



## ENHANCING ACCESS TO JUSTICE FOR CHILDREN

Proceedings of the Panel Discussion Held on 18 September 2019  
in the United Nations Office in Geneva and Lessons Learned



**GENEVA CENTRE FOR HUMAN RIGHTS ADVANCEMENT AND GLOBAL DIALOGUE**  
مركز جنيف لحقوق الإنسان والحوار العالمي  
**CENTRE DE GENÈVE POUR LA PROMOTION DES DROITS DE L'HOMME ET LE DIALOGUE GLOBAL**

In Special Consultative Status with the United Nations

ذو مركز استشاري خاص لدى الأمم المتحدة

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The Geneva Centre for Human Rights  
Advancement and Global Dialogue

## **ENHANCING ACCESS TO JUSTICE FOR CHILDREN**

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## **LIST OF ABBREVIATIONS**

CEDAW	: Convention on the Elimination of Discrimination Against Women
CRC	: Convention on the Rights of the Child
GC	: General Comments
ILO	: International Labour Organization
SDGs	: Sustainable Development Goals
SP	: Special Rapporteurs
UK	: United Kingdom
UNHCHR	: United Nations High Commission for Human Rights
UNICEF	: United Nations International Children's Emergency Fund

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## FOREWORD

The present publication is the fruit of a panel debate entitled “Enhancing Access to Justice for Children in the United Arab Emirates”, that took place on 18 September 2019 at the United Nations Office in Geneva. Conducted as a side-event to the 42<sup>nd</sup> session of the UN Human Rights Council, it also commemorated the 30<sup>th</sup> anniversary of the Convention on the Rights of the Child, celebrated in 2019. The panel debate paid close attention to the right of children to access justice, and aimed to raise awareness about the need to protect the rights of children in vulnerable situations, while gaining deeper understanding of the root causes and risk factors of child abuse and neglect. The debate was co-organized by the Geneva Centre for Human Rights Advancement and Global Dialogue and the Permanent Mission of the United Arab Emirates (UAE) to the United Nations Office in Geneva. It also welcomed a group of expert practitioners from the UAE who shared with the panel participants several practical initiatives implemented in the country to enhance the legal empowerment of children.

The panel debate was opened by H.E. the Ambassador and Permanent Representative of the United Arab Emirates to the UN in Geneva and was moderated by the Executive Director a.i. of the Geneva Centre. The panel was composed of high-level experts from the Committee on the Rights of the Child, the International Labour Organization, the UNICEF Regional Office for Europe and Central Asia as well as the Department of Child and Woman Protection of the General Department of Human Rights of Dubai Police.

The panellists underlined that despite the success of the Convention on the Rights of the Child in raising awareness of children’s rights worldwide, millions of girls and boys still have their rights violated. The children fall victims to severe negligence and abuse, conflicts and wars, forced labour, sexual exploitation and human trafficking, violence at home and homicide, poverty, structural violence, undue separation from their families and risky survival activities. Particularly in early childhood, the impact of violence can often be irreversible. Violence and abuse often go hand-in-hand with deprivation and cycles of vulnerability, leading to risks of poor health, poor school performance and long-term welfare dependency. As children become older, their prior exposure to violence can become part of a continuum, at times persisting over generations. Access to justice and redress mechanisms is of an ever growing importance, yet only a fraction of the children who suffer abuse are able to seek and obtain any form of remedy. It is only if effective remedies are made available to redress violations, that children’s rights have meaning. Ensuring access to justice can help mitigate the risks of violence faced by children.

The publication seeks to summarize the rich panel proceedings and the thoughtful reflections provided by the eminent experts. It also includes an intellectual think piece on the lessons learned from the panel debate, which identifies the main challenges and the ways forward for achieving equitable and universal access to justice for all children. The specific context of the UAE is analysed, alongside some positive prac-

tices shared by the guest speakers.

The Geneva Centre wishes to reiterate its commitment towards the attainment of the right to access justice for all children. Together with its partners and through pursuing common endeavours, the Geneva Centre will continue to examine the violations of the rights of the child in the MENA region and globally, as well as to develop and disseminate the good practices in their prevention and elimination.

**By Dr Umesh Palwankar**

*Executive Director a.i. of the Geneva Centre*

## **SUMMARY RECORD<sup>1</sup> OF THE PANEL MEETING**

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1. The present report provides a summary record drawn up by the Geneva Centre on the discussions which took place during the panel meeting. It does not commit the authors of the remarks themselves, whose statements were recorded and are reproduced in full in the annex to this report.



## Introduction

The Geneva Centre for Human Rights Advancement and Global Dialogue (hereinafter “*the Geneva Centre*”), together with the Permanent Mission of the UAE to the United Nations Office and other International Organizations in Geneva, organized a panel discussion on “*Enhancing access to justice for children in the United Arab Emirates*”. The event was held on September 18, 2019 at the Palais des Nations in Geneva, on the margins of the 42<sup>nd</sup> regular session of the Human Rights Council.

The goal of the panel debate was to raise awareness about the needs to protect the rights of children and address opportunities and challenges ahead for the enhancement of equal access to justice for them within the UAE, drawing upon best practices and lessons learned in other countries. In particular, the discussion aspired to shed light on the legal status of children, the available means to bring relevant cases before domestic courts, as well as the innovative methods introduced by UAE authorities to enhance the legal empowerment of children and other relevant parties.

The debate focused on areas where progress is needed and feasible so as to enhance access to justice and address cases of child abuse and neglect in line with the provisions set forth in the Convention on the Rights of the Child and other relevant legal frameworks.

The panel was moderated by the Executive Director *ad interim* of the Geneva Centre, **Dr Umesh Palwankar**, who made opening remarks. The panel proceedings began with introductory observations by **H.E. Obaid Salem Al Zaabi**, Ambassador and Permanent Representative of the UAE to the United Nations in Geneva. The panelists included **Professor Velina Todorova**, Vice-Chairperson and Member of the Committee on the Rights of the Child, **Ms Fatma Ghulam Murad Alblooshi**, Head of Section, Department of Child and Women Protection, General Department of Human Rights, Dubai Police, **Ms Beate Andrees**, Chief, Fundamental Principles and Rights at Work Branch, ILO, and **Mr Phenny Kakama**, Child Protection Specialist, UNICEF Regional Office for Europe and Central Asia, and **Major General Abdullah Khalifa Al Marri**, Commander-in-Chief of Dubai Police, who submitted a written statement. Following the statements by the panelists, the moderator engaged in an interactive discussion with the panelists, by raising questions and making comments related to their statements. Thereafter, the moderator opened the floor for a Q&A session with the audience.

## OPENING REMARKS

### Executive Director a.i. of the Geneva Centre



In his opening remarks, Dr Umesh Palwankar reiterated the goal of the panel, which was to raise awareness about the need to protect the rights of children in vulnerable situations, in particular through enhancing access to justice, understanding the root causes and risk factors of child abuse and neglect, and identifying best practices in this domain. To this end, Dr Palwankar defined the scope of the discussion to include progress achieved

in the UAE to enhance the legal empowerment of children, as well as areas of improvement in line with the provisions set forth in the Convention on the Rights of the Child (CRC) and other relevant international legal frameworks.

### Ambassador and Permanent Representative of the UAE to the UN in Geneva

H.E. Obaid Salem Al Zaabi, Ambassador and Permanent Representative of the UAE to the United Nations in Geneva, addressed the audience by stressing that the issue of child protection has been at the forefront of his government's priorities and that considerable resources have been allocated to ensure the balanced development of children and the fulfilment of their potential. He referred in particular to the adoption of the "*Wadeema*" law in 2016, establishing the Child protection Unit responsible for monitoring implementation of its provisions, receiving reports on any violations of the rights of the child, assessing them and taking the appropriate measures.



### Major General Abdullah Khalifa Al Marri, *Commander-in-Chief of Dubai Police,*



In a country known for its cultural diversity, The UAE is committed to providing equality and social justice to all people living within its borders. The government gives top priority to children's care and development. In recent years, significant progress has been made to promote and ensure the rights of children. The Federal Law No. 3 of 2016 concerning child rights, also known as *Wadeema's Law* stresses that all children must be provided with appropriate living standards, access to health

services, education, equal opportunities in essential services and facilities without any kind of discrimination. The law protects children against all forms of negligence, exploitation, physical and psychological abuses.

Dubai Police established a project called “*Safety Ambassadors*” for Child Protection in 2006 to undertake the role of developing, implementing and customising the initiatives and processes aiming at providing safety, security and protection for all students in Dubai Schools. The project plays a key role in maintaining the safety of children, because achieving justice and protection for children is a shared responsibility.

### **Panellists’ presentations**

**Professor Velina Todorova**, *Vice- Chairperson and Member of the Committee on the Rights of the Child (CRC)*, referred to commitments made by State Parties to the Convention on the rights of the child at the occasion of the 30<sup>th</sup> anniversary of the instrument. Such commitments included pledges to draft national action plans and strategies to address violence against children.

