et al. (2009) Breast-Feeding: Early Influences on Later Health, p.121

¹⁴ Reported by Ahmad in his Musnad Hadith No.1979

Ibn Muflih then goes on to explain the health benefits of drinking milk, particularly the milk of the women for the child, such as that it produces good blood and increases brain health.¹⁵

Ibn Sina (d.428AH) said:

“(the child) should be breastfed as much as possible from its mother's milk, because feeding it on its mother's breast milk is very beneficial in warding off what harms it”¹⁶

Imām Ibn al-Jawzi emphasise the importance of teaching children basic skills from early childhood. He explains that a child should be made accustomed to cleanliness and purification from a young age, and taught manners. When the child reaches five years of age, he should start memorisation of knowledge.

It is clear from the above statements, that long before scientific research into the benefits of breastfeeding, the Muslim scholars discussed its importance. Which further proves Islam’s recognition of childhood and the need of the children.

Hadanah (The Nursing Stage)

Hadana means raising, rearing and guardianship of children. This stage is considered one of the primary stages in building and shaping the child's behavioural, psychological and mental personality. One of the meaning of Hadanah in the Arabic language is taking responsibility to care and protect the child.¹⁷ The parents play a very important role during this period.

In this stage, the parents are responsible for the child’s nurturing, education, protection from harm and meeting child’s basic needs. Shaykh Abū Zahra explains that when a child is born, the guardianship (*Wilayah*) for its care are established in three areas:

1. Guardianship in nurturing (*Tarbiyyah*) of child because the child during this period is unable to meet its own needs.
2. Guardianship in protection and tutelage of the child
3. Guardianship in child’s financial matters ¹⁸

Islam recognises the important role both parents play in nursing and rearing the child. During the nursing stage, mothers in particular play an important role. Imam al-Kasani explains that this is because women are naturally kind, compassionate, and dedicated to raising children. Then the task falls on the fathers as they are more capable of protecting, maintaining and ensuring the welfare of their children. ¹⁹

¹⁵ Al-Ādāb al-Shar’iyyah Vol.3, p.216, Mu’assat al-Risalah

¹⁶ Cited in Mahw al-Ummiyyah by Shaykh Muhammad Ismail al-Muqaddam, Vol.12, p.8, Shamela Edition

¹⁷ Al-Mu’jam Al-Wasit by Ibrahim Mustafa et al, Vol.1, p.182, Dar al-Da’wah

¹⁸ Tanzim al-Islam Lil Mujtama’ by Shaykh Abu Zahrah, p.99, Dar al-Fikr, Cairo

¹⁹ Bada’i al-Sana’i Fi Tartib al-Shara’i of Ala ad-Din al-Kasani, Dar al-Kuutb al-Ilmiyyah, Vol.4, p.41

The Messenger of Allah (ﷺ) has explained the important role parents play in early childhood:

“Every child is born on the Fitra (human natural disposition), then his parents make him into a Jew or Christian or Magian” ²⁰

Imam Bad al-Din al-‘Ayni (d.855AH) states that the Fitra that people are born on is the safety (from corruption) and the uprightness.²¹ People are not born bad or evil. A person’s behaviour and worldview is moulded by their early childhood experiences while they in their parents’ care.

Sociologist and Developmental Psychologists describe the process in which children internalise culture, belief and attitude as the process of ‘socialisation’. They explain that this is the process by which individuals learn the way of behaving and thinking. Socialisation begins as soon as the infant child is sufficiently aware of other people and of its surroundings. ²²

The child in this stage, looks to its parents for guidance and is unable to meet its own basic needs without support from the primary care givers. The mother is more able in meeting the basic needs of feeding, cleaning and providing emotional warmth as pointed out by Imam al-Kasani and others. The importance of the mother-child attachment has been highlighted by developmental psychologist John Bowlby who spoke of the negative impact of maternal deprivation on the child. ²³

Tamyiz (Discerning Stage):

In this stage, the child reaches mental maturity and is ready to receive instructions and distinguish between right and wrong.

Many scholars explain that this stage is when the child is able to eat, drink and clean him or herself independently after being taught how to do so.²⁴

Developmental Psychologist Erikson describe 8th stages of human psychosocial development. The first four stages relate to childhood and they are:

1. Trust versus Mistrust – this begins at birth and until child is 1 year old. During this stage the infant is uncertain about its surroundings and looks to the primary care giver for stability and consistency of care
2. Autonomy versus Shame – from 1 year until the child is three years old. The child starts to develop sense of personal control over physical skills and of independence.

²⁰ Sahih Muslim Hadith No. 2658

²¹ Al-Masalik Fi Sharh Muwatta’ Malik Vol. 3, p.609, Dar al-Gharb al-Islami

²² Essential Psychology by GC Davenport (1996), p. 308, Collins Educational

²³ Ibid, p.310

²⁴ Fiqh al-Tufulah, p.71, Dar an-Nawadir

3. Initiative versus Guilt – this is the age of play and is when the child is three to 6 years. In this stage the child increasingly focuses on doing things himself/herself and having his/her own goals.
4. Industry versus Inferiority – This stage is from 6 until 12 years of age. This is when the child starts to develop independent thinking and are influenced by society and peers. They no longer simply look only to their parents for guidance as they now have many other teachers.²⁵

Stage four is of Erikson's psychosocial development is pretty much in line with the Islamic definition of Tamyiz. Al-Raghib al-Isfahani (d.508AH) states that Tamyiz is defined by some as the ability to make distinction and sometimes it refers to the mental strength used to derive meanings.²⁶

This is the time when the parents need to start instructing their children about their religious obligations. It is narrated in the Sunan of Abu Dawud that the Messenger of Allah (ﷺ) when should a child pray. He (ﷺ) replied:

“When he is able to know his left from his right, order him to pray”²⁷

There is a difference of opinion among the Islamic jurists about the age of Tamyiz. The first opinion is that the age of Tamyiz is seven. This is the opinion of many of the jurists of the Hanafi Madhab as well as most of the Hanbali Madhab and is also an opinion within the Shafi'i madhab.²⁸

They base their view on numerous reports from the Messenger of Allah (ﷺ) in which he ordered parents to order their children when they reach the age of seven. It is narrated on the authority of Abdullah ibn Amr that the Messenger of Allah (ﷺ) said:

“Command your children to perform the prayer when they are seven years old, and chastise them for (not offering) it when they are ten, and separate between them in beds”²⁹

