

# IMPORTANCE OF PRIVACY TO PREVENT SEXUAL ABUSE OF CHILDREN

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*Abstract: One of the most important issues in the world is children's problems. Among these child-related issues, sexual abuse of children occupies a central part of their problem. To prevent such abuses, Islam proposes a vital safety measure, which is privacy (Mahremiyet) education in family. This paper sets forth that the source of privacy (and its education) is one of the most effective safeguards in preventing sexual abuse of children, especially within families.*

*Keywords: Sexual abuse, Privacy (Mahremiyet), asking permission, privacy in family*

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## I. INTRODUCTION

Despite several safety measures being in practice, sexual abuse of children has gone worse and is still one of the main issues, not only for individuals but also for societies. The report titled "Report on Children Under Risk" by Children Foundation based on the data obtained from United Nations Population Division, United Nations Educational, Scientific and Cultural Organization (UNESCO), UNICEF, the UN Refugee Agency, Food and Agriculture Organization of the United Nations, The World Health Organization, Coalition of Prohibition of Children Soldier, Amnesty International, International Society for Prevention of Child Abuse and Neglect expresses this horrifying reality. According to the report, more than two-million people are kidnapped in each year, with half them are female children. Kidnapping of male children are also reported, while the report notes the fact that most of the kidnapped children are sexually abused. The report also finds that some families willingly involve in sexual abuse due to poverty and lack of a healthy understanding of the family institution. [1, 2]

The report shows that child abuse and negligence is becoming more and more widespread in Turkey; that the most common types of abuses are psychological and physical; and that the number of sexual abuse and violence is also quite substantial even though it is hard to accurately monitor these types of abuses. More importantly, the report mentions that preventive projects for child abuse have not been put into effect.

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## ÇOCUKLARIN CİNSEL İSTİSMARINI ÖNLEMEDE MAHREMİYETİN ÖNEMİ

*Özet: Dünyanın en ciddi problemlerinden birisi çocuk sorunlarıdır. Bunların arasında çocukların cinsel istismarı önemli bir yer tutmaktadır. Bu istismarı önleyebilme adına İslâm'ın öngördüğü bir tedbir vardır. O da ailede mahremiyet eğitimidir. Makale, mahremiyetin kaynağı ve eğitimi ile ilgili olup cinsel istismarı önlemede en önemli tedbirlerden birisi olduğunu ortaya koymaktadır.*

*Anahtar Kelimeler: Cinsel istismar, Mahremiyet, Tesettür, İstizan, Ev içi mahremiyet*

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We haven't found any reports that can provide accurate statistics on sexual abuses of children in Turkey. Thus, we consider that reviewing the cases that already had been brought to courts could give us an idea about the problem of sexual abuse of children in Turkey although such a method may not be reliable to evaluate the overall issue. We examined some cases of crime, in which mainly children are involved in the court of province of Rize, Turkey. We identified that among 657 lawsuits about children reported between 2000 and 2005, 113 of them were cases of child abuse were reported and 13 of which had happened inside family. [3]

It is alarming to see that in Rize, with population of 320,000 including its districts and villages, one-sixth of child related-cases brought to the judicial process is related to sexual abuse. As expected, it is important to note that the number of unrecorded cases whose victims suffer through their entire lives is not small. Based on these findings, one can safely state that sexual abuse of children in Turkey is a real problem and, not much effort has been done to solve this crucial problem.

Regarding to prevent sexual abuse of children, which captures the attention of many national and international institutions across the world, the religion of Islam recommends improving the understanding the rules of "privacy (mahremiyet)" within the family as the most important precaution. However, the national and international institutions aiming to prevent sexual abuse of children mostly focus on the solutions outside the family institution. The reason for this mismatch is probably because the institution of family gets weaker and parents lose their values over time. Considering the

seriousness of the problem of child abuse, it is necessary to note that these are worrisome signs.

