

A Comparative Analysis of Protections Guaranteed Against Child Abuse Under Islamic Law and International Human Rights Law

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How to Cite this Article:

Memon, W. M., Barkat, A., & Anjum, R. (2025). A comparative analysis of protections guaranteed against child abuse under Islamic law and international human rights law. *Law Research Journal*, 3(1), 17–32.

Abstract

Children across the world are subject to different kinds of child abuse. “Child abuse” is the wrongful treatment of a child. Such wrongful treatment of a child may be sexual, mental, or physical. Child abuse affects the development of a child having disastrous physical, psychological, behavioral, and cognitive effects. Islamic law recognises the rights of children in the same manner as it recognises the rights of adults. Under Islamic law, rights and duties are correlated with each other, therefore, many obligations are placed on the believers towards their children. Conversely, abuse in whatsoever form, is deemed a great sin according to Islamic Law. Under International Human Rights Law (IHRL), the rights of children are equally recognised while children are protected from all forms of sexual abuse, exploitation, and other forms of abuse under various conventions and treaties. The main objective of the paper is to evaluate the protections available to children both under Islamic Law and the IHRL. Firstly, the definition of a child under Islamic Law and IHRL has been appraised. Secondly, the study has investigated the kinds of abuse a child is subject to. Thirdly, it has enumerated and compared the legal frameworks provided under Islamic Law and IHRL on the protections provided to children. It has further engaged in the determination of inconsistencies, if any, between Islamic Law and IHRL on the subject of protections guaranteed to children. Lastly, it has concluded by drawing an overall comparison on which legal framework safeguards children's rights in a better manner. The doctrinal research methodology has been adopted. The data has been gathered from sources of Islamic Law and international treaties, conventions, and academic writings.

Keywords

Child Abuse, Child Rights, IHRL, Islamic Law, Protection

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1. Introduction

Child abuse has been reported throughout history, and unfortunately, it is still common in our so-called modern world. It has become an increasingly serious problem in recent years, crossing geographical and cultural barriers and affecting all segments of society. It includes physical, emotional, and sexual abuse of children. It also includes their commercial exploitation that causes actual or possible damage to the growth of the child as well as the dignity. All of these factors constitute an infringement of the basic human rights. This poses serious physical and psychological consequences, leaving lasting negative effects on their health. Child abuse is often impulsive and can result in fatal outcomes (Tsranchev et al., 2022).

Identifying the real number of maltreated children is challenging due to underreporting. Child abuse affects the normal development of a child, thus, leaving them with permanent psychological scars. The females who are exposed to child abuse in their childhood are more likely to suffer from various physical and mental health conditions in adulthood, emphasizing the need to combat child abuse and provide timely management (Liveri et al., 2023). Based on a survey of the Ministry of Women and Child Development, the frequency of child abuse in Asian countries is exceptionally high: physical abuse (66%), sexual abuse (50%), and emotional abuse (50%) (Patil et al., 2017).



Child protection is guaranteed under both Islamic law and IHRL. Islamic law emphasizes the care and protection of children as a primary goal, providing high guarantees of protection for children. International conventions and agreements also aim to guide countries in providing special procedural guarantees for the protection of children's rights (Sulastri et al., 2023).

In terms of physical and psychological violence against children, both Islamic Shariah and IHRL provide protection and set limits on such violence. It is important for the state, religion, parents, society, and the government to work together safeguard children's rights and take measures for their enforcement as well.

Preventing child abuse is both an ethical obligation as well as a legal need. In this era of a greater understanding about children's rights and welfare, it is critical to investigate and comprehend the many legal frameworks ensuring protection from child abuse. The purpose of this study is to provide a comparative analysis of the protections provided against child abuse under Islamic law and international legislation pertaining to human rights.

It allows for comprehension of how different legal systems deal with the issue of child abuse and the amount to which they converge or diverge in their approach. Furthermore, this study sheds light on the intersections between religious and international legal concepts in the context of child protection. The comparative analysis presented in this study is based on the belief that a detailed examination of these legal frameworks providing for protection against child abuse can contribute to a more nuanced understanding of child protection and inform policy and legal reforms as needed.

Through this exploration, it is our aspiration to facilitate a deeper appreciation of the complexities and possibilities inherent in the legal protection of children against abuse, thereby serving the larger goal of creating a safer and more secure environment for the world's most vulnerable population.

2. "CHILD" defined under Islamic Law and IHRL

2.1 Definition of child under Islamic law

In Islamic law, the concept of a child is primarily based on the age of maturity and the ability to discern right from wrong. The age at which a child is considered to have reached maturity and is accountable for their actions can vary among Islamic scholars and schools of thought. However, there are some general principles: **Age of Accountability:** In Islam, the age of accountability, known as "taklif," is the age at which a person is considered morally and legally responsible for their actions, including religious obligations and sins. This age is often associated with the onset of puberty (Swararahima , 2020).

