

Cabinet Resolution No. (52) of 2018 Concerning the Executive Regulations of Federal Law No. (3) of 2016 on Child Rights Law (Wadeema)

The Cabinet,

Having reviewed:

- The Constitution;
- Federal Law No. (1) of 1972 on the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (3) of 2016 on Child Rights Law (Wadeema); and
- Based on what was proposed by the Minister of Community Development and the Cabinet's approval,

Hereby resolves as follows:

Article (1)

Definitions

In implementation of the provisions hereof, the following words and expressions shall bear the meanings assigned thereto herein respectively, unless the context otherwise requires:

The State	: The United Arab Emirates.
The Ministry	: The Ministry of Community Development.
The Minister	: The Minister of Community Development.
The Competent Authorities	: The federal authorities concerned with child affairs.
The Bodies Concerned	: The local authorities concerned with child affairs.
The Child	: Each and every human being born alive and below 18 years of age.
The Custodian	: The person legally in charge of the Child or entrusted with the Child's custody.
The Foster Family	: The alternative family entrusted with the custody and care of the Child.
The Child Protection Specialist	: The person duly licensed and assigned by the Competent Authority or the bodies concerned, as the case may be, to preserve the Child

rights and protect the Child within his competencies, as set forth under the Law and herein.

- Child Abuse** : Each and every act or omission that would be detrimental to the Child in a manner that prevents his upbringing and growth in a proper, safe and healthy manner.
- Child Neglect** : Failure of parents or custodians to take the measures necessary for protecting the Child's life and physical, psychological, mental, and moral wellness from danger and preserving his various rights.
- Violence Against the Child** : The deliberate use of force against any child by any individual or community, inflicting actual harm to the Child's health or growth or survival.
- The Child's Best Interest** : Put the Child's interest above all considerations and give priority and preference thereto in all circumstances, regardless of the interests of other parties.
- The Child Protection Unit** : The organizational units, reporting to the Competent Authorities or the bodies concerned, having sole competence to implement the Child protection mechanisms and measures provided for under the Law and herein.
- The Social Care Institution** : The institution, reporting to the Competent Authorities or the bodies concerned, that provides social care and accommodation services for the Child abused or deprived of family care.
- The Therapeutic Shelter** : The medical, social, or psychological facility that provides treatment and rehabilitation services for child molestation perpetrators.
- The Educational Institution** : The public or private institution wherein a student is enrolled in education stages within the State under the supervision of the Ministry or the educational body.
- The Approved Form** : The Child status assessment form approved by the Ministry in coordination with the bodies concerned.
- The Law** : Federal Law No. (3) of 2016 on Child Rights Law (Wadeema).

Article (2)

Conditions of Child Labor

1. The Ministry shall, in coordination with the Ministry of Human Resources and Emiratization, study the applications for child employment, provided that the same shall be submitted in writing by the Child's guardian or custodian to the Ministry.
2. In order for the Child to be employed, the following are stipulated:
 - a. The Child must not be less than fifteen years of age.
 - b. The Child must be medically fit for the work he is required to be engaged in.
 - c. Any other conditions determined by the Ministry or the Ministry of Human Resources and Emiratization.
3. The Ministry shall, if the employment application is approved thereby, issue a permit and send the same to the Ministry of Human Resources and Emiratization.
4. The Ministry shall prepare a child labor follow-up form; and the supervisor in charge of the Child work shall prepare a periodic report every three months on the status of the Child and submit the same to the Ministry.
5. The Ministry shall study those reports and make the necessary recommendations to the Ministry of Human Resources and Emiratization as to the children who have signs of non-adaptation at work and any other remarks on the work environment to take the necessary actions.
6. The children may be trained or taught crafts or occupations by which they acquire knowledge, self-reliance and self-fulfillment through their parents or custodians and in accordance with the controls issued by resolution of the Minister.