Prof. Todorova also noted that justice for children, in line with Sustainable Development Goal 16<sup>2</sup>, should be understood as the result of efforts from all segments of society and includes access to education and healthcare, as well as the provision of a safe and clean environment for children to grow, learn, play, develop and flourish with dignity and free from violence.



Prof. Todorova stressed the importance of explicitly prohibiting corporal punishments, training professionals, and developing child-friendly channels for reporting violence in order to enhance access to justice for children and prevent unnecessary contacts with formal justice systems. She emphasized that justice systems are meant to deal with adults and that special care should be taken to ensure that the best interests of children are respected when they enter formal justice systems as victims, witnesses, or offenders.

Prof. Todorova welcomed the adoption of General Comment No. 24 (2019) to the CRC, *Children’s rights in the child justice system*<sup>3</sup>, which aims to reduce the harmful

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2. SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels <https://sustainable-development.un.org/sdg16>

3. Full text can be found here <https://www.ohchr.org/Documents/HRBodies/CRC/GC24/GeneralComment24.pdf>

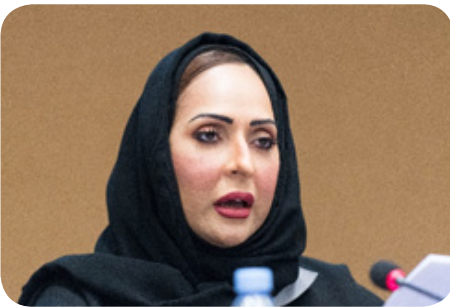
effects of contact with criminal justice systems by promoting policies that:

- Set appropriate minimum age of criminal responsibility;
- Divert children away from formal justice processes and to effective programmes;
- Set non-custodial measures to ensure detention of children as a measure of last resort;
- End the use of corporal punishment, capital punishment and life sentences; and
- For the few situations where deprivation of liberty is justified as a last resort, ensure that it is used only for older children, is strictly time limited and subject to regular review.

In particular, Prof. Todorova reminded State Parties that investing in early childhood care and education, for example through parent trainings, partnerships with schools, participation in cultural and leisure activities, can lead to lower rates of future violence and crimes. Moreover, Professor Todorova explained that a systemic approach to prevention includes closing pathways into the child's justice system through the decriminalization of minor offences such as school absence, begging or trespassing, which often result from poverty, homelessness or family violence. Additionally, Prof. Todorova noted that children and adolescents victims of sexual exploitation who engage with one another in consensual sexual acts can sometimes be criminalized.

Prof. Todorova called on State Parties to consider the findings of the General Comment for inclusion in their future policies and legislations.

**Ms Fatma Ghulam Murad**, *Head of Section, Department of Child and Women Protection, General Department of Human Rights, Dubai Police*



Ms. Ghulam Murad presented a project of the Dubai police called Safety Ambassadors, which was implemented as a result of the UAE's National Strategy for Motherhood and Childhood 2017-2021<sup>4</sup>.

On behalf of Brigadier, Dr. Abdalla Mohamed Al Mur General Director of Human Rights Department – Dubai Police she added that “Our children are our future.

It is part of our jobs as General department of Human Rights Dubai Police to help ensure that our children grow up to respect the rights of others. The Safety Ambassadors Program will help to change the environment in our schools, so that incidents of bullying and other inappropriate behaviour are reduced. Through the program, we can begin to create a generation of young people who treat others with

4. Sheikha Fatima launches National Strategy for Motherhood and Childhood <http://wam.ae/en/details/1395302625076>



kindness, dignity, and respect.”

The project aims to mainstream children’s rights in schools, protect children from sexual abuse and harassment, help children communicate with the Department of Child and Women protection in case of abuse, and raise children’s awareness about their rights and responsibilities within the family and society.

Ms. Ghulam Murad referred to the Law of Wadeema<sup>5</sup>, issued through Federal Law No. 3 of 2016 by H.H. Sheikh Khalifa bin Zayed Al Nahyan, President of the UAE. The law stresses the role of relevant authorities in protecting children from all manifestations of neglect, exploitation, abuse and any physical and psychological violence.

Ms. Ghulam Murad described the UAE as a world leader in child protection and care, as evidenced by Article 16 of the Constitution, which stipulates: *“Society shall take care of childhood and maternity and shall protect minors and other persons incapable of caring for themselves for any reason such as illness, disability, old age or forced unemployment.”*

Ms. Ghulam Murad further explained that a Child Protection Section was established by the Dubai Police within the Department of Child and Women’s Protection. The Section aims to protect children and provide them with a safe environment to grow, develop and enjoy a dignified life. In particular, the Section has the mandate to collect information, formulate solutions, develop programs, follow-up on studies and research, and adopt international best practices with respect to issues affecting children.

Ms. Ghulam Murad also informed the audience of the presence of Safety Ambassadors in this panel debate, who could talk about their experience in providing protection for children against various forms of abuse.

**Ms. Beate Andrees, Chief, Fundamental Principles and Rights at Work Branch, ILO**

Ms. Andrees began her intervention by mentioning the 30<sup>th</sup> anniversary of the CRC and the 20<sup>th</sup> anniversary of ILO Convention No. 182 on the Worst Forms of Child Labour, ratified by the UAE in 2001<sup>6</sup> and close to universal ratification. Ms. Andrees observed that there are still 152 million children in child labour today, including 4.3 million children in forced labour. She stressed that the 2030 Agenda for Sustainable Development provides a necessary framework to



5. <https://www.government.ae/en/information-and-services/social-affairs/children>

6. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103495](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103495)

counter violence and insisted on the interlinkages between violence against children and child labour, which require an integrated response.

Such a response should include, *inter alia*, steps to ensure a particular focus on forced labour and child labour in efforts to achieve the Sustainable Development Goals. Ms. Andrees referred to the Global Partnership to End Violence against Children, led by the World Health Organization and UNICEF, and called on member states to join Alliance 8.7, an inclusive global partnership of more than 200 organizations committed to achieving Target 8.7 (“*Take immediate and effective measures to eradicate forced labour; end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including the recruitment and use of child soldiers, and by 2025 end child labour in all its forms*”).

Ms. Andrees noted the efforts made by the UAE to end the worst forms of child labour, including the amendment of Federal Law No. 51 of 2006 on Combatting Human Trafficking, which established harsher penalties for such crimes depending on the age of the victims, the adoption of the Child Protection Act No. 3 of 2016, which provides care and assistance to child victims of trafficking, and efforts made to raise workers’ awareness of the Human Trafficking Law and Labour Code.

Ms. Andrees called upon the UAE government to continue to provide information relating to the nature, extent, and trends of the worst forms of child labour, with a focus on statistical data on the number of children covered by measures implementing Convention No. 182.

Ms. Andrees concluded her remarks by stating that similar legislative changes around the world have strengthened the protection of children and that international cooperation has resulted in the decline of child labour by 38% between 2000 and 2016.

**Mr. Phenny Kakama**, *Child Protection Specialist, UNICEF Regional Office for Europe and Central Asia*



Mr. Phenny Kakama emphasized that access to justice means more than merely being able to engage with judicial institutions. It also includes access to legal and judicial outcomes that are just and equitable. Mr. Kakama further explained that access to justice is actually a gateway to other rights as it upholds and enables the enforcement of a wide range of human rights enshrined in the CRC and other relevant instruments

such as access to health care, education, and protection from violence.

Mr. Kakama noted that prioritising access to justice for all children not only permits to uphold human rights, but also fosters the rule of law and contributes to sustainable

development goals, noting that access to justice for all is a stand-alone goal (SDG16). Mr. Kakama referred to General Comment No. 5 of the Committee on the Rights of the Child, which states: *“for rights to have meaning, effective remedies must be available to redress violations.”*

Mr. Kakama also underscored that despite being of significant importance for the realisation of children’s rights, children faced tremendous obstacles to access justice worldwide. He stated that few children are able to seek and obtain remedy for violations of their rights. Therefore, he identified several constraints to enable and facilitate children to access justice, including:

- Disabling norms and attitudes that prevent children from coming forward. For instance, in cases where violence against children is regarded as a valid way to discipline a child;
- Lack of specialized support for children to navigate the justice system, including limited availability of free legal aid;
- Inadaptability of justice systems to children rights, including lack of trained professionals, weak structures and insufficient mechanisms to hold all duty bearers accountable for their acts and omissions;
- Age restrictions undermining children’s ability to take part in legal decisions which affect them and would have an impact on their lives.

In response to these challenges, Mr. Kakama presented the endeavors of UNICEF to support governments in fulfilling their obligations for the realization of the children’s rights. He stated that UNICEF’s work includes supporting legislative and policy reforms, the development of alternatives to reduce the number of children in detention, as well as pushing for child-friendly justice systems. In addition, UNICEF helps to strengthen the capacity of independent human rights institutions to promote and monitor child rights, and inform children and their families about their rights to help them identify violations and ways to seek remedies.