Puberty: The factor of puberty plays a determinative role in ascertaining the age of accountability for children. When a child reaches puberty, they are generally considered responsible for performing religious duties, such as prayer, fasting, and other obligations, and are accountable for their actions in matters of moral and legal consequence (Viner Russell M et al., 2017).

Mental and Intellectual Capacity: In addition to reaching puberty, a child should have the mental and intellectual capacity to understand and discern right from wrong to be held accountable for their actions. This may vary from one individual to another.

Age of Consent for Marriage: In some Islamic countries and cultures, the age at which a person can consent to marriage is also considered an important aspect of defining childhood. These age limits can vary, with some countries setting a minimum marriage age for girls and boys.

It's important to note that there can be some variation in interpretation and practice among different Islamic scholars and cultures. Additionally, there is ongoing debate within the Muslim world regarding the

appropriate age for legal accountability and marriage. Therefore, the specific definition of a child under Islamic law may differ in various regions and among different Muslim communities.

2.2 Definition of child under IHRL

Under IHRL, the definition of a child main available under the Convention on the Rights of the Child (CRC). It is the most widely recognized international treaty pertaining to the rights of children. In accordance with the CRC, a child is a person below the age of 18 years, unless, under the law enforceable to the child, the age of majority is attained earlier.

This definition is a fundamental part of the CRC and sets the standard for the protection and promotion of the rights of children globally. It is important to note that different international and domestic laws might have slightly different definitions, but the definition as provided under the CRC is the widely accepted standard in IHRL.

3. Kinds of Abuse a Child is Subject To

Children around the world face child abuse on daily basis. The abuse can take many forms and can have severe and long-lasting consequences on a child's physical, emotional, and psychological well-being. It is essential to be aware of these different types of abuse to identify and prevent them. Child abuse can be categorized into several broad types, including neglect, emotional abuse, physical abuse, and sexual abuse. Recognizing these types of abuse is crucial for the protection and welfare of children. Here's a more detailed explanation of each type and how to recognize them:

Neglect:

Neglect takes place when a child lacks proper care or supervision, leading to physical or developmental harm. Indications of neglect can encompass situations where children are left unsupervised, experience malnourishment, encounter inadequate access to food or irregular feeding, lack essential medical and developmental support, reside in unsuitable living conditions, face clothing shortages, neglect personal hygiene, are exposed to danger without protection, miss school, or suffer abandonment or desertion.

The impact of neglect on a child's health, development, and welfare is influenced by various factors, including the extent of positive influence in the child's life.

Educational Neglect: This involves the failure to provide a child with adequate educational opportunities, such as keeping them out of school or not ensuring their educational needs are met. Educational neglect can have long-term consequences on a child's future (Child Sexual Abuse, 2023).

Medical Neglect: Medical neglect occurs when caregivers fail to provide necessary medical treatment for a child's physical or mental health conditions, potentially endangering their well-being.

Emotional Neglect: Emotional neglect involves a lack of emotional support, love, and nurturing from caregivers, which can lead to emotional and psychological issues for the child (Types of Abuse and How Do I Recognize Them, 2023).

Emotional Abuse:

Emotional abuse involves systematic emotional or psychological ill-treatment of a child, where their basic needs for attention, affection, approval, consistency, and security are not met.

Indicators of emotional abuse can manifest as feelings of rejection, absence of affection and care, inadequate emotional nurturing, inconsistent care giving, a chronic absence of positive reinforcement and support, ongoing criticism, intimidation, parenting with conditions, excessive protectiveness, improper non-physical discipline, family disputes, and unrealistic expectations regarding a child's age and development.

Emotional abuse may not have easily visible physical signs, but it can manifest in a child's actions, emotions, attachment difficulties, unhappiness, low self-esteem, educational and developmental underachievement, risk-taking, and aggressive behavior (Fletcher and Beth, 2024).

Physical Abuse:

Physical abuse is the deliberate infliction of physical harm on a child or putting them at risk of such harm. It can be a single incident or a pattern of incidents.

Signs of physical abuse may include physical punishment, beating, slapping, hitting, pushing, shaking, pinching, choking, excessive force, deliberate poisoning, suffocation, fabricated or induced illness, female genital mutilation, and more.

In many places, the legal defense of "reasonable chastisement" as an excuse for physical discipline has been abolished, and the same legal protections apply to children as to adults (Physical Abuse, 2024).

Sexual Abuse:

Sexual abuse involves the use of a child for the sexual gratification of another person or persons. It includes sexual acts, exposure to sexual activity, or pornography.

Indications of sexual abuse may encompass deliberate engagement in sexual acts in the presence of a child, inappropriate sexual touching, engaging in masturbation in front of a child, sexual intercourse, exploitation, displaying sexually explicit content to children, exposing children to inappropriate or abusive material through technology, and involvement in consensual sexual activity between an adult and an underage individual.

Child sexual abuse is often revealed through disclosure by the child or their siblings/friends, adult suspicions, or physical symptoms (Child Sexual Abuse, 2024).