Imam al-Kasani (d.587AH) explained that this is done by way of teaching manners (Ta'dib) and of disciplining (Tahdhib) and not by way of punishment.³⁰

Those who say the age of Tamyiz is seven, argue that the father has been instructed to order the child to pray at the age of seven and the Prophet (ﷺ) would not have said this unless the child was able to understand instructions.³¹

²⁵ Stages of Psychosocial Development According to Erik H. Erikson by Stephanie Schek (2014), p.33, Grin Online Publication

²⁶ Al-Mufradat Fi Gharib al-Quran, p.783, Dar al-Qalam

²⁷ Sunan Abu Dawud, Kitab al-Salah, Hadith No.497

²⁸ Fiqh al-Tufulah, p.72, Dar an-Nawadir

²⁹ Sunan Abu Dawud, Kitab al-Salah, Hadith No. 495

³⁰ Bada'i wal Sana'i Fi Tartib al-Shara'i of Imam Ala ad-Din al-Kasani, Vol.7, p.64, Dar al-Kutub al-Ilmiyyah

³¹ Fiqh al-Tufulah, p.73, Dar an-Nawadir

The second view is that which Imam Nawawi and some of the Hanafi, Maliki and Hanbali support. According to this view there is no set age for Tamyiz and that it differs according to the child's understanding.³²

If we weigh the two opinions considering Erikson's Stages of Psycho-Social Development, we can somewhat reconcile between the two views as children's level of understanding differs from person to person and therefore, we cannot always set a specific age. However, the child's mind is more developed around the age of 6 or 7 and continues to mature until the age of 12.³³

Imam al-Kasani explains that a child who has intellectual capacity to understand, his transactions that are beneficial to him are correct without any dispute (Khilaf) but the transactions that are clearly harmful are not correct according to consensus (Ijma) of the scholars.³⁴

The End of Childhood Period (Bulugh)

According to ancient Roman Law, a male child was considered an adult at the age of 14 and a girl at the age of 12. However, due to social and structural changes in family and society, this was delayed until the age of 25.³⁵ In the west and most parts of the world, there is prolonged period of childhood. A person is legally a child until their 18th birthday.

Article 1 of the United Nations Convention on the Rights of the Child states that:

“a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”³⁶

However, this does not mean that children below the age of 18 are not legally responsible for their actions. The age of criminal responsibility in England and Wales is 10 years old. This means children between 10 and 17 can be arrested and taken to court if they commit a crime. Furthermore, in the UK, 16 year olds can live on their own, get married with parental consent, pay taxes and join the armed forces with parental consent.

In Islam, there is something called the age of responsibility (Taklif) which starts with the onset of puberty.

Imam Ibn Hajar al-Asqalani said:

“The scholars are unanimously agreed that puberty for men and women necessitates acts of

³² Fiqh al-Ibadat 'Ala al-Madhab al-Maliki, by Kawkab Ubaid, p. 325, Dar al-Insha & Fiqh al-Tufulah, p.73, Dar an-Nawadir

³³ Stages of Psychosocial Development According to Erik H. Erikson by Stephanie Schek (2014), p.33, Grin Online Publication

³⁴ Bada'i wal Sana'i Fi Tartib al-Shara'i of Imam Ala ad-Din al-Kasani, Vol.7, p.171, Dar al-Kutub al-Ilmiyyah

³⁵ Fiqh al-Tufulah, p.94, Dar an-Nawadir

³⁶ <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

worship, punishments, and other rulings”³⁷

The Hanafi scholars explain that Bulugh, which is when a child reaches puberty, is the end of the period of childhood which is one of the barriers to legal obligations. ³⁸ This is when the child starts having wet dream, ejaculation and a female child starts to menstruate and is able to conceive.

This Bulugh is generally considered to be around the age of 15 but can be earlier if the child experiences puberty and the physiological changes mentioned above. Imam Abul Barakat an-Nasafi (d.710AH) explains that the Hanafi view is that Bulugh is around 15 years of age and the minimum age for boy is 12 and the minimum age for a girl is 9. ³⁹

³⁷ Fath al-Bari Vol.5, p.277, Dar al-Ma’rifah

³⁸ Radd al-Muhtar ‘ala al-Durr al-Mukhtar, Kitab al-Zakat, Vol. 6 p.153, Dar al-Fikr

³⁹ Kanz al-Daqaiq of Imam Abul Barakat al-Nasafi, p.573, Dar al-Bashair al-Islamiyyah

Part II

The Rights of the Child

The United Nations Convention on the rights of the Child was agreed and ratified by member states in 1989. The UNCR adopted an international framework for child protection and the rights of the child. The UNCR agreed on the following 12 rights for the child:

1. Every child has the right to be born well.
2. Every child has the right to a wholesome family life.
3. Every child has the right to be raised well and become contributing members of society.
4. Every child has the right to basic needs.
5. Every child has the right to access what they need to have a good life.
6. Every child has the right to education.
7. Every child has the right to play and enjoy their youth.
8. Every child has the right to be protected from danger.
9. Every child has the right to live in a productive environment.
10. Every child has the right to be cared for in the absence of their parent or guardian.
11. Every child has the right to good governance.
12. Every child has the right to freedom and peace.⁴⁰

Part of the objective of the Islamic Law is preservation and protection the human in all stages of his life. The Almighty said:

“And surely We have honoured the children of Adam, and We carry them in the land and the sea, and We have given them of the good things, and We have made them to excel by an appropriate excellence over most of those whom We have created” (Sūrah Isra:70)

Islam considered the rights of the Child from before it is conceived in its mother’s womb and after its born into this world. The following are the rights of Children in Islam.

The Right to Life

The UNCR recognises the right of the child to be born. The right to life is among the right of the unborn child in Islam. It is for this reason abortion is prohibited and dispensation given to the pregnant mother to break the fast during Ramadan if she fears for herself and the unborn child and make up for the fast afterwards.⁴¹

This is such an important right that Islam gives preference to it over the sanctity of the deceased body. As such Imam A-Izz Ibn Abd al-Salam (d.577 AH) and other have said that it is permissible to cut open the belly of the deceased mother to safe the life of the unborn child.⁴²

⁴⁰ <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

⁴¹ Al-Inayah Sharh Al-Hidayah of Al-Babarti, Vol.2, p.355, Dar al-Fikr

⁴² Al-Qawa'id Al-Fiqhiyyah of Muhammad al-Zuhayli, Vol.1, p.218, Dar al-Fikr & Fiqh al-Tufulah, p.293, Dar an-Nawadir

This right includes the right of the child to be protected from harm and death. This is something that we will discuss in more details in part four of this essay, insha Allah.

