

Title: Child Protection with Muslim Communities: Considerations for Non-Muslim based Orthodoxies/Paradigms in Child Welfare and Social Work.

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Abstract: The care and protection of children is a concern that crosses ethnic, religious and national boundaries. How communities act on these concerns is informed by cultural and religious understandings of childhood and protection. Islam has specific teachings that relate to the care and guardianship of children and are interpreted in diverse ways across the Muslim world. Islamic teachings on child care mostly overlap with Western understandings of child protection, but there can be some contested positions. This creates complexities for social workers intervening in Muslim communities where the basis of their intervention is primarily informed by a non-Muslim paradigm or occurs in secular legal contexts. The purpose of this paper is to address at a broad level the issue of how overarching concepts of child protection and Islam, influence social work practice with Muslim communities. It addresses a gap in practical applications of the synergy of Islamic thinking with core social work practice in the field of child protection. For effective practice, it is argued that social work practitioners need to consider common ground in Islamic thinking on child protection rather than rely on Western frameworks. This requires further research to build evidence-based practice with Muslim families.

Keywords: Child protection, Child welfare, International social work, Islamic Law, Muslim Children

Introduction

Child abuse and neglect is a serious problem worldwide. The United Nations Convention on the Rights of the Child (UNCRC) is the most globally recognised charter to guide the protection of children. Despite agreement on the importance of protecting children from harm, the issue is sensitive and strategies to respond are often contested. There has been growing recognition of tensions, misunderstandings, and resistance to the UNCRC being uncritically adopted in Muslim communities (Hutchinson *et al.*, 2015; Rajabi-Ardeshiri, 2009). The diversity of responses to protection issues across cultures exacerbates the issue. These are important issues for social work to address as a lead profession in child protection.

This papers' purpose is to address at a broad level the issue of how overarching concepts of child protection and Islam influence social work practice with Muslim communities. This addresses a knowledge gap in how Sharia is often aligned to child welfare and social work practice. Whilst recognising that neither Islam or social work are monolithic in their observance or practice, both hold some core orientations that can be interpreted and applied according to the context. As such there are mechanisms that are congruent with Islamic scholarship and the knowledge base of child protection and social work. Commonalities exist, but may be underpinned by different epistemologies. As part of a growing recognition of these commonalities there are a number of scholarly documents that outline Islamic principles to protect children (United Nations Children's Fund [UNICEF] and Al-Azhar University, 2016). However, available documents in English provide little guidance on how to apply these principles. This has resulted in a gap between theory and practice, leaving unanswered questions about how we utilise this knowledge in practice. A critical part of social work is to develop culturally appropriate practice to promote human rights

especially for vulnerable populations such as children. Key international social work organisations have advocated for greater work on sensitive and contentious issues.

International Federation for Social Workers (IFSW) outline ethical obligations to promote social justice and inclusion by addressing religious discrimination (IFSW, 2018). This paper seeks to extend how social workers might be informed by Islamic perspectives on child protection to improve engagement and effectiveness.

To achieve this purpose a structured review of the literature on child protection in Muslim communities was conducted. Key guiding documents were reviewed for relevance to the topic. To illustrate relevance and application to Sharia and Islamic thinking religious texts are referenced. The use of Islamic texts to show the areas of commonalities is an important tool for social work and child protection building partnerships that work with the child and their family.

This paper addresses an important yet highly sensitive topic. The paper offers different epistemological standpoints including social work, and applied social sciences, in collaboration with Islamic studies and anthropology. In doing so this paper does not present information to impose a position that, for example, comes from religious doctrine - rather these are beliefs that often represent both what is believed to be and the way things are perceived, rather than necessarily the way things are. Here lies a substantial yet recurring dilemma for social workers responding to how religion is interpreted by culture, when practices such as enforced marriage and corporal punishment are in direct conflict with social work values. This occurs within a variety of cultural contexts and are not purely attributed to religious beliefs per se, but rather the recognition that power imbalances often explain how harmful practices can be justified within a particular cultural context. The paper is unambiguous in taking a human rights perspective that does not simply go with the grain of cultural or religious norms, practices or beliefs. As a result, this paper shows the complexity