Exposure to Domestic Violence: Witnessing domestic violence within the family can also be considered a form of child abuse as it can have traumatic and harmful effects on a child's emotional and psychological development.

Substance Abuse: A child may be subjected to abuse if they are exposed to substance abuse in the household, whether through a caregiver's drug or alcohol addiction, which can result in neglect and endangerment.

It's important to note that child abuse can have serious, long-term consequences, and detecting and reporting it is critical to protecting children's well-being. If you suspect child abuse or are a victim of child abuse, it's essential to seek help from a trusted adult, teacher, counselor, or a child protective services agency in your area. In many countries, there are hotlines and support services available for reporting child abuse and getting assistance.

The legal frameworks provided under Islamic Law and IHRL on the protections provided to children:

In Islam, the rights of children are protected by the Holy Qur'an and Sunnah. In the Holy Qur'an:

the rights of children are protected as: responsibility of parents towards their children as a duty toward Allah. This means that parents are instructed to fear Allah in the way they raise and care for their children, recognizing that their role as parents is a sacred and accountable one. Parents are expected to provide for their children's needs, both material and spiritual, while also instilling a sense of God-consciousness and moral values in their upbringing (The Holy Quran, 2004, 4:1).

On another place Allah says in the Holy Qur'an (Surah 66 At-Tahrim, Ayat 6)

The verse 66:6 of the Qur'an is often interpreted as emphasizing the fundamental duty of parents to protect their children from harm in both this world and the hereafter. This verse, found in Surah At-Tahrim, is as

follows: "O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones, over which are [appointed] angels, harsh and severe; they do not disobey Allah in what He commands them but do what they are commanded (The Holy Quran, 2004, 66:6).

The verse is generally understood to encourage parents to take responsibility for the moral and spiritual well-being of their children, ensuring they are guided towards righteousness and protected from actions and influences that may lead them astray. It stresses the importance of safeguarding their children from the consequences of wrongdoing and sin, which could lead to punishment in the hereafter, symbolized in this verse as "a Fire whose fuel is people and stones."

This verse serves as a reminder for parents to be vigilant in their role as nurturers, educators, and protectors of their children's faith and character, helping them lead righteous lives in both this world and the hereafter. It highlights the profound responsibility that parents have in shaping the future of their offspring.

Right to Life and Protection:

Islam places a strong emphasis on the sanctity of life. Children have the right to be protected and cared for from the moment of conception. The Qur'an says, "Do not kill the soul which Allah has forbidden, except by right" (The Holy Quran, 2004, 17:33).

Right to Be Provided for:

Parents have the obligation to provide for the material and emotional needs of their children. The Qur'an emphasizes the duty of parents to provide for their children: "Let a man of wealth spend from his wealth, and he whose provision is restricted - let him spend from what Allah has given him" (The Holy Quran, 2004, 65:7).

Right to Be Nurtured with Love and Compassion:

Parents are advised to raise their children with love and compassion. The Qur'an encourages kindness and gentleness in dealing with children: "And lower to them the wing of humility out of mercy and say, 'My Lord, have mercy upon them as they brought me up [when I was] small'(The Holy Quran, 2004, 17:24)

This verse is part of a passage that encourages kindness and respect towards one's parents. It advises believers to treat their parents with humility and show them mercy and gratitude, particularly for the care and upbringing they provided when the child was young. The imagery of "lowering the wing of humility" is a metaphorical expression for showing respect and obedience to one's parents.

Respecting and being kind to one's parents is highly emphasized in Islam, and this verse serves as a reminder of the importance of filial piety and gratitude towards those who have nurtured and cared for a person during their early years.

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 (The Holy Quran, 2004, 6:140)

Surah Al-An'am (Chapter 6), verse 140. It addresses a particular wrongdoing and emphasizes the gravity of the actions being described.

In this verse, it condemns those who have killed their children out of ignorance and without knowledge, attributing these actions to a lack of understanding and poor judgment. Furthermore, it mentions that some people have also forbidden for themselves what Allah has provided for them, essentially making unwarranted restrictions and prohibitions based on false beliefs or desires.

The verse concludes by stating that such individuals have gone astray and were not guided, implying that these actions are contrary to the guidance of Allah and the principles of Islam.

This verse is a reminder of the importance of knowledge and understanding in Islamic ethics and the consequences of acting in ignorance or making false claims about Allah's guidance and provisions. It serves as a call to avoid such ignorant and harmful practices and to seek knowledge and guidance from Allah.

Protection given to child before its birth in the Holy Qur'an:

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 (The Holy Quran, 2004, 65:6)

In Surah At-Talaq (Chapter 65) Ayat 6, Allah emphasizes the responsibility of a father to provide for and support the mother during her pregnancy. It is a reminder of the importance of caring for both the mother and the unborn child. The verse encourages fathers to ensure the well-being of the family, including the mother and the child to be born. This is in line with Islamic teachings on the duties and responsibilities of parents and family members in providing for the needs and welfare of their loved ones.

