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AN EXAMINATION OF QURANIC PROVISIONS TO CHILD'S RIGHT TO HEALTH UNDER ISLAMIC LAW

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ABSTRACT

Child's right to health has been recognized universally by the convention on the right of children. This peculiar right has been domesticated at national and local level given a special recognition to the health of Children by establishing the health care services or delivery for all the children without any discrimination and this precious right is yet to be implemented by the government and parents because of inability of duo attitude regarding the treatment and proper care for the children. Despite the existence of conventions and laws relating to the care and provisions of health care services for the children, their right to health has not been properly implemented. This is because the children are still suffering for diseases or infections that need adequate and attention from the government, parents, and other relevant authorities such as pre-mature death, maternal mortality and other vulnerable diseases that are endangering the life of Children. The paper intends to examine some of the Quranic provisions relating to Child's health as measure to combat the insurgence of illness and treatment of Children, preservation and protection of the child's health under Shari'ah, Nutrition, Circumcision, exclusive breastfeeding, and implication of the abuse of this right under Shari'ah.

Field of Research:

1. Introduction

Health is important for every human being in the world. Whatever our differences may be health is our most important commodity.¹ A person who in a state of bad health cannot really live life to the fullest.² It is established that Children are at highly risk of mortality during the first few months of birth due to their vulnerability to infections and in ability of their immune system to fight some of these infections.³ Good health is a fundamental precondition of much human activity.⁴

The right to health can be understood as right to effective and integrated health system to encompassing health care and underlying determinants of health which is responsive to national and local priorities and accessible to all. At the hearth of this understanding of the right to health is package of health services, facilities and good extending to health care and underlying determinants of health such as access to safe

¹ M.A. Badmos. Right of the Child in Islam. In Women Islam and current issues in development (ed) wole Abass and Jade Muhammad. Nigeria: obafemi Awolowo University, Ile Ife, Nigeria.

² www.humanium.org/en/fundamental-rights/health. Assessed 18/01/2014.

³ www.immunizefor good.com. Assessed. 18/01/2014.

⁴ Jean Mc Hale. 2007. *Health Care Law: Text and Materials*. London: Sweet& Maxwell Limited 100 Avenue Road, London.

water, adequate sanitation and health related information.⁵ Right to health should extend to the abandoned Children as it practicing and implementing in part of the countries such as California and it is stated in the law guiding the rearing and upbringing the children and their maintenance which includes health care and it is considered very fundamental.⁶

Health is one of the greatest blessings of Allah that is bestowed on human beings which need to be preserved and protected. It is considered the greatest blessing after the oneness of Allah⁷. Health is something for which human beings will account for its usefulness on the Day of Judgment⁸. It is therefore the duty and right of every Muslim to safe guard this blessing and not to allow any changes to overcome it through ill usage and any attempt to abuse this precious gift can lead to punishment for ever mismanage it. Quran says:

"And whoever exchanges the favour of Allah (for disbelief) after it has come to him then indeed, Allah is severe in penalty"⁹.

Children are physically, mentally and experimentally immature, they cannot be treated as capable of taking absolute responsibility over their own lives. By virtue of this physical, emotional and material dependency, they are susceptible to exploitation and need to be adequately protected until they attain majority/maturity both for their own and society's benefit.¹⁰ Islamic law has recognized the right of Children in this life especially the Child's right to health. This is because the Children has been rated in high value in the society and recognized by Allah and Prophet Muhammad S.A.W and their position in the family setting cannot be underestimated. They are source of joy, pride and strength. Quran says:

"Beautified for Mankind is love of the joy that which the desire of women and sons, heaped-up sums of Gold and Silver, time branded horses and cattle and tilled land. That is the enjoyment of Worldly life but Allah Has with Him the best return (i.e. Paradise).¹¹

Allah said further that:

"Wealth and Children are adornment of the Worldly. But the enduring good deeds are better to your Lord for reward and better for (one's) hope".¹²

It has been argued that Children are incapacitated in law because they do not have maturity required to order their own lives or coherent reasoning, or lack understanding and experience. Thus Children who are

⁵ Proceeding of health and human rights work shops wellington and Aukland New Zealand.2012

⁶ The Health care of Children in Foster care up dated April 2006. www.healthconsumer.com.