of promoting the best interests and rights of the child within their particular cultural context. However, acting outside of the context in which a child lives could be detrimental to engaging and working with families. It also limits intervention strategies which could draw positively on cultural and religious processes. Human rights frameworks recognise that some individual liberties that humans are entitled to should be respected across legal and social boundaries (Axford, 2008). By labelling them as rights, they can take precedence over the interests of those in power, irrespective of social tradition (Axford, 2008). Limitations to human rights approaches include that rights may be contested when, and that rights can conflict with each other. Rights may be codified in an abstract manner, which leads to contestations when they are applied. Application of rights may be open to subjective interpretations (Axford, 2008). The subjectivity of applying rights allows for cultural and religious considerations to be taken into account in social work practice.

The meaning of the 'best interests' principle in any society is open to challenge, reformulation and refinement through the processes of internal discourse and cross-cultural dialogue. For example, 'Islamic law requires not only enforceable legal sanctions but also extensive religious, moral and social measures and obligations to protect and safeguard the rights and welfare of the child' (Olowu, 2008, 9). This paper is orientated towards these principles.

Ultimately, the aim is to adapt practice wherever possible to work within areas of alignment and convergence. This paper provides a basis for further research, policy and practice development.

Why is an understanding of Islam critical to child protection work with Muslim Communities?

Islamic teachings, principles and guidance significantly shape life in many Muslim families (Ashencaen Crabtree *et al.*, 2017). Given the sparse body of literature, a theoretical analysis of child protection in Muslim communities based on Islamic principles is of significance to child welfare services. Muslim populations in Western nations are relatively small, but growing through the resettlement of migrants from Islamic backgrounds. In Australia the Muslim population increased by 69% from 2001 to 2011 (Australian Bureau of Statistics, 2012). Projections for 2030 forecast an increase in the Muslim population of Australia to 714,000 people (2.8 per cent), and in the UK, from 4.6 to 8.2 per cent of the population (Pew Research Centre, 2011). Clearly then, child welfare workers in Muslim-minority countries will increasingly encounter Muslim families in practice.

Western countries have seen a rise in Islamophobia in the context of increased fear of terrorism and religious fundamentalism (Ashencaen Crabtree *et al.*, 2017). Such fears, paired with an emphasis on ‘cultural dissonance’ (CES, 2010), have been detrimental to the ways Muslim groups are perceived to care for women and children. In Europe, discussions about the integration of Muslim populations in ‘secular’ states like France (around five million), the Netherlands (one million) and Germany (four million) highlight that marginalisation and blame for socio-economic problems are common experiences for Muslim citizens of these countries (CES, 2010; Ashencaen Crabtree *et al.*, 2017). Recently, Islamophobia has been used by right-wing parties to engage voters in European nations (Hafez, 2014).

Stereotypes of Muslims are influenced by the recognition of Islamic radicalisation and its relationship to conflict and terrorism. Radicalisation shows little regard for the rights of children and women and it does not represent the beliefs of the majority of Muslims. Radical views in Islam are incompatible with rights and best interests of children. Groups representing these views are a threat to the safety of children especially where they seek to

recruit and radicalise children. This is an important area for child protection services but is not the focus of this paper.

Stereotypes have been harmful to the integrity of Islam, and have negatively influenced perceptions of how Muslim parents consider the welfare of their children (Haddad *et al.*, 2006). Counter-narratives with ‘rhetorical weight’ (Garro and Mattingly, 2000) are needed to challenge dominant discourses by offering alternative conceptualisations to uncritical narratives. The congruence between Islamic values and Western child protection models should be emphasised to that effect (Hutchinson *et al.*, 2015; Ashencaen Crabtree *et al.*, 2017). As children represent a unity point for Muslims and non-Muslims alike, engagement with child welfare services could be a space for dismantling prejudices and working collaboratively to improve child welfare and social cohesion. This is particularly relevant in nations like Brunei Darussalam that have dual systems of law (Young *et al.*, 2017). In Brunei, children are protected through a Sharia legal system as well as a Common law system based on Western jurisprudence. Examining where Western and Islamic child protection models have congruence can be of assistance in nations with dual legal systems.