Protections given to children according to teachings of the Holy Prophet (SAW)

The hadith mentioned, "children should not be put under the burden of earning," is a well-known saying of the Holy Prophet (SAW) and is often cited to emphasize the importance of not imposing financial responsibilities or burdens on children (Imam Malik, n.d.).

This hadith underscores the idea that children, especially at a young age, should not be made responsible for providing for themselves or their families. It highlights the obligation of parents and guardians to provide for the basic needs and financial support of their children, ensuring their well-being, education, and overall development.

The hadith is in line with the broader principles of Islamic family and social ethics, which emphasize the care, protection, and nurturing of children and the family's responsibility to provide for them. It also underscores the importance of allowing children to grow, learn, and develop without the undue stress of financial responsibilities.

Another saying of the Holy Prophet (SAW)

Is about the mercy to be showered upon youngsters which states as follows The Holy Prophet (SAW) said: "Those who do not show mercy to our young ones and do not realise the right of our elders are not from us". The Hadith attributed to the Holy Prophet (SAW) found in Sunan Abi Dawud, a collection of Hadith. This Hadith emphasizes the importance of showing mercy and kindness to both the young and the elderly. It conveys the idea that those who do not exhibit such compassion are not truly following the teachings and values of Islam (Abi.Dawud, n.d.).

In Islamic tradition, showing kindness and respect to the young and the elderly is seen as a reflection of good character and moral conduct. It is a way to fulfill the rights of others and, in doing so, to strengthen the bonds of the community and society as a whole. This Hadith serves as a reminder to Muslims to be considerate and compassionate toward people of all ages and backgrounds.

Your children have the right of receiving equal treatment, as you have the right that they should honor you." (Abu Dawoud). "Whoever is put to trial by having to raise daughters and he treats them generously (with benevolence) then these daughters will act as a shield for him from Hellfire." (Al-Bukhari, n.d.)

The hadith mentioned above make it clear that parents have a duty to treat their children justly and with kindness. It also highlights that the gender of the child should not be a factor in determining their worth or treatment.

The hadith from Abu Dawood stresses the mutual rights and responsibilities between parents and children, emphasizing that children have the right to be treated equally, just as parents have the right to be honored by their children.

The hadith emphasizes the importance of doing justice among your children, repeating it three times to underline the significance of fairness within the family.

The hadith from Sahih al-Bukhari speaks to the reward for treating daughters generously and with benevolence. It emphasizes the importance of valuing and caring for daughters, as they can be a source of reward and protection from Hellfire for their parents.

These teachings underline the importance of maintaining harmony, justice, and love within the family unit, ensuring that all children, regardless of their characteristics, are treated with equality and kindness.

Another Hadith of Holy Prophet (SAW)

“Take care! Each of you is a shepherd and each of you shall be asked concerning his flock; a leader is a shepherd of his people, and he shall be asked concerning his flock; and a man is a shepherd of the people of his house, and he shall be asked concerning his flock; and a woman is a shepherd of the house of her husband and over their children, and she shall be asked concerning them.” (Al-Bukhari, n.d.).

This particular hadith emphasizes the concept of leadership and responsibility, using the metaphor of a shepherd and their flock. It highlights that every individual, whether they are a leader of a community or a household, has a responsibility towards those under their care.

The first part emphasizes that every person is a shepherd and will be asked about their responsibilities. This means that individuals are accountable for their actions and the way they handle their duties.

The second part stresses that leaders have a duty to their people, and they will be questioned about how they lead and care for their community.

The third part extends this responsibility to the head of a household, typically the man, who is responsible for his family.

The fourth part underscores that women, as the shepherd of their husband's house and children, also have a role to play in taking care of their family and will be asked about it.

This hadith promotes the idea of personal responsibility and accountability in various roles and levels of leadership and is often cited in discussions about ethics, leadership, and family values in Islamic teachings.

Right of Education under teachings of the Holy Prophet (SAW)

(The best gift a father can give to his child is the better education) The Hadith highlights the value of teaching children moral values, ethics, and proper behavior, which can be seen as both a form of education and good manners. In essence, it underscores the idea that one of the most valuable gifts a father can give to their child is a strong moral and ethical foundation, which includes both education and good manners (Al-Tirmidi, n.d.).

Rights protected of children under International Humanitarian Law CRC:

The rights of children under international law are primarily defined and protected by the United Nations Convention on the Rights of the Child (CRC), which is the most widely ratified human rights treaty in the world. The CRC was adopted by the United Nations General Assembly in 1989 and entered into force in 1990. It sets out a comprehensive framework for the rights and protection of children, and it covers various

aspects of a child's life. Some of the key rights of children under international law as outlined in the CRC include (Convention on the Rights of Child, 1989):

The Right to Non-Discrimination:

Article 2 of the CRC emphasizes that all rights should be available to all children without discrimination based on race, color, sex, language, religion, political or other opinion, national, ethnic, or social origin, disability, birth, or other status (Convention on the Rights of Child, 1989).