Mr. Kakama concluded his remarks by calling stakeholders to take, *inter alia*, the following actions:

- Ensure that legal aid and representation is available and granted to children who come in contact with justice systems;
- Provide capacity building trainings to professionals working with children in line with the recommendations of the Committee on the Rights of the Child in order to maximize its impact and sustainability;
- Ensure empowering children to not only become aware of but also claim their rights by providing them with accessible information about their rights, the possibility to claim such rights and the avenues to do so; and
- Strengthen accountability mechanisms and enhance transparency and collaboration across sectors to ensure further the full realization of all children’s rights.

## **Interactive dialogue**

Following the panel presentations, the floor was opened for discussion, which started by introducing and inviting four Safety Ambassadors from Dubai to present their findings, activities as well as the results obtained in terms of addressing violations of children's rights and measures undertaken to provide remedies to such injustices.



The Safety Ambassadors mentioned an example of a situation where, after monitoring the case in a school environment that showed a state of social isolation coupled with low academic performance, an investigation was instigated. The case was registered formally and classified as a case of domestic violence and submitted to the school's social worker. The case was treated, after communicating with the parents, and was closely monitored to assess the progress and changes made, both regarding his studies and social interactions with others.

Communication with the concerned parents/family also included highlighting and stressing the importance of the child's physical and psychological well-being as well as its impact on the social and educational environments. The Safety Ambassadors pointed out that the government of UAE has put in place measures to protect children from all forms of mistreatment and/or violence.

Following this presentation, the panel discussed a number of issues including some of the main challenges in terms of access to justice in regard to child soldiers, as a particular case, and girls victims of sexual exploitation. Addressing first access to justice for victims of sexual exploitation, Prof. Todorova noted, as mentioned earlier by Mr. Kakama, that children from vulnerable and minority groups as well as girls face the most difficulties in accessing justice. Prof. Todorova listed a number of barriers which could limit children's access to justice such as:

- Lack of reporting incidents of sexual violence, for example, and going beyond the fear that comes with coming forward and speaking of exploitation;
- Difficulties to overcome social and cultural stigma and its consequences; and
- Victims of sexual violence are unaware of their rights to justice and there are no right or appropriate support and legal aid professionals with whom they can share incidents of sexual violence.

As a member of the CRC, Prof. Todorova noted that the best way to overcome any of these difficulties is for UN State Members to put in place child-friendly and gender-sensitive reporting mechanisms/systems. Prof. Todorova highlighted that

governments should not only ensure access to services for recovery and rehabilitation but also access to justice for remedies and compensations as well as punishing the perpetrator of such acts/crimes.

A participant from the floor, Mr Alfred de Zayas, former UN Independent Expert for the promotion of a democratic and equitable international order, thanked the United Arab Emirates and the Geneva Centre for convening this meeting, which he found to be very informative. Noting that the UAE has ratified most of the core treaties of the United Nations, Mr Zayas asked if the state had considered ratifying the remaining Covenants, particularly the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural rights as well as their Optional Protocols. Mr Zayas reiterated that ratification is essential for making the UN human rights system universal. He also praised the UAE's conviction on the priority of the best interest of the child, and spoke about the need to protect children from sanctions, which can gravely impact children's lives and wellbeing.

Dr Umesh Palwankar then gave the floor to Ms Fatma Ghulam Murad, a representative of the United Arab Emirates. Ms Murad responded that she was not in a position to provide a factual reply to that question, since she worked for the Rights of the Child branch of the General Directorate for Human Rights. In that regard, she referred to the "Wadeema Law" issued by H.H Sheikh Khalifa and now applied in the UAE. Dr Palwankar indicated that the United Arab Emirates is currently engaged in the process of working towards the ratifications of remaining Covenants.

### **Closing remarks**

In his concluding remarks, Dr. Palwankar thanked the panelists for their time and contribution and also the participants for their attendance and interactive discussion with the panelists. He also underlined the importance to recognise and celebrate initiatives and good practices designed and achieved regarding children's access to justice in the UAE while taking note of lessons learned and challenges encountered.



## **DRAWING LESSONS FROM THE PANEL MEETING**





## 1. The Concept of Access to Justice for Children: Challenges and Ways Forward

2019 marks the 30<sup>th</sup> Anniversary of the Convention on the Rights of the Child, but as the global community is staging special events to celebrate the jubilee, children's rights all over the world are still systematically violated. The latest reports<sup>7</sup> estimate that up to 1 billion children worldwide have experienced physical, sexual, or emotional violence or neglect in the past year. Children continue to suffer from systematic abuse and violence in their homes and communities, they are often denied access to school, health care and social benefits, are engaged in forced labour activities and exploitation and go through undue separations from their families.

The experts of the Committee on the Rights of the Child (CRC), consistently underlined that *“for rights to have meaning, effective remedies must be available to redress violations”*<sup>8</sup>. International community broadly defines access to justice as the ability to obtain an impartial and timely remedy for violations of rights as put forth in national and international norms and standards, including the aforementioned Convention. To date, only a fraction of children whose rights have been violated succeed in coming forward and seeking redress; even fewer manage to obtain an effective remedy.

Furthermore, as Mr Phenny Kakama of UNICEF stated, access to justice is not only the procedural process of being able to engage with justice institutions, but more importantly, the possibility to access legal and judicial outcomes that are “just” and equitable. As Professor Velina Todorova of the CRC insisted, any unnecessary contact of children with the formal justice systems should be, wherever possible, prevented. Formal justice is every justice system that is not adapted to children's needs, which lacks specialized children's judges, prosecutors and investigators to handle cases involving child victims and child witnesses. Such a system risks violating children's rights instead of protecting them.

Mr Kakama also observed that the right to a remedy is especially important for children and young people who are disadvantaged and marginalized, such as children with disabilities, children from minority groups, child victims of violence, children from poor backgrounds, children in care or closed institutions, migrant and asylum-seeking

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7. World Health Organization: <https://www.who.int/news-room/fact-sheets/detail/violence-against-children>

8. Committee on the Rights of the Child, General Comment No. 5 on general measures of implementation, para. 24

children, as well as girls, who are more prone to sexual violence. These groups of children, that are particularly vulnerable to violations of their rights, are sadly often the ones facing the insurmountable obstacles in attempts to access justice.

The United Nations experts universally agree that access to justice is a fundamental right in itself as well as an essential prerequisite for the protection and promotion of all other human rights of children. Therefore, access to justice for children should not be regarded as an isolated right, but rather as a driving force to promote all the rights. Mr Kakama clearly stated that [access to justice] is the way to uphold and enforce all the rights that should be guaranteed for every child, including access to health care, education and protection from violence, as enshrined in the Convention on the Rights of the Child and other international human rights instruments.

A number of steps can be implemented to ensure the effective access of children to justice, many of them have continuously been articulated by the CRC and UNICEF alike.

The right of children to be involved in decisions affecting them should be recognized in national legislation. The right of active engagement still poses a challenge in many jurisdictions since it often requires the guardian or representative of a child to be the responsible party for raising a claim before a competent court in order to seek the enforcement of the child's rights. Undoubtedly, to be able to claim their rights, children should first be recognized as full bearers of human rights and, whenever possible, access to justice for children should not be hinged upon their dependence on others to speak for them. The right to take part in legal decisions that affect them should be attributed to children, while legal representation should always be granted to children who come into contact with justice system and particularly for the most vulnerable, so that they can bring their cases to court or explore other legal ways to get justice.

Stakeholders, including government bodies, parents, family members, caretakers, teachers, NGOs international agencies and human rights institutions, should continuously raise awareness of children's rights in general, and of the right to access justice in particular. Proper access to justice requires legal empowerment of all children through providing them with accessible information about their rights, the possibility to claim these rights and the avenues for doing so. No matter who they are or where they come from, children need to know about their rights and get the support they need to access justice. Additionally, all the professionals involved in working with children should also receive appropriate multidisciplinary training on the content and meaning of the Convention on the Rights of the Child and of the existing national Children's Rights law. The training should be practical, systematic and continuous, as well as appropriately integrated into regular professional training in order to maximize its impact and sustainability.

An example of a good practice in this regard is the "*My Right*" campaign which was launched by the Dubai Community Development Authority in collaboration with UNICEF and the Dubai Judicial Institute in June 2019. The campaign, which targets both students and adults (including teachers, parents and social workers), convenes

workshops that provide a detailed explanation of the rights of children under the law as well as procedures that should be followed in case of negligence or abuse.

Globally, there exists a persistent need of objective, reliable and comparable data focused on children in justice systems and inclusive of all children. All types of information and data should be collected to expose the extent of any inequality or disadvantage children encounter in obtaining justice. In this sense, the Sustainable Development Agenda and, particularly, Target 16, can ensure that states parties collect data and break it down under the relevant categories, providing a quantitative measurable dimension of the progress made and its impact on the access to justice for children.

