

Protection of Female Child under Human Right Instruments and Islamic Law: A Comparative Approach

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Abstract: Despite the availability of revealed and non-revealed laws protecting the right of children, the cases of maltreatment of children in human societies are still on the rise; they were and are vulnerable to kidnapping, child theft, abuse, and forced labour and so on. This phenomenon gives one concern as to what are the exact pronouncements and provisions of those laws. Researchers thus intend to look at the provisions that are on ground in the common and Sharia laws for the protection of female children in our society, compare between those provisions and look at the way it could fulfill its objectives. The approach applied here is historical and analytical; data were collected from its sources and scrutinized for possible logical conclusion. At the end, the provisions in the common law and in Sharia would be adequate for the protection of female children if duly applied and implemented by the authority.

Keywords: Protection, Child's Right, Human right, Instrument, Sharia.

INTRODUCTION

The minor, the old and physically challenged people are vulnerable in the history of man and that is one of the reasons why religions and human right conventions endeavored to lay down rules and regulations by which their rights could be guaranteed and protected.

This paper discussed protection of the children under the human right instruments and the Islamic Law. The child under discussion here is the female child as she is seemed to be more vulnerable in many societies. The paper also suggested that Islam as a religion has laid down principles by which the interest and rights of a female child could be ascertained right from her birth up to the age of puberty.

Human Rights: Meaning and Formulations

The word Human is derived from the Latin word *humanus* [¹], means pertaining to or characterizing man or mankind [²]. The use of mankind here refers to the whole human species and not men collectively as distinguished from women.

Another definition of human (as used before noun) is of or connected with people rather than animals, machines or gods.

The word 'right' comes from the Latin word *rectus*, which means correct, straight and not crooked [³]. More importantly, something is right

when it agrees with law, morality and justice. Anything which, falls below a given standard, is said to be wrong. As a noun, the word 'right' means anything to which somebody can lay a just and valid claim [⁴].

Right may relate to animate or inanimate objects. Thus, it could be right to land, right to dignity of human person, right to life or right to fair hearing. When one has a right over something, it means that everybody owes the person a duty not to violate such right; just as the person also has the duty to respect the rights of other persons. Rights claimed by one stop where those of others begin [⁵].

Right Meanings and Definitions

On the definition of 'right', Justice Oputa writes: "A right in its most general sense is either the liberty (protected by law) of acting or abstaining from acting in a certain manner, or the power (enforced by law) of compelling a specific person to do or abstain from doing a particular thing. A legal right is thus the capacity residing in one man of controlling, with the assent and assistance of the state, the action of others. It follows then that every right involves a person invested with the right, or the person entitled; a person or persons on whom that right imposes a correlative duty or obligation; an act of forbearance which is the subject matter of the right and in some cases an

¹ Okpara, O. "Human Rights Law & Practise in Nigeria." *Abakaliki: Publication International Nig. Ltd.* 1 (2005): 36.

² Stephenson, S.S. "The New International Webster's Comprehensive Dictionary of the English Language." *Encyclopedic* edition, 614 (2003).

³ Okpara Okpara, (n 1).

⁴ Oputa, C.A. "Human Rights in the Political and Legal Culture of Nigeria." 2nd Idigbe Memorial Lectures, *Nigeria Law Publications Ltd.* (1989): 38.

⁵ Okpara, Okpara, (n 1), 36.

object, that is, a person or thing to which the right has reference, as in the case of ownership. A right therefore is in general, a well-founded claim and when a given claim is recognized by the civil law, it becomes an acknowledged claim or legal right enforceable by the power of the state” [6].

In *Afolayan v Ogunrinde & Ors* [7], it was held that a right is an interest recognized and protected by the law. In *Uwaifo v AG Bendel State & Ors* [8], the Supreme Court held that a legal right is any advantage or benefit conferred upon a person by a rule of law.

The word ‘right’ means an interest or title in an object or property, a just and legal claim to hold, use or enjoy an object or property [9].

From what has so far been said, it becomes clear that human rights are those rights, which are characteristic of, or common to human beings.

The Concept of Human Rights

The words ‘Human Rights’ have a definitional problem. Many Jurists and human rights activists have tried without generally acceptable success to evolve a precise and comprehensive definition. Any discussion on human rights issues raises emotion. As long as the phrase ‘human rights’ remains emotive, definition would so long remain varied and inaccurate. Be that as it may, it is still safe to see how legal writers have defined human rights.

