A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

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National Report

-Right to social welfare and social security: article 16 states: “Society shall provide for the welfare of children and mothers and protects minors and others who are unable to look after themselves for any reason, such as illness, incapacity, old age or involuntary unemployment. It shall undertake to assist and rehabilitate them, in their own interests and the interests of society. The laws on public assistance and social insurance shall regulate these matters.”

-Right to education: the Constitution stipulates: “Education is a fundamental factor in social progress. It is compulsory at the primary stage and free of charge at all stages in the Federation. The law shall establish the necessary plans for the dissemination of education at its different stages and for the eradication of illiteracy” (art. 17). The legislature assigns the federal State responsibility for meeting this obligation.

-Right to health care: in order to create a safe and healthy society, the Constitution provides, in article 19, that: “Society shall guarantee citizens health care, together with the means to prevent and treat diseases and epidemics. It shall encourage the establishment of hospitals, clinics and public and private treatment centres.”

-The State promulgated Federal Anti-Human Trafficking Act No. 51 of 2006. The fact that the Emirates is one of the first States in the region to have promulgated legislation on this topic, testifies to the determination of the Emirates legislature to combat human trafficking offences and various forms of exploitation of human beings, particularly women and children. Hence, article 1 of the Act defines human trafficking as “the recruitment, transfer, removal or receiving of persons by means of the threat or use of force or any other form of coercion, or by means of abduction, deception, trickery, the abuse of authority, the exploitation of a situation of vulnerability or the giving or receiving of sums of money or favours in order to obtain another person’s consent with a view to exploiting that person. Exploitation includes all forms of sexual exploitation, exploitation of the prostitution of others, bonded or forced labour, servitude or similar practices, slavery or the removal of human organs.”

-Dubai Women’s and Children’s Foundation - This Foundation was set up in 2007 to provide direct assistance to victims of violence, including domestic violence, human trafficking and child abuse, by offering them safe houses, training opportunities and rehabilitation services which meet international standards, thus helping to strengthen human rights protection.

-The Social Support Centre was set up in 2003. The idea behind its establishment was founded on several principles and values, most importantly the principle of respect for human rights in accordance with the sharia and the rule of law. Under article 16 of the regulation by which it was established, the Centre deals with the following: cases of domestic violence that for which an official complaint does not need to be filed; violence in schools; cases of boys and girls who run away from home which have not been reported to the police; minor acts of juvenile delinquency which do not constitute criminal offences; disputes and minor disagreements between neighbours that do not need to be the subject of an official complaint.

-Family Development Foundation - The Foundation was established on 10 May 2006 by a decree of the President of the State. It focuses on the implementation of social legislation, recommends whatever changes are necessary to develop it in order to guarantee the rights of women and children and creates sustainable development programmes for families and women. The Foundation, working in cooperation with local and federal organizations and specialized civil associations, seeks to provide for the development and welfare of the family in the broad sense of the term, in furtherance of the aims of promoting the well-being of families, women and children. The Foundation
creates mechanisms and means for dealing with family issues and coordinating actions to achieve qualitative solidarity in the interests of the family and society. It is also involved in exchanges of information and experiences, and the development and coordination of joint areas of work. It adopts scientific best practices and studies and analyses current and future phenomena, problems and challenges confronting the family, women and children.

-The United Arab Emirates has implemented several strategies to create an advanced educational system that keeps pace with developments in the modern age and modern information techniques and raises levels of educational attainments among students. The State guarantees free public education up until university for all citizens, in order to disseminate education throughout society and to eradicate illiteracy. Since the establishment of the Federation, the public education process made great strides forward; the total number of public and private schools in 2007/2008 stood at 1,259, 759 of them public schools and 500 private schools, catering for over 648,000 students in the different stages of education. In private schools, the rate of enrolment was 98 per cent for boys and 95 per cent for girls, and the illiteracy rate fell to 5 per cent as a result of the work done by literacy and adult education centres.

- The State devotes considerable attention to children. It has enacted legislation to regulate the right of children to care and education, and has implemented a number of health, social and educational plans to provide for children's welfare. Since families and nurseries are the first structures in which children are educated, the State focuses attention on families and their welfare to enable them to play their role in child-raising. This it does through welfare and family training schemes, together with instruction for prospective marriage partners to educate them about the fundamental requirements of family life.

