

Challenges to Safeguard Basic Needs, Education and Health of Children: A Comparative Analysis of UNCRC 1989 and Islamic Law

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Abstract:

United Nations Conventions of the Rights of the Child 1989 is the most important on the child rights at present. It is an established fact that nearly all the countries had ratified it. Analyzing eye shows that basic needs i.e. nutrition, housing and clothing, education and health have got the status of necessity of life nowadays, especially for children because they are almost unable to live without these requirements. So, these are considered the major causes of harm and danger to children lives. In presence of this convention, it is an established fact that these problems do not come to an end, instead they increase day by day. So, this works as challenge for the convention. Moreover, it shows that there are some deficiencies in the convention that's why the situation of child comes more severe gradually all over the world. Thus, need is to explore these deficiencies. Islamic law is a complete code of life. Therefore, it is need of the time to identify its principle and rules for protection of child rights especially for their basic needs, education and health because it is ready to assist the international community for better care of children. This article is a comparison and analysis of these two systems with the hope that it may help to protect the children.

Keywords: Child Rights, UNCRC 1989, Islāmic Law, Human Rights

United Nations Convention on the Rights of the Child 1989¹

Although there are many international documents that contain children rights; UNCRC 1989 is a child specific international convention concerning rights of the children. It tells their rights in a comprehensive and detailed manner. Moreover, it is internationally binding one unlike other documents. United Nations General Assembly adopted UNCRC in Resolution 25 session 44 and opened it for signature on November 20, 1989. After ratification of UNCRC 1989 by twenty nations; the required number, it came into force on September 2, 1990. At present, every member of the United Nations has ratified the convention except United States which signed but not ratified the convention.²

There are three optional protocols to UNCRC. First is on involvement of children in armed conflict. It was adopted on May 25, 2000 and came into force on 12 February, 2002.³ The second is on sale of children, child prostitution and child pornography. It was adopted on May 25, 2000 also and came into force on January 18, 2002.⁴ The third is on communication procedure. It was adopted on December 19, 2011 and came into force on April 14, 2014.⁵

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Further, UNCRC is the only international human right document that gives a role to NGO's in monitoring its implementation.⁶ So, all the states that ratified the convention are bound to implement it. Importantly, for proper compliance and implementation of UNCRC by the states parties, Committee on the Rights of the Child was established as monitoring authority which is composed of eighteen independent experts from different countries around the world. Accordingly, the states parties are required to submit reports on progress in the area of child rights in their respective countries. This report, at the first time, should be submitted within two years of UNCRC entering into force in the context of the concerned state. Thereafter, the reports should be submitted every five years. The reports then reviewed by the said monitoring Committee in its regular sessions. After the evaluation of advancement made by the states parties in implementation of UNCRC and its optional protocols, the Committee, if needed, suggests and recommends the concerned state and the General Assembly on how to meet the objectives of the Convention. Finally, the Committee submits a report to the Third Committee of the United Nations General Assembly which hears a statement from CRC chair. Then, the General Assembly adopts a proper resolution on the rights of the child.⁷

Islāmic Law, Human Rights and Children

As far Islāmic Law is concerned, it is claimed that Islāmic is complete code of life. A question arises here about the status of human being in Islām. The answer is that Islām granted complete respect and dignity to the human beings. They have been declared as vicegerent by Allāh Almighty. Moreover, all the creatures in the universe have been subjected for human beings. Following verses of Holy Qur'ān are the evidences:

﴿وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ
عَلَىٰ كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا﴾⁸

(We have honored 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).

﴿وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً...﴾⁹

(Behold, Thy Lord said to the angels: "I will create a vicegerent on earth"...).

﴿وَسَخَّرَ لَكُم مَّا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ جَمِيعًا مِّنْهُ، إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ
يَتَفَكَّرُونَ﴾¹⁰

(And He has subjected to you, As from him, all that is In the heavens and on earth: Behold, In that are Signs indeed for those who reflect).

As far children, they are considered gift from Allāh Almighty and source for inner satisfaction. It is important that while emphasizing to regard the elders, the Prophet (PBUH) instigates for treating children in a good way with kindness. They are considered as extension of the humankind and the Prophet (PBUH) encouraged the extension. Following are the evidences for that:

﴿وَاللَّهُ جَعَلَ لَكُم مِّنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُم مِّنْ أَزْوَاجِكُمْ بَنِينَ وَحَفَدَةً وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ ، أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِعِصْمَةِ اللَّهِ هُمْ يَكْفُرُونَ﴾¹¹

(And Allah has made for you mates (and companions) of your nature, and made for you, out of them, sons and daughters and grandchildren, and for you sustenance of the best: will They then believe In vain things, and be for Allah's favours?).

((لَيْسَ مِنَّا مَنْ لَمْ يَرْحَمْ صَغِيرَنَا ، وَيُوقِرَ كَبِيرَنَا)).¹²

(He, who does not have mercy for our young ones and respect for our old ones, is not from among us).

((تَزَوَّجُوا الْوَدُودَ الْوَلُودَ فَإِنِّي مَكَاثِرُكُمْ الْأَنْبِيَاءَ يَوْمَ الْقِيَامَةِ)).¹³

(Marry a more affectionate and fertile. I will be pride of your (large number) before the Prophets on the Day of Judgment).

An important aspect in Islāmic Law is the special status given to female child. Actually, most of the people in pre-Islāmic era used to treat female child with hatred even they bury them alive. Islam condemned this practice of those people and joined their killing with the prohibition of the *Shirk* in a verse of Holy Qur'ān. Instead, Islām enhanced the dignity and respect of the female child. Following are the evidences of this talk:

﴿وَإِذَا بُشِّرَ أَحَدُهُمْ بِالْأُنْثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ. يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَبِهِ ، أَيُسْكِنُهُ عَلَىٰ هُونٍ أَمْ يَدُسُّهُ فِي التُّرَابِ ، أَلَا سَاءَ مَا يَحْكُمُونَ﴾¹⁴

(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 it on (sufferance and) contempt, or bury it In the dust? Ah! what an evil (choice) They decide on?).