Research on child protection in Muslim contexts is limited although much has been written, historically and contemporaneously, about Islam’s position on the rights of children. Paucity in research on child protection in Muslim contexts yields difficulties for child welfare services to make sense of polemic rhetoric linked to Islam, and limits access to relevant information to improve practice. Additionally, Islamic worldviews are heterogeneous (Ashencaen Crabtree *et al.*, 2008), with different interpretations found across the schools of thought as well as the impact of different cultural factors on how teachings are practiced. Muslims have migrated to the United Kingdom and Australia from a wide variety of cultural backgrounds including Afghanistan, Bosnia, India, Indonesia, Iran, Lebanon, Pakistan, and Turkey. Australian and British Muslims belong to different Islamic schools of thoughts (*mad*

hdhib), the two most practiced being the Sunni and Shi'a (Abdalla, 2012). The existence of relevant resources thus becomes critical to inform appropriate practices with Muslim families, particularly in child protection systems.

Methods

The authors are all involved in related projects on child protection in Islamic contexts; this includes research on early marriage and child bearing, juvenile justice, and protection systems. Evidence underpinning the paper comes from an extensive review of literature. A thorough search of available literature was conducted in English peer-reviewed literature and grey literature using Boolean logic. This was obtained through systematic searches of academic databases: JSTOR, ProQuest Central, and SAGE Journals Online. Search terms and phrases such as 'child protection' and 'Islam' along with terms such 'Muslim', 'child wellbeing', 'child abuse', 'violence', 'Islamic Jurisprudence' and 'Child Rights' were used. To locate grey literature Google and Google Scholar were used. The first review of literature was conducted in 2010 with subsequent updates occurring until September 2017. The analysis was an iterative process, limited to English language sources. Authors reached consensus on key literature addressing the application of Islamic thinking in child welfare and social work contexts. This structured process was used to identify areas of convergence and divergence in Islamic principles and writings with social work and child protection practice. Literature was critically reviewed in terms of its relevance for practical application. For example, in order to contextualise and illuminate direct sources from Holy texts such as the Quran, one of the authors who is an Islamic Scholar and Imam, identified appropriate text that supports the protection of children. Use of these sources are to support the purpose of the paper, show areas of convergence, and do not presuppose any religious meaning. The analysis of this knowledge base is presented within a set of themes orientated towards

understanding compatibilities between Islamic thought and child protection and social work practice.

Key Documents

Children's rights have been codified into international law through the UNCRC. The UNCRC is aspirational, and details standards for child participation, protection and provision of basic needs (Van Bueren, 1995). It portrays children in need of protection, while "*deserving to be brought up in a spirit of dignity, freedom and equality*" (Axford, 2008, 34). The extent of protections offered by the UNCRC is significant as it is the most ratified international treaty (Hashemi, 2007). The Organisation of Islamic Cooperation (OIC) has cognizance the teachings of Islam surrounding children in a document comparable with the UNCRC: The Covenant on the Rights of the Child in Islam (CRCI). Despite the myriad of local cultures represented in the OIC, this document uses the Sharia as a unifying force to provide a framework for child rights in Islamic contexts. Throughout the document a balance is struck between the values espoused by the OIC, and the values inherent in individual member countries. Progress initiated by the CRCI is promising. To build on this approach, Al-Azhar University produced '*Children in Islam: Their Care, Development and Protection*' (UNICEF and Al-Azhar University, 2005) and '*The Islamic Perspective: On protecting children from violence and harmful practices*' (UNICEF and Al-Azhar University, 2016). This scholarly work draws together Islamic theory and sets important groundwork to theoretically orientate practical applications, but does not offer specific practical measures nor a framework for programming.

The Islamic perspective systematically deals with various forms of maltreatment of children by outlining the Qur'an, Sharia, and Islamic scholarly opinion (UNICEF and Al-Azhar University, 2016). In doing so it offers a repudiation of acts such as child marriage.