The concept of human rights arises from the intrinsic nature of man [10]. He is a human being endowed by God with certain inalienable rights. Because of his inviolable nature he cannot be used as a means to other ends. As a human person he stands free as end unto himself in this regard. As a complete whole, he alone is sound, as he stands, responsible for his actions. He is equal to his next-door neighbour or any person anywhere in the world. This is the premise in which human rights issues have always been treated for academic and/or practical purposes [11].

Cranston gave what many people regard as a better definition of human rights when he wrote: ‘A human right is something of which no one may be deprived without a great affront to justice. There

are certain deeds which should never be done, certain freedoms which should never be invaded, and some things which are supremely sacred’ [12].

Cranston’s definition to some people appears idealistic and somewhat imprecise [13]. Yet, it was approved and adopted by the Supreme Court in *Ransome Kuti v Attorney-General of the Federation* [14], when it stated that:

Other Definitions of Human Rights

“A human right is a right which stands above the ordinary laws of the land and which is in fact antecedent to the political society itself. It is a primary condition to a civilized existence and what has been done by our Constitution since independence is to have these rights enshrined in the Constitution so that the right could be ‘immutable’ to the extent of the non-immutability of the Constitution itself“

According to Dorwick, human rights are those claims made by men, for themselves or on behalf of other men, supported by some theory which concentrates on the humanity of man on man as a human being, a member of humankind....[15].

Prof. Osita defines human rights as representing demand or claims which individuals or groups make on society, some of which are protected by law and have become part of *lex lata* while others remain aspirations to be attained in the future [16].

On his part, Prof. Umozurike has defined human rights as:

“Claims, which are invariably supported by ethics and which should be supported by law, made on society, especially on its official managers, by individuals or groups on the basis of their humanity. They apply regardless of race, colour, sex or other distinction and may not be withdrawn or denied by governments, people or individuals.... They are those rights which every individual claims or aspires to enjoy irrespective of his colour, race, religion, status in life,” etc [17].

Human rights have gone beyond the level of ethics, having received formal expression in objective law, both at the national and

⁶ Ibid. 39.

⁷ (1990) 1 NWLR (pt. 127) 369 at 391.

⁸ (1982) 7 S.C. 124 at 273.

⁹ *Nwankwo & Ors v Onuma & Anor* (1994) 5 NWLR (pt. 343), 191 at 204.

¹⁰ Okpara, Okpara, (n 1), 38.

¹¹ Ibid.

¹² Cranston, M. “Human Rights: Real and Supposed.” *Political Theory and Rights of Man* (1967): 52.

¹³ Gasiokwu, M.U. “Human Rights, History, Ideology and Law.” *Fab Educational Books* (2003): 1-2.

¹⁴ (1975) 2 NWLR (pt. 6) 211, per Kayode Eso, J.S.C.

¹⁵ Dorwick, F. “Human Rights, Problems, Prospects and Texts.” *Westmead, Saxon House* (1979): 8-9.

¹⁶ Osita, E. “Human Rights in Africa: Selected Problems.” *Macmillan* (1984): 5.

¹⁷ Ibid. 5.

international levels'. Rights as claims could be legal, political or moral [¹⁸].

Jawitsch defines right as: 'A legally sanctioned measure of a person's possible conduct that guarantees him independence, freedom of choice and the enjoyment of materials and spiritual blessings on the basis of the existing relations of production and exchange' [¹⁹].

Claims which individuals and groups make on the society as members of the human family are today called human rights. Gasiokwu correctly writes:

"Contemporary human rights can be summarized as claims made on society by individuals and groups, which claims have, found expression in objective law, either at national or international levels, and serve as a standard for measuring the conditions of human existence, below which no human being should enjoy" [²⁰].

In a more simple expression, human rights are the universally accepted principles and rules that support morality and that make it possible for each member of the human family to realize his or her full potential and to live life in an atmosphere of freedom, justice and peace. They include both civil and political rights and the more recently recognized economic, social and cultural rights. This definition is ever expanding and may include discovery and formulation, such as the right to an environment that permits a life of health and well-being and the right to development. Intergovernmental organizations such as the United Nations European Union, Organization of American States and the African Union, non-governmental organizations (NGOs), individual scholars and thinkers throughout the world continually re-evaluate the concept of human rights. The process of examining the inherent rights and freedoms due to each human being is ongoing, perhaps never changing. Human rights and fundamental freedoms represent the basic moral values of our modern world and are thus truly an expression of the conscience of mankind [²¹].

