

CHILD RIGHTS: AN ISLAMIC PERSPECTIVE

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Abstract *Human rights are the basic standards, social freedoms and moral principles that humans are supposed to enjoy from their birth to death. In addition to the rights that are generally available to all human society, there are some rights that specifically apply to children only. Children need these special rights owing to their unique needs; they need additional protection that adults don't. The Quran and the traditions of the Prophet Muhammad (SAW) form the basis and foundation of the Islamic perspectives of the children's rights. Holy Qur'an not only provides us a number of verses regarding the child rights but also insists us in the strongest terms about their safeguarding. In Islam, securing the rights of the children is considered an admirable religious deed. The paper in general presents a general understanding of Islamic principles and in particular it seeks to provide an overview about the rights of children in present capitalistic society.*

Keywords *Children, Protection, Rights, Shariah, Tarbiah, Amanah*

INTRODUCTION

Children are the precious gifts to us from the Almighty Allah; they are a trust in our custody. Children are the hope for the existence of future. The child has a dual existence, existence as a child and also as a man which is the totality of life and humanity. Each child is attached with basic rights known as human rights that if ignored may lead to social crisis. The responsibilities of believers towards children are inviolable rights of the children because in Islamic jurisprudence rights and duties are correlated with each other. Children are enormous blessings from Allah; at the same time they are *Amanah* or trust from Him to us. The ultimate aim of preserving that trust is to do our best to protect them from hell-fire in the after-life,

O You Who believes! Protect yourselves and Your Families from that fire, whose fuel will be humans and stones. (Al-Qur'an 66: 6)

Islam regards safeguarding children's rights as important because all human life is sacred to Allah. We must therefore care well for their rights and preserve them by implementing the teachings of Islam, and follow what has been stated in the Noble Qur'an and what our Noble Prophet– Peace Be upon Him has stressed upon. Prophet (SAW) has guided us to be in his pure Prophetic tradition, where he says:

Each of you is a shepherd, and each of you is accountable for his or her flock.

RIGHTS OF UNBORN CHILD

Islam not only designates rights to children after their birth, but also before their birth as well. After conception, the rights that Allah has prescribed for unborn children in the Islamic Law also take effect before child birth. Allah describes the persons who kill their children, prior or after their birth, as lost, misguided and ignorant.

Indeed lost are they who have killed their children, from folly without knowledge and have forbidden that which Allah has provided for them, inventing a lie against Allah. They have indeed gone astray and were not guided (Al-Qur'an 6:140)

This is a clear prohibition against aborting the unborn. The person who aborts a child is punishable by paying '*diyah*' reparation, known as *Algharrah*. Based on person's understanding and assessment, some may accept varied reasons for aborting the unborn. However, Allah- the Almighty has decreed the right of the infant for sustenance and He guaranteed such rights. As a result, He soothes the hearts of those who may fear poverty,

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 (Al-Quran 17:31)

The father should also do everything in his power to preserve the life of the unborn child, Allah says, and if they are pregnant, then spend on them till they deliver (Al-Quran 65:6)

The Prophet (SAW) took an oath of allegiance from both men and women at the time of their accepting Islam. This oath of allegiance includes the condition that they would not kill their Children.

O Prophet (SAW) when the believing women come to you pledging to you that they will not associate anything with Allah, nor will they steal, nor they will commit unlawful sexual intercourse, nor will they kill children (Al-Mumta'inah 60/12)

RIGHT TO HEALTH CARE AND NUTRITION

After birth, a child has the right to be breastfed by his/her mother in a manner that should satisfy the former physically, psychologically and emotionally. The Islamic Shariah insists the mother for fostering, nursing and breastfeeding her newly born child. It would be sinful if she fails in her responsibility towards the suckling of her helpless infant. Such failure brings grave consequences, as stated by the Prophet (SAW).

It is a grave sin for one to neglect a person whom he is responsible for sustaining. (Narrated by Abu Dawud in his Sunan, Kitab Al-Zakat (Book of Alms), chapter 'Responsibilities towards blood relatives', 2/136)

Owing to the ill luck, it is quite possible that the mother may suffer from an ailment that would prevent her from breastfeeding, or the infant refuses to take her breast or even the mother passes away; in such case the husband has the duty to procure a person to breastfeed his child even if the person has to be paid. If he still fails to do so, then he is supposed to make such alternate arrangements under which the child gets breastfed artificially. The mother shall give suck to their children for two whole years (that is) for those (parents) who desire to complete the term of suckling. (Surah Al Baqarah: 233)

After the child is strong enough and has passed the nursing stage, his or her parents must satisfy the child's right to be appropriately fed as he or she grows older. It is also the parents' duty to attend to any medical needs if the child is suffering from illness. Rather, they must take every precaution and protective measure to prevent the child from falling ill. It would be much better to get the child vaccinated that would help it to fight against various diseases beforehand. Neglecting such a responsibility would amount to a grave sin for which the parent is accountable before Allah, the Lord of All Creations.