These guides are useful as they detail Islamic teachings on child welfare. However, these teachings are often contested by different groups of Islamic scholars. Even when teachings are agreed upon, they may not be fully understood by communities. Often practices that may be culturally specific may be misunderstood as an Islamic practice. The same teachings may differ in their interpretation and implementation across the diverse Muslim world and often within sub-sets of communities.

Any 'Islamic' lens must be informed by: Islamic law on child rights (including different interpretations within the Sunni schools of thought), and between Sunni and Shiite schools of thought; acknowledgement of cultural practices, otherwise known in Islamic law as '*Urf*'; and input of local Islamic scholars on how best to address the issue of child rights in respective contexts. Discussions of Islamic thinking linked to child protection in Muslim-majority contexts can also inform practice in Muslim-minority settings.

Key themes from the literature

Three themes are important to be taken from the literature on child protection in Islamic contexts: (1) Child protection as integral to Islamic teaching; (2) There are new models for dialogue and knowledge sharing on Islamic teaching on child protection; and (3) There is a focus on the application of an 'Islamic' Lens in Muslim-minority contexts. These themes signify the need to engage with Muslim communities in ways that respect their faith.

It is important to gain an understanding of the 'Islamic' position on child rights as opposed to cultural practices dominant in Muslim contexts. The 'Islamic' position allows an exploration of 'principles' that govern child rights, and allows for comparisons with the UNCRC. This brings an 'Islamic lens' to better distinguish between cultural practices and those founded upon Islamic principles. Particular cultural practices might be seen as Islamic

because they occur in Muslim-majority communities but their origins may be more directly linked to colonisation or indigenous practices prior to the arrival of Muslim Crusaders.

Important, but limited literature was found on the application of Islamic perspectives in child protection processes, especially in relation to child welfare practice in Muslim-minority contexts. The clear gap in the literature on understanding child protection principles in Muslim contexts makes Muslim families particularly vulnerable.

Child protection as integral to Islamic thought

Concerns for the wellbeing of children have always been part of Islamic jurisprudence, and align closely to the principles underpinning the UNCRC (Hutchinson *et al.*, 2015). However, there are distinct differences in the presence and weight of religious doctrine and obligation on personal and societal conduct, between Western and Islamic jurisprudence as can be found in the primary and secondary texts of Islam, the Qur'an and Hadith. Much has been written on this topic by Muslim scholars, see for example: Abd Allah Nasih Alwan (1992), *Trabiyat al-awlad fil Islam* ['Child upbringing in Islam'], Dar Al-Salam Publications; Husni Bawadi (2005), *Huquq al-Tifl Bayn al-Shari'a al-Islamiyya wal-Qanun al-Dawli* ['Rights of a Child in Islamic and International Laws'], Alexandria: Dar Al-Fikr Al-Jami'i; Mukhalid al-Taraunah (2003), *Huquq al-Tifl muqarans fi Du' Ahkam al-Qanun al-Dawli wal-Shari'a al-Islamiyya wal-tashriy'at al-Urdiniyya* ['The rights of a Child: A Comparative Study of International Law, Islamic Law and Jordanian Legislations'], Kuwait: Majalat al-Huquq; Fatima Faraj al-Utaibi (2008), *Huquq al-Tifl wa-ri'ayatuhu fil-Islam wa fi al-Suwaid* ['The rights and Upbringing of a Child in Islam and Sweden'], Riyadh: Umm al-Qura University.

In contrast with Western jurisprudence which can change law with the changing values of society “the Sharia and its sources can neither be abrogated nor subjected to limitations of time and circumstances” (Kamali, 1999, 6). Here the covenant of the Sharia is

explored according to its rulings on the rights of children. The legislative authorities with the Islamic state cannot abrogate the Qur'an and Sunnah which directly reflects the word of God as passed to the Prophet Muhammad (Kamali, 1999, 6). God is the final authority and determinate of values in Islamic society and Muslim communities (*ummah*) are entrusted with the responsibility to uphold His values as articulated in the Qur'an and Sunnah/Hadith, which form the foundation of Sharia law. The Sharia provides wider governance to Muslim communities in terms of obligations and self-regulation in contrast to Western jurisprudence that primarily concerns its self to prohibitions on individuals (Kamali, 1999, 7).