The Protection of the Child under Human Rights

Child Protection refers to preventing and responding to violence, exploitation and abuse against children including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation and child marriage [²²]. Violations of the child's right to protection take place in every country and are massive, under-recognized and under-reported barriers to child survival and development. In addition to being human rights violations, Children subjected to violence, exploitation, abuse and neglect are at risk of death, poor physical and mental health, HIV/AIDS infection, educational problems, displacement, homelessness, vagrancy and poor parenting skills later in life. Building a protective environment for children that will help prevent and respond to violence, abuse and exploitation involves eight essential components, viz:

Strengthening government commitment and capacity to fulfill children's right to protection;
Promoting the establishment and enforcement of adequate legislation;

Addressing harmful attitudes, customs and practices;

Encouraging open discussion of child protection issues that includes media and civil society partners;

Developing children's life skills, knowledge and participation;

Building capacity of families and communities;

Providing essential services for prevention, recovery and reintegration, including basic health, education and protection; and

Establishing and implementing ongoing and effective monitoring, reporting and oversight [²³].

Frameworks for the Protection of Rights

The need for identifying legal frameworks to promote and protect the rights and welfare of the child is not only borne out of the conviction that the child, like anyone else, is a human being, but also the recognition, as the core international instruments assert that the child, 'by reason of his physical and mental immaturity, needs special safeguard and care' [²⁴]. It will, however, be wrong to assume that the recognition of this special

¹⁸ Okpara, O. "Human Rights Law & Practise in Nigeria." *Abakaliki: Publication International Nig. Ltd.* 1 (2005): 40.

¹⁹ Jawitsch, S. "The General Theory of Law." *Progress Publishers* (1980): 193-194.

²⁰ Gasiokwu, M., (n 15), 4.

²¹ Lawson, E.H. "Encyclopedia of Human Rights." 2nd Edition, *Taylor & Francis* (1996): 711.

²² Children's Rights Information Network. "Human rights based approaches to programming: children."

<http://www.crin.org/hrbap/index.asp?action=theme.subtheme&subtheme=14> (2021).

²³ *Ibid.*, 2.

²⁴ UN Declaration of the Rights of the Child, Preamble para 3 CRC, Preamble para 9; African Children's Charter, Preamble, para 6.

vulnerability of the child and the creation of legal safeguards for the child is an exclusively modern phenomenon.

Since the end of the First World War (1914-1918), the protection of children had emerged as a central concern on the political agenda of the international community [25]. The first conscious effort at setting a legal framework for the protection of children was the Minimum Age (Industry) Convention adopted by the International Labour Organisation [26]. The defunct League of Nations advanced the agenda a little further with the adoption of the International Convention for the Suppression of Traffic in Women and Children [27]. It was, however, the Geneva Declaration on the Rights of the Child [28], adopted in 1924 that for the first time employed the language of 'rights' when dealing with the protection of children. Later years witnessed the evolution of more elaborate legal instruments for the protection of the rights of children. Among others, the United Nations Declaration on the Rights of the Child [29] and the United Nations Convention on the Rights of the Child [30] stand out as the most significant global instruments in the field of children's rights [31].

International Conventions on Human Rights

Apart from these instruments specifically designed for the protection of children's rights, the normative framework of children's rights can be gleaned from various other international instruments. Among these are the Universal Declaration on Human Rights [32], the International Covenant on Civil and Political Rights [33], and the International Covenant on Economic, Social and Cultural Rights [34].

Beyond the purview of the UN, a number of other instruments exist within diverse regional arrangements aimed at protecting the rights of children. Included in this category are the African Declaration on the Rights and Welfare of the Child [35], the African Children's Charter on the Rights

and Welfare of the Child [36], the European Convention on the Legal Status of Children Born out Wedlock [37], the European Convention on the Exercise of Children's Rights [38], and the European Convention on Contracts Concerning Children [39]. These instruments not only set out the rights to which a child is entitled in specific contexts but also specify the safeguards that States Parties should provide for the welfare of children.

