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Legal Protection of Children's Rights in the United Arab Emirates

A Comparative Study of Wadeema's Law and the United Nations Convention on the Rights of the Child (UNCRC)

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Abstract

The protection of human rights, particularly those of children, is a fundamental principle upheld across legal systems, cultures, and religions. This study examines the legal protections afforded to children under Wadeema's Law of the United Arab Emirates (UAE), assessing its alignment with the United Nations Convention on the Rights of the Child (UNCRC). Through a comparative doctrinal analysis, the research identifies key gaps within Wadeema's Law, particularly concerning non-discrimination, child participation, prioritization of the child's best interests, protection from violence and exploitation, and the rights to education and health. While Wadeema's Law represents a significant advancement in child protection within the UAE, certain deficiencies remain when measured against UNCRC standards. The findings reveal that although the UAE has made commendable progress, further legal reforms are necessary to overcome systemic challenges and achieve full compliance with international norms, ensuring that no conflict arises with Islamic law. The study recommends strengthening accountability mechanisms, enhancing protections for migrant children, and embedding child participation within legal processes. This research contributes to the academic discourse on the harmonization of domestic legislation with international human rights frameworks, aiming to promote a more comprehensive and effective child protection system in the UAE.

Keywords

Wadeema's Law, child rights, protections, UNCRC

INTRODUCTION

Children are invaluable assets to society and must be safeguarded from all forms of harm.(UNICEF,n.d.-a) The approval of the international human rights to implement the United Nations Convention on the Rights of the Child (UNCRC) in 1989 is considered a pivotal moment in the international human rights for establishing a comprehensive framework dedicated to the protection of child's rights (Joamets and Ngouv, 2019; Ministry of Social Development, n.d.). The UNCRC is recognised as a landmark designed for global legal apparatuses for human rights which monitor and protect the rights of the children (Odala, 2012; AlMatrooshi, et al., 2022). Based on the UNCRC, many jurisdictions have ratified and enforced their legislation to implement the provisions of the Convention (Lundy, et al., 2013). Most transnational legal apparatuses, such as those of the (EU), make reference to the UNCRC when they regulate the rights of the children as an alternative to restating the rights offered by the UNCRC provided, ignoring its provisions applicable universally (Kristi and Seo, 2019).

Thus, protecting child rights has become an integral section of laws and legal institutions in most 196 countries that have embraced the United Nations Convention on the Rights of the Child (UNCRC) (Ton, 2020). Child rights are, therefore, a firmly established priority in international policy concerning children and juveniles(Tara and Laura, 2022). This Convention significantly influences the justice systems of the member states. They have domesticated some of the articles and improved the security of child rights, especially in criminal matters (Ton, 2020). The UNCRC provides juvenile justice by regulating the treatment of children in conflict with domestic laws and aims to protect their rights (The Convention of the United Nations on the Rights of the Children, 1989; Liefaard, 2020). The UNCRC articulates a universal legal basis for safeguarding the rights of children in a bid to guarantee their development and survival and assure exceptional help for their needs, priority of welfare, economic freedom, and safeguarding from exploitation, and an upbringing that inculcates social consciousness and duty(Shoqi, n.d.; UNICEF, n.d.b).

Following the establishment of the UAE as a federation in 1971 (Permanent Committee for Human Rights, n.d.), the nation began integrating elements of civil law and international human rights standards into its legal system. A significant milestone in this evolution was the enactment of Federal Law No. 3 of 2016, commonly known as Wadeema's Law (Permanent Committee for Human Rights, n.d.), named in memory of a child abuse victim (Awatif, 2025). This legislation represents a substantial advancement in aligning the UAE's legal system with the principles of the UNCRC (Alkhajeh, n.d.; Awatif, 2025).

The UAE's exponential development in socio-economic innovation and its diverse population, including emigration from different parts of the globe, has called for a legal framework that accommodates cultural diversities with international obligations (Basak, 2024). Wadeema's Law addresses main issues such as child abuse, neglect, and access to basic amenities and services, showcasing the UAE's effort to align its child protection policies in line with international standards (Ali, n.d.). It is observed that Wadeema's Law remains narrowly focused on protection and provision while overlooking the UNCRC's emphasis on participation and non-discrimination. For instance, the Law criminalises child abuse (Wadeema's Law, 2016), but it lacks a precise mechanism to empower children in the decision-making process(The United Nations Convention, 1989) and protection of marginalised groups like non-citizen children (The United Nations Convention, 1989).