Regardless of the circumstances, family is undoubtedly the most important institution in preventing child abuse. Many victims of abuse complained in their psychological evaluations about that people in their families or in the environments where they were grown up usually did not pay attention to the concept of privacy and did not respect their privacy either. Therefore, first cases of sexual abuses reportedly occurred in their families or in their childhood environments. [4] This clearly implies that there needs a type of the family surrounding, where the parents (and grand parents) have appropriate privacy perception and it is also important for parents to convey such perception to their children in order to prevent sexual abuses of children.

It is important to explain what we mean by “sexual abuse” and “privacy.” Abuse means exploiting, misuse or utilization of a subject. Sexual abuse means exploiting sexually and misuse of a subject. Sexual abuse is legally accepted as a violation of sexual inviolability that is part of personal immunity. Sexual abuse is illegal and those who commit it are punished since personal impunity is under the protection of law. [5] The boundaries of sexual abuse are determined by the body boundaries, which are determined by sexual immunity. Any irritating look, words and actions violating these boundaries are considered as abuse. [6]

Privacy could be understood as immunity. It is a term used for everything from touching to something forbidden to touch or looking at something forbidden to look or talking about something forbidden to talk by the religion. The term “mahrem” used for blood relatives who are too close to get married in Islamic family law is borrowed in Turkish from Arabic [7] and used as privacy with the meaning of “the state of being forbidden” and “secrecy.” [8]

The word “privacy” is also used in Turkish as kinship and secrecy. Note that we are using the word “privacy” as “sexual immunity” in this study. We are using the expression of “perception of privacy” to refer required sensibility towards a person’s own and others’ sexual immunity. We will examine the foundation of privacy and responsibilities brought by privacy upon the person and other family members.

## II. THE FOUNDATION OF PRIVACY

Privacy (Mahremiyet) as sexual inviolability is actually a component of the immunity (perfectly created) [9] human being in general sense. There have been various philosophical answers to the question of “whether the source of human immunity comes from human being

himself or from the existence of a higher power who can accommodate such immunity.” We will not analyze the answers given to these questions and go into detail. However, if the immunity of human being, who consists of body and soul, comes from himself/herself, then the decisions that he/she makes about himself/herself would prevail and also they would differ from one person to another. According to this view, an individual reserves the right of being able to take on/off his/her immunity depending on the person he/she is dealing with. For instance, whether to define an action as a sexual abuse or not would completely be decided by that person’s free will. As a result of this, the definition of privacy in the context of sexual immunity will depend on the free will of human being, which differs from person to person and thus, there will not be a common definition of sexual immunity in the society and its borders cannot be drawn clearly. Moreover, individuals will not have any responsibility related to their sexual immunity since it is defined by their own free will.

In the case of recognizing the existence of a higher power that renders human their immunity, the source of immunity will be this power and the human beings’ task would be to watch over the boundaries outlined by this power. Thus, body and soul would be things that are entrusted to human beings and God’s words and will would decide how to treat these trusts. It is therefore the more human beings subordinate God’s will the more respect they show these trusts and the more rewards they will deserve; whereas the more they act against this Eminent will and the more they disrespect these trusts the more they will deserve the bad consequences.

In Islam, the mentioned superior will belongs to Allah; He is the One who creates the bodies and souls and then entrusts them to human beings; He is the One who renders human being as the most honorable creation and He is the One who renders their lives, minds, bodies, wealth, and descent immunity. In this regard, He is the One who determines what sexual immunity or “privacy” is, what its boundaries are and how to protect them. As a matter of fact, God is the foundation of privacy in Islam. Therefore, as in other matters, it is human being who is responsible of watching the boundaries of God even in regards to his/her own privacy.

An evaluation of the related verses in Holy Quran discloses the fact that the privacy of human dates back to the day of the creation of human beings and it turns out that the target of Devil’s first trick was to violate his/her privacy by getting them rid of their clothes.