RIGHT TO LIFE

Islam has guaranteed all the individuals the right to live. However, it also has excluded those who indulge in clearly defined crimes mentioned in the *Shariah*. Islam has entitled human being as the crown of creation. They get the life only for once. So, it is the duty of every parent to consider his/her child's right to live a dignified and unharmed life. It is the right of child to enjoy the full protection from their parents until they are mature enough to do the same of their own. During the days of ignorance, some people used to kill their children due to superstitions and fear of poverty. Especially a female child was considered a sign of weakness and humiliation for the family, so they used to bury their female children alive. Allah (SWT) has prohibited and condemned this evil practice in the strongest of terms:

For whosoever kills a soul unless for murder or spreading mischief in the land-it would be as if he/she has killed the whole of humankind and whosoever helps to save a soul, it is as if he/she

has saved the whole of humankind (Al-Qur'an 5:3)

Say: Come, I will rehearse what Allah hath (really) prohibited you from": Join not anything as equal with Him; be good to your parents; kill not your children on a plea of want; we provide sustenance for you and for them; come not nigh to shameful deeds. Whether open or secret; take not life, which Allah hath made sacred, except by way of justice and law: thus doth He command you, that ye may learn wisdom (Al-Quran 6:151)

When any one of them is given the good news of a female child, his face turns dark out of deep sorrow and suffers from mental agony. He hides himself from his community due to shame of that news. He thinks-will he let her live in spite of humiliation or shall bury her in the ground. Beware, evil indeed are the decisions that they make (Al-Quran 16: 58-59)

At any rate, whatever the reasons for and the frequency of infanticide might be, Islam categorically condemned the practice and reaffirmed the infants' right to life and equal life chances. Parents and others used to discriminate between male and female children, with their favors showered on the former.

The Quran disproved of this discrimination and admonished parents to receive their infants, male or female, joyfully as the gift of Allah. It reproached those who were disposed to gaiety upon the birth of the baby boy but prone to depression, anxiety or shame if the infant was a baby girl. (Al-Quran, 16:56-62; 42:49-50; 43:15-19)

The Prophet showed in words as well as in practice that the birth of the child should be a festive occasion marked with joy, charity, and thankfulness.

RIGHT TO SOCIALIZATION OR *TARBIAH*

Tarbiah is a very comprehensive term. It has got a direct influence on the behavior of a child. Right *Tarbiah* results in the wellbeing of a child and Wrong *Tarbiah* may lead its doom here and hereafter. However, Right *Tarbiah* is a basic right of children upon their parents, guardians and the Muslim society at large. Some important aspects of *Tarbiah* in the light of Qur'an and Sunnah are as:

The Prophet said, 'Order your children for *Salah* when they are seven, discipline them for it when they are ten and separate their beds.' (Abu Daud)

Parents have to do their best to make sure the wellbeing of their children both here and hereafter. The Prophet said, 'It's better to leave your children self-sufficient than to leave them on the mercy of others' (Tirmidhi)

Parents will have to work to develop hatred within their children against (*Akhlaq Al Dhameemah*) all aspects of bad character and to culture within them the love for (*Akhlaq Al Hameedah*) praised attribute of character. Our children have to internalize Islamic values and principles. *Tarbiah* in Islam primarily means to let our children know their Creator, inculcate love for The Prophet, faith in hereafter, divine books, angels, prophets and other important aspects of our *Deen* (way of life). Purification of the soul (*TazkiatunNafs*) is a natural consequence of such *Tarbiah*.

When both the parents are Muslims and fulfill their parental obligations adequately, the child's socialization to Islamic environment will in all probability be successful. Part of their religious responsibility is to raise the child as a Muslim and in the best possible Islamic way. However, they may not, even if they could, impose their religion on the child, which becomes accountable upon reaching the age of maturity, usually marked by puberty. By this time the child is presumed to be capable of making responsible decisions. What parents are enjoined to do then is to show the child, in words as well as in deeds, the Islamic way of life, hoping that this early socialization will be effective in later years. But if the parents do not follow the same religion,

the minor child will follow the parent with the better religion. This is tantamount to saying that the child shall follow the father and shall be considered for all practical purposes a Muslim.

RIGHT TO EDUCATION

Education is the fundamental right of a child in Islam. In Islam education is not limited to bookish knowledge but includes religious training also. It means healthy all-round development of child's personality. Parents must not only provide for children's education in schools and colleges but should also take personal interest in their studies, helping them if they could. This gives children a feeling of 'working with the parents' and enquiries them in studies.

Parents should sacrifice their own comfort and social activities and must share some time to take interest in children's studies, especially when they are young. Leaving children to the mercy of teachers or tutors is not a wise policy. A little sacrifice on part of parents will save children from moral disasters. Effective moral training comes not from sermons, advice and precepts only but from parents personal examples of good behavior.