Thus, this study examines how Wadeema's Law aligns with the UNCRC's standard, focusing on research gaps in child participation, non-discrimination, safety from all forms of violence, and rehabilitation of victims. By adopting a comparative legal analysis, the study identifies challenges in inculcating international values into national practices, especially in contexts where cultural values and Islamic law intersect with universal human rights principles (Generis Global Legal Services, n.d.-a). The research findings aim to contribute actionable recommendations for legal reform, making the UAE a regional leader in children's rights while preserving its cultural identity.

METHOD

This research adopts a doctrinal legal approach to discourse the UAE's legislative framework on child rights by analysing Wadeema's Law (Federal Law No. 3 of 2016) and its related statutes. It also maps provisions of the UAE laws against the United Nations Conventions on Child Rights to disclose the extent of compliance and loopholes. Qualitative data is employed by secondary sources such as academic articles, reports from non-governmental organistions, and UAE government reports on child protection to address implementation challenges (Human Rights Watch, 2019).

RESULT AND DISCUSSION

Conceptual Framework of Children's Rights

The realisation of the objectives of children's rights lies in the parties' implementation of the Convention by the parties. The UNCRC is the universally agreed treaty caring for children and upholding their welfare (Khadka, 2013). The treaty serves as a novel approach to human rights and marks a retreat from earlier tactics and the outmoded concept of children's wellfare (United Nations Human Rights, 1989). It is considered an inclusive set of generally accepted norms that believed to be complementarity and free from civil, political, socia, economic, and cultural facets of human life (United Nations Human Rights, 1989). To the UNCRC, a person is genarraly considered a child if he/she is under 18 unless contrary is stipulated in the relevant law, the age of majority is recognised prior (United Nations Human Rights, 1989). The definition of child in the EU differs, based on the regulatory background (FRA, 2015). Nevertheless, in a situation whereby the term 'child' is stated, it is usually within the meaning of the UNCRC.

This Treaty establishes a novel viewpoint for sagfeguarding and empowering the rights of children and prioritising them at all echelons of the United Nations and provincial organisations (Akrami, et al., 2022). Archard (2015) contends that the UNCRC is 'a codification of children's rights' defining a ...' recognisable principle of thought about the rights of children. Additionally, Holzscheiter (2010) argues that the Treaty is the primary powerful force behind a world tradition of children's rights, governing international children's policy (Anna, 2010). This view as an overt and legally valid standard and value has contributed by making the UNCRC a principal and crucial machinery for propelling human rights for children (Ann, et al., 2018).

The term, 'Child protection' refers to philosophies, rules, values plus measures to protect the underage from maltreament, manipulation, and neglect (UNICEF, n.d.a). It shows the level of the responsibilities enjoyed by families, organisations and governments in caring for children (UNICEF, n.d.). Children's developing capacities put them in exclusive groups that are ethically in need of protection and caring (UNICEF, n.d.b). Thus, the UNCRC unequivocally

established their rights. There has always been an emphasis on techniques put in place to enforc the rights. (United Nations Human Rights, 1989) The UNCRC has four major fundamental principles encompassing all children's rights as enshrined in the Convention(UNICEF, n.d.-a). Theses are; principles of non-discrimination apply to all children irrespective of nationality, religion, race, or status (The United Nations Convention, 1989).

In addition, the UNCRC prioritises children's welfare in legal and policy decisions to safeguard the interests of children in all actions concerning them (The United Nations Convention, 1989). Also, the right to life and holistic mental, social, and physical developments (Margolis. 2021) constitute the core principles of the Convention, which grants them access to healthcare, education, and a safe environment (The United Nations Convention, 199). Regardless of being a child, the Convention grants children right to make their views heard on the matters of concerns to their well-being, and the right to be given audience (The United Nations Convention, 1999). These principles emphasise accountability and empowerment as established in the Human Rights-Based Approach (HRBA). HRBA is an abstract structure concerned with human development that is based normatively on global human rights values and norms, operationally directed to catering and promoting human rights (United Nations for Sustainable Development Group, n.d.). According to James and Prout (1997), children are active social agents, not passive beneficiaries. Therefore, their rights must be protected as complete human beings (Wadeema's Law, 2016).