⁷ Muhammad Haytham Al-Khayat. 1997. The Right path to Health: Health Education through Religion. Egypt: World Health organization. Alexandria. P.15

⁸ Ibid.

⁹ Al-Quran. Baqarah 2 v.211.

¹⁰ Abd al Ati 1982. The family Structure in Islam. Lagos: Islamic Publication Bureau. Mina. Nigeria. P.203

¹¹ Al-Quran. Al-Nisah 3:14.

¹² Al-Quran. Kahf 18: 46.

still in a state to require being taken care of by other will be protected against their own action as well as against external injury.¹³

Meaning and definition of Child

The Word "Child" under Islamic law has been given different terms depending on the usage and application in Islamic jurisprudence. The terms include "Walad", "Binti", "Tiflu", "Sabiy", "Tamyiz", "Gulam", "Fata", "Janinen". "Walad" is one of the Arabic terms meaning a Child. Precisely it means a male Child who has not attained the age of maturity or puberty. The word is clearly referred to in the holy Quran which says:

"And say praise to Allah, who has not taken a son
and has had no partner in His dominion and
has no (need of a) protector out of weakness;
and glorify Him (great) glorification".¹⁴

"Binti" is the Arabic word usually and linguistically used for female Child under Islamic law. "Sabiy" has been described as an Arabic word that can be used for Infant from the period of his delivery till he weaned. It can also be used for a male Child before he reaches the age of maturity.¹⁵ "Mumayiz" is an Arabic word which means a Child who can make a distinction between right and wrong things because of the level of intelligent he has and such child has not attained the age of maturity.¹⁶ "Gulam" is another word that can be used for an adolescent such person that has not reached the age of maturity. The word is also used particularly for a male Child till he becomes an adult. "Janeen" is an Arabic word that can be used for a Child in the womb of his mother and such Child has legal responsibility under Sharia.¹⁷ "Tiflu" and "Sabiy" are mostly used in Islamic jurisprudence when referring to a Child who is yet to attain the age of understanding or maturity. "Walad" and Banun" are used for Child and Children respectively before and after attainment maturity.¹⁸ That is a Child continues to be a Child of his parent whether or not he has attained maturity¹⁹.

Stages of Child Development

- a. The first stage is from the conception till the Child is given birth to a live i.e (foetus). It has Ahliyyat Wujud Nakisa-incomplete receptive capacity. This entitles him to claim any of his legal entitled rights such as inheritance, will e.t.c subject to his given birth to a live.
- b. The second stage is when it is given birth to a live till the age of understanding. The age of understanding is the stage where he can distinguish the right from wrong and this is estimated to seven years. At this second stage, the Child acquires Ahliyyat Al-wujud Kamila-complete receptive

¹³ Juwayriyah Badamasiy 2009. Obligation and Rights of the parents under the Child's Act: A Shari'ah perspective. Nigeria: Zakara Communication Limited. No3 Sultan Bello Road, Kaduna. P.12.

¹⁴ Al-Quran, Al-Israi 17: 111.

¹⁵ Basil Mahmud al-Afi.2008. *Fiqh Tufulat Ahkam Nafis: dirasaton mukaranat*. Damasiqa: daru nawadi.p.66-67

¹⁶ *Ibid*.

¹⁷ *Ibid*

¹⁸ Quran 3:14, Q 18:46

¹⁹ Juwariyyah Badamasiy apart P.7

capacity. It entitles him or her to receive or claim all obligations due to him, such as inheritance, maintenance e.t.c.

