

RAY OF HOPE

Following the 2012 case of the eight year old Emirati girl, Wadeema, who was brutally tortured to death by her father and his girlfriend, the United Arab Emirates has published a new law, known as the 'Wadeema Law', to protect the rights of local and expatriate children in the country. We spoke to Ashraf El Motei, who heads the dispute resolution practice at Motei & Associates, a Dubai based law firm, about the new law and its features

What are the most important features of the 'Wadeema Law'?

The Law shall apply to all children below the age of 18 years no matter what their race, nationality, country of residence, religion, social level, or disability.

The Law prohibits the employment of children before the age of 15 years old, or their exploitation in any economic activities, which would endanger them. It also prohibits smoking in closed areas in the presence of children, and the sale of tobacco and alcohol for children below the age of 18 years.

Any child who doesn't have solvent breadwinner or source of income shall have the full support of the State. Also, a child who is deprived of the environment of a natural family, permanently or temporarily, shall have the right to alternative care through either a foster family or, in the event of no foster family, a public/private social care institution.

The child shall have right to education and development in all fields. The State shall take all necessary measures to prevent dropout, to prohibit all forms of violence in educational institutions, and to develop the educational system including kindergarten.

The child shall have the right to knowledge, means of creativity and innovation. For such purpose, the child shall participate in entertainment, cultural, artistic and scientific programs which are suitable for his/ her age.

Managers of cinemas and TV broadcast channels shall be obliged to post announcements prohibiting children from entry or stating that there would be scenes that are not suitable for children, in visible and clear areas.

How is the law being enforced with regards to child protection entities?

New entities for protecting children shall be established to monitor and execute child protection mechanisms and measures through child protection specialists, >



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who shall have the following duties:

(a) Preventive and curative intervention for the interest of the child, in any case jeopardizing the child's physical, psychological, moral, or mental safety.

(b) Handle physical/ mental abuse cases and collect all evidences regarding the reported incidents and to attend investigations and trials, if necessary.

(c) Submit proposals to child's parents or caregiver in case it is proven that there is an imminent risk of serious threat to child's safety or child's physical, psychological, moral or mental health.

The proposals shall include keeping the child with his/ her family on condition that safety is guaranteed, or placing the child with a caregiver or with an appropriate public or private social, educational or health body or institution.

In all cases, the specialist shall follow up on the execution of measures agreed upon with the parent or the caregiver. The specialist shall have the right to amend those measures, at any time, to guarantee safekeeping of the child with his/ her family or caregiver.

(d) Refer specific cases to child protection

authorities to take the necessary procedures in the following cases:

- failing to reach agreement with the child's parents or caregiver within 15 days of his/her knowledge of the case.

- failing to maintain the agreement with the child's parents, caregiver or the child who reached the age of 13 years old.

The child protection specialist shall take the necessary actions to refer the case to the public prosecution, if so required.

How are the child protection specialists chosen?

The child protection specialists shall be selected through a ministerial decree from the Minister of Justice and shall have the capacity of 'Law enforcement officers'. In the event of imminent risk of serious harm to the child's health or welfare, and prior to taking legal permission, the specialist shall have the authority to take the child out from his place of living and keep him/her in a safe place under the specialist personal responsibility. For such purpose, the specialist shall have the right to seek legal/ enforcement assistance from public authorities.

The specialist shall have the right,

within 24 hours from taking the child out of his/ her location, to request the issuance of a judicial order to extend such necessary measures. The judge shall issue his/her decision within 24 hours from the time of presenting the request.

What specific measures are taken for child safety?

Not with standing the stated various penalties for offenders, the law describes specific preventive measures for child sexual abuse to include prohibiting those who have been convicted of any sexual assault or child pornography crimes from working in a job or profession that allows them to deal directly with children, even if they have been rehabilitated.

In addition, all offenders of crimes of sexual abuse on a child shall be banned from residing within 5 square kilometers from the residence of the assaulted child. In all events, a person sentenced to jail in a crime of sexual assault on a child shall only be released after being subjected to psychological examinations and tests, before expiration of his/her imprisonment period, to ensure that he/she does not impose danger on the society. **E**