Article (3)

Places Where Children are Banned

1. The Child shall be banned from entering or being accompanied to the following places:
 - a. Adult nightclubs.
 - b. Smoking areas.
 - c. Laboratories of materials of fast and hazardous chemical reactions.
 - d. Factories and ovens of high temperatures.
 - e. Places of gas emissions and toxic liquids.
 - f. Quarries, mines, and places where materials are extracted from the ground.

- g. Workshops of rapid and hazardous rotary machines.
 - h. Places of war, armed conflict, and natural and environmental disasters.
 - i. Places where weapons and explosives are manufactured.
 - j. Places designated for cutting, pressing, and forming hazardous metals.
 - k. Places of projectiles, flying sparks and melting.
 - l. Unclean waste recycling sites.
 - m. Places where epidemics and deadly diseases spread.
 - n. Places of electromagnetic interference and frequencies affecting the health of children.
 - o. Places where narcotic drugs are manufactured; and
 - p. Shops designated for the sale of materials intended for adults.
2. School visits and activities in accordance with the controls to be stipulated by the Ministry of Education and circulated to schools and bodies concerned with education in the State are excluded from the ban mentioned under Clause (1) of this Article.
3. If the Child is accompanied to places other than those specified under Clause (1) of this Article, the following shall be observed:
- a. Maintain the Child's physical, psychological and moral wellness.
 - b. Comply with the controls and stipulations established by the supervisors of such place; and
 - c. The age of the Child and his degree of understanding of what he is seeing shall be appropriate to the place to which he is accompanied.

Article (4)

1. The managers of movie theatres, TV channels, sites designated for playing movies by whatever means and other similar places shall, in a conspicuous place in both Arabic and English and in clear writing, post the age of the children allowed to watch the films or materials played.
2. The supervisors of cinemas shall request a proof of the Child's age before admitting him to see the show so as to ascertain that the show is appropriate for his age.

Procedures for Reporting Violations of Child Rights in Educational Institutions

Article (5)

The Ministry of Education shall circulate the said procedures to all schools and educational institutions to clarify the role of staff in schools and educational institutions, public and private, and their responsibility for reporting any abuse or violence against the Child or in the event of suspected violations of child rights, and shall acquaint them with the consequences of failing to report the same.

Article (6)

1. The Child Protection Unit reporting to the Ministry of Education shall be advised by the educational institutions of the complaints pertinent to infringements or violations of any educational right, or any abuse suffered by the Child upon their occurrence or upon suspecting the occurrence of the same.
2. The Child Protection Specialist shall examine the case, assess the harm according to the approved form, identify the causes, propose the action as required by the case study and file the same to the Child Protection Unit.
3. Having evaluated the case, the Child Protection Unit shall take the following procedures:
 - a. Inform the police in the cases that constitute a crime punishable by the statutes applicable in the State.
 - b. Hospitalize the Child for treatment, receive a medical report inclusive of a statement showing the Child's condition and identify the effects ensuing from the abuse incident (sexual, physical, malnutrition or illness) if necessary.
 - c. Refer the molested or abused Child to rehabilitation programs at the competent entities if necessary.
 - d. Set plans, solutions and proposals aiming at removing the causes as well as the effects arising from such violation of child rights or his abuse, in coordination with the Child's guardian or custodian.

Article (7)

Competences of the Child Protection Unit

The Child Protection Unit shall undertake the following Competences:

1. Receive reports on any violation of the Child rights that are established in accordance with the statutes applicable in the State.
2. Evaluate the reported case as per the approved form.
3. Take appropriate preventive measures to protect the Child subject of the report pursuant to the provisions of the Law and this Resolution.
4. Set appropriate intervention plans, provide counseling and support to families and those children exposed to abuse, violence or exploitation, and acquaint families with the proper pedagogical principles for dealing with the children.
5. Coordinate with the competent bodies to provide psychological, social and health treatment for the children victims of abuse or ill-treatment.
6. Follow up on the families and children during the course of protection, provide them with the requirements necessary and assess their conditions in order to identify the progress of their cases and make the necessary recommendations in this regard.
7. Coordinate with the competent authorities and the bodies concerned with searching for and investigating absent, runaway and missing children and their places of residence.
8. Set plans to regulate the Child's visitation for his parents or custodian if the Child is placed in social or health care institutions or with a foster family.
9. Disseminate the culture of child rights to minimize, by all possible means, the potential violations to the Child.
10. Contribute to getting the Child reconciled with his parents or custodian or any other party in conformity with the Law and this Resolution.
11. Follow up on the course of investigation into crimes against the Child, if necessary.
12. Provide counseling and guidance to the Custodian of the Child on the methods of proper and correct socialization, identifying the surrounding risks and the ways to avoid risks; and
13. Document the children-related complaints and keep the data of each case in confidential records that can be accessed only by Child protection specialists.