- The State also seeks to support children with disabilities or special needs and to supply all their educational and rehabilitation needs, in order to integrate into society. A number of welfare and rehabilitation centres and sports centres have been set up across the State, delivering educational and health services, in addition to vocational, occupational and sports training.

UN Compilation

The Committee on the Rights of the Child (CRC) was concerned about the remaining reservations entered, particularly that the exercise of the rights in articles 7 and 17 were subject to their compatibility with domestic law; and that the broad and imprecise nature of the reservation to article 14 potentially gives rise to infringements of the freedoms of thought, conscience and religion. The Committee recommended that the Emirates: withdraw its reservations to articles 7 and 21; and study its reservation to article 14 with a view to narrowing it and in the long term, to withdraw it.8 CRC encouraged the Emirates to ratify OP-CRC-AC and OP-CRC-SC,9 and to consider ratifying ICRMW.10

2. CRC was concerned that several rights contained in the Convention (such as non-discrimination) were not adequately reflected in domestic law. In particular, the Committee was concerned that: gaps in federal and local legislation might result in irregularities and disparities in the outcomes of the judicial process; discrepancies might occur between Shariah judges' and court decisions, and decisions of other types of courts in the Emirates; personal status law remained uncodified; Shariah courts were not regulated by uniform procedural rules, including in the area of criminal matters; and in Shariah courts federal and local laws were considered as secondary sources, and Shariah judges allegedly did not follow Supreme Court interpretation of Emirates law.11 3. CRC observed that the Emirates' narrow interpretations of Islamic texts, particularly in areas relating to personal status law, might impede the enjoyment of some human rights protected under the Convention.12

4. CRC recommended that the Emirates establish an independent national human rights institution in accordance with the Paris Principles, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively.13 It further recommended that a central mechanism be established by strengthening the role of the national committee for the Convention in intersectoral coordination and cooperation at and between national and local levels of government.14 5. CRC recommended that the United Arab Emirates ensure the preparation and implementation of a national plan of action for children.15 It further recommended the strengthening of efforts to allocate resources for programmes and policies to promote the civil and political rights of children; and the systematic assessment of the impact of budgetary allocations on the implementation of child rights.16

8. Noting the significant achievements in the status of women, CRC was nevertheless concerned that discrimination persisted, particularly discrimination against girls and women, and children born out of wedlock under existing personal status law (e.g. inheritance, custody and guardianship). It recommended that the Emirates take appropriate and effective measures, including enacting or rescinding legislation where necessary: to prevent and eliminate discrimination on grounds of sex and birth in all fields; to reconcile the interpretation of Islamic texts with fundamental human rights; to prevent and combat negative societal attitudes in this regard, particularly within the family, such as through comprehensive public education campaigns; and to train members of the legal profession, especially the judiciary, to be gender sensitive. Religious leaders should be mobilized to support such efforts; and to continue and strengthen efforts to address these issues at the regional level, such as the Gulf Cooperation Council.25

9. CRC was concerned that the nationality law did not grant citizenship status to children of a woman citizen married to a non-national, as it did where the father was a national and recommended that the Emirates ensure the right of a child to a nationality without discriminating on the basis of his or her parent’s sex.26 The Committee was also concerned at the disparities in the enjoyment of economic and social rights, particularly health and education, experienced by non-national children and recommended that all necessary measures be taken to ensure that all children within its jurisdiction enjoy all rights set out in the Convention without discrimination.27

10 In 2002, CRC requested that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the Emirates to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1.
14. CRC was concerned that there was insufficient information and awareness of the ill-treatment of children, including corporal punishment, within the family, schools and institutions, and recommended, inter alia, that the Emirates: take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and in institutions; carry out public education campaigns; train relevant professionals; and establish effective remedial measures, including care, recovery and reintegration for victims. 34

16. In 2008, the ILO Committee of Experts reiterated previous comments and requested the Government to indicate whether the existing legislation prohibits the forced or compulsory recruitment of children under 18 years of age for use in armed conflict. 36

29. CRC recommended that the Emirates ensure that adolescents have access to and are provided with education on reproductive health and other adolescent health issues, as well as with child-sensitive and confidential counselling services; and strengthen efforts in the area of adolescent health education within the school system. 55