The Right to having righteous parents and Pure Lineage

The UNCR child has the right to a wholesome family life. This can only be achieved by adopting an Islamic way of life.

Islam enjoins on a person to choose a good and righteous spouse for marriage. There are numerous narrations in which the Messenger of Allāh (ﷺ) highlights this.

Abu Hurairah that the Messenger of Allah (ﷺ) said:

“A woman may be married for four things: her wealth, her lineage, her beauty and her religious commitment. Seek the one who is religiously-committed, may your hands be rubbed with dust (i.e., may you prosper).”⁴³

Abu Huraira also reported that the Messenger of Allah (ﷺ) said:

“If someone proposes marriage to you whose religion and character satisfies you, then you should accept it. If you do not do so, there will be trials on the earth and the spread of corruption.”⁴⁴

Islamic also forbids adultery and fornication. In order to preserve the lineage and the identity of each child, so that every child knows his father and mother, and enjoys their care and protection.

Right of Lineage and descent (Nasab)

Lineage is a strong bond between the child and its parents. By ascribing a child to its parents, the child is protected from harm and neglect. It is for this reason, the right of lineage and descent is the first right of the child after birth.

This is a right which is only guaranteed by the Shari’ah. In modern western society, the issue of lineage is being diluted and there are children who are born out of wedlock, ascribed to other than their parents or they often do not know who their birth fathers are.

The UNCR does not recognise this particularly. This is because the convention is underpinned by secular values that no longer considers the importance of marriage and lineage.

In the UK, all fathers, in England and Wales who are either married or have their name on the birth certificate automatically have parental responsibility. This is not guaranteed to unmarried fathers unless their name is on the certificate.⁴⁵ It is reported that great many people in the UK alone do not know who their real fathers are.

⁴³ Reported in Al-Bukhāri No.3050

⁴⁴ Reported in Jami al-Tirmidhī No. 1084

⁴⁵ <https://www.family-lawfirm.co.uk/blog/a-fathers-rights-to-see-his-children/>

One of the grand objectives of the Shari'ah is the Preservation of Lineage. Islam has prescribed marriage for the preservation of lineage and prohibited fornication and adultery. The messenger of Allah (ﷺ) said:

"O young people! Whoever among you can marry, should marry, because it helps him lower his gaze and guard his modesty (i.e. his private parts from committing illegal sexual intercourse etc.), and whoever is not able to marry, should fast, as fasting diminishes his sexual power."⁴⁶

The Right of Suckling (Rada'ah)

The UNCR states that Every child has the right to basic needs. This includes the food, drink and shelter. Suckling and feeding the child is among the basic rights of the child.

In the previous section, I have talked about suckling and its importance. A child is born weak and is dependent on its primary carer for feeding, drinking and cleaning. For this reason Allah has made it obligatory on the father to ensure that this need of the child is being met:

"The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling..." (Sūrah al-Baqarah:233)

I have provided the views of the Ulama on this matter as well as the benefits of breastfeeding in part one of this essay.

The Right to Having a Good Name

When the child is born it is a duty on the parents to give it a good name. The name accompanies a person throughout their life and can have an impact on their behaviour and social relationship.

Abu Hurairah reported that the Messenger of Allah (ﷺ) said:

"One of the rights of children over their parents is being given a nice name and having a good education"⁴⁷

Abdullah Ibn 'Umar said that the Messenger of Allāh (ﷺ) said:

"The most beloved of your names to Allāh are 'Abd-Allāh and 'Abd al-Rahman."⁴⁸

The UNCR does not have cover this right. However, there are studies conducted in the US that state the psychological impact names on people's behaviour and achievements in life. Those who have positive names appear to fare better in life. ⁴⁹

⁴⁶ Sahih al-Bukhari 5066

⁴⁷ Musnad of Al-Bazzar, Hadith No.8540

⁴⁸ Sahih Muslim, Hadith No. 2132

⁴⁹ <https://newyorker.com/tech/annals-of-technology/why-your-name-matters/amp>

The Right of Education

The right to education is among the universal rights of the child recognised by the UNCR. The primary duty of education falls on the parents. The task of education requires effort that takes time and patience.

Education has different aspects, there are faith education, moral education, physical education, mental education, psychological education, social education etc. Islam has placed the burden of education on parents and elders and stated that doing so is a means of protection from evil and the fire of Hell. Allāh says:

“O you who believe! save yourselves and your families from a fire whose fuel is men and stones...” (Sūrah al-Tahrim: 6)

Right to Fair Treatment between Children:

Islam calls for fair treatment of children and not make distinction between a male and female child. During the era of ignorance, having a girl was considered a negative thing which led to the evil practice of burying an infant girl alive. Islam abolished this evil practice. Allah says in the Quran:

“And when one of them is informed of [the birth of] a female, his face becomes dark, and he suppresses grief. 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” (Surah an-Nah:58-59)

Allah also says:

“He gifts to whomever he wants male offspring and he gifts to whomever he wants female offspring.” (Quran 42:49)

Instead of daughters being a curse, Islam considered them a blessing and a means to attaining paradise. The Messenger of Allah (ﷺ) said:

“Whoever is tested with daughters in any way and treats them well, they will be their shield from Hellfire.”⁵⁰

The Right to Play

The UNCR states that every child has the right to play and enjoy. Islam recognises the child’s right to play and lawful enjoyment. Indeed the messenger of Allah is known to enjoy play with his grand children Al-Hasan Al-Husayn.

The Right to Financial Support

⁵⁰ Ṣaḥīḥ al-Bukharii Hadith No.5649, Ṣaḥīḥ Muslim Hadith No. 2629

Islam has placed responsibility on the father to carry the financial burden of his children. This includes the cost of food, clothing, nursing, education and other expenses.

The Right of Protecting the Wealth of the Child from being lost or illegally consumed.