﴿قُلْ تَعَالَوْا أَتْلُ مَا حَرَّمَ رَبِّي عَلَيْكُمْ أَلَّا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا ، وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِمَّنْ إِهْلَاقٍ نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ ...﴾¹⁵

(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...)

((من عال جاريتين حتى تبلغا ، جاء يوم القيامة أنا وهو وضم أصابعه)).¹⁶

(He, who brought up two girls - properly - till they grew up, he and I would come - very closely - on the Day of Judgment, and he interlaced his fingers).

Basic Needs (Nutrition, Clothing and Housing)

A good standard of living is necessary for healthy development of the children in all aspects. In this regard, different studies identify the worst conditions. For instance, a study done by the United Nations observed that in Bangladesh, two million of the children are suffering from malnutrition. The main reason reported was the link between malnutrition and hungry households with higher percentage of wasting children. Carel De Rooy, a representative of UNICEF, said “the situation of malnutrition in this country is a silent emergency”. Much severely, almost fifty per cent of the children between six months to two years of age in Bangladesh were not receiving minimum meal frequency.¹⁷ Another report by Kenya’s government shows that children of Kenya are suffering more from malnutrition and diseases complicated with hunger than ever before.¹⁸

Children all over the world, particularly in the developing countries are suffering from like conditions. In fact, these circumstances work as lope holes for child exploitations and abuses of different kinds because some people avail opportunity of children’s hunger and malnutrition to exploit them. As a result, children become prey of their conditions; leave their homes for jobs to earn livelihood. Some are forced to engage in crimes, particularly in prostitution. So, it is important to take care and fulfill needs of children; otherwise, lasting problems begin in the society.

In this regard, article 27 of the UNCRC says:

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such

agreements, as well as the making of other appropriate arrangements.

According to article No. 27 Child has a right to benefit from an adequate standard of living. This means to meet up child's physical and mental growth. This standard of living would also include nutrition, clothing and housing. Further, UNCRC steps to the issue of responsibility of expenses because all these facilities cannot be otherwise extended to the children. The primary responsible person in this regard is the parents and then someone else. They should properly maintain them and afford the expenses of their adequate standard of living, obviously, within their financial capacities. According to Article 18 of the UNCRC, parents and then the legal guardians have the primary responsibility for the upbringing and development of the child but if they are economically and financially incapable, then the state should help them in providing this right to their children which may include the material assistance and support programs.

Following this, we see that several countries introduced different schemes with different criteria and rules to pay allowances for children. These schemes are sometimes called as child benefit or family allowances. In the United Kingdom, for example, the eldest child is paid £20.70 per week and the other children are paid £13.70 per child.¹⁹

Coming to Islāmic Law, it recognizes children's right of breast-feeding from birth to two years and the responsibility in this regard rests with mother. To protect such right of child, Islām further provides that in case of divorce or where someone else than the mother fosters the child due to any reason, the father is responsible to provide necessities of life like food and clothes to the fostering woman. He is also liable to pay for such fostering if so needed. Obviously, this is subject to detailed rules provided by Islāmic Law.²⁰ This right is also recognized by the Covenant of the Rights of the Child in Islam.²¹ Although the period of suckling ends at two years of age as is clear from the last verse, the child remains with the right to proper food to the satisfactory level because this is necessary for child's adequate development and continuous growth. For the purpose; Islām encourages spending on children. Holy Qur'ān says:

﴿وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ، وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ، لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعُهَا، لَا تُضَارُّ وَالِدَةُ بَوْلِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ، وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ، فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا، وَإِنْ أَرَدْتُمْ أَنْ تَسْرَضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُمْ بِالْمَعْرُوفِ، وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ﴾²²

(The mothers shall give suck to their offspring for two whole years, if the father desires to complete the term. but He shall bear the cost of their food and clothing on equitable terms. no soul shall have a burden laid on it greater than it can bear. no mother shall be Treated unfairly on account of Her child. nor father on account of His child, an heir shall be chargeable In the same way. if They

both decide on weaning, by mutual consent, and after due consultation, there is no blame on them. if ye decide on a foster-mother for your offspring, there is no blame on you, provided ye pay (the mother) what ye offered, on equitable terms. but fear Allah and know that Allah sees well what ye do).

The Prophet (PBUH) said:

((عَنْ عَائِشَةَ أَنَّهَا قَالَتْ : جَاءَنِي مِسْكِينَةٌ تَحْمِلُ ابْنَتَيْنِ لَهَا فَأَطْعَمْتُهَا ثَلَاثَ تَمَرَاتٍ فَأَعْطَتْ كُلَّ وَاحِدَةٍ مِنْهُمَا تَمْرَةً وَرَفَعَتْ إِلَى فِيهَا تَمْرَةً لِتَأْكُلَهَا فَاسْتَطَعَمْتُهَا ابْنَتَاهَا فَشَقَّتِ التَّمْرَةَ الَّتِي كَانَتْ تُرِيدُ أَنْ تَأْكُلَهَا بَيْنَهُمَا فَأَعْجَبَنِي شَأْنُهَا فَذَكَرْتُ الَّذِي صَنَعَتْ لِرَسُولِ اللَّهِ -صلى الله عليه وسلم- فَقَالَ : إِنَّ اللَّهَ قَدْ أَوْجَبَ لَهَا بِهَا الْجَنَّةَ أَوْ أَعْتَقَهَا بِهَا مِنَ النَّارِ)).²³

(‘Ā’ishah (RAA) reported: “A poor woman came to me carrying her two daughters. I gave her three dates. She gave a date to each of them and then she took up one date and brought that to her mouth in order to eat that, but her daughters expressed desire to eat it. She then divided the date that she intended to eat between them. This – kind - treatment of her impressed me and I mentioned her act to Allāh’s Messenger (PBUH). Thereupon he said: Verily Allāh has assured Paradise for her, because of (this act) of her, or He has rescued her from Hell-Fire).