The Best Interests of the Child:

Article 3 stipulates that the best interests of the child should be a primary consideration in all actions concerning children. This principle is a fundamental guiding principle in the interpretation and implementation of children's rights (Convention on the Rights of Child, 1989).

The Right to Life, Survival, and Development:

Children have the right to life and to develop their full potential. States are obliged to ensure the survival and development of the child to the maximum extent possible (Convention on the Rights of Child, 1989).

Article 6 of the CRC specifically addresses the right to life, survival, and development of children. This international treaty, adopted in 1989, sets out the civil, political, economic, social, and cultural rights of children and serves as a comprehensive framework for ensuring the well-being of children worldwide.

The essential points under Article 6 are:

The Right to Life: Children have an inherent right to life, meaning that they should not be subjected to any actions or conditions that would jeopardize their lives.

The Right to Survival: This aspect of the article emphasizes that children should not only have the right to life but should also be able to survive and thrive. This means that states and societies should take measures to prevent child mortality and ensure that children have access to essential services such as healthcare, nutrition, and clean water.

The Right to Development: Children have the right to develop their full potential. This encompasses not only physical development but also cognitive, emotional, and social development. States are responsible for creating an environment where children can grow and develop to their maximum capacity.

Obligation of States: The article places an obligation on states to ensure the survival and development of children "to the maximum extent possible." This means that governments should take concrete actions to protect children's lives, ensure their well-being, and create opportunities for their development. These actions may include enacting laws, policies, and programs that promote child welfare.

The Right to an Identity:

This includes the right to a name, nationality, and family relations (Article 7). This article emphasizes the importance of registering children at birth, giving them a name, ensuring they acquire a nationality, and promoting family relations. It is essential for protecting the rights and well-being of children (Convention on the Rights of Child, 1989).

The right to an identity is not limited to children but is a fundamental aspect of human rights in general. It encompasses the right to a name, nationality, and family relations for all individuals. These rights are recognized in various international human rights conventions and agreements, and they are seen as essential for an individual's legal and social identity. They are intended to protect individuals from statelessness, discrimination, and arbitrary deprivation of their identity.

The Right to Be Heard:

Children have the right to express their views on matters affecting them and have those views given due weight in accordance with their age and maturity (Convention on the Rights of Child, 1989).

Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) is a significant provision that emphasizes the importance of allowing children and young people to speak up and have their voices heard. This article contains several key principles:

Non-discrimination: Article 12 emphasizes that a child's right to express their opinions should not be denied or dismissed on the grounds of their age. This means that children and young people's voices should be valued and respected just as much as those of adults.

Information and awareness: Children and young people not only have the right to express their opinions but also to be informed about this right. It's essential for them to know that they have the right to have a say in matters that affect them. This empowers them to exercise this right.

Access to complaints procedures: Children should have access to mechanisms for raising concerns and complaints about any aspect of their lives, including those situations where adults hold positions of authority over them, such as parents, guardians, or teachers. Importantly, some of these procedures should be confidential, allowing children to express their concerns without an adult's immediate involvement.

The underlying principle behind Article 12 is to recognize children as active participants in decisions that affect their lives and well-being. It promotes their empowerment and encourages a more inclusive and respectful approach to listening to their perspectives, acknowledging their agency, and addressing their concerns.

This article is part of the broader framework of the UNCRC, which sets out a comprehensive set of children's rights to ensure their well-being, protection, and development. It's an important foundation for promoting the rights and well-being of children and young people worldwide.

The Right to Protection from Violence, Abuse, and Neglect:

Children are entitled to protection from all forms of physical or mental violence, injury, and abuse (Convention on the Rights of Child, 1989).

This article emphasizes the duty of states to protect children from all forms of violence, including physical and mental abuse, neglect, and exploitation. It places an obligation on governments to enact laws, policies, and programs to prevent and address such harm. Furthermore, it highlights the importance of supporting the recovery and reintegration of child victims of violence and abuse into a safe and nurturing environment.

The principle of protection from violence, abuse, and neglect is a critical component of child rights, and it applies universally to all children, regardless of their nationality, race, or other characteristics. It is aimed at ensuring the safety and well-being of children and promoting their healthy development.

The Right to Education:

Children have the right to education, which should be directed to the development of the child's personality, talents, and mental and physical abilities (Convention on the Rights of Child, 1989).

The right to education, as articulated in Article 28 of the United Nations Convention on the Rights of the Child (CRC), is a fundamental human right that emphasizes the importance of providing every child with access to quality education. Here's a breakdown of the key points and principles related to this right:

Universality: The right to education is universal and applies to all children, regardless of their race, gender, religion, nationality, or social or economic background.

Development of the Child's Personality: Education should contribute to the development of a child's personality. It is not just about acquiring knowledge but also nurturing their individuality and character.