- c. The third stage is when he or she acquires Ahliyyat-Ada-Nakisa, incomplete active legal capacity. This is from age of understanding (Tamyiz) to just before attaining puberty. He/she can perform some actions that can have legal implication, but need the ratification of an Adult (like guardian) to make it valid and binding.
- d. The fourth and final stage is from adult hood to death. That is where he/she acquires Ahliyyat Ada Kamila; a complete active capacity. At this stage he/she has full capacity to do any legal act and they are validly considered and counted from him/her. He/she is said to have attained puberty (Bulug) and reasoning (Rushd).²⁰

Meaning and definition of health under Islamic law

Health can be described as a state of complete physically, psychological, Social and Spiritual well-being. It also means state of "equilibrium". Ali bn al- bass, who lived one thousand year ago in his book, Kamil asina'ah rightly put it to mean the body is in a state of equilibrium.²¹

Health can also be described as "the state of equilibrium which a human being enjoys has a certain range with an upper and lower limit". It is, then, like a balance which moves between two extreme limit.²² To maintain this health balance in the state of equilibrium protect against imbalance and restore it to its proper position every time it is disturbed, a human being must have a "health potential". This health potential makes take the form of proper nutrition, or good immunity, or physical fitness which enables a person to cope well with the stress which the body may face.²³

Preservation, Prevention and Protection of Health

The preservation of Health can only be achieved through taking good care of one's health and taking every measure to maintain and enhance it. On the basis of this principle every Muslim should follow doctor instruction what Doctor continue to be conducive to the preservation of good health.²⁴

It should be noted that Islamic law has stipulated two broad ways or method for the presentation, protection and prevention of Health in accordance with Quran and Sunnah and it can be categorized in two;

- (a) General purification or cleanliness
- (b) Special purification or cleanliness

General purification or cleanliness includes Ablution, Guslu, (shower) and occasional shower. Ablution in Islamic jurisprudence connotes "an act of washing or cleansing of the body, especially as part of religious

²⁰ Al-Marzuq Ibrahim 2005. Human right in Islamic law. Abu Dhabi. UAE. Pp 256-7.

²¹ Muhammad Haytham Al-Khayat. 1997. The Right Path to Health: Health Education through Religion. Egypt. World Health Organization. Alexandria. P.12

²² Ibid. P.12.

²³ Ibn Sina. Al-qanoon. 1093. A.D.

²⁴ Ibid. P.13.

rite.²⁵ It can also be described as the English word of "Wudu" which means cleanliness of some Parts of the body in proper action of prayer and it is the commandment of Allah for all the Muslims. Quran says;

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لَامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِرُءُوسِكُمْ وَأَيْدِيكُمْ فَإِنَّهُ كَانَ مِنْ أَشْيَاءِ اللَّهِ يُفَصِّلُ الْآيَاتِ لِقَوْمٍ يَعْلَمُونَ

"O ye who believe when ye prepare for prayer,
wash your face, and your hands (and arms) to the elbow;
Rub your heads (with water); and (wash) your feet
to the ankles"²⁶

Ablution also means to be pure or purify ourselves from filth and dirt. Ablution is necessary before starting any Ibadah to get in to the state of purity. Ablution is not just an act of cleaning yourself but if we do it rightly it earns us reward and if we remain in this state all days along we can save ourselves from many Sins. Prophet Muhammad S.A.W also strengthen the importance of Ablution in one of his traditions when says;

"Whenever you go to bed perform ablution like that for the prayer, lie on your right side and say: O Allah! Surrender myself to you and entrust all my affairs to you and depend upon you for your blessing both with hope and fear of you....."²⁷

Gushl is an act of purification and preservation of health when taking regularly as when due. This is compulsory when one is in the state of impurity²⁸. Bathing is also recommended in some occasions such as on every Friday and on the two recognized feasts in Islam that is Eid-I fitr and Eid- al adha. Taking a shower is also recommended for entering into the state of Ihram(consecration) whether for pilgrimage or Umura lesser Hajj. Quran says:

"Believers do not attempt to pray when you are
Under the influence of drink until you know what you
Are saying nor in a state of impurity....."²⁹

The above verse is demonstrating the importance of health not for only the Child but adult also inclusive and to know the necessary things to do after the sexual intercourse or wet dream that is to purify himself which is in accordance with laid down rules of Islamic law.