## 2. Access to Justice for Children in International Instruments and Declarations

### 2.1. The United Nations Convention on the Rights of the Child

2019 marks the thirtieth anniversary of the Convention on the Rights of the Child, the most rapidly and widely ratified international human rights treaty in history. This year, the Committee on the Rights of the Child, which is the body in charge of monitoring State compliance with the provisions of the Convention, has encouraged States parties to renew their commitment to the Convention by pledging to take one specific and measurable action for the promotion, protection and realization of the rights of the child. According to Professor Velina Todorova, Vice-Chairperson and Member of the Committee, almost half of the pledges already received targeted violence and the need for actions to be taken for prevention, protection and support to child victims. The States parties also share the understanding that children need justice, and justice is not to be narrowly understood in terms of judicial systems, but in its broader meaning as enabler of a holistic child development throughout, delivering peace, safe and clean environments to play and grow up free from violence and corporal punishment, as well as inclusion in education and health care.

2019 also celebrates the 5<sup>th</sup> Anniversary of entry into force of the third Optional Protocol to the Convention. This is the first international complaints procedure which provides children the opportunity to claim their rights at international level. It is an important complement to the Convention since it broadens the possibility of children to be heard and is meant to ensure that, if need be, children can seek redress at the international level.

#### COUNTRY PLEDGES\* FOR CHILDREN'S RIGHTS: CELEBRATING 30 YEARS OF THE CHILD RIGHTS CONVENTION



Lastly, and particularly relevant to the topic of the debate, General comment No. 24 (2019) on children's rights in the child justice system<sup>9</sup> was issued by the Committee on the Rights of the Child in September 2019. A revision of the former GC 10, it now takes into account the promulgation of international and regional standards, the Committee's jurisprudence, as well as new knowledge about child and adolescent development.

## 2.2. The Sustainable Development Goals (SDGs)

The UN Sustainable Development Agenda adopted in September 2015 is one of the key reference points of international agreements, which goes hand in hand with the Convention on the Rights of the Child. While the Convention highlights the indispensable international standards for ensuring the realization of the rights of every child, the Sustainable Development Goals (SDGs) articulate a contemporary vision for sustainable social, economic and environmental progress, and contain a fresh commitment to realise the conditions that will enable the fulfilment of the long-standing obligations enshrined in human rights instruments concerning children's rights. The Agenda contains a number of legally enforceable procedures for follow-up and review, including a concrete mechanism to measure progress, based on political and civic peer-pressure for holding governments to account. The follow-up mechanisms place emphasis on the measurement of outcomes and the concrete impact of reforms, policies and programmes on individuals.

Several Sustainable Development Targets are particularly interesting in the context of access to justice for children. Primarily, the concept that justice should be delivered at all societal levels and mechanisms is incorporated as a stand-alone goal in SDG 16<sup>10</sup>. It provides a unique opportunity to boost the realisation of the benefits of the Agenda for children, by ensuring that they are better assisted and protected by justice systems, and by strengthening the rule of law efforts regarding justice for children and full respect of their rights.

More specifically, the commitment to the rule of law and access to justice for all is specified in Target 16.3<sup>11</sup>, which calls for the establishment of mechanisms of enforcement and accountability, will benefit children with regard to the enforcement of their human rights in practice. Target 16.2<sup>12</sup> calls upon ending all forms of violence against children, while Target 8.7<sup>13</sup> defines an ambitious goal to end child labour in all its forms by 2025.

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9. <https://www.ohchr.org/Documents/HRBodies/CRC/GC24/GeneralComment24.pdf>

10. Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

11. Goal 16.3. Promote the rule of law at the national and international levels, and ensure equal access to justice for all

12. Goal 16.2. End abuse, exploitation, trafficking and all forms of violence against and torture of children

13. Goal 8.7. Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, inclu-

The high-level political forum on sustainable development entitled “Empowering people and ensuring inclusiveness and equality” was held in July 2019. The forum focused on four Sustainable Development Goals of special relevance to ending violence against children (Targets 4, 8, 10 and 16). In its Report on Target 16<sup>14</sup>, the Secretary General concluded that various forms of violence against children persist, adding that in 83 countries (mostly from developing regions) with recent data on the subject, nearly 8 in 10 children from 1 to 14 years of age were subjected to some form of psychological aggression and/or physical punishment at home.

In September 2019, world leaders gathered at United Nations Headquarters in New York, during the seventy-fourth session of the General Assembly, to review progress on the implementation of the 2030 Agenda for Sustainable Development and to mobilize accelerated action for its second implementation phase. A political declaration by which Member States renewed their commitment to implementing the 2030 Agenda for Sustainable Development<sup>15</sup> has been adopted without a vote. The Heads of States reaffirmed that the 2030 Agenda is their promise to the children and youth of today so that they may achieve their full human potential and carry the torch of sustainable development to future generations. The representative of the United Arab Emirates also observed the overall implementation of the SDGs has been slow. “The world needs more Sustainable Development Goal ambassadors to ensure that the Goals are sufficient for all people”<sup>16</sup> he said, underlining the need to work closely with all partners to maximize global, regional and national potential.

### 2.3. The United Nations Children’s Fund (UNICEF)

UNICEF, a United Nations agency responsible for providing humanitarian and developmental aid to children around the world, is committed to advocate with and to support governments to fulfil their obligations for the realization of the rights of all children as stipulated in the Convention on the Rights of the Child. The Agency’s work includes support for legislative and policy reform and the development of alternatives that can help to push for justice systems that are truly child-friendly. UNICEF also endorses the training of professionals, such as the police, social workers, judges and lawyers to listen to children in a child-friendly way, in order to ensure that decisions are taken in the best interests of the child. The Agency underlines the importance of informing children, their families and caregivers about their rights, so that they can challenge abuse or exploitation without fear of retribution, stigma or further discrimination.

UNICEF consistently pushes for justice systems across the world that are truly

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ding recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

14. Progress of Goal 16 in 2019: <https://sustainabledevelopment.un.org/sdg16>

15. A/74/L.2: <https://undocs.org/en/A/74/L.2>

16. Adopting Two Resolutions, General Assembly Endorses Political Declaration on Renewing Efforts to Realize 2030 Agenda, Recognizes Observance: <https://www.un.org/press/en/2019/ga12201.doc.htm>

child-friendly. According to the Agency, access to justice for every child would generate a ‘triple win’ to benefit entire communities and nations, as well as children themselves, since it would reinforce human rights, the rule of law, and would support sustainable development by upholding and enforcing the rights of every child to education, health care, social protection and a number of other rights<sup>17</sup>.

In October 2018, UNICEF issued its Guidelines on Child-Friendly Legal Aid<sup>18</sup>, aimed at lawyers, para-legals and other practitioners who provide legal aid to children in civil, criminal, administrative and restorative justice proceedings, and who represent children in cases addressed by national, regional and international human rights monitoring bodies. The Guidelines focus on the attitudes, knowledge and skills that are required for a child client to receive the best possible legal representation and support.

#### 2.4. International Labour Organization’s Convention No. 182



The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, known in short as the Worst Forms of Child Labour Convention, was adopted by the International Labour Organization in 1999 as ILO Convention No. 182. Ms Beate Andrees of ILO commended the fact that the UAE was one of the first states to ratify the Convention

The aforementioned Convention celebrates its 20th anniversary in 2019, along with another important jubilee: the Centenary of the International Labour Organization and its commitment to advance social justice and promote decent work. Yet today, 152 million children are still in child labour<sup>19</sup>, with child labour occurring in all sectors.

In 2016, in order to address the pressing issues of child labour, forced labour and human trafficking ILO, in collaboration with UNICEF and other UN agencies launched

17. In Focus: Access to justice for children: <https://www.unicef.org/eca/reports/focus-access-justice-children>

18. <https://www.unicef.org/eca/sites/unicef.org/eca/files/2018-11/Guidelines%20on%20Child-Friendly%20Legal%20Aid%20UNICEF%20ECARO%202018.pdf>

19. World Day Against Child Labour 2019: Children shouldn't work in fields, but on dreams! <https://www.ilo.org/ippec/Campaignandadvocacy/wdacl/lang--en/index.htm>



a Global Partnership known as Alliance 8.7. The Alliance brings together actors at all levels with the objective to collaborate, strategize, share knowledge and ultimately accelerate progress so that the commitment to end all forms of child labour can be delivered by 2030.

### **3. The Case Study of the United Arab Emirates**

#### **3.1. Steps to ensure children access to justice in UAE**

The “Sharia Law” highlights the importance of child protection and the need to look after children and their welfare so that they can reach their fullest potential in life. As a follower of the law, the UAE applies it by emphasizing the rights of children and their need for protection.

The 2018 Human Development Report<sup>20</sup> published by the United Nations Development Programme gave the State a positive ranking, placing it in thirty-fourth position out of the 187 States covered by the report and first among the Arab states. Being one of the first states in the Middle East region to ratify the United Nations Convention on the Rights of the Child on 3 January 1997<sup>21</sup>, the UAE, however, expressed reservations<sup>22</sup> on the following:

- (Article 7): obtaining nationality is considered by the government an internal national matter that could be regulated and managed by domestic legislation, exclusively;
- (Article 14): freedom of thought, conscience and religion is ensured to the extent that it does not conflict with Islamic law;
- (Article 17): a child can have access to national and international news sources in a manner that does not violate the UAE’s traditions and cultural values as well as the requirements of its domestic statutes and laws; and
- (Article 21): under Islamic law adoption is not permitted.