Article (8)

Competences of the Ministry

The Ministry shall, in coordination with the bodies concerned, undertake the following competences:

1. Follow up on the measures taken with respect to the children pursuant to the provisions of the Law and this Resolution, and periodically review the same in such a manner that ensures the Child's best interest.
2. Select the Foster Family in accordance with the controls and conditions determined herein.
3. Create a form for following up on the children placed in social or health care institutions or with a foster family.
4. Approve a training program for qualifying the child protection specialists before hiring them.
5. Conduct research, studies and statistics on the cases where child rights are violated.
6. Develop the policies and programs pertaining to child protection and follow up on their implementation.
7. Organize specialized training programs for parents, guardians and custodians of the children and acquaint them with the difficulties they may face in dealing with them and the ways to address such difficulties; and
8. Set the code of ethics of the Child protection specialists.

Article (9)

Conditions of Child Protection Specialist

1. The Child Protection Specialist shall:
 - a. Be a citizen of the State.
 - b. Have full legal capacity.
 - c. Be of good conduct and has never been convicted of an offense involving moral turpitude or breach of trust, even if rehabilitated.
 - d. Be holder of a university degree in social or psychological sciences or in the field of family and childhood, or have a diploma in the said competencies with at least 3 years of experience in the field of child protection; and
 - e. Successfully pass the training program approved by the Ministry for qualifying the Child protection specialists.

2. Without prejudice to Paragraphs (A, B and C) of Clause (1) of this Article, the Child Protection Specialist working for the Ministry of the Interior shall be holder of a university degree in law or police sciences or a diploma with at least 3 years of experience in the field of child protection.

Article (10)

Preventive Measures

The Child Protection Specialist shall, subject to prior approval of the superior body concerned, take the following preventive measures:

1. Integrate the children into the programs and activities that support their personalities towards the problems they face or the challenges they encounter;
2. Take appropriate actions to provide the children and families with the skills necessary for tackling problems, through courses and workshops;
3. Coordinate with the relevant bodies to take the necessary measures regarding the safety of the children and protection of their rights.
4. Instruct and enlighten the children about the risks they may face when visiting some places or practicing some activities.

Article (11)

Oath Taking

The Child Protection Specialist shall, before assuming his job, take the oath before the head of the body to which he reports or the his delegate as follows:

“I swear by Almighty God to perform my work with accuracy, honesty and sincerity, to abide by the laws of the United Arab Emirates, and to preserve and keep confidential the secrets of work and the information and secrets that come to my knowledge”.

Article (12)

Protection Measures

The Child Protection Specialist shall, if there is a threat to the Child's safety or physical, psychological, moral or mental health, take the necessary protection measures as follows:

1. Take the Child out of the dangerous place and put him in a safe place that ensures protection according to his assessment of the level of danger to the Child.
2. Conduct a comprehensive social research clarifying the conditions and circumstances surrounding the Child, and submit a report to the superior administrative body accompanied by the appropriate recommendations for necessary action to be taken.
3. Rehabilitate the Child psychologically and physically by specialists.
4. Enroll the Custodian in training programs to ensure good treatment and normal growth of the Child.
5. Pay field visits to the Child, if necessary, to check his condition and solve any problems that he may be facing.
6. Prevent the Child from engaging in acts that would cause him harm and deny his access to places that threaten his physical, psychological and moral wellness.
7. Submit recommendations to the bodies concerned to support the Child's family if the Child Protection Specialist becomes convinced that the Custodian's neglect is attributable to the poor social status of the family.
8. File a report to his employer to address the Public Prosecution Office, if necessary, and send a warning to the Custodian in case the latter is persistently failing to comply with implementation of the agreed recommendations.
9. File a report to the Child Protection Unit in which he/she works, clarifying therein the conditions and circumstances surrounding the Child when it is necessary to address the competent prosecution office for taking appropriate action for protecting the Child, as provided for under the Law, no later than 24 hours as from the date on which the report is received.
10. Identify the appropriate Foster Family for the Child, and ascertain that the same enjoy all rights within such family.

Article (13)

Conditions of the Foster Family

The Foster Family shall:

1. Consist of a married couple of not less than 25 years old each;
2. Be reputable and of good conduct;
3. Be of the same religion of the Child;

4. Have never been convicted of an offense involving moral turpitude or breach of trust, even if rehabilitated;
5. Be proven to have been free of communicable and psychological diseases and mental disorders affecting the health and safety of the Child, through a report to be issued by an official medical body;
6. Be financially capable of sustaining its members along with the Child;
7. Undertake to treat the Child well, to raise him righteously and to look after his health, education, protection and development in accordance with the relevant undertaking form; and
8. Abide by any other conditions determined by the Minister, based on the recommendation of the Child Protection Unit and in conformity with the provisions of the Law and this Resolution.

Article (14)

Obligations of the Foster Family or the Entity with which the Child is Placed

The Foster Family or the entity with which the Child is placed shall:

1. Take care of the Child and provide him with all basic needs necessary i.e. food, clothing, drink and shelter;
2. Treat the Child well and provide him with pedagogical, health, psychological, physical and moral care;
3. Not give up caring for the Child or hand him over to another foster family or his parents or one of them even for a temporary period until and unless an approval to that effect is obtained from the entity in charge of the Child;
4. Advise the Ministry of any change to the status of the family, e.g. divorce, death of one of the spouses or marriage of a family member, or any change to the place of residence of the family;
5. Inform the Ministry if the Child is enrolled in a school, absent from home, escapes, dies, or becomes a school dropout;
6. If desiring to travel abroad with or without the Child, consult the entity in charge of the Child; and
7. No consideration shall be paid to the Foster Family in return for the Child care duties.

Article (15)

Controls of Placing the Child with a Foster Family or Another Entity

1. In the case of failure to fulfill the conditions stipulated for keeping the Child with his family as mentioned in Article (47) of the Law, the Child shall be placed with an appropriate foster family or

social, pedagogical or health agency or institution, whether it is public or private, in accordance with the following controls:

- a. A permit from the Public Prosecution Office shall be obtained.
 - b. The Foster Family shall meet the stipulations established for the Child care under the Law and this Resolution.
 - c. The Foster Family or the entity with which the Child is placed shall abide by the obligations set forth under the Law and this Resolution.
 - d. The Foster Family or the entity with which the Child is placed shall be approved by the Ministry.
2. The natural family of the Child shall be informed of the entity with which the Child is placed, as specified under Clause (1) of this Article, unless the Child's Best Interest requires otherwise.

Article (16)

Procedures for Releasing the Person Convicted of Child Molestation

1. Before releasing a person convicted of child molestation, the penitentiary shall follow the following procedures:
 - a. Conducting psychological examinations and tests on such convict; and
 - b. Addressing the Public Prosecution Office as to the application for referral to the Therapeutic Shelter, accompanied by the results of psychological examinations and tests that prove the ineligibility of such convict for being released and that the same still constitutes a social danger.
2. The Public Prosecution Office shall, upon receipt of the referral application, take the following measures:
 - a. Submitting the said application to the competent court to issue the order of placing with the Therapeutic Shelter; and
 - b. Undertaking the procedures for placing such convict with the Therapeutic Shelter, based on the order issued by the competent court.
3. The Therapeutic Shelter shall rehabilitate such convict placed therewith through an integrated program at the hands of specialists so as to revert to the normal life, and may not release the same except as follows:
 - a. The Therapeutic Shelter shall file a report to the Public Prosecution Office to examine the release of such convict, placed therewith, at the end of the respective program and after the examinations and tests demonstrate that the same is no longer a social danger to children.