(a) Special purification or cleanliness

Islamic law has laid down other methods of cleanliness or purification in order to safe guard, promote and preserve health which are in relations to health of child. The parents, government and the authority in charge need to put into consideration the following aspects of cleanliness:

- Washing hands before and after eating

²⁵ www.the-free-dictionary.com/ablution. Assessed 15/01/2014.

²⁶ Al-Quran. Al-Maid 5:6

²⁷ Sahihu Bohari: Book 1: Volume 4: Hadith 247.

²⁸ The right path to health. opcit

²⁹ AL Quran. 5:6

- Washing hands the usual part of the body when visiting the toilet and to wash hand with soap or sound to ensure full sanitary of the body.
- Clipping the nails regularly especially for the children.
- Proper cleaning of the mouth
- Cleaning one's eyes, ears, nose, hair and genital health.

It should be noted that Prophet Muhammad S.A.W placed a great explanations on the keeping the body, clothing, houses and the environment to be always clean and he stated that the special attention or priority should be given to the cleanliness of the teeth, hands and hair. This emphasizes is not only making cleanliness the religious duty of every Muslim to uphold and the key to the principle form of worship, salat, because for the Muslim salat to be accepted the body cloth and the place of where the prayer is taking place must be clean. In addition to this requirement, there are compulsory type of cleaning either of the entire body in the form of gushl (washing or bathing) of those part of the body which are exposed to dirt or in the form of Ablution.³⁰ Islam as a religion of peace encourages every Muslim including Child to brush his or her teeth after meal or at any convenient time. Prophet Muhammad S.A.W described the process of cleaning one's mouth as "purification of one moth" as an act that is pleasing to the Lord".³¹

Nutrition and Healthy eating

Healthy Nutrition means having a balanced diet in order to maintain the balance that God has established in all matters and to which reference is made in the Quran which says;

"Allah enforced the balance. That you extend not the bounds
But observe the balance strictly and fall not short thereof"³²

Health Nutrition means a diet balanced in quantity; eating too much is harmful, as it causes disorders of digestive system. It is also indirect cause of diseases of affluence such as diabetes, hypertension and vascular diseases leading to angina and heart attack, as well as diseases of the brain arteries, causing stroke and paralysis. Eating too much is contrary to Islamic teachings. Quran says:

"Eat from the good things with which we have provided
and do not transgress (or oppress other) there in,
let my anger should descend upon you. And upon whom
my anger descends has certainly fallen (i.e perished)."³³

It is pertinent to state that prophet Muhammad S.A.W in one of his traditions discourage the excess of eating as it has no benefit for the body and has a lot of this to human health and he said:

"No human being fills a container to worse effect than he fills
His own stomach."

³⁰ Yusuf al- Qaradawi 2005. *The Lawful and Prohibited in Islam*. Islamic Publications(Pvt.) 3- Court street Lower, Mall LaHORE-54000.

³¹ See Hadith Narrated by Al- Nisai following ibn Khuzaima following Aisha

³² Quran55:7-9

³³ al Quran. Ta Ha 20 v 81.

Health nutrition also means a diet balanced in its contents. This means that it must have a mixture of the different types of food which God has graciously provided for His creatures so that it satisfies all the body needs in terms of proteins, fat, Carbohydrate, Salts and vitamins.³⁴ Most of these lawful foods are mentioned in the holy Quran which says:

"He created cattle which give you warmth, benefits and Food to eat.³⁵
"It is He who sends down rain from the sky;
from it is drink and from it is foliage in which you pasture (animals).
He causes to grow for you thereby the crops, olives, palm trees,
Grapevines, and of all the fruits. Indeed in that is a sign
for a people who give thought.³⁶