((دِينَارٌ أَنْفَقْتَهُ فِي سَبِيلِ اللَّهِ وَدِينَارٌ أَنْفَقْتَهُ فِي رَقَبَةٍ وَدِينَارٌ تَصَدَّقْتَ بِهِ عَلَى مِسْكِينٍ وَدِينَارٌ أَنْفَقْتَهُ عَلَى أَهْلِكَ أَعْظَمُهَا أَجْرًا الَّذِي أَنْفَقْتَهُ عَلَى أَهْلِكَ)).²⁴

(Of the *Dīnār* you spent for the sake of Allāh – in Allāh’s path - and *dīnār* you spent to set free a slave, and *dīnār* you spent in charity for needy, and *dīnār* you spent on your family, the one yielding the greatest reward is that which you spent on your family.).

Right of children to nutrition, clothing and housing is specifically recognized by Principle No. 6 of Declaration on the Rights and Care of the Child in Islām.²⁵ Moreover, looking into history of Islāmic state, we see that it was paying a sort of allowance to the children at the time of ‘Umar Bin Al-Khaṭṭāb (RAA).²⁶

Education

The reality is that children are future of their nations. If they are well brought up, they may contribute to make future of their nations. This bringing up cannot be thought of without proper and quality education which promote child’s person, mental and physical abilities. Therefore, children should have access to good basic education at least because it is the education only that can build children minds and grow them with the peace and human dignity. Moreover, education is the way that can protect the

children from multitude of dangers around them like poverty, diseases, exploitation and abuses.

Article 28 of the UNCRC says:

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

UNCRC places high consideration on education. The children according to UNCRC have the right to good quality education without discrimination especially with regard to primary education. It should be made free and compulsory. UNCRC emphasized on the wealthy countries to assist the developing countries in achieving this goal. The reason is that the people in developing countries suffer from poverty which affects the right of education because the poor parents send their children to earn the livelihood instead of sending their children getting education. In fact, education looks like a big problem especially in those countries.

This convention instigates for free and compulsory primary education. All the costs in this connection must be borne by the state. As for secondary and higher education, they must also be accessible to all. This would include both general and vocational education. Scientific and technical education is also to be facilitated. Regarding this, the state; within its capacities, has to offer financial assistance and scholarships.

Several states parties try to make primary education free. For example, judge of High Court in Swaziland,²⁷ Mabel Agyemang ordered the government for compliance with the constitution by providing free primary education. He ruled:

“I make a declaration that every Swazi child of whatever grade attending primary school is entitled to education free of charge at no cost and no requirement of any contribution of any such child regarding tuition, supply of text books and all inputs that ensure access to education”²⁸.

Lawyers of the government replied and argued that government already offers free education as it provides free text books and free tuition for orphan and vulnerable children. The judge refused and rejected the argument and replied:

“I reiterate that the context in which the word “free” appears in section 29(6) of the constitution as an adjective to describe the word “education” leaves no ambiguity to the reader”²⁹.

Looking to Islāmic Law, it provides the children right to education after provision of basic necessities. Education is of primary importance in Islām. We see that first verse revealed in Holy Qur’ān by Allāh Almighty is:

﴿اقْرَأْ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ﴾³⁰

(Proclaim! (or read!) In the name of Thy Lord and Cherisher, who created).

Many other verses of Holy Qur’ān and *ahādīth* of the Prophet (PBUH) make the people remember their duty and right of children to education. In addition to that, these verses and *ahādīth* make the education mandatory. The Prophet (PBUH) said:

((طلب العلم فريضة على كل مسلم)).³¹

(Quest of knowledge is obligation upon every Muslim).

Islām Encouraged for both religious and general education to children. Some evidences are quoted in the following: the Prophet (PBUH) says:

((علموا الصبي الصلاة ابن سبع سنين واضربوه عليها ابن عشر)).³²

(Teach the minor to pray when he is of seven, and beat him – if he does not pray - when he is of ten years).

﴿إِنَّ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافِ اللَّيْلِ وَالنَّهَارِ لَآيَاتٍ لِّأُولِي الْأَلْبَابِ﴾³³.

(Behold! In the creation of the heavens and the earth, and the alternation of night and day,- there are indeed Signs for men of understanding).

While defining the men of understanding, Allāh Almighty says in the next verse:

﴿وَيَتَفَكَّرُونَ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ...﴾³⁴

(...and contemplate the (wonders of) creation In the heavens and the earth...).

This is evidence that Islām does not abandon the general education. It is because; the contemplation in creation of heavens and earth is not possible unless a

person has scientific knowledge and education. It means that it is not possible just by having the religious education.

We find that at advent of Islām, mosque was the center of all the religious, educational and political activities. *Maktabas* and *Madāris* located in different mosques played a central role in education. Even at present, many areas of the Muslim world have *Madāris* which play very important role in education sector; educating both the children and adults. They reduce the illiteracy rate without incurring into high expenses because these do not need unnecessary requirements. Importantly, these *Madāris* do not demand the finance from their governments.