Some consider Islamic jurisprudence regarding the welfare of the child to be broader than the legal safeguards espoused in international legal instruments (Mesrati, 2009).

Meeusen (1995, 119) explains that:

[b]y historical comparison with Western society, even as recent as the first half of this century, Islam was revolutionary as a force in reforming and elevating the status of the non-marital child. Constrained by the Christian doctrine of the sanctity of marriage, the non-marital child in common law jurisprudence, in contrast, was deemed *filius nullius* – a child of no one.

A multidimensional approach (encompassing legal, religious and social measures) can strengthen the international legal efforts on the rights of children (Olowu, 2008). Islamic jurisprudence establishes a number of 'rights' that children should enjoy including a child's right to life, sustenance, freedom of conscience; to parentage, inheritance and maintenance; to a proper upbringing and to guardianship both of its person and property (UNICEF and Al-Azhar University, 2005).

The Sharia refers to a body of explicitly revealed laws (*nas pl.nusus*) found in the primary sources of the Qur'an and Sunnah (sayings, actions and tacit approval of Prophet Muhammad). The *nas* is fixed, unchangeable and general, with basic principles such as 'establish prayer' and 'do not approach prayer whilst intoxicated'. *Fiqh* (jurisprudence) on

the other hand 'is flexible and changes according to the circumstances under which it is applied, and it tends to be specific' (Abdalla, 2012).

Islamic child protection practices have their basis in scriptural sources of the Sharia, as opposed to socio-cultural traditions. This makes them powerful because of the religious legitimacy associated with child rights in Islam. These rights are God-given and must be upheld regardless of cultural norms. Failure to do so is tantamount to sin, depending on the nature of the negligence judicial penalty. The Sharia contains specific safeguards for a child's social, spiritual, educational, financial and physical welfare (Giladi, 2014). Fair treatment of children is a right in the Sharia based on evidence such as: Prophet Muhammad advised "Fear God and treat your children fairly" (Narrated by al-Bukhaari, 2447; Muslim, 1623). Regarding their rights to inherit, the Qur'an states: "God commands you as regards your children's (inheritance)..." (An-Nisa 4:11). Furthermore, the Sharia delineates the limits of parental authority and places duties on parents to guide their child correctly (Olowu, 2008). This is substantiated by the Hadith that states "The best gift from a Father to his child is education and upbringing" (*At-Tirmidhi on the authority of Sa'id Ibn Al-'as*).

While the Qur'an urges children to respect their parents and show them gratitude (Qur'an 17: 23-24), it insists that parents should not be blindly followed, especially if they are misleading their children in matters of faith: "But if they endeavour to make you associate with Me that of which you have no knowledge, do not obey them but accompany them in [this] world with appropriate kindness and follow the way of those who turn back to Me [in repentance]. Then to Me will be your return, and I will inform you about what you used to do" (Qur'an 31:15). By proposing that children are under no obligation to follow misguided parents' misconceptions the Qur'an can be used to justify child voice in Islam. It recognises

not only that children may voice opinions, but also that these opinions may have great educational value, and perhaps be more informed than those of adults.

Islam encourages parental compassion (for example Surat al-Qasas 28:7-13, detailing the story of Moses) (Giladi, 2014). The responsibility of caring for children falls under the legal concept of guardianship, which is well detailed in the Sharia. Each parent has specific responsibilities towards children (Hutchinson and O'Leary, 2016). The premise for this is found in evidence such as Prophet Muhammad's statement,

Every one of you is a shepherd and is responsible for his flock. The leader of people is a guardian and is responsible for his subjects. A man is the guardian of his family and he is responsible for them. A woman is the guardian of her husband's home and his children and she is responsible for them. The servant of a man is a guardian of the property of his master and he is responsible for it. Surely, every one of you is a shepherd and responsible for his flock (and).

In other words, the care and protection of a child is not seen as an option in Sharia but a responsibility.