The Protection of the Child under Sharia

In discussing the outlook of Islam on the protection of children, it is important to mention that the main sources from which one must derive the Islamic legal framework is the Holy *Qur'an*, the prophetic tradition [*Sunnah*], the consensus of scholars [*Ijma'*] and the analogical deduction [*Qiyas*]. All of which are collectively known as the sources of *Sharia* [40], as the Islamic legal system is based on these texts [41]. While Muslims accept the Holy *Qur'an* as the revealed word of Allah, the *Sunnah* refers to the utterances, traditions or known practices of the Prophet Mohammed (SAW), as recorded by the Prophet's closest family members and companions in volumes known as *Hadith*. The *Ijma'* (consensus) refers to legal rules agreed upon through the consensus of learned Islamic scholars within the Muslim community, where no injunction can be found in either the Holy *Qur'an* or the *Sunnah* [42]. The (analogy) *Qiyas* refer to the analogies, inferences and deductions drawn from time to time by Islamic jurists in resolving issues not covered by any of the other sources [43].

The above mentioned sources shed some light on why Islam as a religion is often described as 'a way of life'. It is because, as Oba argues: 'It has laws governing every aspect of life' [44]. Lauren has also argued that: 'Islamic law provides the basis for diverse matters pertaining to justice, the

²⁵ Olowu, D. "Children's Rights, International Human Rights and the Promise of Islamic Legal Theory." <http://www.ajol.../41495> (2021).

²⁶ ILOMAC 1919; 1937; 1973 (not ratified by Nigeria).

²⁷ ICSTWC 1921.

²⁸ GDRC 1924.

²⁹ UNDRC 1957.

³⁰ UNCRC 1989.

³¹ Van Bueren, G. "International documents on children." *Martinus Nijhoff Publishers* (1993): xv-xix.

³² UDHR 1948.

³³ ICCPR 1966.

³⁴ ICESCR 1966.

³⁵ ADRWC 1979.

³⁶ ACCRWC 1990.

³⁷ ECLSCBW 1975.

³⁸ ECECR 1996.

³⁹ ECCCC 2005.

⁴⁰ Al-Shafi'i, I.I. "Risala: Treatise on the Foundations of Islamic Jurisprudence." *Islamic Texts Society* (1993): 5.

⁴¹ Kamali, H. "Principles of Islamic Jurisprudence." *Islamic Texts Society* (1991): 14-47.

<http://www.muhammad.com/docstorage/dutton.htm> (2021).

⁴² Abdel-Khalek, M. O. "Reasoning in Islamic Law." *Arab Law Quarterly* 1 (1997): 148-185.

⁴³ Hallaq, W.B. "Non-analogical arguments in Sunni juridical (analogy) *Qiyas*." *Law and legal theory in classical and medieval Islam, Brookfield* (1995): 267.

⁴⁴ Oba, A.A. "Islamic Law as Customary Law: The Changing Perspective in Nigeria." *International Comparative Law Quarterly* 51 (2002): 817- 819.

sanctity of life, personal safety, freedom, mercy, compassion, and respect for all human beings as rooted in the obligations owed by believers to Allah’^[45].

The Quran and Child’s Rights

More than a thousand years ago, this noble cause of safeguarding the welfare of children was espoused by Islamic law and in pursuit of that commitment certain, inalienable rights and legal safeguards were promulgated for the benefit of all children ^[46]. The *Qur’an* declared certain basic rights for the protection of children that have acquired universal validity in Islamic juristic thought. In addition to children, there are other persons in society who, because of natural or cultural disabilities, similarly require special protection. This matter was considered of such importance that a whole chapter, *Surat al Nisa* (the Women) was enacted in the Holy *Qur’an* to deal with some of the peculiar matters affecting such persons ^[47].

Among the rights of children that the Holy *Qur’an* gives particular attention to are the child’s right to life, sustenance, property and freedom of conscience. These are, of course, rights to which every human being is entitled but because of certain special needs of children and prevailing inimical customary practices, the Holy *Qur’an* considers it necessary to deal with them particularly in relation to children.

The Quran and Right to Life

In the case of the right to life, for instance, infanticide was a customary practice in many pre-Islamic societies. Some of the causes of infanticide were the fear of penury, or the offering of religious sacrifices or, in the case of daughters, to avoid disgrace ^[48]. In unequivocal terms, the Holy *Qur’an* proclaims: ‘...Whosoever kills a human being (without any reason like) manslaughter, or corruption on earth, it is though he had killed all mankind...’ ^[49]. It further adds: ‘...Do not kill a soul which Allah has made sacred except through the due process of law...’ ^[50]. Thus, according to the *Qur’an*, any killing without lawful authority

constitutes murder in Islamic law and is punishable in this life and in the hereafter ^[51]. It is of fundamental value in Islamic juristic thought, therefore, that the life of a child must be preserved ^[52].