The Right to Health:

States should ensure access to healthcare services for all children (Convention on the Rights of Child, 1989). The right to health for children, as enshrined in Article 24 of the United Nations Convention on the Rights of the Child (CRC), emphasizes the importance of ensuring access to healthcare services for all children. Here are the key principles and components related to this right:

Universal Access: The right to health means that all children, without discrimination, should have equal access to healthcare services. This includes children of all backgrounds, regardless of their race, gender, religion, nationality, or socio-economic status.

Preventive Healthcare: The right to health includes preventive healthcare measures, such as vaccinations and regular health check-ups, to ensure that children stay healthy and receive early interventions when needed.

Medical Treatment: Children have the right to access medical treatment when they are ill or injured. This includes timely and appropriate care to address their physical and mental health needs.

Nutrition: The right to health encompasses access to adequate nutrition. Proper nutrition is crucial for a child's physical and mental development.

Safe and Clean Environment: The right to health also involves ensuring that children live in a safe and clean environment that supports their well-being and does not expose them to health hazards.

Parental Responsibilities: Parents and legal guardians play a key role in promoting the right to health for their children. They are responsible for the well-being of their children and must seek appropriate healthcare when necessary.

The Right to Freedom from Child Labor:

The CRC prohibits economic exploitation and child labor (Convention on the Rights of Child, 1989).

States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) give a minimum age or minimum age for admission to employment;
- (b) come up with appropriate regulation of the hours and conditions of employment;
- (c) lay out appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

The Right to Family Life:

Children have the right to live with their parents, unless separation is in the child's best interests (Convention on the Rights of Child, 1989).

The principle outlined in Article 9 is meant to guide governments and legal systems in making decisions related to child custody, adoption, and other matters that may impact a child's family life. The best interests of the child are a central consideration in all actions concerning children, as emphasized by the CRC. This principle reflects a commitment to prioritize children's well-being and ensure that any actions that may affect their family life are made with their best interests in mind.

These are just some of the key provisions of the CRC. It's important to note that the CRC not only defines children's rights but also sets out the obligations of states parties to ensure the protection and realization of these rights. Many countries around the world have ratified the CRC and are expected to incorporate its

principles into their national laws and policies. In addition to the CRC, there are other international instruments and agreements that address specific aspects of children's rights, such as the Optional Protocols to the CRC

Immunity provided to children under International Humanitarian Law

- Children can't be attacked
- Children have special immunity, care and support;
- Children must be move out from areas consider to be dangerous for them;
- If seized or held in custody, children must be kept separate from adults;
- Prohibitions apply to engaging of children, involvement of children in hostilities, the death sentence for children under 18 years of age.
- Indemnity given to Children under International Human Rights Law with respect to different conventions
- Optional Protocol to the Convention on the involvement of children in armed conflict (2000)
 - Children have special immunity during armed conflict (Convention on the Rights of Child, 1989);
 - exclusion of mandatory involvement of persons under 18 years into national armed forces (Convention on the Rights of Child, 1989);
 - Prevention against voluntary or forcefully appointment of persons under 18 years into armed groups.
 - International Criminal Court the (Rome Statute)
- NO Pardon for those who violate the rights of children (Rome Statute of the International Criminal Court, 1998);

The Case of Thomas Lubanga Dyilo

Thomas Lubanga Dyilo was found responsible of under duress enlisted and conspired children under the age of 15 years. Lubanga was the first war criminal punished by the International Criminal Court and sentenced to 14 years imprisonment on 10 July 2012.

Other Relevant Conventions

- International Labour Organization (ILO) Convention No. 182 (1999):
 - Prohibits and eliminates the worst forms of child labour, including forced and compulsory recruitment of children for use in armed conflict.
- Mine Ban Treaty (1997) and the Convention on Cluster Munitions (2008):
 - Bans the use of mines and cluster munitions;
 - Offers specific provisions for risk education, and gender and age-appropriate victim/survivor assistance for affected individuals (including children) and communities (Graca et al., 1996.

demobilization and reintegration, protection and care of children, including in detention.

Security Council's actions and resolutions related to child protection in the context of armed conflict.

Historical Background: The report by Graça Machel in 1996 highlighted the devastating impact of armed conflict on children. This report paved the way for international actions.

Resolution 1261 (1999): The Security Council recognized child protection as an international peace and security concern. It mandated that all peacekeepers receive training on child protection.

Resolution 1612 (2005): This resolution required peacekeeping missions to monitor and report on grave violations against children. It introduced the concept of listing armed groups/forces committing these violations in the Secretary-General's annual reports, often referred to as the "Shame List."

Reinforcement Training Package on Child Protection: Resolutions 1882 (2009), 1998 (2011), and 2225 (2015) added criteria for listing in the Secretary-General's reports, including rape and sexual violence, killing and maiming, attacks against schools and hospitals, and abduction.