30. CRC was concerned that the aims of education presented in the Emirates’ report did not adequately reflect the aims outlined in the Convention. The Committee recommended that the Emirates undertake a process of curriculum and teaching methodology reform - with the full participation of children - which stresses the importance of critical thinking and problem-solving skills development; direct education towards the development of the child's personality, talents and mental and physical abilities to their fullest potential; include human rights education, including children's rights, in the curricula, particularly with respect to the development of and respect for human rights, tolerance and equality of the sexes and of religious and ethnic minorities. 56

31. CRC noted information on the existence of a children's parliament in Sharjah, student councils at secondary schools, as well as social service units, which deal with complaints about student behaviour. However, it was concerned that traditional attitudes towards children in society might limit the respect for their views, especially within the family and in schools. CRC recommended that the Emirates: continue to promote and facilitate, within the family, the school, institutions, the courts, and administrative bodies, respect for the views of children and their participation in all matters affecting them; strengthen the mandate of the social service units to allow students to submit complaints about violations of their rights in the school setting; develop skills-training programmes in community settings for parents, teachers, social workers and local officials to support children to express their informed views and opinions and to have them taken into consideration. 57

40. A 2006 UNICEF fact sheet noted that in 2005, UNICEF and the United Arab Emirates signed an agreement to return children involved in camel racing, many of them victims of trafficking, back to their countries. According to recent statistics, more than 1,000 child camel jockeys have been sent home and many have been reunited with their families. 71

42. CRC recommended that the Emirates seek technical assistance from, inter alia; OHCHR and UNICEF in regard to the establishment of an independent national human rights institution;73 UNICEF in regard to promoting respect for the views of the child;74 UNICEF and WHO in regard to address ill-treatment of children, including corporal punishment75 and in regard to reproductive health and other adolescent health issues;76 OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice, in regard to juvenile justice;77 OHCHR and UNICEF in regard to awareness-raising and training activities on the Convention on the Rights of the Child;78 and UNICEF and UNESCO in regard to the aims of education. 79

Stakeholder submission

According to Global Initiative to End All Corporal Punishment of Children, corporal punishment is lawful in the home, albeit prohibited in schools. In the penal system, corporal punishment is lawful as a sentence for crime. Under the Juvenile Delinquents and Vagrants Act (1976), a child over 16 years may be punished under the Penal Code (article 8), which provides for flogging for a wide range of offences including murder, violent assault, alcohol and drugs related offences, theft and sex crimes. Judicial corporal punishment of younger children is permitted under Shari’a law. 23

Final Report

11. The country’s social security policy illustrates this effort: in 2008, the Government allocated over $600 million in financial assistance to 16 vulnerable sections of society, numbering nearly 38,000 people, with the elderly, disabled, orphans, widows and divorced women topping the list of beneficiaries. The State is committed to acceding to the Convention on the Rights of Persons with Disabilities. 12.

With regard to the protection of children, the State has taken substantive measures concerning adequate childcare, enacting legislation that regulates children’s rights to health care, education and a protected upbringing. It is committed to accession to the protocols of the Convention on the Rights of the Child.

17. The Government’s holistic approach to women’s issues has resulted in a number of social support initiatives; among these, the Dubai Shelter for Women and Children was established to provide support and psychological care to victims of human trafficking, domestic violence, family neglect or employer abuse. Other organizations offer similar social services. Further, the Government has ratified the Convention on the Elimination of All Forms of Discrimination against Women.

22. In order to institutionalize the fight against human trafficking and protect its victims, especially women, in 2006 the Government enacted Federal Law 51, which calls for strong punitive measures, including maximum penalties of life imprisonment and covers all forms of human trafficking. While the country has ratified the Convention against Transnational Organized Crime, the Government is
committed to ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

23. A Cabinet order established the National Committee to Combat Human Trafficking in 2007 to give teeth to Federal Law 51 and create a coordinating body for anti-human trafficking efforts at all levels in member emirates. The Government has also worked with UNICEF, source country embassies and non-governmental organizations to identify, rescue, rehabilitate and repatriate children who have worked as camel jockeys. In addition, as part of its effort to tackle this crime globally and take a lead in this fight, the country contributed $15 million to support the United Nations Global Initiative to Fight Trafficking. This included sponsoring the Conference on Trafficking in Persons in Vienna in February 2008 and actively supporting the thematic debate of the United Nations on trafficking in New York in June 2008.