In 2016, the UAE also ratified the Convention’s Optional Protocol on the sale of children, child prostitution and child pornography. The government endeavours to gradually adopt the principles of the Convention on the Rights of the Child in its domestic legislation.

#### **3.2. Wadeema Law<sup>23</sup>**

In July 2016, the Government of the UAE issued the Federal Law No. 3 of 2016, also known as Wadeema Law, named so in memory of Wadeema, an Emirati girl who

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20. [http://hdr.undp.org/sites/default/files/2018\\_human\\_development\\_statistical\\_update.pdf](http://hdr.undp.org/sites/default/files/2018_human_development_statistical_update.pdf)

21. [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-11&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en)

22. Ibid

23. Federal Law No. 3 of 2016, Issued on 08/03/2016 Corresponding to 28 Jumada Al-Awwal 1437 H. ON CHILD RIGHTS (WADEEMA’S LAW) [https://www.khda.gov.ae/CMS/WebParts/TextEditor/Documents/Children\\_Law\\_English.pdf](https://www.khda.gov.ae/CMS/WebParts/TextEditor/Documents/Children_Law_English.pdf)

suffered her father's extreme violence. Ambassador Obaid Salem Al Zaabi presented this law at the panel and underlined that it established a specific mechanism in charge of monitoring the implementation of the provisions of the law by receiving reports on any violations of the rights of the child and assessing them in accordance with appropriate measures. This body, called Child Protection Unit, is also entitled to provide advice and support to families and children who are subject to abuse.

The Wadeema Law, a comprehensive legal document with 75 articles, outlines some general and specific legal provisions protecting the rights of any child under the national law until they turn 18. Article 1 of the law defines the child as any human being under the age of 18 years, while Article 2 sets out the objectives the UAE authorities wish to achieve for every child, such as their right to a safe life, development, freedom, and the right not to be exposed to any kind of abuse and/or negligence. Paragraph 5 of Article 2 stresses the importance of raising children's awareness about "their rights, obligations and duties in a society in which justice, equality, tolerance and moderation prevail."<sup>24</sup> Moreover, Article 3 goes further and underlines the importance of protecting a child against discriminatory acts based on race, ethnic origin, religion or disability. Highlighting the necessity to protect children's interests, Article 4 ensures prioritizing their interest in all decisions and procedures concerning them.

Most importantly, the Wadeema law seeks to continuously educate families and children in line with the provisions of the Convention on the Rights of the Child. Regarding the issues of access to justice, the law also addresses the opportunities to promote equal access to justice for children and the means available to them for bringing cases of violence to domestic courts.

Ms Fatma Ghulam Murad, Head of Section, Department of Child and Women Protection, General Department of Human Rights, Dubai Police reiterated the importance of the role of justice in the deplorable cases of child abuse and neglect, and added that severe penalties against those who violate provisions of the law have been put in place.

### 3.3. Safety Ambassadors



The "Safety Ambassadors" is an initiative of the General Directorate of Human Rights at Dubai Police in order to monitor and prevent any child abuse in school settings when it occurs or is suspected of occurring. The participation of Dubai Police in this regard comes as a fulfilment of the National Strategy for Motherhood and Childhood 2017-2021 in the Emirates, and as an implementa-

24. Ibid p.7



tion of the government's commitment to children.

Over 80 government and private schools have been associated to the programme with 800 safety ambassadors, with an aim to spread the culture of children's rights in all schools in the Emirate of Dubai, and to protect children from sexual abuse and harassment.

As the young Safety Ambassadors present at the panel debate explained, not only they patrol the school and report cases of violence, negligence, abuse and bullying to the schools' management, but they also raise awareness among students on how to contact the Women and Children's Department of Dubai Police if they become victims of such crimes, and help students understand their rights and responsibilities within the family, in society and at the national level.

### 3.4. Child Protection Centre Space within the Ministry of Interior

To ensure complementarity and to further enhance child protection, the Wadeema law seeks to work with other UAE institutions and laws which form a solid legal framework regulating the rights of children including, but not limited to, the Criminal, Cyber, Juvenile, Employment and Personal Status Laws. For example, the Ministry of Interior (MoI) established in 2009 a Higher Committee for the Protection of the Child which as a result also created in 2011 the "Child Protection Centre" within the Ministry. The Committee undertakes the role of developing, implementing and customising the initiatives and processes, including campaigns of awareness in partnership with the media, aiming at providing safety, security and protection for all children living in the UAE and those who come as visitors. The committee also plays a vital role in maintaining the safety of children, because achieving justice and protection for children is a shared responsibility.

Furthermore, the MoI created a campaign called "Together to Prevent Child Abuse" to raise community awareness about protecting children from abuse and to educate parents and teachers through seminars, courses and a media campaign about the various forms of child abuse and the ways to prevent it.<sup>25</sup>

As a governmental entity concerned with following up and addressing complaints concerning violations of children's rights, the MoI has dedicated free hotline numbers for receiving complaints and reports, including reporting incidents of domestic violence and child abuse. Also, it has an emergency messaging service for receiving reports from persons with special needs. Together with the police, the MoI investigates complaints and refers confirmed complaints to the Public Prosecutor's Office, which conducts an investigation and, if an accusation is proven, refers the matter to the competent court.

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25. Abu Dhabi child abuse awareness campaign launched <https://www.thenational.ae/uae/abu-dhabi-child-abuse-awareness-campaign-launched-1.7151>

### 3.5. UAE's 2021 Vision and the SDGs

The UAE Vision 2021 stipulates that the government pledges to protect any child from any physical or sexual abuse. As a result, His Highness Sheikh Muhammad bin Rashid Al Maktoum, the Prime Minister and Ruler of Dubai, launched the 2021 vision in February 2010 calling it “*The United Arab Emirates aspires to be the best state in the world by 2021*,” which is the year of the State’s Golden Jubilee celebration.<sup>26</sup> The Vision comprises four components:

- i) An ambitious and confident nation grounded in its heritage;
- ii) A strong union bonded by a common destiny;
- iii) A competitive economy driven by knowledgeable and innovative Emiratis;
- iv) Nurturing a sustainable environment for quality living.

The approach adopted by the government to realize the Vision accords absolute priority to improving education, health and housing services, developing human resources and promoting development in remote areas throughout the country.

In this regard, it is encouraging to see how the Government of the UAE aligned its Vision priorities with these of the SDGs, especially SDG 16.<sup>27</sup> For instance, the government of the UAE endorses the “*Safe Public and Fair Judiciary*” as one of the key foundations of the Vision. Therefore, it is committed to maintaining the rule of law, eradicating violence, and contributing to a sense of justice and security for UAE nationals and residents alike, with special attention to children. The MoI is undertaking constant efforts to strengthen public institutions in order to ensure that the UAE remains amongst the safest and most secure countries to live in by 2021. The government also aims to progress with the implementation and facilitation of access to a fair legal system for all, which would be amongst the most efficient in the world for everyone to feel safe and encouraged to claim their rights.<sup>28</sup>

### 3.6. Barriers and recommendations for full access to justice for children in the UAE

While acknowledging the government’s efforts to ensure child protection and access to justice, the Committee on the Rights of the Child, in its second periodic review of the UAE’s periodic report in 2015, has called on the government to take further measures to continue its progress in this field. For instance, this included expanding the interpretation of Sharia law.

While there is no death penalty imposed on children having committed crimes, the

26. For further information see the Cabinet’s website at <http://www.uaecabinet.ae>

27. United Arab Emirates, the 2030 agenda for Sustainable Development Goals, Excellence in Implementation 2018: data towards the 2030 agenda [http://education2030-arab-states.org/PDF/30204847-6532-4328-89c9-4e17dd9e1f12\\_UAESDGsAnnualReport2018En-compressed.pdf](http://education2030-arab-states.org/PDF/30204847-6532-4328-89c9-4e17dd9e1f12_UAESDGsAnnualReport2018En-compressed.pdf)

28. <https://www.government.ae/en/about-the-uae/leaving-no-one-behind/16peacejusticestronginstitutions>

Committee, as the guardian of the Convention, continues seeing the minimum age of criminal responsibility, which is ten years old in the UAE,<sup>29</sup> as running against the principle of child protection. Hence, the Committee also recommended the government amend a bill on juvenile justice allowing to raise the age of criminal responsibility. It also recommended explicating a clarification that all children who are in conflict with the law should be brought before juvenile justice institutions, and not religious courts.

Finally, the Government of the UAE has expressed on more than one occasion that it is doing its level best to wean children away from formal justice processes and towards effective programmes through establishing innovative solutions in improving children's access to justice. As the UAE's review by the Committee on the Rights of the Child is expected in 2020, it will be interesting to see how some of the Committee's concerns are addressed and tackled in the agenda of the UAE.