In particular, verses from 11 to 27 of the seventh chapter of Holy Quran narrate the story of creation of Adam (PBUH) and Eve. In the meantime they also attract special attention to the Devil’s first trick towards human beings. As initially residing in Paradise Adam (PBUH)

and his wife's private body parts were covered with garments special to Paradise. [10] It is also mentioned in the story that after eating the fruits of the prohibited tree as a result of relying on the misguidance of the Devil, private parts of their bodies got uncovered. This is stated in the following verses as:

*Then began Satan to whisper suggestions to them, in order to reveal to them their shame that was hidden from them (before): he said: "Your Lord only forbade you this tree, lest ye should become angels or such beings as live forever."*

*And he swore to them both, that he was their sincere adviser.*

*So by deceit he brought about their fall: when they tasted of the tree, their shame parts became manifest to them, and they began to sew together the leaves of the Garden over their bodies. And their Lord called unto them: "Did I not forbid you that tree, and tell you that Satan was an avowed enemy unto you?"*

*They said: "Our Lord! We have wronged our own souls: If Thou forgive us not and bestow not upon us Thy Mercy, we shall certainly be lost."*

*(Allah) said: "Get ye down. With enmity between yourselves. On earth will be your dwelling-place and your means of livelihood,- for a time."*

*He said: "Therein shall ye live, and therein shall ye die; but from it shall ye be taken out (at last)."*

*O ye Children of Adam! We have bestowed raiment upon you to cover your shame, as well as to be an adornment to you. But the raiment of righteousness,- that is the best. Such are among the Signs of Allah, that they may receive admonition!*

*O ye Children of Adam! Let not Satan seduce you, in the same manner as he got your parents out of the Garden, stripping them of their raiment, to expose their shame: for he and his tribe watch you from a position where ye cannot see them: We made the Satans friends (only) to those without faith. [11]*

Allah the Almighty creates all creatures naked. Thus, all youngsters are born naked. The same is true for a human being's creation and birth. But a human being is different from other creatures in one very important aspect. Upon the initial creation, Allah has concealed man's private parts with a cover special to Paradise. On earth, He has given human beings clothing as a token from the Paradise so they may cover themselves with it. He named their clothing as man's ornament. In contrast, other beings are born naked and live naked. The clothing that covers their private parts is a distinguishing feature of

human beings. The private parts of a human body are to be concealed and protected from the glances and touch of others. This privacy stems from Allah's will. One's privacy is to be respected not only by the person himself/herself but also by the others.

The covering of private parts is a fundamental characteristic of human beings that comes from the creation itself. The removal of this cover or exposure of private parts and thereby breaching the rules of privacy is the object of the Devil's first betrayal to human beings.

This much is true: Allah's prohibitions are the traps of the Devil. Beneath each of Allah's prohibitions lies much harm that may even threaten one's humanity. For both men and women, the exposure of private parts can lead to many sins and negative consequences unfit for being humans. This is a dangerous path that makes men and women fight their nature and distance them from their respective masculine and feminine identities. Therefore, the Devil's first goal was to strip human being naked.

Exposing private parts reduces one's sense of shame, which may be lost completely in time. When one loses his/her sense of shame, one becomes open to all evil. For this reason, Prophet Muhammad (PBUH) says: "One of the truths that people have learned from the words of the prophets is that "do whatever you want if you are not ashamed of." [12]

Shame and sense of privacy, which can be considered within the sense of shame, are distinguishing characteristics of human beings. And they exist in the heart. When they decrease or are completely lost, the heart gets compromised. When the heart is compromised, one's behavior is affected from it. Improper conduct appears in the actions of one's eyes, hands and tongue. Thus, inappropriate words are said; glances that undermine other's privacy are made, and unjust actions are carried out.

A person who does not mind to expose their private parts suffers from a sense of carelessness towards the privacy of others. In fact, he/she may be annoyed by other's efforts to conceal their private parts. Such a person's sense of dignity and privacy are seriously damaged.

The Devil who has deceived the father and mother of all humanity by causing their private parts to be exposed is still on duty. As long as this world exists, he will continue trying to deceive the descendants of Adam (pbuh) and Eve into uncovering their private parts and losing their sense of privacy. Allah Almighty addressed the descendants of Adam and warned them about the Devil's traps related to the matter of privacy as follows:

*“O ye Children of Adam! Let not Satan seduce you, in the same manner as he got your parents out of the Garden, stripping them of their raiment” [13]*

This verse shows that the Devil’s first attempt at human existence is in effect at all times, and breaching the privacy and elimination of modesty is one of the most, if not the most, important ways in which the devil tries to control humans.