The UNCR states that every child has the right to be raised well and become contributing members of society. Islam preserved the children's money in the event of the death of their parents and made it crime to unlawfully consume their wealth. Allāh said:

“And give to the orphans their property, and do not substitute worthless (things) for (their) good (ones), and do not devour their property (as an addition) to your own property; this is surely a great crime.” (Sūrah an-Nisa:2)

The Right of the Orphan Child to be protected from Harm

The UNCR states that every child has the right to be cared for in the absence of their parent or guardian. Islamic law gives an orphan child special care and exhorts Muslims to take care of the orphans. Mistreating the orphan is considered a major sin. Allāh says:

“Have you considered him who calls the judgment a lie? That is the one who treats the orphan with harshness...” (Sūrah al-Ma’un:1-2)

Part III Loving Children

Loving one's children and showing compassion towards them is one of the most important characteristics of being a parent. The survival of the human is dependent on the parents' motivation to look after children and showing kindness and compassion towards them.⁵¹

Anyone who reads the biography of the Prophet Muhammad (ﷺ) will find countless example of the prophetic model for loving children and showing kindness and compassion towards them. The prophet has shown through his examples to his followers and all of humanity, how to treat children.

We find in the example of the prophet (ﷺ) how he used to receive children of his household upon his return from an expedition.⁵² Abdullah Ibn Ja'far narrates that:

"Whenever the Prophet (ﷺ) came back from a journey, the children of his household would be taken out to meet him. Once he carried me in front of him (on his riding animal). Then of one of his daughter Fatimah's sons al-Hasan and al-Husayn, May Allah be pleased with them, was brought and he (the prophet) sat him behind him (on the riding animal) and then three of us entered Madinah"⁵³

Such attention and affection towards children, engraves in them the sense feeling loved and valued. The children around the Prophet felt the warmth and love from they and were able to relate this feeling later on in adult life to their followers.

The Prophet Muhammad was the master of creation and the greatest of all of the prophets and messengers sent by Allah. He was the head of state and leader of the community and was tasked to guide teach people about the guidance of Islam. Despite this enormous, he made time for the youngest members of his family. Abu Buraydah narrates that:

"Once the Messenger of Allah (ﷺ) was delivering a sermon when Hasan and Husayn came stumbling (towards him). They were wearing shirts of red colour. So, Allah's Messenger Sallallahu Alaihiwasallam got down from the pulpit carried them (in his arms) and made them sit in front of him.

Then he said, "Allah has spoken the truth: **"Your riches and your children are only a trial."** (Surah al-Taghabun: 15)

I saw these two children stumbling as they walked and could not be patient till I interrupted my sermon and carried them (here)."⁵⁴

⁵¹ Bringing up Children in Islaam by Maulana Habibullaah Mukhtaar, p. 11, Islamic Bookstore, Delhi

⁵² Fiqh al-Tufulah by Basil al-Hafi, p.372, Dar al-Nawadir

⁵³ Sahih Muslim Hadith No. 2428

⁵⁴ Sunan Abu Dawud Hadith No.1109

It is narrated that the Messenger of Allah (ﷺ) used to take part in play with his grandchildren, Al-Hasan and Al-Husayn by allowing them to ride on his back.

The Prophet would also show affection and love towards children by kissing them. In certain cultures men do not show affection in this manner. Imam an-Nawawi (May Allah have mercy on him) said:

“As for a man kissing his child or brother on the cheek or kissing the sides of it (by way of affection and mercy) is gentleness and love for the relative and this is a Sunnah. The Ahadith to support this are many and are well known and authentic and apply both the male and female. The same applies to kissing the children of one’s friend and others”⁵⁵

Aisha (May Allah be pleased with her) reports that: “A bedouin came to the Prophet, peace and blessings be upon him, and he said, **“You kiss the children? We do not kiss them.”** The Prophet said, **“I cannot put mercy into your heart if Allah has removed it from you.”**⁵⁶

People, not just the Muslims, can learn a lot from the prophetic teachings. It appears that many Muslims today are either ignorant or negligent in applying the prophetic example of showing kindness and mercy towards children. There are some parents who believe that the parents’ role is simply to give orders to children and punish them when they make a mistake.

Parents should realise that children are prone to making mistakes and that it is part of their learning and development. Children need to be taught about right, wrong, and what is appropriate and inappropriate. Without actively trying to do this and simply punishing children will have a negative impact on their emotional and behavioural development.

Anas ibn Malik reports **“I served the Prophet, peace and blessings be upon him, for ten years. By Allah, he never even said to me, “Uff!” He never said harshly, “Why did you do that?” or, “Why did you not do that?”** ⁵⁷

⁵⁵ Al-Majmu’ Sharh al-Muhadhab, Vol.4, p.637, Dar al-Fikr

⁵⁶ Şaḥīḥ al-Bukhārī 5652, Şaḥīḥ Muslim 2317

⁵⁷ Şaḥīḥ al-Bukhārī 5691

PART IV

Child Protection in Islam

The History of Child Protection in the is founded on Christian teachings and dates back to The Poor Law Act of 1600. In 1889 the English Prevention of Cruelty to Children Act was passed. This gave power to persecute perpetrators of cruelty to children and it also empowered the police to search for children thought to be at risk.⁵⁸

There has been shifts in laws and legislation, at times the government was seen to be too draconian and at times not doing enough to protect children and young people from harm. There was increase in Child Protection cases and children taken into care following the death of Jasmin Beckford in 1985. She was severely beaten by her step-father and as a result of this.

There was also the 1987 Cleveland sexual abuse matter in which 121 children were taken into local authority care and long hospital-stay on safety orders. There was a general outcry about this with some suggesting that things had gone too far and that parents' rights were being totally disregarded. In 1988 the Cleveland Inquiry was completed. The inquiry criticised every agency for not working together to safeguard children from harm. Child Sexual Abuse was confirmed to be more widespread than what it was actually thought to be.

The Children Act 1989 was celebrated as the single piece of legislation which moved away from a punitive approach to a broader concept of children 'in need' and the provision of family support.⁵⁹

Definition of Child Protection

Child Protection and Safeguarding is defined as protecting children from abuse and identifying and stopping abuse that might already be happening. Abuse can be deliberate act of ill-treatment that can harm or likely to harm a child's safety, wellbeing and development. Abuse can either be physical, sexual and it also be due to neglect.⁶⁰

Child protection officers in the UK, while assessing the safety and wellbeing of the children, will look at following areas to understand the child's needs:

Developmental Needs, Parenting Capacity, Family and Environmental Factors⁶¹

⁵⁸ Social Work with Children and Families (2012) by Maureen O'Loughlin et al, p.15, Sage Publication

⁵⁹ Ibid, p19

⁶⁰ www.childrensociety.org.uk

⁶¹ Framework for the Assessment of Children and their Families (2000), p19, Department of Education

The above categories are explained in the following diagram from the Department of Education (2000):



Safeguarding Child's Developmental Needs

Health and early childhood needs is one of the most important areas of child protection and safeguarding. Good health is among the greatest blessings of Allah. Islam wants us to take care of our health and those who we are responsible for. The Messenger of Allah (ﷺ) said:

“The one among you who wakes up secure in his property, healthy in his body and has his food for the day, it is as if the whole world were brought to him.” ⁶²

Islam calls for the healthy development and care of the child. As I have mentioned in section 2 of this essay, Islam has placed great importance on preserving human life and this includes paying attention to the child's physical health and wellbeing.

