

SOCIAL SECURITY DURING THE REIGN OF CALIPH 'UMAR IBN AL-KHATTAB

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ABSTRACT

The social security system in Islam has a different nature and approach in comparison to the prevailing systems like British social legislation, US social legislation, Scandinavian social legislation and the social legislation in the communist states. The contemporary social security systems are not new for the Muslim world because they already have experienced the excellent social security system in the early period of Islam. This article aims to present the portrait of the social security system of Islam prevalent during the reign of 'Umar ibn al-Khattab, the second caliph of Islam, which was based on the Moral values.

INTRODUCTION

Social security is a fundamental human need. Sudden sickness, death, disability, disease, unemployment, fire, flood, storm drowning and accidents related to transportation, and the financial loss caused by them, are the reasons which create this need. It often happens that, due to these unwanted sufferings, a victim and his dependants move towards poverty. Their economic situation becomes so unsound that they need economic help. This reality requires that social security should be treated as a basic human need over very wide range human activities and situations. Before discussing the actual topic of this article it would be appropriate to conceive briefly the modern and the Islamic concept of social security.

MODERN CONCEPT OF SOCIAL SECURITY

Social security is the minimum security provided by the State to its citizens against certain eventualities like unemployment, accident, disability or death while at work. Provision of such a sort of social security is getting universal recognition in the context of providing wider welfare for the people of the State.¹ The term 'social security' denotes the programmes established by law to provide the economic security and social welfare the individual and his family.² Some European authors try to trace the evolution of these laws to some practices of the late medieval period. But the truth is that Europe first got acquainted with the laws of social security at the end of the last century only. Before 1883, the functions that now come under social security law, were discharged by private arrangements made chiefly by co-operative movements among workers.³ Nowadays these programs are designed to provide allowances and services to individuals in the event of retirement, sickness, disability, death, or unemployment. In particular, it refers to the social insurance portion of that act, which uses contributions made by workers and employment, disability, or death.⁴

ISLAMIC CONCEPT OF SOCIAL SECURITY

The fundamental concept of social security in Islam is to take care of the basic needs of everyone who is unable to meet his needs. It means, fulfilment of the basic necessities of life, of the citizens of an Islamic State, is the responsibility of the state, irrespective of their class and creed.⁵ To understand this concept, it is essential to understand the

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corruption, misuse of funds & resources and inconsistencies in the implementation of education reforms. It was reported that around 550,000 children in Pakistan die before reaching the age of five every year.

In 2008 in Pakistan 6,780 cases of violence committed on minors took place: sexual abuse, targeted murders, abductions, forced labor and suicides are only some example of this, to which the exploitation of “child soldiers” in the war between Islamic fundamentalism and the army must be added. The 2008 report on the “Condition of Children in Pakistan” –released by the Society for the Protection of the Rights of the Child (SPARC) – underlines the governments failure to apply national and international law in protection of the rights of minors. The document reports that almost 30% of children under the age of five are malnourished... It claims that 30-40 percent of children of school going age across the country, are not attending schools.

The report cites a study by the Initiator Human Development Foundation in 2008, saying children from the lower strata of society studying at the religious schools also fall victim to sexual violence. The study claims seminary teachers sexually abused 21% of sample students.

The SPARC report says the government, despite its claims, has not favor polices to protect minors. In 1988 funding for education was equal to 2.4% of the Gross National Product (GDP). In the two year period of 2007-8 it grew little, arriving at a miserable 2.9% of the GDP. Pakistan is still far from reaching the Millennium Development Goals (MDG): among which is the guarantee of education for all by 2015. Asia News⁴⁰

CONCLUSION:

The issue of Children Rights was highlighted but the Implementation of the Children Rights in Asia is at stake. The convention on the rights of the child is not serving as a guaranteed savior. Education, security rights, health and social rights were not given proper attention during the last few years to its best, due to which much effective results were not produced in improving children rights in Asia.

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According to the Report of Human Right Commission Pakistan 2005, Hyat³⁵ stated that many laws intended to protect children went largely unimplemented. Growing awareness about the rights of children and the introduction of some protection measures by government pointed towards a slight improvement in the situation. During the first six months of 2005, 71 children were murdered after sexual abuse. ..The physical abuse of children remained widespread, while due to the conditions in which they lived, many children across the country suffered malnutrition, illness and death...spending on education remained below UNESCO recommendations. Only 39% of the women in the country were literate, according to officials figures 50% of school-age children in Sindh were reported to be outside classrooms. The unofficial infant and child mortality rates were stated by international agencies to exceed averages for low income countries by 60 and 36% respectively. Spending on health was under one percent of GDP, among the lowest in the world. Child labour and corporal punishment were believed to be the major cause of the Sindh school drop-out rate of over 50 percent, while similar reasons were also responsible for children leaving school in other provinces. Access to clean drinking water, adequate food, healthcare and education was denied to most children in the country.

