

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

## **The Cabinet**

- Having reviewed the Constitution,
- And Federal Law No. (1) of 1972 concerning the competencies of Ministries and powers of Ministers, and its amendments,
- And Federal Law No. (3) of 2016 on Child Rights Law "Wadeema",
- And based on the proposal of the Minister of Community Development, and the approval of the Cabinet,

Has decided:

## **Article (1)**

### **Definitions**

In the application of the provisions of this Resolution, the following words and phrases shall have the meanings assigned to each of them, unless the context requires otherwise:

**The State:** The United Arab Emirates.

**The Ministry:** The Ministry of Community Development.

**The Minister:** The Minister of Community Development.

**Competent Authorities:** Federal authorities concerned with child affairs.

**Concerned Entities:** Local authorities concerned with child affairs.

**Child:** Every human being born alive who has not completed eighteen Gregorian years of age.

**Child's Caregiver:** The person legally responsible for the child or entrusted with their care.

**Foster Family:** The alternative family entrusted with the custody and care of the child.

**Child Protection Specialist:** The person licensed and assigned by the competent authority or concerned entities, as the case may be, to preserve

and protect the child's rights within the limits of their competencies as stated in the Law and this Resolution.

**Child Maltreatment:** Any act or omission that would lead to harm to the child, preventing their sound, safe, and healthy upbringing and development.

**Child Neglect:** The failure of parents or the child's caregiver to take necessary measures to preserve the child's life and physical, psychological, mental, and moral safety from danger, and to protect their various rights.

**Violence Against a Child:** The intentional use of force against any child by any individual or group that results in actual harm to the child's health, development, or survival.

**The Best Interests of the Child:** Placing the child's interests above all considerations, giving them priority and preference in all circumstances, regardless of the interests of other parties.

**Child Protection Unit:** The organizational units affiliated with the competent authorities or concerned entities that are responsible for implementing the child protection mechanisms and measures stipulated in the Law and this Resolution.

**Social Welfare Institution:** The institution affiliated with the competent authorities or concerned entities that provides social care and shelter services for abused children or those deprived of family care.

**Therapeutic Shelter:** The medical, social, or psychological facility that provides treatment and rehabilitation services for perpetrators of sexual assault crimes against children.

**Educational Institution:** The public or private institution where the student is enrolled in educational stages within the State under the supervision of the Ministry or the educational entity.

**The Approved Form:** The child case assessment form approved by the Ministry in coordination with the concerned entities.

**The Law:** Federal Law No. (3) of 2016 on Child Rights Law "Wadeema".

## **Article (2)**

### **Conditions for Child Employment**

1- The Ministry, in coordination with the Ministry of Human Resources and Emiratisation, shall study applications for child employment, through the submission of a written employment request by the child's guardian or caregiver to the Ministry.

2- The employment of a child is subject to the following conditions:

a- Their age shall not be less than fifteen years.

b- They must be medically fit for the work they are required to do.

c- Any other conditions determined by the Ministry, or the Ministry of Human Resources and Emiratisation.

3- The Ministry shall issue a permit in case of approval of the employment request, and send it to the Ministry of Human Resources and Emiratisation.

4- The Ministry shall prepare a form to follow up on child employment, and the child's work supervisor shall prepare a periodic report every (3) three months on the child's condition and submit it to the Ministry.

5- The Ministry shall study the reports and provide necessary recommendations to the Ministry of Human Resources and Emiratisation regarding children who show signs of maladjustment at work and any other observations concerning the work environment, to take the necessary measures.

6- Children may be trained or taught crafts or professions that provide them with knowledge, self-reliance, and self-fulfillment, through their guardians or caregivers, in accordance with the regulations issued by a decision of the Minister.

### **Article (3)**

#### **Prohibited Places for Children**

1- Children are prohibited from entering or being accompanied to the following places:

a- Nightlife or entertainment venues designated for adults.

b- Designated smoking areas.

c- Laboratories with rapid and hazardous chemical reactions.

d- Factories and furnaces with high temperatures.

e- Places with emissions of toxic gases and liquids.

- f- Quarries, mines, and places for extracting materials from the ground.
  - g- Workshops with fast and dangerous rotating machinery.
  - h- Areas of war, armed conflicts, and natural and environmental disasters.
  - i- Places for manufacturing weapons and explosives.
  - j- Places for cutting, pressing, and shaping hazardous metals.
  - k- Places with projectiles, flying sparks, and smelting operations.
  - l- Places for recycling impure waste.
  - m- Places where epidemics and deadly diseases are prevalent.
  - n- Places with interference and electromagnetic vibrations affecting a child's health.
  - o- Places for manufacturing narcotic drugs.
  - p- Shops designated for selling materials intended for adults.
- 2- Excluded from the prohibition in clause (1) of this article are school visits and activities, in accordance with the regulations determined by the Ministry of Education, which are to be circulated to schools and educational entities in the State.
- 3- If a child is accompanied to places not specified in clause (1) of this article, the following must be observed:
- a- Preserving the child's physical, psychological, and moral safety.
  - b- Adhering to the regulations and requirements set by the authorities supervising the place.
  - c- The child's age must be appropriate for the place they are taken to and their level of comprehension of what they see.