- b. The Public Prosecution Office shall bring the matter before the competent court so as to request the release of such convict.

Article (17)

Controls Governing the Application of Engineering Standards and Specifications

1. The authorities concerned with construction in each Emirate shall apply the special engineering standards and specifications, construction laws and safety and security requirements that protect the Child from any kind of harm, in accordance with the following controls:
 - a. Obligating the owners of buildings to apply the aforementioned standards, specifications and requirements;
 - b. Ensuring the implementation of such standards, specifications and requirements; and
 - c. Penalizing whoever contravenes the same pursuant to the statutes applicable at such authorities.
2. The Competent Authorities and the bodies concerned shall, in coordination with the Ministry, establish the controls and procedures necessary for protection of the Child in public and recreational places and in public transportation, taking into account the following:
 - a. Availability of all child safety precautions;
 - b. Appropriateness of entertainment games for the age of the Child, posting the necessary alerts if they are not suitable for the children with certain diseases along with the conditions of use; and
 - c. Setting conditions for using the public transportation by the children where this is required.

Article (18)

Procedures for Preparing a Report on the Custody Applicant

1. One or more committees shall be formed in each Emirate by a resolution of the Minister of Justice or the head of the competent judicial body. The number of its members shall not be less than three persons with experience and competence, inter alios, a representative from the Child Protection Unit. The resolution forming the said committee(s) shall determine its nature of work and decision-taking mechanism.
2. Without prejudice to the provisions of the Personal Status Law, the competent court shall, prior to delivery of a judgment on the Child custody, request the committee referred to hereinabove under Clause (1) of this Article to submit a detailed report on the social, psychological and health status as

well as the criminal status of the person applying for custody or the person to whom custody will be ordered by the court, or submit a statement indicating that he did not commit any crime outside the State.

3. The report referred to under Clause (1) of this Article shall be prepared in accordance with the following procedures:
 - a. The specialist reporting to the Child Protection Unit shall pay a field visit to the applicant for custody or the person to whom custody will be ordered by the court in order to identify the family, social and economic conditions thereof and his ability to provide the subsistence, educational and health needs necessary for the Child.
 - b. The necessary tests shall be conducted to ascertain that the custody applicant or the person to whom custody will be ordered by the court is eligible for custody of the Child in accordance with the approved form.
 - c. It is required to ascertain that the custody applicant or the person to whom custody will be ordered by the court is free of any disease that poses a danger to the Child in custody, by a medical certificate from an approved medical entity.
 - d. A recent good conduct certificate of the custody applicant or the person to whom custody will be ordered by the court, from inside or outside the State, as the case may be, shall be attached.
 - e. The custody applicant or the person to whom custody will be ordered by the court shall sign the approved acknowledgment to have never committed a crime outside the State.

Final Provisions

Article (19)

The Ministry shall prepare a database of those convicted of crimes against children; and the Competent Authorities and the bodies concerned in the State shall provide the Ministry with data pertinent to such convicts as per the forms prepared by the Ministry for this purpose.

Article (20)

The provisions hereof shall not prejudice any other procedures, approved by the Bodies concerned, which guarantee better protection of the Child, subject to the provisions of the Law and this Resolution.

Article (21)

The Minister shall issue the resolutions necessary for the implementation of the provisions hereof.

Article (22)

Any provision contradicting or contrary to the provisions hereof is hereby repealed.

Article (23)

This Resolution shall be published in the Official Gazette and shall come into force as of the date of enactment.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by us:

On 6 Rabi' I, 1440 AH,

Corresponding to 14 November 2018 AD