In the following year, Hyat³⁶ states, children orphaned or separated from their parents in the October 8, 2005 quake remained at risk even a year after the disaster. Children continued to be made victims of violent crimes with the cases of kidnapping for ransom rising across the country. At least 50,000 children lived on the streets, according to estimates by rights groups. Although Pakistan ratified ILO Convention 182 on the Worst Forms of Child Labour in 2001, children continued to be employed in dangerous occupations, including mining. There was an increase in incidents of gang-rape, including cases involving minor girls. Health statistics, particularly for women and children, were amongst the worst in the world.

Gulrez³⁷ argued that the literacy rate in 2005 stood at 53 percent while infant mortality rate were noted to be highest among South Asian countries. There were approximately 1.7 million bonded labourers. All these statistics are showing the crystal clear picture of less progress in implementing Children Rights by Government of Pakistan.

Hyat³⁸ wrote that Pakistan spent around two percent of its GDP on education, the lowest figure among South Asian countries. While government policies focused on enrollment, reports from many parts of the country stated existing facilities were in a dismal state. There were approximately 1.7 million bonded labourers as well.

According to Annual report of HRCP, Hyat³⁹ mentioned that child healthcare continued to be poor and inadequate resulting in the spread of disease and high mortality rates. Pakistan's under-5 mortality rate was recorded at 99 out of every 1,000 live births - higher than that of Bangladesh. 38% of children in Pakistan were reported to be moderately or severely malnourished. Children, especially minor girls, continued to be the victims of widespread sexual and physical abuse. At least 258 cases of rape and gang-rape and 138 deaths by killing were reported... Child labour and trafficking remained rampant across the country. Increasing numbers of street children were also reported to have become drug addicts with almost 83% of street children between the ages of 8 and 19 reportedly sniffing glue. Child labor was also widespread with reports stating that more than 3.6million children under the age of 14 were working under hazardous and exploitative conditions. Labor laws were largely ignored... Pakistan was placed at 144th in the world literacy ranking. The education sector was plagued by

According to Asia Child Rights³⁴, eight million are suffering from malnutrition and 3.5 million are working in factories and fields. Pakistan offers worse conditions for children than any other country in South Asia, partially because the government has failed to implement legislation and international conventions which would improve conditions for children, according to a study by several children's rights organizations. Poverty, bad drinking water, physical and sexual abuse and child trafficking are among the areas where society and the government have failed to establish good conditions for children, according to the study. Statistics substantiate the study's claims. Nearly 8 million children, or 40 percent of the total population of children under the age of 5, suffer from malnutrition. About 63 percent of children between 6 months and 3 years have stunted growth and 42 percent are anemic or underweight. Poor nutrition leaves these children vulnerable to diseases. Poor conditions extend to the education sector. About 23 million children in Pakistan have never been to school. The United Nations Human Development Report for 2003 indicates that the youth literacy rate in Pakistan is around 58 percent, among the lowest in the world. Sexual abuse is another problem. According to statistics compiled by the Human Rights Commission of Pakistan, 111 children were abducted in Punjab and raped, sodomised or ransomed in 2003. Sixty-nine first information reports were registered, but only eight victims were recovered and only six suspects were held. Edhi Foundation sources said there was an alarming 30 percent increase over the previous year in the number of children running away from home. Over 10,000 children below the age of 15 were living on the streets and footpaths of Karachi alone. Most of these children said they left home because of domestic violence and family financial problems, said the Edhi Sources. According to a report by Amnesty International, there are more than 4,500 juvenile prisoners in Pakistani jails and 66 percent of them are under trial. Juvenile detainees are kept with adults, leaving them vulnerable to sexual and physical abuse. The government has been accused of not implementing the Juvenile Justice System Ordinance, which calls for the end of capital punishment for convicts under 18. Poverty also forces some poor families to let children work instead of attending school. According to the United Nations Children's Fund, about three million children under the age of 14 and 18 percent of children between the ages of 10 and 15 are working. Pakistan's Federal Bureau of Statistics places the approximate figure of child laborers at 3.5 million. Child laborers are often found in the carpet weaving industry, brick kilns, mining industry. They often work for 10 to 12 hours every day. Trafficking in children is another form of commercial abuse. The Lawyers for Human Rights and Legal Aid estimates that at least 360 children were smuggled to Arab countries in 2003 for use as camel jockeys. Many cases were not reported. In some cases, impoverished parents sold their children for around Rs 3,000 to 7,000 per month. These children were illegally sent to the Arab states to work under extremely harsh conditions. According to some reports, the children were deprived of food and water to keep their weight down prior to the race and some children were beaten for refusing to mount a camel. The Prevention and Control of Human Trafficking Ordinance 2002 has very little impact and not a single conviction has occurred under this ordinance so far, the study reports. To change the prevailing conditions, the study recommends the implementation of existing legislation and international conventions and more specific laws to check the smuggling of children. Rights bodies have also called for legislation to prevent the sale of children by impoverished parents and punishments for runaways. The study was done by organizations including the Human Rights Commission of Pakistan, the Society for the Protection and Rehabilitation of Children and the United Nations Children's Fund.