### **III. RESPONSIBILITIES BROUGHT BY PRIVACY UPON THE PERSON AND OTHER FAMILY MEMBERS**

It should be noted that the verse about “asking permission to enter a house” has a determining role in the matter of privacy within the institution of family. The 27-29 verses of the 24<sup>th</sup> Chapter of the Qur’an establish the significance of the privacy among household and everyone’s compliance to it. In the immediately following verse 30 commands men to protect their eyes from looking at what is unlawful, as a precaution, and ultimately protect their private parts by abstaining from adultery. Verse 31 gives the same order to women. Women are prohibited from exposing their ornaments and their body parts where they wear these ornaments on to foreign men. Here it is also clearly stated in whose company women can expose these ornaments, that is, in whose company women can wear their in house clothing. Since these verses are related to privacy in the general sense, we shall not delve into their details.

After the general commandments are specified in the above verses, the following verses explain how privacy is to be maintained among the persons of a household.

*O ye who believe! Let those whom your right hands possess, and the (children) among you who have not come of age ask your permission (before they come to your presence), on three occasions: before morning prayer; the while ye doff your clothes for the noonday heat; and after the late- night prayer: these are your three times of undress: outside those times it is not wrong for you or for them to move about attending to each other. Thus does Allah make clear the Signs to you: for Allah is full of knowledge and wisdom.*

*But when the children among you come of age, let them (also) ask for permission, as do those senior to them (in age). Thus does Allah make clear His Signs to you: for Allah is full of knowledge and wisdom. [14]*

These verses deal with the issue of privacy within a household. Even though the verses address adults living in a household and these adults are in charge of teaching morals to the children. It is noteworthy that these verses

also address the minors in the household. Imam Jassas concludes that these verses provide evidence that minors can be held responsible for certain acts even if for teaching purposes only. [15]

In the past there was no restraints put on male and female slaves that had to come and go to take care of household chores. And there is no limit for pre-adolescent children during regular hours of the day because during those hours both children and adults in a household carry proper domestic clothing. The limitations of this kind of domestic clothing are determined by the privacy boundaries between a person and his/her relatives. Briefly stated, most jurists state that a man must cover his body between his belly and knee cap at all times. [16] This is also the proper measure of clothing for a woman to follow among relatives who are forbidden for her to marry for blood, milk and marital reasons, as long as there is no potential for feeling of lust. Regarding a woman’s clothing in the presence of “mahrem” male relatives, there are the following legal opinions:

The Maliki and Hanbali jurists consider a woman’s entire body private except for her face, head, hands and feet. [17]

Hanafi jurists consider a woman’s body between her belly and knee caps, her back and her stomach as private. In the absence of potential lust, they state that she can expose the other parts of her body in the presence of her “mahrem” male relatives. [18]

Shafii jurists consider a woman’s body between her belly and knee caps as private and see no harm in her exposing the other parts of her body in the presence of her “mahrem” male relatives in the absence for potential lust. Some of the Shafii jurists state that it is permissible for a woman to expose her head, neck, forearms up to elbows, and legs up to her knees in the presence of “mahrem” male relatives. [19]

Both men and women must cover their bodies within the limits given above. Children are permitted to enter rooms without permission outside the three times mention in the above verse. It is emphasized that during these three times, the children have to ask for permission and the adults must teach children to do so.

We believe that the part of the verse stating “outside those times it is not wrong for you or for them to move about attending to each other” implies that the adults also have to ask for permission when visiting children’s rooms. This is teaching by setting a good example. It is very beneficial for a child to see the respect for his/her privacy shown by his/her parents and other elders.

The verses point to the need for adults to maintain their privacy by modesty as well as to the need for teaching children a sense of privacy and modesty in their younger ages. It is clear that this responsibility falls on the shoulders of parents and other elders in the household, which is a compulsory (fard) duty because of the imperative verb used in the verse. It should also be emphasized that it is a clear violation of these verses for people responsible for the care of children not to teach them about privacy and that this violation does not only harm an individual but also the entire society.