#### **Article (4)**

- 1- Managers of cinemas, television broadcasting channels, film screening websites by any means, and other similar places must announce in a prominent, visible place and in clear font in both Arabic and English the specified age of children allowed to watch the films or materials being shown.
- 2- Supervisors of cinemas must request proof of the child's age before allowing them entry to watch the show, to ensure the show is appropriate for the child's age.

## **Procedures for Reporting Child Rights Violations in Educational Institutions**

### **Article (5)**

The Ministry of Education shall circulate reporting procedures to all schools and educational institutions, to clarify the role of employees in public and private schools and educational institutions, and their responsibilities in reporting any observed abuse or violence against a child or in case of suspicion of any violation of child rights, and to inform them of the consequences of not reporting.

### **Article (6)**

1- Educational institutions shall report complaints regarding transgressions or violations of any educational rights or any abuse a child is subjected to upon its occurrence or suspicion of its occurrence to the Child Protection Unit at the Ministry of Education.

2- The Child Protection Specialist shall study the case, assess the harm according to the approved form, identify the causes, and propose the required action based on the case study, and submit it to the Child Protection Unit.

3- After assessing the case, the Child Protection Unit shall take the following actions:

a- Reporting to the police in cases that constitute a crime punishable by the legislation in force in the State.

b- Admitting the child for treatment in a hospital, and receiving a medical report that includes a statement of the child's condition, and determines the effects resulting from proving the incident of assault (sexual, physical, malnutrition, or illness) if necessary.

c- Referring the child subjected to assault or abuse to rehabilitation programs in the competent authorities if necessary.

d- Developing plans, solutions, and proposals to eliminate the causes and effects of the violation of the child's rights or the assault on them, in coordination with the child's guardian or caregiver.

### **Article (7)**

## **Competencies of the Child Protection Unit**

The Child Protection Unit shall have the following competencies:

- 1- Receiving reports of any violation of child rights as established by the legislation in force in the State.
- 2- Assessing the reported case according to the approved form.
- 3- Taking appropriate preventive measures to protect the child subject of the report, in accordance with the provisions of the Law and this Resolution.
- 4- Developing appropriate intervention plans, and providing counseling and support to families and children exposed to abuse, violence, or exploitation, and educating them on sound educational principles for dealing with children.
- 5- Coordinating with relevant entities to provide psychological, social, and health treatment for child victims of violations or maltreatment.
- 6- Following up on families and children throughout the protection process, providing them with necessary requirements, assessing their situations to monitor their progress, and providing necessary recommendations regarding them.
- 7- Coordinating with the competent authorities and concerned entities in searching for and investigating children who are absent, runaway, or missing from their families and places of residence.
- 8- Developing plans to organize the child's visitation with their parents or caregiver if the child is placed in social or health care institutions, or foster families.
- 9- Spreading the culture of child rights to reduce violations that may occur against them through all possible means.
- 10- Contributing to reconciliation between the child and their parents or caregiver or any other party, in a manner that does not conflict with the Law and this Resolution.
- 11- Following up on the progress of investigations into crimes committed against a child if the matter so requires.
- 12- Providing advice and guidance to the child's caregiver on sound and correct methods of social upbringing, explaining the risks surrounding the child, and the ways to avoid them.

13- Documenting complaints related to children, and keeping data for each case in confidential records accessible only to child protection specialists.

## **Article (8)**

### **Competencies of the Ministry**

The Ministry, in coordination with the concerned entities, shall have the following competencies:

- 1- Following up on the measures taken regarding children in accordance with the provisions of the Law and this Resolution, and reviewing them periodically to ensure the best interests of the child.
- 2- Selecting the foster family, in accordance with the regulations and conditions specified in this Resolution.
- 3- Developing a form for following up on children placed in social or health care institutions or foster families.
- 4- Approving a training program to qualify child protection specialists before their appointment.
- 5- Preparing research, studies, and statistics on cases of child rights violations.
- 6- Preparing policies and programs for child protection and following up on their implementation.
- 7- Organizing specialized training programs for those who deal with children, and familiarizing them with the difficulties they may face in dealing with them, and ways to address those problems.
- 8- Establishing rules of conduct and ethics for child protection specialists.