In the Sharia children's rights extend to matters of custody. In the event of separation, the mother gains custody rights while the child is an infant (Hifazatullah *et al.*, 2011). Age guidelines regarding custody vary according to Islamic schools of thought, but under all circumstances the best interest of the child is kept in mind. Teachings also detail inheritance practices (Hifazatullah *et al.*, 2011). Links between the child and their biological parents must not be broken.

Based on Qur'an 4:11, a female receives half the inheritance of her male siblings or relatives. However, it should be noted that there are also eleven cases where a woman inherits the same amount as a man, in fourteen cases she inherits more than a man, in five cases she inherits and a man does not, and only in four cases will a woman inherit less than a man (Abdalla, 2012, 658).

Those born outside of wedlock have the same rights, with discrimination against them considered illegal and oppressive. Most consider that the child belongs to their mother in births outside of wedlock, as there are clear biological links. However, denying an adopted

child their identity is prohibited by the Qur'an (33:5), as the child is required to keep their father's name.

The aforementioned discussion is not intended to be exhaustive but indicative of the literature's documentation of the positive attitude of the Sharia toward the rights and best interests of children. This highlights a host of commonalities with Western perspectives on the rights of children. There are some divergences between Sharia and Western perspectives, in how best interests might be conceived. Contested positions might emerge but it may also be possible to reconcile different positions.

New models for dialogue and knowledge sharing on Islamic thinking

One way to reach consensus among practitioners is through consistent procedures, where the “dynamic interplay between changing Islamic folk models and international standards is heard through internal discourse and cross-cultural dialogue, while minimum safeguards protect the best interest of the child from the abuse of the culture card” (Sait, 2000, 36). As a result, stakeholders are making efforts to engage in meaningful dialogues.

Religions for Peace and UNICEF (2010) held a consultation on the role of religious communities to protect children affected by conflict, designed to strengthen partnerships between religious communities and child protection actors. Participants recognised that gaps remain in articulating the qualities of effective partnership as well as the processes that enhance them, strategies to overcome the challenges of partnership and, specific approaches that are known to work. There was a lack of documentation, analysis of learnings or good practice examples when engaging with religious communities, especially in regard to child protection. Evidence of this gap is the lack of specific practice models for child welfare with Muslim families (Hutchinson *et al.*, 2015). Poor religious knowledge resulted in little cognisance of why some interventions may be ineffective. Likewise, religious communities

and leaders are not always aware of the formal legal provisions for child protection or the causes of abuse (Religions for Peace and UNICEF, 2010).

At a roundtable in 2011, Islamic scholars, academics and international NGOs identified mechanisms which safeguard children from harm that are congruent with Islamic scholarship (Hutchinson *et al.*, 2015). The principles guiding the roundtable were dialogue, mutual respect, listening and discussion, with or without consensus. The roundtable identified that mechanisms of protection in Islamic communities often prioritise the needs of the collective over the individual, with a higher sense of social stability rather than rapid change (Al-Krenawi and Graham, 2007; Hutchinson *et al.*, 2015). In contrast, international development programmes are framed around individuals and their 'rights'. The roundtable demonstrated the value in dialogue as a method for enabling change (Hutchinson *et al.*, 2015).

Applying an 'Islamic' perspective

The literature on practical applications of an Islamic lens in Muslim-minority countries is embryonic. There is growing interest in outlining effective social work practices with Muslim families (Scourfield *et al.*, 2013) and recognising parenting styles among Muslim families in Western settings (Ashencaen Crabtree *et al.*, 2008). Yet, the general lack of research on practical applications of Islamic principles and conversions to policy and practice remains a gap (Authors, 2015). Parenting programs that are inclusive of the needs of Muslim parents are emerging in Muslim-minority contexts (Scourfield and Nasiruddin, 2015). Muslim fathers can be doubly excluded from parenting programs given their dominantly secular focus and that they are predominantly accessed by mothers (Scourfield and Nasiruddin, 2015).