Muslim scholars emphasized the importance of covering up the private parts of children and showing respect to this rule of privacy even by the parents.

Generally, babies are considered exempt from above rule. According to Hanafi jurists, the age 4 is the limit for no privacy flexibility. Between the age of 4 and 10, covering genital areas including the back is considered to be sufficient. As of 10, kids shall be held responsible for following the same privacy requirements as adults. [20]

Maliki jurists raise the age limit for no privacy rule for boys up to 8. According to this rule, a woman can wash or look at a naked boy who is younger than 8. Between the age of 9 and 12, a woman can only look, but no washing is allowed. As of 13, boys are considered as adults. For girls, privacy requirement depends on how they physically look, rather than her age. Until they start looking feminine enough, men can look at them without any restriction. In terms of touching though, girls are considered as adults regardless of their age, meaning no men can wash their private parts. Once a girl starts looking like feminine enough to attract a men's attention, she is considered as an adult. During prayers, it would be adequate for boys to cover their genital parts and their backs. It is recommended that they also wear at least a short to cover their legs too. Girls must cover between their belly buttons down to their knees. It is also suggested for girls to cover more body parts during a prayer. [21]

According to Shafii jurists, boys or girls are not required to follow any privacy rule until their physical appearance start looking sexually attractive to the opposite gender. They still need to cover their genital parts though. Women must treat mature looking boys as adults and dress accordingly. Some Safi Scholars says, women can treat boys in this category as their relatives. No privacy is needed for the kids who are not able to apprehend what they see. The kids who are able to describe what they see without apprehension must be treated as relatives. The children who are mature enough to be sexually attracted must be treated as adults. Shafii school requires kids to fully comply with the rules of adult dressing during ritual prayers. [22]

Hanbali jurists have no privacy requirement for kids younger than 7 years of age irrespective of gender. There is no restriction on looking or touching for this age group. Boys, aged 7 through 9, must cover their genital areas during prayers and other times. Girls, older than 7, need to cover from between belly button down to knees during prayers. The same rule applies when they are around their relatives. In public, they must cover all of their body except neck-up (including face and hair), hands and arm up to elbow, and their feet. [23]

#### IV. CONCLUSION

We have briefly given Muslim scholars' views in order to provide an understanding of privacy, to define the limits of private parts of pre-adolescent children and to establish such understanding among the society.

Upon receiving the above mentioned verses regarding to establish the rules of privacy among children and to pay special attention to it by adults, the Prophet (PBUH) and his companions became models for believers and showed them how to fulfill this command in their own lives. Depending on the reports from them, Muslim jurists have made their interpretations regarding to privacy of children and related topics.

The common point of the interpretations is the fact that the privacy for children must be recognized. As for the starting age for the rules of privacy for children, Hanafi jurists conclude it to be 4, Hanbali jurists, 7 and Maliki jurists 8. Shafii jurists also maintain that it starts when child becomes biologically mature enough to sexually attract others. Although there are differing views among Muslim scholars, there is a consensus among them about that people including parents must respect the privacy of children. In another words, after mentioned ages – explained above – it is precisely prohibited to look at the private parts of children, which are defined in the context of sexual immunity.

Post-adolescent children are subject to same privacy limits just like adults. As a conclusion, it is worth nothing.

As always, today humanity is in dire need of the Creator (Almighty)'s help who advices them and warns them about protecting privacy. In order to prevent sexual abuse, there is a great need of a healthy family structure, where the privacy laws should be well established, as well as responsible parents who are cautious about equipping their children with understanding of privacy in their early ages.

Responding such needs is mainly the task of government officials, media and other related institutions, which can directly reach public by employing mass

communication channels. It is worth mentioning that the responsibility of such important task also falls on Islamic scholars as well as religious affairs' staff. Besides, it is our social responsibility to inform others on the issue by using all conventional channels of education.

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