Another health rule stresses the need to ensure the cleanliness of food and drink. Islam urges that food should be covered so that nothing fall in it. This is because Islam made a preventive measure against the contaminated food or drink that can lead to sickness or illness. Prophet Muhammad S.A.W. said:

"Cover your food and drinks"³⁷

It is important to add at this juncture that choosing a choice food that will enhance promotion of health is encouraged. One of the choices for holistic health and wellness is the proper nutrition. The food choices one makes will significantly influence the health throughout the person's life. Choosing a healthy diet helps to support maximum fitness and protect against life style diseases.³⁸

Breast feeding as an optimal Nutrition

The Child has the right to be fed breast milk (by the Mother or Foster Mother) for two full years until weaned (eating solid food). This is unquestionable right of the Child even if the Mother is to be executed for a crime, the baby's right comes first.³⁹ Parent should not feed their Children with baby formula (powered milk etc) not yet be weaned as substitution for breast milk unless all other available options are exhausted in an effort to provide obtaining breast milk (for instance medical problems, death of the mother and unavailability of a wet nurse.⁴⁰ Breast feeding is the only optimal nutrition for the baby and makes him to be sound and healthy because it is natural food and legalized by Allah. Quran says:

"Mother may nurse (breast feed) their Children two complete years
For whoever wishes to complete the nursing (period). Upon the father
Is their (i.e. mothers') provision and their clothing according to what
Acceptable. No person is charged with more than his capacity....."⁴¹

³⁴ OpCit

³⁵ Al Quran, an Nahl. 16 v5

³⁶ Al Quran, an Nahl. 16 v10 11

³⁷ Related by Nisai on the authority of Jabbar.

³⁸ Muhammad Haytham Al khayat. OpCit p.23

³⁹ See Al Muwattah 41. 5

⁴⁰ Manahusain.wordpress.com/2009/01/28. Assessed 15/01/2014.

⁴¹ Al Quran al Baqarah. 2.v233

It is well established that breast milk is the best form of nutrition for infants. Even before the baby is born the mother's body is busy preparing the important, nutrient-rich precursor of breast milk, called colostrum, which is released from the breasts and which can sustain an infant until the mother begins producing adequate amounts of breast milk. This colostrum has a high concentration of protein (especially antibodies for fighting infection) and milk sugar called 'lactose' which gives the baby much of its calories. As the breast comes in two to four days after delivery, the colostrum is replaced with larger volumes of more mature milk.⁴²

The importance of breast feeding a child are numerous, one of it is that it is the responsibility of a Muslim woman towards her children is to nourish their minds, bodies and soul with her milk for a period of two years. Her reward for this is so great that if she dies during the period she dies with status of martyr. Every woman's milk is uniquely suited to meet the needs of her own baby. For example the milk will be richer in the event of premature birth, helping the baby to make up for his small size. The composition of the milk also changes from feeding to feeding as the baby grows in order to meet the baby's nutritional needs at each stage of his development.⁴³

It is also important to state that breast milk contains at least 100 ingredients that cannot be found in any formula and these are essential and germane in providing immunities to diseases, protection against allergies and prevention against infections, digestive disorders and other various ailments common among bottled-fed children. Cow's milk, on the other hand contains proteins and hormones which are necessary for baby cows to grow normally but which are rough for a human baby's delicate system.⁴⁴

Breast milk is essentially nature's perfect food source and contains nearly every nutrient to keep a child healthy. While breast milk appears thinner than commercial formula, it is packed with nutrients. Like colostrum, breast milk contains antimicrobial products such as antibodies and white blood cells to help the child to develop a mature immune system, so the antibodies supplied in breast milk provide important protections against infection during the most vulnerable period of infancy.⁴⁵ To improve the success of breastfeeding, it is important to begin the process as soon after delivery as possible, preferably while still in delivery room. Children who begin breastfeeding within thirty minutes of birth are more alert and have stronger sucking reflexes and are more likely to continue breastfeeding successfully beyond two to four months postpartum. The early feeding ritual is an important part of the bonding process, and the children or infants are more likely to benefit by having higher core body temperatures and better temperature stability after delivery.⁴⁶