Pakistan submitted its initial report almost on time, but took nine years to submit the next one. The report was considered at a meeting in April 1994. The committee asked Pakistan to furnish it with a progress report by 1996 but this was not done. The second report was due by 1997 but it was not filed until 2002. It was reviewed by the committee and adopted on Oct 3, 2003. By the time the Committee took up the second report, the date for filing the third one had passed, and Pakistan was asked to consolidate its third and fourth reports and file them by 2007. The committee is overworked, and has formulated a strategy to partly overcome this. It holds a pre-session working group where interested NGOs can present their critique of the report and give supplementary and alternative information. Such a working group met to consider Pakistan's report in Geneva. The committee came up with a list of issues which has already been presented to the government. It is obvious that Pakistan's compliance with the convention leaves lot to be desired. A simple review of the committee's concluding observations given in 1994 and 2003 shows that we have failed to comply with most of the recommendations.

The committee, while issuing its concluding observations, has repeatedly asked Pakistan to follow the guidelines while preparing its report, but the government fails to do so. The convention expects a state party to introduce an institutional mechanism for implementing it. The National Commission for Child Welfare & Development (NCCWD), a small unit within the social welfare ministry, entrusted with the responsibility of preparing these reports, hires a consultant to draft these reports, instead of opting for institutionalization. The committee had recommended that the second report and its concluding observations should be made available to the public in English and local languages. This was not done. The level of awareness about the convention is low. A few seminars or workshops can hardly be expected to make a difference in a country of 165 million. A systematic and sustained approach is required to achieve this goal.

It is nothing short of shocking that the convention continues to lack the force of law in Pakistan. Few child-specific laws have been introduced. Only one law relating to child labor, i.e. the Employment of Children Act 1991 has been enacted since 1990 although its schedule was modified in December 2005, expanding its coverage, which has been a welcome development. Another positive development is Pakistan's ratification of the Minimum Age Convention (No 138), since July 6, 2007; and the Worst Forms of Child Labor Convention (No 182) in January 2001. In the year 2000, the Juvenile Justice System Ordinance was adopted which has perhaps been the sole legislation prepared to bring about a law to conform to the convention. However, the age of criminal responsibility remains at seven years under the Pakistan Penal Code 1860.

Jilliani³³ wrote that two sets of child rights laws were introduced in Punjab in 1952 and 1983. They were never enforced. In 2004, the Punjab Destitute & Neglected Children Act was passed, which has so far been only used to operate a street children's centre in Lahore. The Sindh Children Act has been on the statute books since 1955. However, no major steps have been taken to implement it. No laws exclusively relating to child rights exist in Balochistan and the NWFP or Fata, the Northern Areas and Azad Kashmir. Laws making education compulsory up to the fifth grade have been introduced in most places except Balochistan, the Northern Areas and Azad Kashmir, but no steps have been taken to enforce these. Unfortunately, we have been only talking about plans of action and policies since independence. Such action plans and policies have never been able to make a difference to the children of Pakistan for the simple reason that they have no validity under the law, and their status remains confined to a piece of paper.

Judges to act as juvenile courts. Also for rehabilitation of juvenile's offenders, a portal has been constituted in Faisalabad. The NCCWD was also created massive awareness on implementation of Ordinance 2001 to advocate the concerned at all level through print media during February, 2001.