Besides this, Islāmic state's history shows that elementary schools with compulsory education were founded in the era of Khalīfah 'Umar Bin Al-Khaṭṭāb (RAA) and were funded by the treasury.³⁵ As far as the higher education is concerned, it was Nizāmiyah University of Baghdad³⁶ which started university education of both science and arts. This education was provided to all the students indiscriminately with no cost³⁷ as it was fully on scholarship basis. The result was that great Muslim scholars contributed to the development of humanity in every field. Al-Azhar University in Cairo is another example of the oldest university of Islāmic world.³⁸

Health

No one can deny importance of health. The illness affects the work of the patient. On the other hand, he may be more productive if he is healthy. Moreover, a healthy start in life is very significant for wellness and growth of children. Their life may be saved and can be put away from chronic diseases only if they have been given proper health care. Health of children should be considered at most because this age is highly important. It is because the health and development in this age is controlled by many factors around the children due to their vulnerability. On the other hand, if they are taken care in terms of health care, he would be able to benefit his nation being healthy person. This makes importance of health care for children very clear. That's why UNCRC highly emphasized on health care for children.

Article 24 of the UNCRC says:

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of

adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre - natal and post - natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

According to the convention, the child must be taken care in terms of health. He must have access to medicinal services. The states parties shall place unusual emphasis on principal and preventive health care e.g. immunization because evidence shows that preventive care early in life is highly effective and the immunization is a simple and safer way to protect the children against certain diseases.³⁹ The states parties must try to eliminate the practices harmful for health of the child. The assurance has to be taken by the states parties that no child is deprived of the right of access to health care services. This would include the safe drinking water, nutritious food, clean environment and the necessary information in this regard. The education concerning health to both parents and their children is also made obligatory on the state. Moreover, the states parties should make sure those children have access to all information that can promote child physical and mental health.

Article 17 reads:

“States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health”.

Nowadays, the main reason for child mortality is the absence or lack of health care services. It may be default on the part of the state in the form of

non-provision or inadequacy of medical assistance and health services to children in need. Likewise, it may be on the part of the parents in the form of financial inability or negligence. According to a report by UNICEF⁴⁰, almost 30,500 children; boys and girls, less than five years of age die a day due to actually preventable diseases⁴¹. The reason is nothing but financial inability and negligence on the part of parents or state in providing assistance to children in need. For example, Karola and Juergen, a German couple visited District Ladakh of Jammu and Kashmir in 2003. They met a child suffering from brain damage. So, they comprehend presence of many untreated children in that region. Situation of that child caused them start Ladakh-Hilfe; a non-profit organization. The organization started sending professional physiotherapists and occupational therapists from various parts of the world to Ladakh to work as volunteers. In 2008, the residents in association with Ladakh-Hilfe founded 'Rewa Society, Ladakh Disabled Children Group' a non government organization. Now, both the societies are working in the said area to help children with physical problems equipping them with necessary skills so that they become independent.⁴² Another example is a boy Danlee Suangco Serrano from Philippines who was suffering from heart ailment at twelve years of age. The condition of his family was very poor with financial trouble. As a result, Danlee had no check-up since his illness was known to the parents. Seeing their situation, Emily Sarmiento; a neighbor of Danlee, helped him out by writing to BOES⁴³ hoping that someone may sponsor his treatment⁴⁴.

Talking about Pakistan, it is a government scheme to provide immunization to all children indiscriminately in its hospitals against some diseases free of cost. Especially, against Polio, the vaccination is provided to every child at his home, time and again as determined by the government⁴⁵. In Australia also, free vaccines are provided to Australians under the scheme "National Immunization Program"⁴⁶. Article 6 of the UNCRC says:

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

This article provides the right of survival to child. Definitely, this cannot be thought of without proper health care services.

Talking about Islāmic law, Muslim Jurists have view that Islāmic *Sharī'ah* came to preserve and protect five objectives. These are called *maqāṣid al-sharī'ah* (objectives of *Sharī'ah*). First of these objectives is protection of religion, second is protection of life, third is protection of sense, fourth is protection of honor and fifth is protection of property. We may assume that safeguarding health is within the meaning of protection of life. Thus, Islām encourages doing whatever is necessary to safeguard human life and its proper growth. Accordingly, where Islām renders it obligatory to save the life by prohibiting the murder, it provides also the general principles for health due to the fact that health plays an important role in safeguarding the life. In

this regard, Islām emphasized on purity and cleanliness to the point that the Prophet (PBUH) has made it part of belief (*iīmān*) because main reason of many diseases is impurity. Following *aḥādīth* are the evidences:

47 ((الطُّهُورُ شَطْرُ الْإِيمَانِ..))

(The cleanliness is half of the faith...).

48 ((إِنَّ اللَّهَ طَيِّبٌ يُحِبُّ الطَّيِّبَ ، نَظِيفٌ يُحِبُّ النَّظَافَةَ ..))

(Allāh is pure and likes pure; He is clean and likes cleanliness).

An important example in this regard is, when a Muslim does ablution five times a day, it helps him to remain clean and healthy. So, worships in Islām also protect the health. Trying to minimize effects of bubonic plague, the Prophet (PBUH) guided as follow:

49 ((إِذَا سَمِعْتُمْ بِالطَّاعُونِ فِي أَرْضٍ فَلَا تَدْخُلُوهَا وَإِذَا وَقَعَ بِأَرْضٍ وَأَنْتُمْ بِهَا فَلَا تَخْرُجُوا مِنْهَا..))

(If you hear about a plague in a land, do not enter it, but if it breaks out in the land while you are in it, do not leave that land).

Particularly with regard to children, Islām starts concerning their health from the time of conception. The child needs special nutrition at this stage which is possible only by providing the mother well-based food and diet. In Islāmic law, father of the child is duty bound to provide the mother of the child what is necessary and to bear the expenses in this concern.