To further understandings of how Islamic perspectives can be applied, it is important to understand how Islam is lived by Muslim parents and children. Franceschelli and O'Brien (2014) and Dalgaard (2016) have examined the role of Islam in parenting amongst Muslim parents living in Muslim-minority contexts. Their findings included that the Islamic idea of 'the right path' was embedded in parenting strategies, that Islam was employed to inform aspirations across generations, and that Islam supplies parents with networks and resources to assist with child socialisation, including at Mosques (Franceschelli and O'Brien, 2014).

Muslims living in minority contexts can be fearful of discrimination by child protection services which impacts on their readiness to engage with practitioners (Ashencaen Crabtree *et al.*, 2017). Research on the concerns of Australian Muslim families (DIAC, 2010b) revealed that child protection remained a source of anxiety, including the fear among some Muslim parents that their children would be 'taken away'. This is not unique to Muslim families but such fears are often based on the presence of cultural/religious misunderstandings and tensions. Misconceptions concerning Australian legislation were evident and adversely impacted on parenting (DIAC, 2010b). This research highlighted the importance of having culturally appropriate services.

Tools for practice are needed. Hutchinson *et al.*, (2015) recommended a number of practitioner tools that child protection agencies might use in their collaborations with Muslim communities. These range from using the Islamic concept of *solh* (arbitration) councils, to advocating for legislative changes to protect children in relation to education and early marriage. Nevertheless, further work is needed to establish how non-Muslim workers can use such tools appropriately, let alone in Muslim-minority countries (Hutchinson *et al.*, 2015). Utilising the community structures in some Muslim-minority contexts may be one possibility. For instance, Borell and Gerdner (2011) found that 47% of Muslim respondents in Sweden

are involved in organising activities for children outside of Qur'anic classes while 60% of congregational members took an 'active role' in relationship mediation.

An understanding of the Islamic concept of Kafalah in relation to the care of orphaned or abandoned children, is necessary for effective social work practice with unaccompanied minors from the Middle East and Africa (Rotabi *et al.*, 2017). Kafalah is referenced in the UNCRC. In Islamic law, Kafalah allows adoption while, at the same time, preserving the integrity of the biological lineage of the child. This is opposed to adoption in Western epistemologies, where the child assumes the identity of the new family. Rotabi *et al.* (2017) examine the concept of Kafalah in Muslim-majority contexts, and the implications that Kafalah obligations have on social work practice with unaccompanied minors in Muslim-minority contexts. Most unaccompanied minors to the United States are placed in foster care or group homes, some with an explicitly Christian ethos (Rotabi *et al.*, 2017). Ensuring that unaccompanied minors thrive in their new environment, requires that they balance adaptation to their new context with maintaining their identity (Rotabi *et al.*, 2017). Accommodating understandings of Kafalah encourages a more successful resettlement process and is congruent with ethical social work practice (Rotabi *et al.*, 2017). "Supporting religious traditions and mores where applicable is central to our role as social workers and to the successful integration and identity development to our clients" (Rotabi *et al.*, 2017, 22).

Implications for child welfare services

Models to guide practice within Muslim communities are emerging (see Abdullah's (2015) work combining a social work strengths-based model with the Islamic concept of *fitra*).

Firstly, practitioners in Western-based contexts continue to struggle with adopting a socio-cultural lens to child welfare work (Parton, 1996). More research is needed on aspects

of this topic, given the diversity of Muslim communities and the complexity of child welfare. As Scourfield *et al.* (2013, 339), argue, '[a] little knowledge can be a dangerous thing, so practitioners should ideally learn some things in more depth and also balance this with caution against any crude generalisations when making assessments of individuals who of course have unique circumstances'. Integration of child protection knowledge with Islamic knowledge can create genuine dialogue on applications of Islamic principles in child welfare. This has implications for predominantly non-Muslim countries with growing Muslim populations as well as the delivery of social development aid from primarily non-Muslim standpoints in Muslim-majority contexts. There is significant diversity in and between Muslim communities. These differences spring not only from diverse cultural traditions, but also from differences in Islamic schools of thought. The local context of norms and social values must be considered in how practices should cater specifically to Muslim families within the environment of law and individual preferences. This necessitates strong community consultation.