Resolution 2143 (2014): This resolution reaffirmed the importance of child protection and encouraged training for peacekeepers to effectively contribute to monitoring and reporting.

Resolution 2427 (2018): Emphasized the treatment of children recruited by armed forces and armed groups as victims of international law violations. It also condemned attacks on schools and hospitals.

Resolution 2531 (2020): In the context of Mali, this resolution strongly condemned violations and abuses of international human rights and international humanitarian law, including the recruitment and use of children, attacks against schools, and more.

Child Protection Mandate: The mandate for child protection includes specific provisions to support disarmament and reintegration of armed groups, provide protection and assistance to women and children affected by armed conflict, and address sexual and gender-based violence.

DPKO-DFS-DPA Policy on Child Protection in UN Peace Operations: This policy includes the designation of Child Protection Focal Points and Officers at various levels, training of all peacekeeping personnel on child protection, monitoring and reporting on violations, dialogue for action plans, advocacy, and collaboration with various actors.

Mission-Specific Guidance: Each mission has guidelines on child protection, including directives for the military component, concept of operations, and rules of engagement.

UNMISS Military Guidelines: These guidelines aim to prevent the recruitment and use of children, facilitate their release and reintegration, and ensure a protective environment for children.

Paris Principles: These principles aim to prioritize and operationalize child protection within UN peace missions, specifying actions for Member States related to training, planning, monitoring and reporting, disarmament, demobilization, and reintegration, and the protection and care of children, even in detention.

Overall, these resolutions, policies, and guidelines demonstrate the United Nations' commitment to protecting children in conflict zones and holding accountable those who violate their rights.

4. Conclusion:

From the above-mentioned discussion, it may be seen that rights to children are provided both under Islamic Law as well as under various provisions of the conventions and treaties of IHRL. An in-depth analysis reveals that the rights of children available under Islamic Law are far superior than those that are available under IHRL. Furthermore, these rights and protections were guaranteed to children 14 centuries ago when the whole world was undergoing a period of dark ages. In addition, the scope of child rights under Islamic Law is wider in comparison to rights of children under IHRL. This demonstrates clearly that the protections available against the various types of child abuse is wide-ranging and extensive as compared to the rights of children under IHRL.

The definition of a child as given under Islamic Law is broader as it covers the factor of age of accountability, puberty, intellectual capacity, consent for marriage, etc. while the definition under the provisions of IHRL is fixed to a person under the age of 18 years. This means that the definition under IHRL is extremely limited in scope and does not foresee those exceptional scenarios where they may be persons who, even though are below the age of eighteen, but are still mature and sensible to make rational decisions. Moreover, the legal framework as available under is also all-encompassing in matters relating to child rights and is adequate

enough to extend protections in matters of child abuse. It is also clear that the rights are available not just to those children who have been born but also to unborn children.

5. Bibliography

1. (Al-Qur'an 6:140)
2. (Al-Qur'an 65:6) Surah At-Talaq (Chapter 65), verse 6
3. (Qur'an 17:24).(Surah Al-Asra Ayat-24)
4. (Qur'an 65:7)
5. . CCPR general comment no. 17: Article 24 (Rights of the child) - refworld, accessed October 20, 2023, <https://www.refworld.org/pdfid/45139b464.pdf>.
6. "About the Mandate – Office of the Special Representative of the Secretary-General for Children and Armed Conflict," United Nations, accessed October 20, 2023, <https://childrenandarmedconflict.un.org/about-the-mandate/>.
7. "Article 12 - I Have the Right to Be Listened to and Taken Seriously," The Children and Young People's Commissioner Scotland, July 1, 2021, <https://www.cypcs.org.uk/rights/uncrc/articles/article-12/>.
8. "Child Development and Early Learning" (2015) 1. 'Transforming the Workforce for Children Birth through Age 8: A Unifying Foundation' at Nap.Edu," 4 Child Development and Early Learning | Transforming the Workforce for Children Birth Through Age 8: A Unifying Foundation | The National Academies Press, accessed October 20, 2023, <https://nap.nationalacademies.org/read/19401/chapter/8>.
9. "Child Marriage in Pakistan - Unpacking the Debate on Minimum Legal Age," Ideas, March 10, 2023, <https://ideasdev.org/podcasts/child-marriage-in-pakistan-unpacking-the-debate-on-minimum-age/#:~:text=The%20argument%20follows%20that%20even,a%20child%20would%20be%20invalid>.
10. "Child Sexual Abuse," RAINN, accessed October 20, 2023, <https://www.rainn.org/articles/child-sexual-abuse>.
11. "Child Sexual Abuse," RAINN, accessed October 20, 2023, <https://www.rainn.org/articles/child-sexual-abuse>
12. "Convention on the Rights of the Child - Manual for Human Rights Education with Young People – www.Coe.Int," Manual for Human Rights Education with Young people, accessed October 20, 2023, <https://www.coe.int/en/web/compass/convention-on-the-rights-of-the-child>.
13. "Emotional Abuse: The Short- and Long-Term Effects," Medical News Today, accessed October 20, 2023, <https://www.medicalnewstoday.com/articles/327080>
14. "Physical Abuse," Nationwide Children's Hospital, accessed October 20, 2023, <https://www.nationwidechildrens.org/conditions/physical-abuse-trauma#:~:text=What%20is%20Physical%20Abuse%20in,caregiver%20lashes%20out%20in%20anger>.
15. "Right to Survival and Development," UNICEF, accessed October 20, 2023, <https://www.unicef.org/venezuela/en/right-survival-and-development>.
16. "What Are the Types of Abuse and How Do I Recognize Them?," What are the types of abuse and how do I recognise them?Tusla - Child and Family Agency, accessed October 20, 2023, <https://www.tusla.ie/children-first/mandated-persons/what-are-the-types-of-abuse-and-how-do-i-recognise->