#### **4. Conclusions**

With ever increasing violations of children's right, access to justice should be at the core of efforts of enhancing human rights of the child around the world.

Governments, undeniably, bear the responsibility of adoption of the relevant children's rights bills and of ensuring their compliance with all provisions of the international Conventions, as well as improving children's access to courts and other complaints mechanisms.

However, other stakeholders also have a significant role to play in improving access to justice for children. From the UN and regional bodies to civil society and children's advocates, from courts and national human rights institutions to parents and legal representatives, from teachers to the media, myriads of individuals and entities can make an impact by disseminating information on children rights as such, and on their right to access justice, in particular.

Finally, strengthening accountability mechanisms and enhancing transparency and collaboration across sectors in order to ensure the full realization of all the rights of children remains of utmost importance. Recognizing the priority of the rule of law for the protection of the rights of the child, including legal protection from discrimination, violence, abuse and exploitation, ensures the best interests of the child in all domains. Trained professionals and accessible institutions, child-friendly and gender sensitive channels for reporting violence, are absolutely necessary to guarantee access to justice for the age-sensitive group of children and adolescents. Short of this, justice will remain elusive for children – the ones who need it the most.

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29. Criminal age for children in UAE to increase to 10 years <https://www.thenational.ae/uae/courts/criminal-age-for-children-in-uae-to-increase-to-10-years-1.298485>



**ANNEX**  
**STATEMENTS BY PANEL MEMBERS**



## Opening remarks

### Dr Umesh Palwankar

*Executive Director a.i., Geneva Centre for Human Rights Advancement and Global Dialogue*

Excellencies, Distinguished Panellists, Honourable Participants, Ladies and Gentlemen,

I have the distinct pleasure to welcome and to address you in my capacity as moderator of today's panel debate entitled "Enhancing access to justice for children in the United Arab Emirates" organized jointly by the Geneva Centre for Human Rights Advancement and Global Dialogue and the Permanent Mission of the United Arab Emirates to the UN in Geneva, represented here by **His Excellency Obaid Salem Al Zaabi**, Ambassador and Permanent Representative of the UAE to the United Nations in Geneva, and to whom we are very grateful for his participation and support.

I would also like to welcome you on behalf of our **Board member and Acting Chairman, Dr Mohammed Al Shamsi**, who is unable to be with us today due to pressing commitments elsewhere. I hasten to add that he has been a driving force behind this panel meeting, and is eagerly awaiting to learn of the contents of the discussion.

The purpose of this panel is to raise awareness about the need to protect the rights of children in vulnerable situations, in particular to seek redress for injustices, to gain a deeper understanding of the root causes and risk factors of child abuse and neglect, and to identify best practices in this domain.

In this connection, the panel will take stock of the progress achieved in the UAE to enhance the legal empowerment of children, and identify areas of improvement in line with the provisions set forth in the Convention on the Rights of the Child (CRC) and other relevant international legal frameworks. It will include the participation of Safety Ambassadors, designed under the precept of the Wadeema Law.

Allow me at this juncture to briefly introduce our distinguished panellists.

We are honoured to benefit from the participation of **Ms Velina Todorova**, Vice-Chairperson of the Committee on the Rights of the Child. Ms Todorova has a rich academic and professional background, including Associate Professor, has worked in high offices in her home government Bulgaria, reported to the CRC and CEDAW, is

a member of the Commission on European Family Law, among others.

We have the pleasure of having with us **Ms Fatma Ghulam Murad Alblooshi**, Head of Awareness and Education Section, Dept. of Child and Women Protection in the General Department of Human Rights of the Dubai Police. Her functions include technical and programme support, and research and analysis support in this domain. Given the theme of this panel, her observations and analyses will be of crucial importance.

I now introduce another distinguished panellist **Ms Beate Andreess**, who is Chief, Fundamental Principles and Rights at Work Branch at ILO HQs here in Geneva. Previously, she was Head of the ILO Special Action Programme to Combat Forced Labour and contributed significantly to the adoption of a new protocol thereupon. The Branch she heads at present, develops policy and provides advisory services on child labour, which is very pertinent to this panel.

It is difficult to imagine a panel dealing with children without the participation of UNICEF. So we have the pleasure of welcoming **Mr Phenny Kakama**, Child Protection Specialist at the UNICEF Europe and Central Asia Regional Office, based in Geneva. Phenny previously worked with UNICEF in Malaysia and in Tanzania for 10 years in a similar capacity. Prior to joining UNICEF, he worked for Save Children (UK) in Uganda and Rwanda managing various child protection programmes.

These are our four distinguished panellists.

It is now my honour to turn to **His Excellency Obaid Salem Al Zaabi**, Ambassador and Permanent Representative of the UAE to the United Nations in Geneva and co-sponsor of this event, to open the panel debate. I would wish to observe that Ambassador Al Zaabi is a fervent advocate of human rights and an unfailing supporter of the Geneva Centre, for which we are both, honoured and thankful.

Excellency, you have the floor.



## Introductory Observations

### H.E. Obaid Salem Al Zaabi

*Ambassador and Permanent Representative of the UAE to the UN in Geneva*

Excellencies,

Distinguished guests, ladies and gentlemen,

The issue of child protection has been for long at the forefront of my government's priorities. The government of the UAE has also devoted considerable resources to ensure balanced development of the child and enhance his abilities and talents.

Excellencies, following an example of a serious child abuse and neglect of an Emirati girl named "Wadeema", the UAE government issued a federal law No 3 in July 2016. The new law was named "*Wadeema*" in memory of the little girl who suffered her father's violence. The law established the Child Protection Unit, which is a body in charge of monitoring the implementation of the provisions of the law by receiving reports on any violations of the rights of the child and assessing them in accordance with appropriate measures. It also provides advice and support to families and children who are subject to abuse. The law also educates families on appropriate educational basis to deal with children in line with the provisions of the Convention on the Rights of the Child.

Regarding the issues of access to justice, the law also addresses the opportunities to promote equal access to justice for children and the means available for them to bring cases of violence to domestic courts.

The Government of the UAE legislators stressed the importance of the role of justice in the deplorable cases of child abuse and neglect by setting severe penalties for those who violate provisions of the law. In order to further enhance child protection, the UAE has established a network of institutions and mechanisms such as the Higher Committee for Child Protection and Child Protection Centre within the Ministry of Interior to conduct campaigns of awareness in partnership with the media. The Ministry of Education has also established a unit to monitor and follow-up on all reports and complaints concerning violations of any educational rights and to consider any child abuse when it occurs or is suspected of occurring. Perhaps the best example of this is the establishment of the "Ambassadors of Safety" which is an initiative of the General Directorate of Human Rights at Dubai Police, which will be discussed in

greater detail by Ms Fatma Ghulam Murad.

Thank you Mr President and I wish you a successful event and discussion.

## Panellist statement

### Professor Velina Todorova

*Vice-Chairperson and Member of the Committee on the Rights of the Child*

Your excellences,

Dear ladies and gentlemen,

I would like first, to express my gratitude to the organisers of this timely event for being invited to participate and to express views on its important topic.

On 16 September, two days ago, the Committee on the rights of the child, together with children coming from Asia, Latin America and Europe, opened the celebration of the 30th anniversary of the CRC. Children co-chaired the session and passed messages such as – we are concerned about climate change because it affects our planet, we want to be listened to, we want to vote, we want to live in a safe and caring environment, we want to study and play, we want more justice in the world today and for the future.

Several months ago we invited the SPs to renew their commitments to children and to make pledges at the eve of the 30th anniversary. Here are some of the pledges made:

*“We pledge to draft a national Action plan to end violence against children and start to collect data;*

*We are going to build a national policy to improve child safety and prevent and respond to child sexual abuse;*

*We will increase our efforts to establish a “Violence-free Zone Europe”, where children can grow up safe from violent punishment;*

*We pledge to adopt National Child Strategy ensuring full development of children;*

*We promise to strengthen the friendly urban environment for children and adolescents;*

*We are committed to improve the safety and security of Indigenous children and families, by funding a network of shelters and funding community-driven prevention projects.*

*We are also committed to ensuring accessible health care services.”*

*And many others that could be read at the web site of the UN HCHR.*

Almost half of the pledges were targeting violence and the need for actions to be

taken for prevention, protection and support to child victims, but not only. The SPs share the understanding that children need justice and justice is not to be narrowly understood in terms of judicial systems. It has a broader meaning as enabler of the holistic child development throughout, delivering peace, safe and clean environment to play and grow up free from violence and corporal punishment, as well as inclusion in education and health care. The concept that justice should be delivered from all systems of the society is at the core of SDG 16.