39. Djibouti noted with satisfaction the establishment in April 2006 of the National Committee to Combat Human Trafficking. It noted that the State had signed a child protection agreement with UNICEF in 2005 as part of efforts to provide for the social and psychological rehabilitation, repatriation and local integration of child camel jockeys, asking what concrete measures had been taken to implement this programme. Djibouti recommended that the State vigorously pursue efforts to promulgate a national law that guarantees better protection for children, and that the general principle of the best interest for the child, as contained in article 3 of the Convention on the Rights of the Child, be duly reflected in that law.

43. Bhutan congratulated the State for, inter alia, its success in the eradication of illiteracy, provision of extensive health-care and social welfare services for its peoples. Bhutan also commended the measures adopted to exclude all under-age children from camel racing and asked whether the Government intends to enact national legislation to prevent such practices.

48. The Democratic People’s Republic of Korea noted that the principles of major human rights instruments, such the Universal Declaration of Human Rights, were well incorporated into domestic legal documents, and noted also the State’s accession to a number of human rights treaties. The State has steadily been making contributions to the projects of international agencies, such as to UNICEF in the field of social and psychological rehabilitation of children and the United Nations GIFT campaign and with the United Nations Office on Drugs and Crimes in combating human trafficking. The delegation sought additional information on concrete measures to be taken to ensure the rights of the elderly and the disabled.

52. The Libyan Arab Jamahiriya noted that the national strategy for the advancement of women was an indication of the important role of women in society. It asked about the system pursued in the development of health care for migrant workers, and appreciated the measures taken by the State to accede to the Convention against Torture and to examine the possibility of acceding to the two optional protocols to the Convention on the Rights of the Child.

60. The delegation indicated that the State has developed a strategy to combat human trafficking, covering legislation, implementation, protection and international cooperation. Efforts are now focused on implementation and increased awareness. The Government attaches considerable importance to the protection of children through the adoption of laws and the implementation of a number of plans. It put in place a number of kindergartens in cities and villages and in different ministries and public institutions, which also supports women’s work. The Government supports disabled children and children with special needs; in 2008, 750 juvenile delinquents, including 82 girls, have been received in special centres. With regard to fighting terrorism, the State adopted a law in 2004 and aims to strike a balance between its capacity to deal with this crime and the guarantee of human rights and fundamental freedoms.

73. Brazil congratulated the State for implementing one of the first AIDS control programmes in the region, and human rights training for police officers. It asked if the State is considering raising the minimum age of criminal responsibility, taking into account the provisions of the Convention on the Rights of the Child. It also asked if there are currently conditions for the establishment of an independent national human rights institution guided by the Paris Principles and the Vienna Declaration and Programme of Action. Brazil proposed that the State (a) consider the possibility of acceding to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. It welcomed (b) a moratorium on executions with a view to abolishing the death penalty, as provided by General Assembly resolution 62/149; and encouraged the Government (c) to accomplish progressively the human rights goals set by Council resolution 9/12.

88. The delegation stated that human rights are taught to police personnel and in police academies. Development patterns adopted by the State have raised greatly the standard of living in remote areas, and yet, now and again, the needs of these areas are redefined. The delegation mentioned that rehabilitation of 1,070 child jockeys took place between 2005 and 2007 and was carried out through a cooperation programme with UNICEF. The delegation indicated that constitutional amendments had been introduced two days earlier as part of a series of steps aiming at developing the political programme.

Conclusions and Recommendations

5. To be complimented for its pioneering and considerable experience in the area of ending employment of children in camel racing (Bahrain);

6. To invite the Special Rapporteur on trafficking in persons, especially women and children, to visit the country (Bahrain);

11. To vigorously pursue efforts to promulgate a national law guaranteeing better protection for children, and that the general principle of the best interest for the child, as contained in article 3 of the Convention, is fully reflected in that law (Djibouti);

12. To enact national legislation to protect the rights of children (Yemen);