Circumcision

Circumcision is also known as "Khitan" in Arabic language. It is the term used for male circumcision that is carried out as a religious duty. It is considered as a sign belonging to the wider Islamic community. The female circumcision on the other hand can be referred to as "Khafid" in some part of the world.⁴⁷ Islam

⁴² Esther Yoder Strahan, 2010. *Parenting with reason*. Canada: Routledge, 27 Church Road, Hove, East Sussex BN3 2FA Canada p. 46

⁴³ www.islam.com/raising-children-in-islam assessed 15/01/2014

⁴⁴ *Ibid*

⁴⁵ Esther Yoder Strahan, 2010. *Parenting with reason*. Canada: Routledge, 27 Church Road, Hove, East Sussex BN3 2FA Canada p. 46

⁴⁶ *Ibid*

⁴⁷ [www.wikipedia.org/wiki/khitan\(circumcision\)](http://www.wikipedia.org/wiki/khitan(circumcision)) Assessed 1/21/2014

strongly emphasizes cleanliness and purification both spiritual and physical. The mental and spiritual purification cleanses the heart while the social and physical purification cleanses the body as in circumcision.⁴⁸

The legality of circumcision in Islam can be understood through the jurisprudential positions of Scholars regarding the issue. This because there is no direct provisions from the holy Quran that place emphasis on the issue and the Hadith regarding the issue are considered weak. The majority opinion is that circumcision for male child is compulsory but they differ in the case of female circumcision and rated it to be Mukramat(Honor) and not obligatory for the female Child.⁴⁹

Female circumcision has been criticized on the ground that it can cause diseases or create problem for the female child because is like surgical operation performed on female or woman during the childhood, puberty or during first pregnancy which comes with possible health hazards like infections, severe shock and hemorrhage which are conditions surrounding the operation. The effect of this operation include difficulty in passing Urine and menstrual blood, genital infections which may lead to infertility and severe problem during birth child.⁵⁰

Circumcision is an important of Taharah (purity and cleanliness) which is strongly emphasized in Islam for when foreskin is not removed or is done by non-Muslim physicians, only partially removed, urine and other secretions can collect under the folded skin.⁵¹ The minor operation of circumcision greatly simplifies basic hygiene for men and boys as inferred from one of the prophetic traditions which says:

"The practices related to fitrah (that is pure correct human nature)
Are five; circumcision, shaving the pubic hair, trimming the mustache
Cutting the nails, and removing the underarm hair.⁵²

An outline of relevant Quranic provisions to Child health

"And who ever exchanges the favour of Allah(for disbelief) after it has come to him then indeed, Allah is severe in penalty."⁵³ "Beautified for people is the love of that which they desire of women and sons, heaped-up sum of gold and silver, fine branded horses, and cattle and tilled land. That is the enjoyment of worldly life, but Allah has with Him the best return (i e. paradise)".⁵⁴ "wealth and children are (but) adornment of the worldly life. But the enduring good deeds are better to your Lord for reward and better for(one's) hope." ⁵⁵ "And say, praise to Allah, who has not taken a son and has had no partner in [His] dominion and has no [need of a] protector out weakness, and glorify

⁴⁸ Converting to islam.com/circum..html.

⁴⁹ Female_circumcision_and_its_standing_in_islam.1/21/2014.

⁵⁰ Afonji S. The Right to Health, in The Rights of child in Nigeria, Ayua I.A. (ed).Nigerian Institute of Advanced Legal Studies, Lagos(1996). P. 107.

⁵¹ Norma Tarazi. 1995. *The Child in Islam*. America: American Trust publications 745 Mc Clintock Drive site 114. America.