Furthermore, Islam considers all children including children in the care of their natural parents to be vulnerable and thus in need of protection. The Holy *Qur’an* therefore provides safeguards for children by defining the limits of parental authority. However, orphaned children are in greater need of protection, and the Holy *Qur’an* deals separately with the protection of such children. It is assumed that such children include those who might possess some wealth of their own (presumably inherited) and who run the risk of its dissipation in the hands of negligent or avaricious guardians. In the case of orphans, tradition records of Prophet Mohammed (SAW) as declaring: ‘Do you like your heart to be tender, and your wishes fulfilled? Be merciful to the orphan. Touch softly his head, and feed him from your food. Your heart will be tender and you will attain your wishes’.

The Quran and Right to Property

As a particular point of reference, the Holy *Qur’an*’s pronouncement: ‘And in their wealth there is acknowledged right for the needy and the destitute’ has been interpreted as an injunction for every Muslim to render assistance to every child, man or woman who lacks the basic necessities of life, whether such people ask for assistance or not. This is a pointer to the veritable notion of social security in Islamic juristic thought.

In matters of religion and conscience, Prophet Mohammed (SAW) takes particular note of the vulnerability of the child, declaring that every child is born in the true religion but faces the danger of being misguided by its parents. It is therefore the duty of every parent in Islam to educate and guide a child correctly until the child reaches maturity, when he or she becomes independently responsible for his or her beliefs and actions. It is significant that the often-quoted verse of the Holy *Qur’an*: ‘let there be no compulsion in religion...’ was revealed to check the attempt of an *Ansar* Muslim father to force his children to adopt his own religion.

⁴⁵ Lauren, P. “The Evolution of International Human Rights: Visions Seen.” *University of Pennsylvania Press* (2003): 8.

⁴⁶ Ilyas, M. “Regarding Rights of children.”

<http://www.understandingslam.com/related/text.asp?type=discussion&did=529> (2021).

⁴⁷ Chapter 4 of the Holy *Qur’an*.

⁴⁸ Akbar, K. “Family planning and Islam: A Review.” <http://muslim-canada.org/family.htm> (2021).

⁴⁹ Q 5: 32.

⁵⁰ Q 6: 151.

⁵¹ According to the Holy *Qur’an*, ‘Whoever kills a believer intentionally, his recompense is eternity in hell, and the wrath and curse of God are upon him and a dreadful punishment is prepared for him’; Q 4: 93.

⁵² Abdl al Afī, H. “Islam in focus.” *International Islamic Federation of Student Organisations* (1986): 133.

The Holy *Qur'an* makes the rights of a child to be brought up, cared for, educated and protected the primary responsibility of his or her parents.

Child's Rights from the Prophetic Traditions

The range and details of this right have been explained in the traditions of Prophet Mohammed (SAW) and elaborated on in the legal texts, so that it covers at least the following matters:

The child's right to parentage, which includes a legal link with its natural and legitimate father and mother. Parentage in Islamic law is established through marriage, acknowledgement or evidence. Once established, it is binding on both child and parents, and neither has the right to disclaim the other. The relationship of parent and child gives rise to mutual legal rights and obligations relating to such matters as inheritance, guardianship and maintenance.

The child's right to a proper upbringing that in early infancy includes fostering and custody. The actual nursing of the child is the duty of the mother 63, whether or not she remains married to the father. Similarly, the mother has the first claim in the right (or duty) of custody (*hadana*).

The child's right to guardianship both of its person (including physical protection and educational training) and property, if the child has any property. This is the duty of the father, or a testamentary guardian, or a person appointed by the court. It should be noted that guardianship is different from custody. The former is primarily the duty of the father and continues until the child is mature. The latter reposes in both parents if they live together, but falls on the mother if she is divorced or widowed. Custody continues from infancy until a boy reaches puberty and a girl gets married.

Finally, the child shares with its parents the mutual rights of inheritance and maintenance. The right to inherit is dependent on who survives the other. The prescribed share is a mandatory right, and between parent and child neither can disinherit the other. The right of maintenance, on the other hand, depends on need. In Islamic law, barring the case of husband and wife, no person who has wealth of his or her own is entitled to maintenance from another .

CONCLUSION

These documents cover a wide area and touch on such matters as the rights of a child to life; to national identity; freedom of expression; freedom of thought, conscience, religion and association; to protection of privacy, family, home, correspondence, honour and reputation; the rights to education, health care, parental care and social security, and the right to protection from physical or mental injury, sexual exploitation and abuse, and from neglect or maltreatment.