## **Article (9)**

### **Conditions for a Child Protection Specialist**

- 1- A child protection specialist must meet the following conditions:
  - a- Be a citizen of the State.
  - b- Be of full legal capacity.
  - c- Be of good conduct and behavior, and have no prior conviction for a crime against honor or trust, even if rehabilitated.

d- Hold a university degree in social sciences, psychology, family and childhood, or hold a diploma in the aforementioned specializations with at least (3) three years of experience in the field of child protection.

e- Pass the training program approved by the Ministry for qualifying child protection specialists.

2- Without prejudice to paragraphs (a, b, c) of clause (1) of this article, a child protection specialist working in the Ministry of Interior must hold a 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 take the following preventive measures after obtaining approval from their affiliated entity:

1- Integrating the child into programs and activities that support their personality in facing problems or challenges.

2- Working to provide the child and families with the necessary skills to deal with problems through courses and training workshops.

3- Coordinating with relevant entities to take necessary actions regarding the child's safety and the protection of their rights.

4- Guiding and educating the child about the risks they may face when frequenting certain places or practicing certain activities.

## **Article (11)**

### **Legal Oath**

Before starting their work, the child protection specialist shall take the legal oath before the head of their affiliated entity or their delegate, in the following formula:

"I swear by Almighty God to perform my work with precision, honesty, and sincerity, to abide by the legislation of the United Arab Emirates, and to preserve the confidentiality of my work and the information and secrets I come across or become aware of."

## **Article (12)**

### **Protection Measures**

The child protection specialist must take the necessary protection measures if they find a threat to the child's safety or physical, psychological, moral, or mental health, as follows:

- 1- Removing the child from the site of danger and placing them in a safe place that ensures their protection, according to their assessment of the level of risk threatening the child.
- 2- Conducting a comprehensive social investigation that clarifies the circumstances and conditions surrounding the child, and submitting a report to the administrative entity they are affiliated with, accompanied by recommendations to take the necessary action.
- 3- Psychologically and physically rehabilitating the child by specialists.
- 4- Enrolling the child's caregiver in training programs to ensure the child's proper treatment and normal development.
- 5- Conducting field visits to the child if necessary, to check on their well-being and resolve any problems they may face.
- 6- Preventing the child from engaging in activities that could cause them harm or from frequenting places that threaten their physical, psychological, and moral safety.
- 7- Submitting a recommendation to the concerned entities to support the child's family if the child protection specialist finds that the reason for the caregiver's negligence is due to the family's poor social conditions.
- 8- Submitting a report to their employing entity to address the Public Prosecution if it is necessary to issue a warning to the child's caregiver in case of their insistence on not complying with the agreed-upon recommendations.
- 9- Submitting a report to the Protection Unit they work for, clarifying the circumstances and conditions surrounding the child in case of need to address the competent Public Prosecution to take appropriate action to protect the child, as stipulated by the Law, within a period not exceeding (24) twenty-four hours from the time the report is received.
- 10- Identifying a suitable foster family to receive the child and ensuring that they receive all their rights within that family.

### **Article (13)**

## **Conditions for a Foster Family**

A foster family must meet the following conditions:

- 1- It must consist of a married couple, each not less than (25) twenty-five Gregorian years of age.
- 2- Both spouses must be of good reputation and conduct.
- 3- The religion of both spouses must be compatible with the child's religion.
- 4- Neither spouse shall have been previously convicted of a crime against honor or trust, even if rehabilitated.
- 5- It must be proven that they are free from infectious and psychological diseases and mental disorders that affect the child's health and safety, through a report from an official medical authority.
- 6- It must be able to financially support its members and the child.
- 7- It must pledge to treat the child well, raise them properly, and care for their health, education, protection, and development according to the approved pledge form.
- 8- Any other conditions decided by the Minister based on the recommendation of the Child Protection Unit, provided they do not conflict 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 be committed to the following:

- 1- Caring for the child and providing all necessary basic needs, such as food, clothing, drink, and shelter.
- 2- Treating the child well, and caring for them educationally, healthily, psychologically, physically, and morally.
- 3- Not abandoning the care of the child or handing them over to another foster family or to their parents or one of them, even temporarily, without the approval of the entity responsible for following up on the child.

- 4- Informing the Ministry of any change in the family's situation, such as divorce, death of a spouse, marriage of one of the family's children, or change of residence.
- 5- Informing the Ministry when the child is enrolled in school, is absent from home, runs away, dies, or drops out of school.
- 6- Consulting the entity responsible for following up on the child when wishing to travel abroad with or without the child.
- 7- The care duties for the child by the foster family shall be without charge.