In the UAE context, Wadeema's law is a landmark legislation guaranteeing children's rights and safeguarding them from all manners of manipulations and maltreatments (Allison, 1997). The act incorporates these principles in the UNCRC's core principles- through three (3 Ps) main domains, including protection(Ali, n.d.) and safeguarding children from neglect, abuse, and exploitation. Provision(Wadeema's Law, 2016) which ensures access to education, healthcare, and social services. Lastly, prevention(Wadeema's Law, 2016) which establishes child protection units and awareness. The UAE makes it obligatory to preserve the rights of the children to care, such as proper caring, balanced diet, and exclusive fortification against all manners of negligence, manipulations, brutality, abuse, and other inimical conditions to their growth and progress(Wadeema's Law, 2016).

Articles within the UAE Constitution explicitly address the welfare and rights of children, reflecting the commitment of the nation to safeguarding their well-being. The Constitution emphasises the government to ensure the development of children in a safe environment. This responsibility underscores the government's responsibility to create a legal structure and mechanism that bolsters the rights of children within the family unit and society(Wadeema's Law, 2016). Furthermore, the Constitution affirmed that the right to education is crucial for empowering future generations and fostering a more informed and engaged citizenry (Constitution of the Gomaa n.d.). The legislative framework that flows from the Constitution draws attention to the ongoing efforts put in place by the UAE to conform with global laws, particularly the United Nations Convention on the Rights of the Child (Constitution of the Gomaa n.d.).

Jurisdictive Basis for the Rights of Children in the United Arab Emirates

The UAE confirmed the United Nations Convention on the Rights of the Child on 2 February 1997 and expressed its reservations on Articles 7, 14, 17, and 21 of the UNCRC(The Constitution of the Gomaa n.d.). It protects children by enforcing laws and safeguarding their rights. Thus, it has made significant strides in establishing a comprehensive legislative framework to protect the rights and welfare of children. This framework goes beyond the protections afforded by the Constitution, incorporating additional federal and emirates-specific laws to children's rights across various domains of life. In addition to Wadeema's Law and its amendment in 2018,(Generis Global Legal Services., n.d.) several laws have been made to safeguard children. Each emirate has the autonomy to pass the laws that further enhance the protection of the rights of children, ensuring local contexts and specific needs are addressed. For instance, the Abu Dhabi Child Protection Policy reflects the emirate's commitment to providing children with a safe and fostering environment. These laws work synergistically with the constitutional provisions, creating a robust scaffolding of legal protection prioritising children's welfare (Fatma, n.d.). They include:

- a. Federal Law No. (9) of 1976 Delinquent and Vagrant Juveniles: It is criminal legislation that applies to non-Muslim offences and most *ta'zir* (Federal Law, 2018) Thus, it does not apply to *hadd* offences, (Federal Law, 2018) *Qisas*, and *Diyyah* offences because they are governed solely by Islamic law. Other legislation complementing the implementation of this Act includes the Shari'ah Courts Act 1996 and the UAE Penal Code 1987. The Act provides some measures that may be taken regarding the juvenile, such as rebuke of the juvenile, prohibition of performing a specific work if it is established that this work contributes to delinquency or vagrancy, convincing the delinquent to undergo professional training, etc.(The Juveniles Delinquents and Vagrants Act, 1976)
- b. Federal Law No. 1 of 2012 Concerning the Custody of Children of Unknown Parentage: The Act establishes that the kids of unidentified parentage should be catered for in the State by founding homes and developing them (Generis Global Legal Services, n.d.-b; Federal Law, 2012). It also cares and ensures that supervisory families offer the necessary care for them. This includes the care relating to health, psychosomatic, communal, entertaining and didactic care. It ensures that the rights and civic freedoms of the kids whose parentage is unknown are protected. Their private lives and right of personal security are preserved in their best interests. It also makes sure that they are protected from all kinds of manipulation, cruel treatment and any form of abandonment. It ensures the growth and upbringing are based on the Islamic principles and social values (Federal Law, 2012).