Islam urges the parents to ensure that their child's health needs are being met. The concern for the child's health is from foetal stage. It is for this reason the Shari'ah has given dispensation to the mother to break her fast to ensure the safety and wellbeing of her unborn child.

⁶² Narrated in Al-Adab al-Mufrad of al-Bukhari Hadith No. 300

The scholars explain that when a pregnant woman and a breastfeeding woman are fearful for themselves (e.g. ill health) or for their child, they can break the fast of Ramadan, and make up for it afterwards.⁶³

Ensuring safety is one of the goals of safeguarding and child protection and is part of the child's developmental needs. This objective is in line with Islamic teachings and general objective of the Shari'ah. Islam requires parents to pay great attention to observing fully their duties towards their child by avoiding whatever may harm the child and taking all necessary measures to enhance the child's chances of enjoying good health. The Messenger(ﷺ) said:

“Allah will (on the Day of Reckoning) question each person in a position of responsibility about what he (she) was responsible for (in this life)”⁶⁴

Education is part of the child's developmental needs and it covers all areas of the child's cognitive development which begins from birth. I have discussed this in section two. Islam recognises the importance of education and call on parents to meet the child's educational needs. The education of the child begins from the moment when the child is born.

Abu Rafi (may Allah be pleased with him) narrated: **“I saw the Messenger of Allah (ﷺ) saying Adhan in the ear of Hasan ibn Ali when Fatimah gave birth to him.”⁶⁵**

Parents are instructed to recite the call to prayer in the child's ears. Because the adhan teaches faith and should be the first thing a child should hear. Research have concluded that soon after babies are born, they respond to sound and voices.⁶⁶

Islam recognises the need for the child to develop positive behaviour and attitude. The father is responsible for the child's educational and behavioural development. The Messenger of Allah (ﷺ)said:

“No father can give his child anything better than good manners”⁶⁷

Parents should learn from their own child experiences and try to guide their children to do better. Ali Ibn Abi Talib (May Allah be pleased with him) is reported to have said:

“Teach your children things you did not learn when you were their age, for they have been created for a time that is different from your time.”⁶⁸

Identity part of the child's developmental needs. Identity is the child's growing sense of self as a separate and valued person. This is an important aspect of the child's development which parents need to pay particular attention to. This includes relates to the child's

⁶³ Al-Inayah Sharh Al-Hidayah of Al-Babarti, Vol.2, p.355, Dar al-Fikr

⁶⁴ Jami al-Tirmidhi No.1705

⁶⁵ Abu Duwud Hadith No.5105

⁶⁶ Children's Needs – Parenting Capacity (1999), Cleaver, H et al., The Stationary Office

⁶⁷ Jami al-Tirmidhi Hadith No.1952

⁶⁸ Kitab al-Namwi al-Insan Min Marhalat al-Janin, Amal Sadiq, p.55, Maktabah Al-Anjalou Al-Misriyya

religious identity, gender, and race. Many of the social problems we are witnessing today, is due to the parents' lack of concern for developing the child's identity.⁶⁹

Family and social relationship includes a child having a stable and affectionate relationship with parents, good relationship with siblings and appropriate relationship with peers and significant others. This is important and relates back to the parents responsibility of ensuring that the children have a safe and positive relationship with family members and their peers. Parents should pay special attention to who their children associate with in the community and online. Many grooming and exploitation cases are due to a parents ignorance or lack of understanding of this. Abu Hurayrah (may Allah be pleased with him) reported that the Messenger of Allah (ﷺ) said:

"A man follows the religion (i.e. ways and manners) of his intimate friend. So, each of you should carefully consider whom he takes as his intimate friend."⁷⁰

Social presentation relates to the child's growing understanding of the way in which appearance, behaviour, are perceived by the outside world.⁷¹ From an Islamic perspective, parents are required to teach their children to have appropriate behaviour and presentation in line with their religious identity.

Self-Care skills relates to child's acquisition of practical, emotional and communication competencies required for increasing independence. This includes practical skills of dressing, feeding, and managing personal hygiene. This also is very much in line with Islamic teaching. Parents, as already discussed in this essay, should teach essential life skills. This includes managing their personal hygiene.

Islam places great importance on purification and personal hygiene and it is for this reason, purification is the first thing covered in the jurisprudential books of the scholars. Purification is considered to be an essential component of one's faith. Abu Malik al-Ashari reported that the Messenger of Allah (ﷺ) said:

"Purification is half of faith"⁷²

Jabir ibn Abdullah reported that the Messenger of Allah (ﷺ) came to us and he saw an unkempt man with disheveled hair. The Prophet said, **"Could this man find nothing to groom his hair?"** The Prophet saw another man with a dirty garment and he said, **"Could this man find nothing to wash his garment?"**⁷³

Parenting Capacity

⁶⁹ Framework for the Assessment of Children and their Families (2000), p.33, Department of Education

⁷⁰ Sunan Abu Dawud Hadith No.4833

⁷¹ Framework for the Assessment of Children and their Families (2000), p.21, Department of Education

⁷² Sahih Muslim Hadith No.223

⁷³ Sunan Abu Dawud 4062

Basic care is to provide for the child's physical needs and includes provision of food, drink, warmth, shelter, appropriate clothing, and hygiene.⁷⁴ The parents, as guardian, are responsible for ensuring that the children's basic care needs are being met. Neglecting the child's basic needs would be a violation of Islamic teachings. Allah says:

“And the mothers should suckle their children for two whole years for him who desires to make complete the time of suckling; and their maintenance and their clothing must be-- borne by the father...” (Surah al-Baqrah: 233)

Ensuring safety includes protection the child from significant harm which is the threshold for child protection interventions in the UK. I will speak about significant harm separately and compare this with Islamic teachings. Ensuring safety includes, parents' recognition of hazards and danger both in the home and elsewhere.⁷⁵ As already mentioned the parents are the guardians of the child and are responsible for their safety and wellbeing. Abdullah ibn Umar reported: The Messenger of Allah (ﷺ) said:

“Every one of you is a shepherd and is responsible for his flock. The leader of people is a guardian and is responsible for his subjects. A man is the guardian of his family and he is responsible for them. A woman is the guardian of her husband's home and his children and she is responsible for them. The servant of a man is a guardian of the property of his master and he is responsible for it. No doubt, every one of you is a shepherd and is responsible for his flock.”⁷⁶

Islam recognises the child's need for emotional love and emotional warmth. A child should be love and shown mercy. Expressing love by kissing children and showing them love is encouraged. There are certain cultures that considers it a weakness in men to express love and kiss one's children. Indeed this was also the perception of some of the Arabs in the time of Prophet (ﷺ).