### **Article (15)**

#### **Regulations for Placing a Child with a Foster Family or Other Entity**

- 1- If the conditions for keeping the child with their family as stated in Article (47) of the Law are not met, the child shall be placed with a foster family or a suitable social, educational, or health body or institution, whether public or private, according to the following regulations:
  - a- Obtaining permission from the Public Prosecution.
  - b- The foster family must meet the conditions stipulated in the Law and this Resolution for the care of the child.
  - c- The foster family or the entity with which the child is placed must adhere to the obligations stipulated in the Law and this Resolution.
  - d- The foster family or the entities with which the child is placed must be accredited by the Ministry.
- 2- The child's natural family must be informed of any of the entities specified in clause (1) of this article where the child has been placed, unless the best interests of the child require not to inform them.

### **Article (16)**

#### **Procedures for the Release of a Convict in a Child Sexual Assault Crime**

- 1- Before releasing a person convicted of a child sexual assault crime, the administration of the penal institution must follow these procedures:
  - a- Conducting psychological examinations and tests on the convict.

b- Addressing the Public Prosecution with a request for referral to the therapeutic shelter, accompanied by the results of the psychological examinations and tests that prove the convict is not fit for release and still poses a social risk.

2- Upon receiving the request for referral to the therapeutic shelter, the Public Prosecution shall take the following actions:

a- Submitting the request to the competent court to issue an order for placement in the therapeutic shelter.

b- Handling the procedures for placing the person in the therapeutic shelter based on the order issued by the competent court.

3- The therapeutic shelter shall begin rehabilitating the placed person for their return to normal life through an integrated program by specialists, and they shall not be released except as follows:

a- The therapeutic shelter shall submit a report to the Public Prosecution to consider the release of the placed person at the end of their prescribed program period, and after examinations and tests prove that they no longer pose a social risk to children.

b- The Public Prosecution shall present the matter to the competent court to request the release of the convict.

## **Article (17)**

### **Controls for Applying Engineering Standards and Specifications**

1- The authorities concerned with construction in each emirate must apply the special engineering standards and specifications, building laws, and safety and security requirements that protect the child from any kind of harm, according to the following controls:

a- Obliging building owners to apply the aforementioned standards, specifications, and requirements.

b- Ensuring the implementation of the aforementioned standards, specifications, and requirements.

c- Penalizing anyone who violates these requirements in accordance with the legislation in force in those entities.

2- The competent authorities and concerned entities, in coordination with the Ministry, shall establish the necessary regulations and procedures to protect the child's safety in public and recreational places and public transportation, taking into account:

a- The availability of all means to protect the child's safety.

b- The suitability of recreational games for the child's age, and placing necessary warnings if they are not suitable for children with certain diseases, and the conditions for their use.

c- Establishing requirements for children's use of public transportation in cases that require it.

## **Article (18)**

### **Related Judicial Provisions**

#### **Procedures for Preparing a Report on the Person Seeking Custody**

1- One or more committees shall be formed in each emirate by a decision of the Minister of Justice or the head of the competent judicial authority, with no fewer than (3) three members with experience and specialization, including a representative from the Child Protection Unit. The decision forming the committee shall specify its working system and decision-making mechanism.

2- Without prejudice to the provisions of the Personal Status Law, the competent court, before ruling on custody, must request from the committee referred to in clause (1) of this article, a detailed report on the social, psychological, health, and criminal status of the person seeking custody or to whom custody will be granted, or a declaration stating they have not committed a crime outside the State.

3- The preparation of the report referred to in clause (1) of this article shall be in accordance with the following procedures:

a- The specialist in the Child Protection Unit shall conduct a field visit to the person seeking custody or to whom the court will grant custody, to learn about their family, social, and economic conditions, and their ability to provide the necessary living, educational, and health needs for the child.

b- Conducting the necessary tests to verify the eligibility of the person seeking custody or to whom the court will grant custody to have custody of the child according to the approved form.

c- Verifying that the person seeking custody or to whom the court will grant custody is free from any disease that poses a risk to the child in custody, by virtue of a medical certificate from an accredited medical authority.

d- Attaching a recent certificate of good conduct for the person seeking custody or to whom the court will grant custody, from within or outside the State as the case may be.

e- The person seeking custody or to whom the court will grant custody shall sign the approved declaration form stating that they have not committed a crime outside the State.

## **Final Provisions**

### **Article (19)**

The Ministry shall create a database of individuals convicted of committing crimes against a child. The competent authorities and concerned entities in the State shall provide the Ministry with the data of individuals convicted of committing crimes against a child according to the forms prepared by the Ministry for this purpose.

### **Article (20)**

The provisions of this Resolution shall not prejudice any other procedures approved by the concerned entities that ensure better protection for the child, provided they do not conflict with the provisions of the Law and this Resolution.

### **Article (21)**

The Minister shall issue the necessary decisions to implement the provisions of this Resolution.

### **Article (22)**

Any provision that contravenes or conflicts with the provisions of this Resolution shall be repealed.

### **Article (23)**

This Resolution shall be published in the Official Gazette and shall come into force from the date of its issuance.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by us:

Corresponding to: November 14, 2018