Then, after birth of the child, its right to breast-feeding for two years is nothing but to protect child's health. In case of their illness, proper treatment must be provided in reasonable time. The Prophet (PBUH) encouraged prompt treatment from diseases. The Ḥadīth reads:

50 ((إِنَّ اللَّهَ أَنْزَلَ الدَّاءَ وَالِدَوَاءَ وَجَعَلَ لِكُلِّ دَاءٍ دَوَاءً فَتَدَاوَوْا وَلَا تَدَاوَوْا بِحَرَامٍ..))

(Indeed Allāh has sent down the disease and the cure (medicine), and he has appointed a cure for every disease. Thus, make treatment but use nothing unlawful).

The Maintenance in Islāmic Law; Obligation, Conditions and Limits

According to Islāmic law, duty to provide maintenance to children is on the father. Importantly, this is not optional but obligatory in nature.⁵¹ The following Ḥadīth is an evidence of this talk where the Prophet (PBUH) has allowed Hind (RAA) to take what is necessary for herself and her child out of her husband Abū Sufyān's property without getting his permission.

((عن عائشة أن هنداً بنت عتبة قالت يا رسول الله إن أبا سفيان رجل شحيح وليس يعطيني ما يكفيني وولدي إلا ما أخذت منه وهو لا يعلم فقال: " خذي ما يكفيك وولديك بالمعروف..))⁵²

‘Ā’ishah (RAA) narrated that Hind Bint ‘Utbaḥ said: “O; the Messenger of Allāh, indeed Abū Sufyān is a miser person and does

not give me what is sufficient for me and my child except what I take - of his property - without his knowledge". He said: "Take what is sufficient for you and your child in equitable terms".

The important point here is that the father on fulfillment of this obligation gets the promised reward. On the other hand, in case of non fulfillment of the said obligation, the father shall be detained⁵³ until he maintains his children. He also becomes sinful. The Prophet (PBUH) said:

⁵⁴((إذا أنفق الرجل على أهله يَحْتَسِبُهَا فَهُوَ لَهُ صَدَقَةٌ)).

(If a man spends on his family sincerely for Allāh's sake, for him, it is a charity (he gets reward of alms-giving).

⁵⁵((كَفَى بِالْمَرْءِ إِثْمًا أَنْ يَحْبِسَ عَمَّنْ يَمْلِكُ قُوَّتَهُ)).

(For a man, it is enough sin that he withholds the subsistence from one whose master he is).

However, there may be circumstances whereby the father is incapable to maintain his child. Therefore, father's obligation is subject to two conditions:⁵⁶

- 1) Ability of the father to maintain his child either because of his property or his ability to earn. It signifies that someone else shall be under obligation to maintain such children in case of disability of the father.
- 2) Child being owns no property and does not have an ability to produce for himself. So, if a child owns property on account of inheritance, gifts...etc. he may be maintained out of his own property. No one; even the father, would be under obligation to maintain such wealthy child because here exist no rationalization for this obligation. Actually, the reason for maintaining children is the incapability of the child to earn for his livelihood which has been solved.

As far as the limit of maintenance is concerned, the child has right to get maintenance to the extent of fulfillment of its needs because the reason for this right is child's needs. So, the obligation comes to an end whenever the needs are fulfilled.⁵⁷ Its evidential basis is the *Hadīth* mentioned above where Hind (RAA) was allowed by the Prophet (PBUH) to take what is necessary for herself and the child from her husband's property.⁵⁸ This *Hadīth* suggests also that the obligation ends whenever the needs are fulfilled.⁵⁹ Another point is that provision of maintenance depends on the basis of financial capacity or potentiality of the person under duty.⁶⁰ Allāh Almighty says:

﴿لِيُنْفِقْ ذُو سَعَةٍ مِّن سَعَتِهِ، وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ، لَا يُكَلِّفُ اللَّهُ

نَفْسًا إِلَّا مَا آتَاهَا، سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا﴾.⁶¹

(Let the man of means spend according to His means: and the man whose resources are restricted, let Him spend according to what Allah has given Him. Allah puts no burden on any person beyond what He has given Him. after a difficulty, Allah will soon grant relief).

Moreover, the maintenance of children continues primarily till the female child gets married and the male child attains puberty.⁶² It is because general presumption is that the male child can earn for self on attaining puberty. However, if he continues to be incapable due to insanity or due to any other reason, his right of maintenance will remain intact till the end of his incapability. As for female child, generally the duty to maintain her transfers to her husband after her marriage.⁶³

Where a child owns no property and his/her father is not able to maintain due to any reason, the child is not left without protection. Muslim jurists have a long discussion regarding who shall be responsible to maintain such a child after the father. Summarizing their opinions, if a father is unable to maintain his child, the legal heirs of the child are responsible to maintain. It is because the legal heirs inherit a deceased person if he leaves property; this right to get benefit demands them in return to take care for such a person's when alive. This concept is summarized in a maxim of Islāmic Law i.e. *Al-Ghurm Bi Al-Ghunn*.⁶⁴ In case if the legal heirs are not found or unable to maintain, child's relatives in this situation are responsible to maintain him. After all, if no one is available, then, treasury of the Islāmic state should maintain such child.⁶⁵

While telling about utilization of the treasury of Islāmic states Al-Kāsānī stated that one part is for the health care and medication for the poor, maintenance of *laqīt* and a person incapable to earn for self in a situation where the responsible for his/her maintenance not found.⁶⁶ So, state's responsibility cannot be refused. Organizations of the state should also help the parents in maintaining their children in a proper way. In the era of 'Umar Bin Al-Khaṭṭāb (RAA) for example, children had been paid a sort of allowance which positively affected the health and financial protection of the children.⁶⁷

Comparison between UNCRC and Islāmic Law

A consensus has been developed that children's have right to adequate standard of living. Their wide-ranging development is primarily important for their well being. Article 27 of UNCRC, article 14 of the Covenant on the Rights of the Child in Islām⁶⁸ and article 107 of *Mithāq Al-Ussrah fī al-Islām*⁶⁹ agree on this right for children's mental, psychological, physical and social development.