Abu Hurairah (may Allah be pleased with him) narrated: Allah's Messenger (ﷺ) kissed Hasan bin Ali while Aqra bin Habis at-Tamim was sitting beside him. Aqra said, “I have ten children and I have never kissed anyone of them,” Allah's Messenger (ﷺ) cast a look at him and said, **“Whoever is not merciful to others will not be treated mercifully.”**⁷⁷

The child's emotional needs is met by giving the child a sense of being special valued and also giving them a positive sense of their racial and cultural identity⁷⁸. A child should feel loved and valued.

⁷⁴ Framework for the Assessment of Children and their Families (2000), p.23, Department of Education

⁷⁵ ibid, p.23, Department of Education

⁷⁶ Sahih al-Bukhari Hadith No.7138

⁷⁷ Bukhari Hadith No.5997

⁷⁸ Framework for the Assessment of Children and their Families (2000), p.23, Department of Education

The parents should also not discriminate between children on the basis of their gender. In the pre-Islamic era boys were preferred over girls. Islam criticised attitudes of such parents who reject their female children. Alla say in the Qur'an:

“When news is brought to one of them, of (the Birth of) a female (child), his face darkens and he is filled with inward grief! With shame does he hide himself from his people because of the bad news he has had! Shall he retain her on (sufferance) and contempt, or bury her in the dust? Ah! What an evil (choice) they decide on?”(Qur'an Surah an-Nahl: 58-59).

Rather than seeing girls as inferior, Islam elevated their status and considered them a blessing from Allah.

Anas ibn Malik reported that the Messenger of Allah (ﷺ) said:

“Whoever cares for two girls until they reach maturity, then him and I will come together on the Day of Resurrection,” and the Prophet held up his two fingers together.⁷⁹

Stimulation includes facilitating the child’s cognitive development and potential through interaction, communication, talking and responding to the child’s language and question. It is also to take interest in the child’s likes and dislikes and taking part in play.

The Messenger of Allah (ﷺ) is an ideal of example for stimulation of the child through play and taking interest in things important to the child. Anas said, "The Prophet(ﷺ), visited us. I had a young brother who used the kunya of Abu 'Umayr. He had a sparrow which he used to play with it and it had died. The Prophet (ﷺ) came and saw that he was sad. He asked, 'What is wrong with him?' He was told, 'His sparrow has died.' The Prophet said, 'Abu 'Umayr, what has happened to the little sparrow?'"⁸⁰

Guidance and boundaries is to enable the child to regulate their own emotions and behaviours. As mentioned already, the parents are the guardians and therefore they cannot be passive when it comes to guidance and boundaries.

Stability relates to children having secure attachments to both parents and also providing them with consistency of emotional warmth. This is done by maintaining and encouraging good ties with parents, siblings and other significant people in the child’s life. If ever there is conflict or disagreement between parents, the children should be taught to respect both parents and not be used as weapons by either sides.

Abu Huraira reported that a man asked the Messenger of Allah(ﷺ) “Who is most deserving of my good company?” The Prophet said, **“Your mother.”** The man asked, “Then who?” The Prophet said **“Your mother.”** The man asked again, “Then who?” The Prophet said, **“Your mother.”** The man asked again, “Then who?” The Prophet said, **“Your father.”**⁸¹

Family and Environmental Factors

⁷⁹ Şahīḥ Muslim Hadith No. 2631

⁸⁰ Al-Adab Al-Mufrad Hadith No.847

⁸¹ Sahih al-Bukhari Hadith No.5626

The importance of impact on the child's development is recognised Islam. The child is a part of wider family and whatever happens in the family has a direct impact on the child. Islam defines the role of each of the family members in relation to the child.

Islam recognises the influence of friends and wider society on the child's development and places responsibility on parents to ensure safe and religious upbringing of the child. The Messenger of Allah (ﷺ) said:

“No child is born but that he is upon natural instinct (Fitra). His parents make him a Jew, or a Christian, or Magian”⁸²

When it comes to income, parents should ensure that the children are financial supported and not left to depend on others. Abu Hurairah (may Allah be pleased with him) narrated: The Prophet (ﷺ) commanded to give charity. A man said: Messenger of Allah, I have a dinar. He said: Spend it on yourself. He again said: I have another. He said: Spend it on your children. He again said: I have another. He said: Spend it on your wife.”

The Messenger of Allah (ﷺ) said : **“It is sufficient sin for a man that he neglects those whom he maintains.”⁸³**

Significant Harm and Safeguarding Process

The Children Act 1989 introduced Significant Harm as the threshold that justifies compulsory intervention in family life in the best interests of children. Significant harm can be Physical Abuse, Sexual Abuse, Emotional Abuse and Neglect are all categories of Significant Harm.⁸⁴

When there is a concern or an allegation of significant harm in any of the above areas of significant harm, the Local Authority responsible for safeguarding will convene a strategy meeting to share and information and decide child protection threshold and interventions. A child protection investigation, under section 47 of the Children Act 1989, will be undertaken. This investigation can be joint by police and social service or it could be single agency undertaken by social service.

All professionals working with children are responsible for reporting safeguarding concerns to the local authority in which the child resides. Every child who has been referred into the Local Authority Children's Social Care will have an individual assessment to identify their needs and to understand the impact of any parental behaviour on them as an individual. This assessment is known as the Child and Family Assessment. The professional referrer should be contacted and notified in writing of the allocated social worker within 24 hrs from allocation. Feedback on the outcome of a referral should be provided to the referrer.