There is a rich history of child protection and indigenous principles that prevailed in Islamic teachings before the UNCRC was constituted (Rajabi-Ardeshiri, 2009). Acknowledgement of this and engagement with existing strategies is needed when implementing child protection initiatives. Without this type of engagement Western-based institutions can be perceived as patronizing or even having other agendas (UNICEF, 2012). In response International Non-Government Organisations have started to engage to a greater extent with religious communities to protect children (Religions for Peace and UNICEF, 2010; UNICEF, 2012). Without such engagement, Western-centric child protection initiatives can be rejected, continually contested or superficially agreed upon (Al-Krenawi and Graham, 2003; O'Leary and Squire, 2012) resulting in *ad hoc* work in the absence of empirical and coordinated work (Chatty and Hundt, 2001).

Secondly, the concepts discussed above need to be considered in the context of the voices of children. In Western-based child welfare settings, there is a strong interest in approaches that allow children to participate in decisions that affect them (O’Kane, 2008). Similar to Borell and Gerdner’s (2011) views that Muslim communities should not be treated as passive recipients, children are also viewed as “social actors in their own right” (O’Kane, 2008, 125). As this paper outlines Sharia can encourage children’s perspectives thereby offering some cultural capacity to address power imbalances between adults and children (O’Kane, 2008). Sait’s (2000) argument that children’s ability to voice opinions as part of Qur’anic teachings holds some similarities with Western-based perspectives. In this way, Sharia becomes an influence on social work practice rather than an adaption. This builds indigenization at local levels of Islamic social work.

Thirdly, child welfare services must be aware of unique protection strategies that arise from cultural and religious processes. For example, in Palestine, children, traumatised by their surroundings, were strengthened by prayer both symbolically and religiously, which created a sense of community and empowered them to have hope for the future (Askeland and Dohlie, 2015, 266). At the same time social work must apply its human rights values in how principles might be used to justify violations.

Fourthly, importance must be given to the role Imams play. Ali *et al.* (2005) found that child related concerns were the third most common reason that Imams in the United States were sought for counseling. However, Imams were found to be less likely than other clergy to have formal counseling and mental health training (Ali *et al.*, 2005). Thus, there is a need for practitioners to work with religious leaders. However, practitioners need to ensure they get the permission of the family if they want to involve a religious leader in case-work as there may be unknown power dynamics. Religious leaders can also play an indirect role in child wellbeing by educating the community.

Consultation about the inclusion of religious leaders can be part of engaging with families on what they think is in the best interest of children. Practitioners need to listen and gain some understanding as the starting point from which they can then engage in best interest discussions which might highlight differences in beliefs. Working with unaccompanied minors in Australia, Miller *et al.* (2013) note that tension may occur in best interest of the child discussions when family rights are placed above those of the individual child. Practitioners need to be aware of their own cultural context and how this impacts their assessment on ‘Western’ policy understandings of the best interest of the child.

Finally, this raises a challenge to practitioners about how willing they are to use particular practices with Muslim families when their own religious and cultural identity might not be compatible or allowed in other contexts (e.g. ensure children go to religious school, gender segregation). Understanding the origins of such practices is important in creating dialogue with the acknowledgement that there can be different expectations. This requires transparency about purpose and application that guides practice to deliver better outcomes for children’s wellbeing. Commonalities in wanting children to be safe, treated with equity without the threat of harm is evident in inter-faith collaboration on child protection (UNICEF *et al.*, 2016). This sets the scene for interconnectedness across cultures and faiths in the protection of society’s most valuable asset – children. All of which must occur within critically reflective practice frameworks in the direction of international social work and human rights.

Conclusion

Islamic teachings on raising children have shaped child care in Muslim communities for hundreds of years. These well-established traditions have strong convergences and a few divergences with Western child protection practices. This paper has demonstrated these areas

of convergence by linking Islamic texts to child protection approaches. As such this creates dialogue and thereby a greater understanding of child protection practices in Muslim communities will enable practitioners to work in a culturally safe manner. Social work has a role here - focusing on commonalities to prioritise the safety and protection of children in ways that uphold communities' desire to live in accordance with their faith.

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