In many states the progress in child protection systems as well as in justice systems is associated with names of children fallen victims of severe negligence and abuse, exploitation and homicide, conflicts and wars. Despite many years of effort these shortcomings and failures remain to be addressed by more efficient and transparent regulations put in place and comprehensive, realistic government budgets. Thoroughly drafted policies on prevention, explicit prohibition of corporal punishment and countering violence against children in and out of home, trained professionals and accessible institutions, child friendly and gender sensitive channels for reporting violence, awareness raising of the society and parents and comprehensive services – all these can deliver justice to children but also prevent unnecessary contact of children with the formal justice systems.

Children can be driven though into the justice system by violence at home, poverty, structural violence and risky survival activities. Depending on the circumstances, children may enter the system of civil, administrative or penal justice - as victims claiming redress, or as witnesses or offenders. Each one of those statutes requires special attention because the formal justice, in general, is constructed to deal with adults. Therefore the target 3 of SDG 16: Promote the rule of law at the national and international levels and ensure equal access to justice for all, although not specifically speaking of children, is highly relevant. The rule of law when children are concerned should mean ensuring the proper balance between the principles of the supremacy of the best interests of the child and the principles of fair trial.

Guided by this understanding and by the developments that have occurred during the intervening decade through the promulgation of various international and regional standards, its own jurisprudence, new knowledge about child and adolescent development, and evidence of effective practices, including restorative justice, the Committee on the rights of the child adopted recently its General Comment (GC) 24 as a revision of the former GC 10. It is now entitled – Rights of children in the justice system - which is a message to stakeholders that it is time to start avoiding derogatory language when speaking of children.

The Comment considers various concerns such as the trends in the minimum age of criminal responsibility and the persistent use of deprivation of liberty. It includes specific issues, such as children recruited and used by non-State armed groups, including those designated as terrorist, and children in customary, indigenous or other non-State justice systems. The Comment aims to promote key strategies to reduce

the especially harmful effects of contact with the criminal justice system, in line with increased knowledge about children's development, in particular:

- the setting of an appropriate minimum age of criminal responsibility and the treatment of children on either side of that age;
- scaling up diversion of children away from formal processes to effective programmes;
- the expanded use of non-custodial measures to ensure detention of children as a measure of last resort;
- ending the use of corporal punishment, capital punishment and life sentences; and
- for the few situations where deprivation of liberty is justified as a last resort, ensuring that it is used only for older children, is strictly time limited and subject to regular review.

States parties are encouraged to take note of recent scientific findings, and to increase their minimum age accordingly, to at least 14 years of age. States parties are reminded that investment in early childhood care and education correlates with a lower rate of future violence and crime. This can commence when the child is very young for example with programs to enhance parenting capacity. The measures of assistance should draw on the wealth of information on community and family-based prevention programs, such as parent training, with the view to enhance the quality of parent-child interaction, partnership with schools, positive peer association and participation in cultural and leisure activities.

Another important warning for the SPs is that early intervention for children who are below the minimum age of criminal responsibility requires child-friendly and multi-disciplinary responses to the first signs of behavior that would, if the child was above that age, be considered an offence. Evidence-based intervention programs should be developed that reflect not only the multiple psychosocial causes of the behavior, but also the protective factors that may strengthen resilience.

A systemic approach to prevention also includes closing pathways into the child justice system through the decriminalization of minor offences such as school absence, running away, begging or trespassing, which often are the result of poverty, homelessness or family violence. Child victims of sexual exploitation and adolescents who engage with one another in consensual sexual acts are also sometimes criminalized. These acts, also known as status offences, are not considered crimes if committed by adults. The Committee urges States parties to remove status offences from their statutes.

The GC will soon be published and launched and all SPs are kindly invited to consider it in their future legislative and other policy innovations.

Thank you!



## **Panellist statement**

### **Ms Fatma Ghulam Murad Al Blooshi**

*Head of Section, Department of Child and Women Protection, General Department of Human Rights, Dubai Police*

On behalf of Dubai Police General Headquarters, I would like to extend my sincere greetings and thanks to the Geneva Centre for Human Rights and Global Dialogue and the Permanent Mission of the United Arab Emirates to the United Nations in Geneva, for inviting us to participate in the panel discussion on enhancing children's access to justice.

Dubai Police has a project called Ambassadors of Safety, considered as one of the best police practices in the field of protecting and safeguarding children's rights.

The participation of Dubai Police in this regard comes as a fulfilment of the National Strategy for Motherhood and Childhood 2017-2021 in the Emirates, and as an implementation of the government's commitment to children.

The General Directorate of Human Rights at Dubai Police to promote and protect children's rights presented the Ambassadors of Safety project. It aims to spread the culture of child rights in all schools in the Emirate of Dubai, protect children from sexual abuse and harassment, engage children in raising awareness of their peers, inform them about their rights, and communicate with the Department of Child and Women Protection. The objective of such a project is to empower and raise children's awareness to understand their rights and responsibilities within the family, in society and at the national level.

The «Wadeema law», issued by His Highness Sheikh Khalifa bin Zayed Al Nahyan, the President of the UAE within the Federal Law No. 3 of 2016, also stresses the role of competent and concerned authorities in preserving these rights and protecting the child from all manifestations of neglect, exploitation, abuse and any physical and psychological violence.

The strategy of Dubai Police with regard to the harmony and general good of society and the enhancement of child security is a reflection of the fact that the United Arab Emirates is a world leader in the field of child protection and care. Article 16 of the Constitution stipulates "Society shall take care of childhood and maternity and shall protect minors and other persons incapable of caring for themselves for any reason

such as illness, disability, old age or forced unemployment.”

Dubai Police has established the Child Protection Section within the Department of Child and Women’s Protection to protect children and provide the right environment for every child to grow, develop and enjoy a dignified and safe life. The department deals with problems related to children and develops different scenarios to deal with them. It also collects information, formulates solutions, develops programs, follows up on all studies and research, and adopts international best practices in dealing with child problems.

The department deals with all types of abuse, about which information is received by the ambassadors of safety in schools, including psychological, physical and sexual abuse, and neglect, in order to provide and promote a safe environment for the child in education, health care and recreation.

The present seminar includes the participation of a number of safety ambassadors from some schools affiliated to the project, who in turn can talk about their successful and effective experience in how to protect the child from various forms of abuse and safeguard their rights.



## Panellist statement

### Ms Beate Andrees

*Chief, Fundamental Principles and Rights at Work Branch, ILO*

Good afternoon.

Thank you very much to **Dr Umesh Palwankar** for the invitation, and to the Government of the United Arab Emirates for co-sponsoring and co-hosting this event. It is a pleasure to be here with you this afternoon, in particular because I think this is a year which we ought to celebrate. This is not only the year of the 30<sup>th</sup> anniversary of the United Nations Convention on the Rights of the Child, but it is also the 20<sup>th</sup> anniversary of the ILO's Convention No. 182 on the Worst Forms of Child Labour. It is coincidental that the anniversaries come together, but what we should celebrate in particular, is the tremendous progress we have seen on children's rights in the recent decades. However, as you will hear in the second part of my message, there is no time for complacency, and there is still a lot to do.

Allow me to start with a very touching story of a young boy called Basu Rai, a young boy from Nepal, who grew up in the streets of Kathmandu. I think in his story we find the elements, the indications of what we need to look at when we talk about success. He grew up as an orphan and had to work from the very young age of 4-5 years old, making his living, surviving, essentially. Through a string of luck, he was connected with some of the most outspoken child rights activists in South Asia, including our friend and Noble Prize laureate, Kailash Satyarthi. The movement Mr Satyarthi built was called the Global March, and aimed to end child labour, child slavery and trafficking, and related forms of abuse and exploitation. Young Basu joined that group of activists in the 1990s, and from the streets of Kathmandu he marched to Geneva in 1998 to advocate for the adoption of a new instrument, the ILO's Convention 182. Last year, when we celebrated the 20th anniversary of the Global March, which proceeded to actual adoption of the Convention, Basu came back to Geneva, now as a young man, married, with children of his own, and he recalled the moments of 1998-1999, and how much they shaped his life. He called on all of us not to stop the battle and the fight not only because of his own children that he now has, but because of 152 million children that we estimate to still be in child labour today. 152 million boys and girls have no choice but to work rather than to go to school and to enjoy an upbringing that makes the best of their potential.

The Convention that was adopted 20 years ago, thanks to advocates like this young boy, Basu Rai, and to many others, including governments, is now very close to universal ratification. There is only one country, one ILO member state still missing. Hopefully, this year we will be able to celebrate universal ratification (I think the CRC has a similar success story to tell). The UAE was among the first countries to ratify this instrument in 2001, which was one of the fastest ratified instruments in the ILO's history. But despite this tremendous progress, awakening and awareness, there are still 152 million in child labour. What is even more concerning is that more than 4 million are in what we call "forced labour", trafficked, or in forms of bondage which often also involves their parents. We also estimate, and this is, most likely, a conservative estimate, that about 1 million children, most of them girls, are in commercial sexual exploitation, which is one of the worst forms of child labour.