UNCRC entrusted the main responsibility for provision of basic needs i.e. nutrition, clothing and shelter on the parents. The states parties were also demanded to assist the parents in this concern, obviously, within their available resources. In addition to that, responsibility of the state has been provided by the convention to ensure that children are properly provided with this right.⁷⁰ By this, the responsibilities in this regard occur on the parents and then the state. However, in Islāmic Law it is on the father basically. Afterwards, the responsibility transfers to the legal heirs and relatives respectively and on the state at the end. Obviously, all this is subject to detailed rules provided in Islāmic Law. Analyzing the issue, we see that rules of Islāmic Law in this regard make the relationship among the relatives more strong and make the children more protected. Secondly, they make responsibility of the concerned state less which is better for the state, especially for the developing countries where the state cannot afford all kinds of the responsibilities.

Talking about education, the main responsibility devolves on the state according to UNCRC. It actively instigates to make primary education free and obligatory which is highly encouraged. As for secondary and higher education, UNCRC suggested provision of financial support if required. Further, wealthy states must keep in mind the conditions of poor in the developing countries.⁷¹

Same is the case with Islāmic Law. The free and compulsory primary education is not something against Islāmic Law rather it is an important program if implemented by the governments. A maxim of Islāmic Law says:

"الأصل في المنافع الحل وفي المضار التحريم".⁷²

(The original rule for the beneficial issues is permissibility and for the harmful issues is prohibition).

This maxim suggests that a beneficial and harmless issue is permissible unless expressly declared illegal by the Islāmic law. Definitely, making primary education free and compulsory serves a fruitful purpose. It is the reason that article 12 of the Covenant on the Rights of the Child in Islām, and article 114 of Mīthāq Al-Urah fī Al-Islām tells the same. It is important to note that the practice of Islāmic state was to provide free education or to grant scholarship as was the case of university of Baghdad as discussed earlier.⁷³

As far health and its provision are concerned, it is also within the boundaries of state's responsibilities according to UNCRC. It should ensure that all the children have access to health services. In this regard, the provision of safe drinking water and nutritious food necessary to remain well must be guaranteed by the state. These have been provided in article 24 of UNCRC. However, we don't find a clear provision about obligation of the expenses of the health care. It is correct that the state is under obligation to provide necessary medical assistance according to UNCRC but it is not clear whether the medical assistance comprises of medical services only or comprises of the financial support also while providing such services. Perhaps, UNCRC talks about right to have access to health care services only.

However, Islāmic Law imposes obligation of children maintenance basically on the father unlike UNCRC where it is on parents or the state. Therefore, father is basically responsible to bear all the expenses e.g. expenses of basic needs, education and health. As for responsibility of parents and state, it cannot be denied in Islāmic Law but is secondary and subject to rules provided by Islāmic Law. We may understand the position of Islāmic Law concerning state's responsibility from the saying of 'Umar Bin Khattāb (RAA) who said: "If a scabies-stricken goat is left to roam along the bank of a canal in a condition in which oil is not rubbed on its body (by way of treatment), it is feared that on the Day of Judgment, God will enquire 'Umar about it".⁷⁴

Article 27 (3) of UNCRC markedly shows that maintenance consists of basic needs only i.e. nutrition, clothing and housing. In Islāmic Law On the other hand, maintenance extends to everything that a child wants. It may be in the form of basic needs or in any other form such as expenditures of education and health care.⁷⁵ Hence, the maintenance has a broader scope in Islamic Law than the UNCRC. By this, Islāmic Law seems to be clearer.

UNCRC and Islāmic Law also differ regarding ending limit of maintenance obligation. The reason being that child has been defined by UNCRC article No. 1 as human beings below the age of eighteen. Accordingly, the obligation according to UNCRC continues till the age of eighteen. However, Islāmic Law attaches end of obligation primarily with the puberty, maturity and capacity to earn in case of male child and with marriage in case of female child as discussed earlier.

Generally talking about maintenance obligation, we find that the reason of this obligation is not person of the child; instead, it is incapability of the child to earn for self. So, making someone duty bound for maintaining the child will have no justification after end of this reason whatever age of the child might be that is twelve, fifteen, and eighteen...etc. Therefore, stating ending limit of maintenance obligation at the age of eighteen seems to be unjustified because child's foolishness may remain intact after the age of eighteen. It is also possible that he becomes mature to earn for self. Should a foolish child be ignored after eighteen years of age in the former case? And should a mature person before eighteen years be provided maintenance in the later case? We get no answer in UNCRC. Islāmic Law on the other hand, relates end of maintenance obligation with the attaining of child's puberty and maturity as discussed.

There are other issues where we may assume that UNCRC is silent whereas Islāmic Law provides solutions for them. For example, the case where a child owns wealth and all the needs of the child may be satisfied out of that wealth. Islāmic Law here does not oblige the father to maintain his child.⁷⁶ It is because there is no justification for father's obligation in this case. This matter unconsciously ignored by UNCRC and we find it silent in this regard.