- A Bill to establish Pakistan Commission for the Welfare and Protection Rights of the Child was introduced in the Senate (now suspended) in 1998 for approval. The revised Commission with its autonomous status will effectively coordinate and oversee the implementation of the CRC in the country. Moreover, it will undertake several projects for child welfare and advise government on all matters relating to survival, protection and development of the child in fullest compliance with the provisions laid out in the CRC.
- The NCCWD has prepared a training manual on juvenile justice system for judiciary, police and prisons personnel.
- In view of the seriousness of the problem of child labor, the Government of Pakistan has taken various administrative measures to provide child with basic educational training, health care, recreation and financial incentive to the family of a working child to combat poverty and economic exploitation of the child. One such achievement is the establishment of National Project for Rehabilitation of Child Labor by Pakistan Bait-ul-Mal. In this project 51 Centres for rehabilitation of child labor have been established in the areas where child labor concentrates.
- Recently, the Government has approved a National Policy and Plan of Action to Combat Child Labor. The primary concern of this plan is to promote basic education, skill development and concentrate on personality building of all children. The main theme of this plan is the strategic approach the focuses on rehabilitation activities, child care and child development. The NCCWD developed NGOs statement regarding policy and action plan to combat child labor for incorporation in the national document.
- Pursuing the Article 19, 34, 35 of the CRC and Stockholm Agenda to Combat Child Abuse and Commercial Sexual Exploitation of Children, a National Policy and Plan of Action (POA) has been drafted (after national consultation among all stakeholders both from public and private sector), which has been presented to the Government for approval.
- It was felt with grave concern that government's efforts were not reflected in true spirit due to lack of coordination between Federal and Provincial Departments. The policy initiatives taken by the Government either at Federal and Provincial levels required a bridge for consolidation and compilation of all material and information at grass root level. Various solutions to this problem were raised on different forums. The Data Base Management System was launched with a view to fulfill the standards expressed in provisions of the CRC. The system has been developed with an objective to collecting information from the grass root at the district and community levels from all Districts of Pakistan. In this regard the following priority areas have been included in the revised methodology of the system: Child Labour including Domestic Child Labor; Birth Registration; Juvenile Justice; Child Abuse; Institutionalization of Children and Street Children.

Govt. of Pakistan³¹ claimed that the revised system will be launched during initially in ICT and selected district of the country after devolution of power plan but unfortunately, it was not launched in much of the districts. Shahid³² wrote that Pakistan was always slow in preparing the reports to the United Nations. An initial report on the Implementation of the Convention was submitted to the Committee on the Rights of the Child in 1993.

child and maternal mortality. The expansion of the educational system has led to increased rates of participation at the primary and secondary levels with school enrolment at the primary level reaching 90% by the early 1960s. The food subsidies combined with special feeding programmes for needy mothers and pre-school children, as well as midday meals for schoolchildren, provided a fair degree of food security for poor households. Through these programmes, the State assumed a large measure of responsibility for providing the basic needs of children.

Despite the successes which Sri Lanka has had in respect of child survival and reduction of infant and child mortality, some of the social indicators point to a sizeable segment of the child population which suffers from various types of deprivation.

The lack of efficient and integrated mechanisms to monitor the situation of children was also highlighted as a weakness. Similarly, the Committee was distressed by the absence of coordination within the governmental departments and ministries, as well as between central and regional authorities as this appeared to be negatively effecting the implementation of global policies to promote and protect the rights of the child. United Nations³⁰

There has, however, been an improvement in the recent past both in terms of health and child survival. However, the field of education, in terms of participation, retention in schooling and quality of the facilities available to the plantation sector, can be regarded as a relatively deprived area.

PAKISTAN:

Pakistan ratified the Convention on the Rights of the Child (CRC) in November 1990. In this regard the National Commission for Child Welfare and Development (NCCWD) undertook various activities in collaboration with Provincial commissions for Child Welfare and Development (PCCWDs) and NGOs. After ratification, the objectives of NCCWD were revised to ensure implementation of various provisions of UN CRC. During last couple of years the NCCWD coordinated with UNICEF under annual Plan of Action (POA) for implementation, monitoring and reporting of UN Convention on the Rights of the Child.

The NCCWD initiated the following processes for effective implementation of the CRC in the country. These processes include:

- Review of national laws and enforcement of CRC through legislations; monitoring the violation of child rights; Reporting to the UN Committee on Rights of the Child on the implementation of the CRC.
- Disseminating information on the CRC and educating public on the subject; Thirty one (31) laws related to children have been compiled.
- A Bill on Child Offenders Act 1996 was introduced by the NCCWD as a step forward towards implementing the CRC in letter and spirit which was pending with the suspended Senate. The NCCWD recently after getting approval of the Cabinet and President of Pakistan promulgated the ordinance on Juvenile Justice System 2000. The ordinance seeks to ban the sentence of death and whipping put in fetters and handcuffs for young offenders below 18 years of age and provides for the rehabilitation of delinquent children. The NCCWD has drafted rules of the Ordinance in consultation with Ministry of Law which are being notified by the respective provincial governments for effective enforcement of Juvenile Justice System Ordinance 2000. The Lahore High Court has conferred powers to Session