36. Islamicstudies.info/reference.php?sura=66&verse=6#:~:text=(66%3A6)%20Believers%2C,do%20wh at%20they%20are%20bidden.
37. Ivan, Tsranchev., Pavel, Timonov., Svetlozar, S., Spasov., Todor, Dobrev., Stela, Yancheva., Milena, Gulinac., Antoaneta, Fasova. "Child abuse syndrome - a forensic case of fatal impulsive act of violence" (2022) *Folia Medica*.
38. Kistenbroker, Hillary V. "Implementing Article 32 of the Convention on the Rights of the Child as a domestic statute: protecting children from abusive labor practices." *Case W. Res. J. Int'l L.* 44 (2011): 921. <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1120&context=jil>
39. Kyriaki, Liveri., Maria, Dagla., Antigoni, Sarantaki., Eirini, Orovou., Evangelia, Antoniou. "Abuse of Girls During Childhood and Its Impacts on the Health of Their Adult Lives": A Systematic Review (2023).
40. Patil, Bharti, Sushmini Hegde, and Anisha Yaji. "Child abuse reporting: Role of dentist in India—A review." *Journal of Indian Academy of Oral Medicine and Radiology* 29, no. 1 (2017): 74-77.
41. Policy on child protection in United Nations Peace Operations 2017, accessed October 20, 2023, https://peacekeeping.un.org/sites/default/files/1._protection_-_3_child_protection_policy_0.pdf.
42. Policy on child protection in United Nations Peace Operations, accessed October 20, 2023 https://peacekeeping.un.org/sites/default/files/1._protection_-_3_child_protection_policy_0.pdf.
43. Rome Statute of the International Criminal Court, 1998
44. Rule 135./Children/Rule 135. Children affected by armed conflict are entitled to special respect and protection./Volume Chapter 39, Section B.
45. Sulastri., Sovi, Septania. Protection of children victims of violence in the family perspective of Islamic family law and positive law (Study at the Lampung Province Child Protection Institute, the Damar Lampung Child Advocacy Institute and the Regional Technical Implementation Uni). *International Journal of Social Science* (2023).
1. 46. Swararahima, Biological, "Psychological and Social Maturity : A Qur'anic Perspective" (5 October 2020) <https://swararahima.com/en/2020/10/05/biological-psychological-and-social-maturity-a-Qur'anic-perspective/>
46. Taken from holy Qur'an (Surah 66 At-Tahrim, Ayat 6) and [Islamicstudies.info/reference.php?sura=66&verse=6#:~:text=\(66%3A6\)%20Believers%2C,do%20wh at%20they%20are%20bidden](https://swararahima.com/en/2020/10/05/biological-psychological-and-social-maturity-a-Qur'anic-perspective/).
 - a. Taken from Islam 360 (Surah An-Nisa :Ayat :1)(Al-Bukhari, Hadith-5569)
47. The Prosecutor v. Thomas Lubanga Dyilo International Criminal Court, Lubanga Case <https://www.icc-cpi.int/drc/lubanga>
48. United Nations, DPKO/UNICEF/OSRSG-CAAC, Field Manual: Monitoring and Reporting Mechanism (MRM) on Grave International Committee of the Red Cross (ICRC), "Legal protection of children in armed conflict", Factsheet, 2003Violations Against Children in Situations of Armed Conflict, 2
49. Vaghri, Ziba, Jean Zermatten, Gerison Lansdown, and Roberta Ruggiero. *Monitoring State Compliance with the UN Convention on the Rights of the Child: An Analysis of Attributes*. Springer Nature, 2022.
50. Viner Russell M, Allen Nicholas B, Patton George C "Puberty, Developmental Processes, and Health Interventions" <https://pubmed.ncbi.nlm.nih.gov/30212144/>

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51. Wouter Vandenhole, Gamze Erdem Türkelli, and Sara Lembrechts, “Article 28: Right To Education,” Elgar Online: The online content platform for Edward Elgar Publishing, November 19, 2019, <https://www.elgaronline.com/monochap/book/9781786433138/book-part-9781786433138-38.xml>.