Conclusion

After comparison and all discussion it is concluded that United Nations Convention on the Rights of the Child 1989 is a very good struggle and great effort by the international community for protection of child rights. However, there rights are violated everywhere with no difference between developed and developing countries in this regard. Therefore, there are certain deficiencies in the convention like other man made laws. So, it seems proper to take help from Islamic Law, firstly because it is revealed law and secondly it appears to be more practical. Moreover, it provides both general principles and specific rules in this regard. The entire of this article aimed for proper protection of child rights to make them fruitful citizens who benefit and promote their nations.

References

- 1 United Nations Convention on the Rights of the Child 1989.[Hereinafter referred to as UNCRC].
- 2 https://en.wikipedia.org/wiki/Convention_on_the_Rights_of_the_Child. Visited on 12-08-2016. It is surprising that United States of America yet to ratify UNCRC. However, at the time of presidential election campaign 2008, Barack Obama has described United States failure to ratify the UNCRC as “embarrassing” and promised to review the issue. See https://en.wikipedia.org/wiki/U.S._ratification_of_the_Convention_on_the_Rights_of_the_Child. Visited on 12-08-2016.
- 3 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>. Visited on 12-08-2016.
- 4 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>. Visited on 12-08-2016.
- 5 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPICCRC.aspx>. Visited on 12-08-2016.
- 6 UNCRC.Article 45 (a).
- 7 See, www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx and www.crin.org/en/guides/un-international-system/committee-rights-child. Both visited on 02-08-2016.
- 8 Al-Qur’ān 17 / 70.
- 9 Al-Qur’ān 2 / 30.
- 10 Al-Qur’ān 45 / 13.
- 11 Al-Qur’ān 16 / 72.
- 12 Al-Tirmidhī, Muhammad Bin ‘Īṣā, *Al-Jāmi‘ Al- Ṣaḥīḥ (Sunan Al-Tirmidhī)*, vol. 4 (Bayrūt: Dār Iḥyā’i Al-Turāth Al-‘Arabī, 1975), 321, Ḥadīth No. 1919. [Hereinafter referred to as *Al-Tirmidhī*].
- 13 Al-Bayhaqī, Abū Bakr Aḥmad Al-Khurāsānī. *Al-Sunan Al-Kubrā*, vol. 7 (Al-Riyāḍ: Maktabah Al-Rushd, 2004), 126, Ḥadīth No. 13761. [Hereinafter referred to as *Al-Sunan Al-Kubrā*].
- 14 Al-Qur’ān 16 / 58,59.
- 15 Al-Qur’ān 6 / 151.
- 16 Muslim Bin Al-Ḥajjāj, *Ṣaḥīḥ Muslim* (Al-Riyāḍ: Dār Al-Salām li Al-Nashr wa Al-Tawzī‘, 2000), 1164, Ḥadīth No. 6695. [Hereinafter referred to as *Muslim*].
- 17 <http://www.un.org/apps/news/story.asp?NewsID=30329#.V69bIHB97De>. Visited on 13-08-2016.
- 18 <https://www.crin.org/en/library/news-archive/kenya-food-crisis-takes-toll-children>. Visited on 13-08-2016.
- 19 www.gov.uk/child-benefit-rates. Visited on 03-08-2016.
- 20 Zuḥaylī, Wahbah. *Al-Fiqh Al-Islāmī Wa Adillatuhu*. vol. 7 (Damascus: Dār Al-Fikr, 2008), 660-666.
- 21 Article 15.
- 22 Al-Qur’ān 2 / 233.
- 23 *Muslim*, 1146, Ḥadīth No. 6694.
- 24 Ibid. 403, Ḥadīth No. 2311.

- 25 This document was adopted in Morocco, December 1994 by Seventh Islamic Summit Conference.
- 26 www.livedeen.com/the-justice-of-umar-radhiyallahu-anhu/. Visited on 03-08-2016.
- 27 It is a landlocked country in southern Africa, bordered to the north, south and west by South Africa and to the east by Mozambique. See <https://en.wikipedia.org/wiki/Swaziland>. Visited on 11-08-2016.
- 28 <https://www.crin.org/en/library/news-archive/swaziland-judge-rules-free-education>. Visited on 11-08-2016.
- 29 Ibid.
- 30 Al-Qur'ān 96 / 1.
- 31 Al-Bayhaqī, *Shu'ab Al-Īmān*, vol. 2 (Bayrūt: Dār Al-Kutub Al-'Ilmiyyah, 2000), 254, Ḥadīth No. 1665.
- 32 *Al-Sunan Al-Kubrā*, vol. 3, 123, Ḥadīth No. 5193.
- 33 Al-Qur'ān 3 / 190.
- 34 Al-Qur'ān 3 / 191.
- 35 Sa'īd Al-Daywahji, *Al-Ta'lim Al-Ilzāmī Fī Al-Islām*, Arab Horizons, Issue 6, 1979. See www.haythammanna.net/Human%20Rights%20en/Child%20Rights%20in%20Arab%20Islamic%20Culture.htm. Visited on 14-08-2016.
- 36 It was established in 1065 by Nizām al-Mulk and he appointed al-Ghazālī as first professor in the university in 1091. See https://en.wikipedia.org/wiki/Al-Nizamiyya_of_Baghdad. Visited on 04-08-2016.
- 37 M. Razi Khan Afrīdī and M. Ilyas Navaid, *Encyclopedia of Quranic Studies*, vol. 16 (New Delhi: Anmōl Publications, 2006), 318-319.
- 38 It was founded in 970 by the then Caliph al-Mu'izz li Dīn Allāh of Fātimids. As of 1996, over 4000 teaching institutes in Cairo were affiliated with university. See <http://www.muslimheritage.com/article/al-azhar-university>. Visited on 04-08-2016.
- 39 www.who.int/ith/ITH_chapter_6.pdf. Visited on 04-08-2016.
- 40 United Nations Children's Emergency Fund.
- 41 Jagmohan, *Soul and Structure of Governance in India* (India: Allied Publishers Private Limited, 2005), 217. See also www.worldrevolution.org/projects/globalissuesoverview/overview2/briefpeace.htm. Visited on 05-08-2016.
- 42 <http://www.newstrackindia.com/newsdetails/81684>. Visited on 15-08-2016.
- 43 It concerns Children's Rights Across the World.
- 44 www.boes.org/actions/asia/philippines/dss_letter01.html. Visited on 05-08-2016.
- 45 <http://www.epi.punjab.gov.pk/Home.aspx>. Visited on 15-08-2016.
- 46 www.immunise.health.gov.au/internet/immunise/publishing.nsf/Content/nips. Visited on 05-08-2016.
- 47 *Muslim*, 114, Ḥadīth No. 534.
- 48 *Al-Tirmidhī*, vol. 5, 111, 112, Ḥadīth No. 2799.
- 49 Ibn Ḥajr Al-'Asqalānī, *Fathul Al-Bārī Sharḥ Ṣaḥīḥ Al-Bukhārī*, vol. 11 (Bayrūt: Dār Al-Kutub Al-'Ilmiyyah, 2004), 152, Ḥadīth No. 5728. [hereinafter referred to as *Fathul Al-Bārī Sharḥ Ṣaḥīḥ Al-Bukhārī*].
- 50 Abū Dāwūd, Sulaymān Bin Al-Ash'ath Al-Sajistānī. *Sunan*. vol. 4 (Syria: M. Ali Al-syed, 1969), 206-207, Ḥadīth No. 3874.