So the numbers are significant, they are shocking, shockingly high, but we also have very ambitious goals set by the heads of states in the Sustainable Development Agenda. I wanted to highlight in particular two goals and specific targets. We have already heard about target 16.3 which, I absolutely agree, is fundamental to the issue of access to justice. However, there is also target 16.2, on ending all forms of violence against children, and there is target 8.7 on ending child labour – interestingly, to be met by 2025 already. So the clock is more than ticking, it is a shortened deadline, if you so want.

These targets, the SDG targets and many others, are of course mutually interrelated and reinforce each other. We firmly believe, for example, that violence and child labour are often closely connected. It is not the same but there is often a link between the two. And, indeed, we have strengthened our collaboration, for instance, with UNICEF and WHO, through the Global Partnership to End Violence against Children, we have also strengthened the policy understanding of how to address child labour by addressing systemic root causes such as violence, systemic discrimination of girls, the lack of social protection systems, the lack of rule of law and effective justice systems, and so on.

I would also like to bring to your attention a Global Platform that we launched in collaboration with UNICEF and many other UN partners in 2016, known as Alliance 8.7 to end child labour, forced labour and human trafficking by 2025 and 2030. It now brings together more than 200 institutional partners from all over the world, including from civil society, from the business community, from workers' representative organizations, as well as, of course, from governments. The objective of this partnership is to accelerate action at the national level, with the number one priority of achieving impact on the ground, and there are 15 "pathfinder countries" that have already signed up to this. We have also set up action groups to drive innovation, to accelerate creative thinking about solutions, and to scale up interventions that work. I would like to invite you to look at the website, there is a lot of information there on the Alliance, and if you are interested, to join.

Allow me also to say a few words about the efforts of the United Arab Emirates in relation to ending child labour. Indeed our collaboration with your government dates back to well-before the adoption of the Convention in 1999. I would like to specifically highlight a legislative change that has not been mentioned yet, a legislative change that was noted with interest by the ILO's supervisory system, the so-called Committee of Experts on ratified Conventions. And this is the fact that UAE amended its trafficking law of 2006. It was amended, if I understand correctly, in 2015, with the effect of establishing harsher penalties for the crime of trafficking in persons, including stricter penalties that take into account the age of the victim.

Of course, worldwide, we need to take into account the strengthening of the legislation on prosecution in relation to child trafficking. However, we also need to look into compensation measures, into preventive measures and here, globally speaking, there is still a lot of work to do. In this case, to come back to our topic, there is a lot to be done about the access to justice including for children that are not citizens or do not even hold the birth registration, as well as to allow for compensation measures, including reintegration measures, rehabilitation measures, and so on. It is very important for us to strengthen these measures.

In conclusion, thanks to those international instruments that have enjoyed so much political support, and legislative changes that have taken place all over the world, including in the UAE, we have seen a significant decline in child labour since we started measuring it in 2002. Actually, there is a decline by 38% which is a net decline of 94 less million boys and girls involved in child labour. The number of children in hazardous work fell by half over the same period. We are observing a very positive trend. However, we have seen in our recent estimates that the pace of decline is slowing down. And it is partially related to climate change, to the crisis situations that take place in many regions, which are now impacting on the lives of children, to demographics and the lack of decent work for youth of legal working age. We have to remember to make the link between children and youth employment, and to address the issues related to social protection and border labour market dynamics. But again, I think we have an opportunity at hand with the SDG Agenda, with this combined global commitment and partnerships, to end child labour by 2025, and it is on us to bring to life the hopes and aspirations of children like Basu Rai.

Thank you very much.



## Panellist statement

### Mr Phenny Kakama

*Child Protection Specialist, UNICEF Regional Office for Europe and Central Asia*

On behalf of the Unicef Regional Director for Europe and Central Asia, I would like to thank and commend the **Geneva Centre for Human Rights Advancement and Global Dialogue and the Permanent Mission of the UAE to UN** in Geneva for organising this debate and putting the spot light on enhancing access to justice for children in the UAE. While I will talk from a more generic perspective, I believe some of the issues that will be raised may be applicable to the UAE context.

#### 1. Access to justice means more than just the procedural process

Let me start my remarks by underscoring that Access to justice means more than just the procedural process of being able to engage with justice institutions, it also means being able to access legal and judicial outcomes that are “just” and equitable.

#### 2. Access to Justice-gateway to other rights

Access to justice for children is not only a right. It is also the way to uphold and enforce all the rights that should be guaranteed for every child, including access to health care, education and protection from violence as enshrined in the CRC and other international human rights instruments<sup>30</sup>.

Prioritising access to justice for all children would help achieve progress on 3 fronts simultaneously, namely i) upholding human rights, ii) fostering the rule of law<sup>31</sup> and contributing to sustainable development. Access to justice for all is incorporated as a stand-alone goal in SDG 16<sup>32</sup> The SDGs reaffirm the commitment of member states to achieve development in a way that is consistent with their international human rights obligations. These elements are particularly important when it comes to children as it is only through such a universal agenda that we stand a chance to protect the rights of children everywhere.

As stated clearly by the Committee on the rights of the child, for rights to have meaning, effective remedies must be available to redress violations. The right to a

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30. See in particular CRC, Articles 3, 12, 19, 37, 39 and 40 and the International Covenant on Civil and Political Rights (ICCPR), Articles 2 (3) and Art 14

31. Ensuring that all children have access to adapted independent and efficient justice systems

32. Which sets out to: “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”

remedy is particularly important for children and young people who are marginalized and more at risk of having their rights violated.

### **3. Despite the centrality of Access to justice to realisation of children rights and sustainable development, Children worldwide face tremendous obstacles to access justice**

The reality is that, daily millions of children globally have their rights violated. Many are victims of crime, many are separated from their families because they have a disability, or their parents are poor. Yet only a fraction of these are able to seek and obtain any form of remedy.

Disabling norms and attitudes make it unacceptable for children to come forward. Violence, for example, is seen as a valid way to discipline a child. It is taken as a normal part of life. Raising children is seen or treated as a private family matter.

Children and their families know little about child rights and where to seek redress. And even if children had the information they need, they would struggle to navigate their way through the justice system without specialized support. This situation is exacerbated by limited availability of free legal aid in many countries.

Justice systems in many parts of the world are generally not adapted to children's rights. Only a few countries have specialised children's or fully specialised judges, prosecutors and investigators to handle cases involving children, including child witnesses and child victims. Justice systems that are not adapted to children, risk violating their rights instead of protecting them.

In many countries, there are professionals who do not fully understand children's rights, coupled with weak structures and insufficient mechanisms to hold all duty bearers accountable for their acts and omissions.

Access to justice (or lack of it) for children is often shaped by their age and their dependence on others to speak for them. In many cases, their right to take part in legal decisions that affect them is undermined by age restrictions.

Attention needs to be drawn to marginalised children such as girls, children with disabilities, children from minority groups, child victims of violence, children from poor backgrounds, children in care or closed institutions, migrant and asylum-seeking children who are particularly vulnerable to violations of their rights and ironically the same ones facing the most obstacles to access justice.

### **4. Unicef response.**

Our work is to advocate and to support governments to fulfil their obligations for the realisation of the rights of all children as stipulated in the CRC.

Our work in this region and globally includes support for legislative and policy reform and the development of alternatives that have helped reduce the numbers of children in detention in our region and other countries and pushing for justice systems that are truly child-friendly.

Unicef supports the training of professionals, such as the police, social workers, judges and lawyers to hear children in a child-friendly way, so decisions are made in the best interests of the child.

We support strengthening the capacity of independent human rights institutions to promote and monitor child rights.

We inform children and families about their rights. Children, their families and their caregivers need to be aware of their rights, they should be able to recognise rights violations and know that they can challenge abuse or exploitation without fear of retribution, stigma or further discrimination.

### **5. In addition, and beyond what we are doing as Unicef, what more action is required of all of us?**

Raising awareness of rights in general, and of the right to access justice in particular, is a task for many stakeholders including government bodies, parents, family members, carers, teachers, NGOs international agencies and human rights institutions.

Legal aid /legal representation should always be granted to children who come into contact with the justice system and particularly for the most vulnerable, so that they can bring their cases to court or explore other legal ways to get justice.

Training should be provided to professionals working with children. The Committee on the rights of the child recommends that all efforts to provide training on the rights of the child be practical, systematic and integrated into regular professional training in order to maximize its impact and sustainability.

Prioritise access to justice in law reform, policy dialogues and rule of law initiatives and ensure that there is an enabling environment to foster both the supply and demand components of access to justice.

Invest in objective, reliable and comparable data focused on children in justice systems and inclusive of all children. Different kinds of information and data should be collected to expose the extent of any inequality or disadvantage children encounter in obtaining justice.

Proper Access to justice requires legal empowerment of all children -empowering children to claim their rights- providing children with accessible information about their rights, the possibility to claim these rights and the avenues for doing so. No matter who they are or where they come from, children need to know about their rights and get the support they need to access justice.

Finally, it is of utmost importance to strengthen accountability mechanisms and to enhance transparency and collaboration across sectors that will ensure the full realisation of all the rights of children. Short of this, Justice will remain elusive for children-the ones that need it most.





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