⁵² Buhari 7.77

⁵³ Al Quran. 2v211

⁵⁴ Al Quran. Al Imran.3v14

⁵⁵ Al Quran Kahf 18v46

Him with [great] glorification.”. 56 “O you who have believed, when you rise to [perform] prayer wash your faces and your forearms to elbows and wipe over your head. Your heads and wash your feet to the ankles. And if you are in a state of janabah then purify yourselves. But if you are ill or on a journey or one of you comes from the place of relieving himself or you have contacted women and do not find water, then seek clean earth and wipe over your faces and hands with it. Allah does not intend to make difficult for you, but He intends to make difficult for you, but He intends to purify you and complete His favour upon you that you may be grateful. 57 “[Saying] Eat from the good things with which we have provided you and do not transgress [or oppress other] therein, let My anger should descend has certainly fallen [i.e.] 58 “And the grazing livestock He has created for you; in them is warmth and [numerous] benefits and from them you eat.” 59 “It is He who sends down rain from the sky; from it is drink and from it is foliage in which you pasture [animal]. 60 “Mother may nurse [i.e. breastfeed] their children two complete years for whoever wishes to complete the nursing [period] upon the father is their [ie mother] provision and their clothing according to what is acceptable. No person is charged with more than his capacity. No mother should be harmed through his child. And upon the [father’s] heir is [a duty] like that [of the father]. And if they both desire weaning through mutual consent from both of them and consultation, there is no blame upon either of them. And if you wish to have your children nursed by a substitute according to what is acceptable. And fear Allah and know that Allah is seeing of what you do.”

Legal implication for abuse of health

Islamic Law has laid down the precautionary measure for health and put a sanction for the violators that is those who misuse and mismanage their health. Good health is something for which human beings will account for on the Day of Judgment. Preservation of health has been considered the paramount duty of every Muslim. It is therefore incumbent upon every Muslim to safe guard this blessing and should not allow any change to overcome it through ill usage. Otherwise, he will be severely punished this principle is in line with the provisions of Quran which says:

“Ask the Children of Israel how many a sign of evidence we have given them. And whoever exchanges the favor of Allah [for disbelief] after it has come to him then indeed Allah is severe in penalty.”⁶¹

⁵⁶ Al Quran, al Isra, 17v11

⁵⁷ Al Quran, Al maidah, 5v6.

⁵⁸ Al Quran, Ta Ha

⁵⁹ Al Quran, Al Nahl 16v5

⁶⁰ Al Quran, Nahl, 16v10.

⁶¹ Al Quran, Al Baqarah, 2v211

From the above verse health can be referred to as one of the most fragment of Allah favors which must be adequately protected and guard it jealously. Allah in another surat of the holy Quran say;

"That is because Allah would not change a favor which He had bestowed upon a people until they change what is within themselves. And indeed, Allah is Hearing and knowing."⁶²

It is crystal clear from the above two verses that any muslim who engages himself an act that resulted in the abuse of his health will be punished by Allah irrespective of his race or tribe because health wealth and blessing from Allah

Conclusion

In conclusion, Children are national assets and the nation that does not take the protection of its future leaders seriously risks leaving a great percentage of its population a liability. Childhood is a special protection and attention unfortunately childhood is a period when human beings suffer great deprivation from that albeit are supposed to protect them. Right to health is the bedrock upon all other rights rest, the right to assembly, the right to expression and movement is useless where there is no good health.

Islamic law has taken holistic approach that cover all aspects of Children health ranging from the daily routine to be done for Children such adequate bath and frequent ablution. It stresses the need to give the children adequate health care even right from the womb of mother which the conventional Laws have no provision for. Islamic law advocated for adequate breast feeding for children and it is unchallenged right for them because it makes children to feel healthy. The issue of circumcision also recognized by Islamic law as part of the health of children and such should be done according to the practice of Prophet Muhammad. Eating nutrient foods also encouraged by Shariah especially for the Children and it will make them to develop physically, mentally and morally and these food must be the lawful one as contained in the Quran and Hadith of prophet Muhammad that in Halal food.

⁶² Al Quran al An-fal. 8v53