As elaborate as all the foregoing instruments might have appeared, its efficacy within municipal jurisdictions do not match the level of its widespread recognition by States. Even though, it is readily acknowledged that children's rights, particularly as encapsulated in the CRC, have gained almost universal acceptance by states, it is incontrovertible that there exists marked disparity in the attitudes of States towards their effective domestic implementation.

In their interaction with society, children are entitled to many other rights and safeguards which are elaborated by Muslim jurists in areas such as criminal law, torts, evidence, procedure, contract and international relations. It must also be noted that the rights cited above are broadly stated and, although they all have their roots in the Holy *Qur'an* and are recognized by the consensus of all Muslims, there is not and cannot be expected to be complete agreement on various details. In all cases, however, it would be safe to posit that the primary aim in the various interpretations is how best the basic purpose will be achieved of equitably protecting the interest of the child. It must be noted that, in pursuing that purpose, no unnecessary demand should be made on the rights of others.

REFERENCES

1. Okpara, O. "Human Rights Law & Practise in Nigeria." *Abakaliki: Publication International Nig. Ltd.* 1 (2005): 36.
2. Stephenson, S.S. "The New International Webster's Comprehensive Dictionary of the English Language." *Encyclopedic* edition, 614 (2003).
3. Oputa, C.A. "Human Rights in the Political and Legal Culture of Nigeria." 2nd Idigbe Memorial Lectures, *Nigeria Law Publications Ltd.* (1989): 38.
4. Cranston, M. "Human Rights: Real and Supposed." *Political Theory and Rights of Man* (1967): 52.

5. Gasiokwu, M.U. "Human Rights, History, Ideology and Law." *Fab Educational Books* (2003): 1-2.
6. Dorwick, F. "Human Rights, Problems, Prospects and Texts." *Westmead, Saxon House* (1979): 8-9.
7. Osita, E. "Human Rights in Africa: Selected Problems." *Macmillan* (1984): 5.
8. Jawitsch, S. "The General Theory of Law." *Progress Publishers* (1980): 193-194.
9. Lawson, E.H. "Encyclopedia of Human Rights." 2nd Edition, *Taylor & Francis* (1996): 711.
10. Children's Rights Information Network. "Human rights based approaches to programming: children." <http://www.crin.org/hrbap/index.asp?action=theme.subtheme&subtheme=14> (2021).
11. UN Declaration of the Rights of the Child, Preamble para 3 CRC, Preamble para 9; African Children's Charter, Preamble, para 6.
12. Olowu, D. "Children's Rights, International Human Rights and the Promise of Islamic Legal Theory." <http://www.ajol./41495> (2021).
13. Van Bueren, G. "International documents on children." *Martinus Nijhoff Publishers* (1993): xv-xix.
14. Al-Shafi'I, I.I. "Risala: Treatise on the Foundations of Islamic Jurisprudence." *Islamic Texts Society* (1993): 5.
15. Kamali, H. "Principles of Islamic Jurisprudence." *Islamic Texts Society* (1991): 14-47.
16. Abdel-Khalek, M. O. "Reasoning in Islamic Law." *Arab Law Quarterly* 1 (1997): 148-185.
17. Hallaq, W.B. "Non-analogical arguments in Sunni juridical (analogy) Qiyas." *Law and legal theory in classical and medieval Islam, Brookfield* (1995): 267.
18. Oba, A.A. "Islamic Law as Customary Law: The Changing Perspective in Nigeria." *International Comparative Law Quarterly* 51 (2002): 817- 819.
19. Lauren, P. "The Evolution of International Human Rights: Visions Seen." *University of Pennsylvania Press* (2003): 8.
20. Ilyas, M. "Regarding Rights of children." <http://www.understandingislam.com/related/text.asp?type=discussion&did=529> (2021).
21. Akbar, K. "Family planning and Islam: A Review." <http://muslim-canada.org/family.htm> (2021).
22. Abdl al Afi, H. "Islam in focus." *International Islamic Federation of Student Organisations* (1986): 133-189.
23. Al-Othaimin. "The Rights of Children in Islam." <http://sisters.islamway.com/modules.php?name=News&file=print&sid=104> (2021).
24. Nasir, J. "The Islamic law of personal status." *London: Graham & Trotman Publishers* (1986): 140-169.
25. Mahmud, A.M.B. "Protecting women and children under Islamic law." *Women and children under Nigerian law, Lagos* (1989): 51-58.

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