There are many people who complain that the state or social service is too intrusive and that parents should be left alone to care for their children. There is also a stereotype that

⁸² Bukhari 1292

⁸³ Abu Dawud 1692

⁸⁴ [revised_guidance_thresholds.pdf \(londoncp.co.uk\)](https://www.londoncp.co.uk/revised_guidance_thresholds.pdf)

local authority child protection officers or social worker are child snatchers. However, this is not entirely true. The state only intervenes when there is allegation or evidence of significant harm.

It should be noted that no one has the power to remove a child from its parents without a court order. If a local authority is concerned about a child suffering significant harm, it must apply to the family court and provide evidence to support their position.

Most of the time social work intervention do not lead to a child being removed from its parents. Usually, a child and family assessment is completed with four possible actions: no further action; step down voluntary early help service; provide voluntary intervention under a child in need plan; or child being made subject to statutory child protection plan.

The local authority may provide services to support families. Even when parents are known to hit their children, the Local Authority will refer to parenting support services so that they can learn alternative strategies to managing their children's behaviour.

The provision of services provided by the local authority will not be delayed by the need to complete an assessment. Often a service will be provided in parallel to the assessment process if this is considered necessary by the assessing social worker. The Child and Family Assessment needs to be completed with 45 working days.⁸⁵

As already explained, the purpose of the Shari'ah is obtaining benefits for individuals and societies while protecting them from harm.⁸⁶ From these benefits are the necessities which are the protection of life, lineage, intellect, and property.

Before initiating care proceedings, the local authority will undertake pre-proceeding work to alleviate the concerns. This is done through the process known as the Public Law Outline. The PLO process is the last opportunity for parents to make improvements to their parenting before care proceedings are issued.

Islamic Perspective on Significant Harm

It is believed by some that Islam encourages child abuse. This is something that the right-wing media often tries to portray. If a Muslim commits a wrong then his race, religion and culture is blamed. Images of children being physically abused in Madrasah has been made viral.

Child abuse takes place in every community. The Crime Survey for England and Wales (CSEW) estimated that one in five adults aged 18 to 74 years experienced at least one form of child abuse, whether emotional abuse, physical abuse, sexual abuse, or witnessing domestic violence or abuse, before the age of 16 years (8.5 million people).⁸⁷

⁸⁵ https://www.proceduresonline.com/kentandmedway/chapters/p_ch_fam_assess.html

⁸⁶ Al-Muwafaqat of Imam al-Shatibi, Vol.6, p.3978, Dar Ibn Affan

⁸⁷ [Child abuse extent and nature, England and Wales - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/people-in-the-uk/child-population/child-abuse)

While there can be no justification for such physical abuse, some even in the Muslim community, would unfortunately try to justify this and even cite references to support their claim. In doing so they not only misunderstand the narrations, but also they ignore the prophetic guidance and examples which I mentioned in part three of this essay.

One of the most famous principle in Islam is the prevention of harm. Ibn Abbas (May Allah be pleased with him) reports that the Messenger of Allah (ﷺ) said:

“There should be no harming nor reciprocating of Harm”⁸⁸

Child protection and safeguarding children from harm, is the responsibility of the parents. However, when the family becomes the source abuse and harm, then the state will step in to protect them from harm.

In England, parents don't have the legal right to smack one's child unless it is 'reasonable punishment'. This defence is laid down in section 58 Children Act 2004, but it is not defined in this legislation.

This above legal defence does not apply to the rest of the UK. The Messenger e Welsh Government has recently passed a legislation banning smacking and this will come into effect in 2022. Smacking is also banned in Scotland.

A parent can be charged with a criminal offence if they harm their child. If the reasonable chastisement is severe enough to leave a mark, such as a scratch or a bruise, then parents can be prosecuted for assault. However, parents who use such method do not do so with malicious intent of abusing or harming their children.⁸⁹

If all interventions fail, and the child is deemed to be at risk of ongoing significant harm, then the local authority will consider initiating care proceedings.

However, this should not be confused with disciplining children and reprimanding them when they do wrong. Disciplining children by adopting the Islamic approach, as laid down in the Quran and the example of the prophet, will enable parents to teach their children manners and make the right choices in life.

The Messenger of Allah said:

“It is a duty upon the father towards his child to beautify his manners and beautify his name”⁹⁰

Parents should not be neglectful in their of guiding and teaching their children to become better human beings and their commitment to their faith. Imam Al-Ghazali says:

⁸⁸ Sunan Ibn Majah, 2341

⁸⁹ <https://surreyscb.procedures.org.uk/hkyqoz/procedures-for-specific-circumstances/reasonable-punishment-and-smacking#>

⁹⁰ Musnad al-Bazzar Hadith. 8540

“Know that the method of bringing up children is one of the most important and essential matters. The child is a trust in the hands of his parents, and his pure heart is an unblemished precious stone, free of any engraving or form. It is amenable to being engraved and moulded in any direction. If it is habituated and taught to be good, it will be raised upon this. Such a child will be felicitous in this world and the next, and his parents, teachers and educators will all share in his reward. If the child is habituated to evil and neglected like an animal, he will be wretched and fall to destruction, and his sin will be shared by those responsible for his upbringing.”⁹¹

Smacking is not ideal, and I would go further in saying that this is not something that is encouraged by Islam. The prophetic example is a good model to follow in this regard.

Aisha (May Allāh be pleased with her) narrates that:

“The Messenger of Allah, peace and blessings be upon him, did not strike a servant or a woman, and he never struck anything with his hand”⁹²

Research shows that physical chastisement can have a negative impact on the child and can lead to lying and hiding things from parents. It can lead to increased aggression, antisocial behaviour, physical injury, and mental health problems for children. Physical chastisement can also create negative feelings between the child and its parents.⁹³

Often what we hear of physical abuse by parents and those responsible for children is actually them offloading their anger on to their children. This is what psychologists describe as ‘displacement’ whereby a person tries to satisfy an impulse such as aggression with substitute such as the child.

It must be clearly understood that Islam has not given parents permission to vent their anger upon children. This is based on the principle of preventing harm. Showing kindness and compassion towards children produces greater benefit and lasting bond between the parent and the child.