- 51 Al-Sarkhasī, Shams Al-Dīn, *Al-Mabsūṭ*, vol. 5 (Bayrūt: Dār Al-Ma‘rifah, 1986), 222. [Hereinafter referred to as *Al-Mabsūṭ*].
- 52 *Fathul Al-Bārī Sharḥ Ṣaḥīḥ Al-Bukhārī*, vol. 10, 433, Ḥadīth No. 5364.
- 53 *Al-Mabsūṭ*, vol. 5, 224.
- 54 *Fathul Al-Bārī Sharḥ Ṣaḥīḥ Al-Bukhārī*, vol. 2, 155, Ḥadīth No. 55.
- 55 *Muslim*, 403-404, Ḥadīth No. 2312.
- 56 Zuḥaylī, Wahbah. *Al-Fiqh Al-Islāmī Wa Adillatuhu*. Vol. 10 (Syria: Dār Al-Fikr, 1997), 7412. [Hereinafter referred to as *Al-Fiqh Al-Islāmī Wa Adillatuhu*].
- 57 Al-Kāsānī, ‘Alā’uddīn. *Badā’i’ Al-Ṣanā’i’ Fī Tartīb Al-Sharā’i’*. vol. 4 (Karachi: H. M. Saeed Company, 1910), 38. [Hereinafter referred to as *Badā’i’ Al-Ṣanā’i’*].
- 58 *Fathul Al-Bārī Sharḥ Ṣaḥīḥ Al-Bukhārī*, vol. 10, 433, Ḥadīth No. 5364.
- 59 *Al-Fiqh Al-Islāmī Wa Adillatuhu*, vol. 10, 7418.
- 60 Muntaṣar Sa‘īd Ḥamūdah, *Ḥimāyat Huqūq Al-Ṭifl Fī Al-Qānūn Al-Duwalī Al-‘Ām Wa Al-Islāmī*. (Iskandariah: Dār Al-Jāmi‘ah Al-Jadīdah, 2007), 269.
- 61 Al-Qur’ān 65 / 7.
- 62 Abd Al-Ḥalīm ‘Aways ed., *Mawsū‘at Al-Fiqh Al-Islāmī Al-Mu‘āṣir*, vol. 3 (Al-Manṣūrah: Dār Al-Wafā’, 2005), 41. [Hereinafter referred to as *Mawsū‘at Al-Fiqh Al-Islāmī Al-Mu‘āṣir*].
- 63 *Al-Mabsūṭ*, vol. 5, 223.
- 64 Aḥmad Al-Zarqā’, *Sharḥ Al-Qawā‘id Al-Fiqhiyyah* (Damascus: Dār Al-Qalam, 1989), 437.
- 65 *Mawsū‘at Al-Fiqh Al-Islāmī Al-Mu‘āṣir*, vol. 3, 41-42.
- 66 *Badā’i’ Al-Ṣanā’i’*, vol. 2, 68.
- 67 www.haythammanna.net/Human%20Rights%20en/Child%20Rights%20in%20Arab%20Islamic%20Culture.htm. Visited on 16-08-2016.
- 68 This document was adopted in Yemen, June 2005 by 32nd Islamic Conference of Foreign Ministers.
- 69 This document was adopted in Cairo, September 2007 by International Islamic Committee for Mother and Child; a committee of International Islamic Council for Mission and Relief.
- 70 UNCRC.Article 27.
- 71 Ibid. Article 28.
- 72 Ya‘qūb ‘Abd Al-Wahhāb, *Qā‘idat Al-Yaqīn Lā Yazūl Bi Al-Shak*, (Al-Riyāḍ: Maktabat Al-Rushd, 2000), 139-160.
- 73 *Encyclopedia of Quranic Studies*, vol. 16, 318-319.
- 74 Al-Ghazālī, *Al-tibr Al-Masbūk*, 17, quoted in *Encyclopedia of Quranic Studies*, vol. 19, 338.
- 75 *Mawsū‘at Al-Fiqh Al-Islāmī Al-Mu‘āṣir*. vol. 3, 41.
- 76 *Al-Fiqh Al-Islāmī Wa Adillatuhu*, vol. 10, 7359.