- c. Federal Law No. 15 of 2006 Combating Human Trafficking Crimes. The UAE leads campaign against human trafficking, and it is the first country in the middle east region to enact a comprehensive anti-human trafficking law (Ashwani, 2021). Under this Act, human trafficking encompasses all manners of sexual manipulations and prostitution, enslavement, involuntary labour, organ trafficking, compelled service, begging, slavery and quasi-slavery practices (United Arab Emirates Ministry of Foreign Affairs, n.d.). Currently, the UAE maintains a network shelters for protecting and rehabilitating victims of human trafficking (Kumar, 2021). Shelters are established in Abu Dhabi (i.e EWAA Shelter for Women and Children), Dubai (i.e Dubai Foundation for Women and Children), and Ras Al-Khaimah (i.e Aman Shelter for Women and Children) (Ashwani, 2021)
- d. Federal Law N0.11 (Labour Law): a specific age is set for the employment of children and violation of the stipulated age is considered child labour (United Arab Emirates Ministry of Foreign Affairs, n.d.). Despite being prohibited internationally, it is widely prevalent in most countries(United Arab Emirates Ministry of Foreign Affairs, n.d.). Any activity depriving a child of their childhood or harming their physical, mental or moral well-being is categorised as child labour (Nik-Mahmod,2016). Thus the Act regulates working conditions for minors and expressly prohibits child labour. In complement to the provision of the Act, the Federal Decree-Law No. 33 of 2021 (labour Code) frowns at any employment of a child under the age of 15 (Federal Decree, 2021; Elhais, n.d.).

These legislative frameworks, and others not mentioned in this research, serve as a cornerstone for protecting children in all ramifications. They safeguard children from physical, emotional, and sexual abuse, neglect, and exploitation; criminalise harmful practices and raise awareness to prevent infringement of the rights of children; promoting their rights to education, healthcare plus participation in affairs of the nations; establish mechanisms to make violator of the rights of children to be held accountable by creating special courts and protection units for the children.

Comparative Analysis of Wadeema's Law and the United Nations Convention on the rights of child (UNCRC)

Protective measures and mechanisms for children's rights against all forms of abuse, exploitation, neglect, and discrimination are universal obligations. It has been reinforced by the United Nations Convention on the Rights of the Children |(UNCRC) and United Arab Emirates Federal Law No.13 of 2016, known as Wadeema's law(Federal Decree-Law, 2021). However, the extent to which Wadeema's law complies with UNCRC, especially in areas such as:

- a. Non-Discrimination: The UNCRC states that: "State parties shall respect and ensure the rights outlined in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or another status." (Razan, n.d.) Meanwhile, Wadeema's Law protects all children in the UAE, including non-citizens (Wadeema's Law, 2016). However, accessing rights like education and healthcare for migrant children, especially children of average employees, are not adequately provided for. The lack of explicit provision to guarantee migrant children complete protection is a systemic challenge to Wadeema's Law (World Report, 2019). Therefore, the inclusion of migrant children in articles of Wadeema is necessary to protect innocent children.
- b. The Best Interest of the Kid: UNCRC offers that in all activities in the interest of the kids, be it carried out by open or sequestered welfare institutions, law courts, managerial authorities, or jurisdictive organisations, shall be primarily considered(United Nations, 1997.). Likewise, Wadeema's law emphasises the 'best interest of the child' in decision-related custody, education, and protection(Wadeema's Law, 2016). However, in practice, cultural norms prioritising parental authority sometimes outweigh the principle of the best interest of the children. Thus, there is an erratic application of parental rights vs. child welfare (Elhais, n.d.). Because of this inconsistency, there may be some children who will be the victims.
- c. Protection from Violence and Exploitation: UNCRC provides that all states parties that ratified the Convention shall adhere to all statutory, managerial, communal and learning procedures and mechanisms in order to safeguard the kids from all manners corporeal or mental assault, injury or cruelty, abandonment or inhumane treatment including sexual abuse from parent(s), legal guardian(s) or any other person in whose custudy the child is (United Nations, 1997). The law (i.e. Wadeema's law) criminalises corporal, psychosomatic, and sexual abuse, with penalties including imprisonment and fines, and also obligates reporting any form of abuse against children (Wadeema's Law, 2016). Still, there is a record of underreporting of abuse facing children from some professionals such as teachers, doctors, etc. (UNICEF, 2019). Both laws prohibit economic exploitation and hazardous work (The United Nations, 2016). However, informal labour remains a concern, especially for migrant children.
- d. Rights to Education and Health: UNCRC mandates parties to the treaty to recognise children's rights to education by making primary education compulsory and free (The United Nations, 1997). The UAE law also guarantees every child the right to education (Wadeema's Law, 2016). While the UAE provides free education for citizens, migrant children do not enjoy the full privilege of the provisions of the law. Thus, there is no legal guarantee of free education for immigrant children. Moreover, UNCRC (the United Nation, 2016) and Wadeema's Law provide access to healthcare and nutritious food (Wadeema's Law, 2016). However, there is unequal access for migrant families, which includes their children (Sonmez, et al., 2011; Alshehhi and Rosman, 2022).

- e. Child Participation: The UNCRC grants children to present their views on matters affecting them. It states thus: "State parties shall assure to the child who is capable of forming his or her views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child," (The United Nations, 1989) whereas, Wadeema's Law limits child participation in their matter affecting them. The law focuses on protection rather than involvement and empowerment.
- f. Special Protection for Vulnerable Groups: UNCRC provides thus: "State parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are parties." (The United Nations, 1989) The UAE is not a signatory party to the 1951 Refugee Convention, leaving refugee children in legal limbo, so there is no explicit provision addressing refugee and migrant children's rights (Bassam Nweiran, n.d.).

CONCLUSION AND RECOMMENDATION

The enactment of Wadeema's law (Federation Law, 2016) has significantly supported and protected the rights of children in the United Emirates. It creates legal safeguards against the exploitation, abuse, rejection, neglect, and exploitation of children, reflecting the UAE's dedication and commitment to children's welfare, safety, and security. Notwithstanding, in terms of the legislative measures, Wadeema's Law faces challenges in full compliance with the main UNCRC articles, particularly the ones relating to non-discrimination, participatory rights, and protection especially for the migratory kids. These challenges do hinder the required implementation of the rights of kids intended and enshrined in the UNCRC, creating gaps in compliance with Wadeema's Law with the UNCRC frameworks in the UAE. The following recommendations are proposed to bolster the legal protection of children's rights in the UAE and ensure total compliance with the UNCRC:

Firstly, the legal compliance of Wadeema's Law with the UNCRC should be enhanced to expressly include full participatory rights, making sure that kids have a right to be given audience and opportunity to make decisions regarding issues that affect them (The United Nations, 1989). Secondly, Bolstering implementation and enforcement measures by providing training programs for law enforcement agencies, educators, and healthcare personnel to monitor child abuse and report any abuse to appropriate authorities(The United Nations, 1989). Thirdly, It is necessary to expand child protection units across the UAE and establish a centralised digital database to track cases of child abuse, discrimination, neglect, and exploitation. Fourthly, Ensuring inclusive protection for all children by developing specific policies to protect migrant children so they could have access to sound education, health, and legal recourse. Dialogues with religious scholars and traditional leaders to reconcile local values with contemporary rights principles (Collins and Wright, 2022). In addition, conducting biennial evaluations of Wadeema's Law to identify enforcement loopholes and propose amendments where necessary. A unique agency is needed to coordinate child protection efforts between ministries, non-government organisations, and the bodies of international recognition such as the UNICEF (i.e.United Nations International Children's Emergency Fund). Finally, regular progress shall be submitted to the United Nations Committee on the Rights of Child, incorporating its recommendations into national plans (European Union, 2015).

CONFLICT OF INTEREST

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