One of the most important characteristics of the Prophet (ﷺ) is his gentleness. Allah praises this characteristic of the Prophet in the Quran:

“So by mercy from Allah, [O Muhammad], you were lenient with them. And if you had been rude [in speech] and harsh in heart, they would have disbanded from about you. So pardon them and ask forgiveness for them and consult them in the matter. And when you have decided, then rely upon Allah. Indeed, Allah loves those who rely [upon Him]”
(Surah Aali Imran: 159)

Muslims should follow the prophetic example of being kind gentle with people and this should start in the house with their wives and children. Abu Huraira reports that the Prophet, (ﷺ) said:

⁹¹ Ihya Ulum ad-Din of Imam al-Ghazali, Vol.3, p.72, Dar al-Ma’rifah

⁹² Ṣaḥīḥ Muslim Hadith No. 2328

⁹³ <https://www.apa.org/monitor/2012/04/spanking>

“Whoever is kind, affable, and easy-going, Allah will forbid him from entering Hellfire.”⁹⁴

The Messenger of Allah (ﷺ) also said:

“Nothing a parent may award his (or her) child is better than a good upbringing.”⁹⁵

Disciplining the children should be done without resorting to physical punishment or the use of abusive language. It is a common practice many households to use abusive language towards their children and this is wrong.

The Messenger of Allah (ﷺ) said:

“The believer does not slander, curse, or speak in an obscene or foul manner.”⁹⁶

Children learn from such negative language and behaviour and will go on to do the same with others including their own wives and children in adulthood. Social Learning theorists, such as Albert Bandura, state that children and even adults learn by simply observing and then imitating someone who they consider to be powerful or important.⁹⁷

Sexual abuse is another form of abuse. There is no disagreement among the Muslims about the sin impermissibility of such abuse. Allah says in the Qur’an:

“...do not go near shameful acts, whether they are open or secret...” (Surah al-An’am:151)

It must be noted that sexual abuse is not always perpetrated by outsiders. It can be perpetrated by people who are entrusted with their care such as those caring for orphans, teachers and extended family members and friends. The sexual abuse by such people who entrusted with the child’s care is betrayal of the trust given to them. They are perpetrators of a major crime and sin against Allah.

“O believers! Do not betray Allah and the Messenger, nor betray your trusts knowingly”
(Surah Al-Anfal:27)

Children are among the vulnerable members of the society and therefore, extra care should be taken to protect them from harm both in the home and outside. Children can be even more vulnerable if they suffer from disability and mental ill health or if they are orphaned having primary carers. Islam seeks to protect the weak and the vulnerable.

Islam has recognised the vulnerability of the orphans and therefore has placed rulings to safeguard them from harm and abuse. In the Quran Allah has compared ill treatment of the orphans with the one who denies faith:

⁹⁴ Al-Sunan al-Kubra lil-Bayhaqi Hadith No. 20806

⁹⁵ Al-Tirmidhi Hadith No.1952

⁹⁶ Al-Tirmidhi, Hadith No. 1977

⁹⁷ Essential Psychology by Davenport 1996, p.15, Collins Educational

“Have you seen the one who denies the (Final) Judgment? That is the one who repulses the orphan, and does not encourage the feeding of the poor” (Surah Al-Maun 1-3)

Islam also seeks to protect this vulnerable group of children from what is today termed as ‘financial abuse’. Allah says:

“Indeed, those who unjustly consume orphans’ wealth ‘in fact’ consume nothing but fire into their bellies. And they will be burned in a blazing Hell!” (Surah an-Nisa: 10)

The above verses clearly outline the vulnerability of the orphans and the need to safeguard them from harm and abuse. All children need to be treated with kindness and love and protected from all forms of abuse, whether this is physical, sexual, emotional or even financial abuse.

Conclusion

Children are a blessing from Allah and parents are entrusted with caring for them and protecting them from harm and abuse. Allah says:

“And Allah has made for you spouses of your own kind, and given you through your spouses children and grandchildren. And He has granted you good, lawful provisions. Are they then faithful to falsehood and ungrateful for Allah’s favours” (Surah an-Nahl: 72)

What I have presented in this essay, makes it clear that Islam is the champion of safeguarding and child protection. However, Muslim need to educate themselves with the teachings of Islam with regards to how they treat their children.

Muslims should challenge the media stereotypes and people who accuse us of being complicit with child abuse. The types of abuse mention in the last section is found in every community. In fact, child sexual abuse is big issue within the church community but nobody accuses Christianity for encouraging such practices.

Children should be protected from all times of abuse and harm. The following verses are sufficient as evidence for this:

“Say (O Prophet): Come I will recite what your Lord has forbidden to you- (remember) that you do not associate anything with Him and show kindness to your parents, and do not slay your children for (fear of) poverty-- We provide for you and for them-- and do not draw nigh to indecencies, those of them which are apparent and those which are concealed, and do not kill the soul which Allah has forbidden except for the requirements of justice; this He has enjoined you with that you may understand. And do not approach the property of the orphan except in the best manner until he attains his maturity, and give full measure and weight with justice-- We do not impose on any soul a duty except to the extent of its ability; and when you speak, then be just though it be (against) a relative, and fulfill Allah's covenant; this He has enjoined you with that you may be mindful” (Surah Al-An’am: 151-152)

When look at the United Nations Convention the Rights of the Child, it feels like many of then points have been taken from Islam. Muslims, rather than being part of the problem, can play an important roles in safeguarding children from harm. They can do this by imbuing and implementing prophetic example and being a role model for others.

Many organisation working with children in the UK can trace back their origin to religious values and teachings. An example of this is Barnardos. However, Barnardos and other organisations have move away from their religious ideals and adopted a secular approach.

Muslim community in the UK, in my opinion, will benefit by setting up their own regulatory bodies and voluntary organisations to promote children’s safety and wellbeing. Muslims can develop their own procedures and standards for safeguarding based on the teachings of Islam. This can be done parallel to existing government standards and regulations.

Muslims should also take a proactive approach and understand that safeguarding and child protection is not simply the role of teachers and social services departments. If we are aware of child abuse, we must take steps to prevent this from happening. Anas ibn Malik reported that the Messenger of Allah (ﷺ) said:

“Help your brother, whether he is an oppressor or is being oppressed.” It was said, “O Messenger of Allah, we help the oppressed, but how do we help an oppressor?” The Prophet said, **“By seizing his hand.”**⁹⁸

Child abuse is a great injustice. Therefore, according to the above hadith allowing child abuse to take place is being complicit in the injustice. Allah says in the Quran:

“O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both.”(Suran an-Nisa:135)

⁹⁸ Ṣaḥīḥ al-Bukhārī 2312

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