Allah states in the Holy Quran:

Say: Are those equal, those who know and those who do not. It is those who are endured with understanding that receive admonition (Al- Quran 39:9)

Allah provide for you. And when you are told to rise up, (then) rise: Allah will rise up, to (suitable) ranks (and degrees), those of you who believe and who have been granted knowledge. And Allah is well acquainted with all you do (Al-Quran 59:11)

Children have the right to education. A saying attributed to Prophet Muhammad relates:

A father gives his child nothing better than a good education (Tirmidhi Hadith No.4977)

Education in the Islamic society is not a mere right for its individuals. In fact, an Islamic government is required and demanded to prepare and provide, when possible, all means that help individuals in the Islamic society to earn a better education. This concept is based on the Hadith of the Prophet, Seeking knowledge (better education) is an obligatory on every Muslim (male or female), (Saheeh al-Jaami', 3914) Furthermore, Islam considers seeking a better education as a type of Islamic strife or jihad that the Almighty Allah rewards, the Prophet stated,

He who travels to seek any knowledge is considered as a person who is struggling in jihad for the cause of Allah until he returns (home) (Al-Tirmizi No. 2571)

In fact, Islam considers it unlawful to withhold any useful knowledge that one possesses but do not share with others to benefit them, the Prophet (SAW) says, Whosoever withholds the dissemination of (a beneficial) knowledge (to others who may need or benefit from it) will be tortured with a harness of fire on the Day of Judgment.

From the above it is clear that it is the basic right of every child to get beneficial education. Therefore, it is the duty of parents to educate their wards. So far as the parentless or neglected children are concerned, Islamic state is under an obligation to provide every possible facility for the same.

RIGHT TO JUSTICE AND EQUAL TREATMENT

Qur'an has talked about the justice in strongest terms. Injustice is prohibited and forbidden in Islam. The justice of children in Islam has been particularly highlighted. They also have the right to be treated equally in terms of financial gifts. No one should be preferred over others. All must be treated fairly and equally. None should be deprived his gift from the parents.

Narrated by An-Numan bin Bashir, my mother asked my father to present me a gift from his property; and he gave it to me after some hesitation. My mother said that she would not be satisfied unless the prophet was made a witness to it. I being a young boy, my father held me by

the hand and took me to the prophet Muhammad (SAW). He said to the prophet Muhammad, “his mother, BintRahawah, requested me to give this boy gift,” the prophet said, “Do you have other sons besides him?” He said, ‘yes’. The prophet said, “Do not make me a witness for injustice. (Sahi Bukhari-3/818)

Numan bin Bashir reported; my father conferred a gift upon me, and then brought me to Allah Messenger the holy prophet had said, observe equity among your children. (SahiBukhari- 3970) A Hadith says, “It is better for parents to leave their children well provided (financially) than to leave them in poverty.” This means that parents should not spend all that they have on their own comforts and luxuries but must make provisions for children’s welfare after the parents die.

Narrated by Ummi Salma, ‘I said, ‘Oh Allah’s Apostle (SAW)! Shall I get a reward (in the hereafter) if I spend on the children of Abu Salma and do not leave them like this and like this (I.e. poor) but treat them like my children?’ the Prophet (SAW) said, ‘ yes , you will be rewarded for that which you will spend on them.’(SahiBukhari- 7/282)

RIGHT TO MAINTENANCE

Maintenance generally means the responsibility to spend one’s own earning or property for the sustenance of some other person. Here maintenance means making all the arrangements necessary for the sustenance of a child out of one’s own pocket. It includes the expenditure for nourishment, health, education and training. Under Islamic law it is the father who is responsible to provide maintenance to his children, whether in his own custody or in the custody of someone else. The extent of his liability depends on his financial position and the situation of the child. The daughters are entitled to be maintained till they get married, even if the marriage takes place after attainment of puberty. A male child can claim maintenance from father until he attains puberty. The father is liable to maintain the child even when the child is in the custody of divorced mother. The fathers liability ceases only when he is refused the custody of the child for no justify able cause .Where the child’s separate living is justified, the father continues to be liable.

Parents are required to help their children to find a good partner when they reach marriageable age, also bear all or part of the costs incurred for their marriage.

Narrated by Abu Saeed Al-Khudri (RA), the Prophet saw said: If anyone cares for three daughters, disciplines them, marries them and does well to them, he will go to paradise. (Sahi Muslim 5128)

CONCLUSION

In conclusion, we can say that children are the innocent angels who always need our care and protection. It is their right to live a life full of love and compassion. It is their right to get breastfed, to have enough food, to enjoy the clothes. Islam itself sets forth to speak on behalf of all the children and stands for their rights. There are a handful of verses in the Holy Quran which directly address to the dignified members of the society to take care of the helpless and needy children. Following the principles of Qur’an and passing its knowledge to the children would not only result us in achieving Allah’s grace but also will help our children to live a self-sufficient life. It not only talks about the rights of children after birth but before birth as well. Thus following its principles will amount to a harmonious relationship between the parents and their children. More importantly it will help to make the society most favorable for peace and love in which children show respect to their parents and in turn the parents respect the rights of their children.

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