



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the second periodic report of the United Arab Emirates*

I. Introduction

1. The Committee considered the second periodic report of the United Arab Emirates (CRC/C/ARE/2) at its 2026th and 2027th meetings (see CRC/C/SR.2026 and 2027), held on 14 and 15 September 2015, and adopted the following concluding observations at its 2052nd meeting (see CRC/C/SR.2052), held on 2 October 2015.
2. The Committee welcomes the submission of the second periodic report of the State party and the written replies to the list of issues (CRC/C/ARE/Q/2/Add.1). The Committee regrets, however, that the second periodic report was submitted with considerable delay, which has prevented the Committee from reviewing the situation of children in the United Arab Emirates for more than a decade. The Committee also regrets that some of its written questions were not responded to by the State party.
3. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

4. The Committee welcomes the State party's ratification of or accession to:
 - (a) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in July 2012;
 - (b) The United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in 2009.
5. The Committee also notes with appreciation the adoption of the following legislative measures:
 - (a) Federal Act No. 1 of 2012, concerning care for children of unknown parentage;

* Adopted by the Committee at its seventieth session (14 September-2 October 2015).



- (b) Federal Act No. 15 of 2009, prohibiting the sale or supply of tobacco to persons below the age of 18 years;
 - (c) Federal Act No. 51 of 2006, on combating human trafficking offences;
 - (d) Federal Act No. 29 of 2006, concerning the rights of persons with disabilities, as amended by Federal Act No. 14 of 2009.
6. The Committee also welcomes the following institutional and policy measures:
- (a) The adoption of the national strategy for motherhood and childhood for the period 2015-2021;
 - (b) The establishment of the Child Protection Centre, by Ministerial Decision No. 347 of 2011;
 - (c) The creation of the High Committee for the Protection of the Child, in 2010;
 - (d) The launch of the Supreme Council for Motherhood and Childhood, in 2009;
 - (e) The establishment of the National Committee to Combat Human Trafficking, pursuant to Federal Act No. 51 of 2006;
 - (f) The creation of several toll-free telephone numbers, hotlines and websites to provide assistance to child victims of violence.

III. Factors and difficulties impeding the implementation of the Convention

7. With reference to its previous concluding observations (see CRC/C/15/Add.183, para. 4), the Committee continues to observe that the State party's adoption of narrow interpretations of Islamic texts in some areas may impede the enjoyment of some rights protected under the Convention.

IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

Committee's previous recommendations

8. **The Committee recommends that the State party take all measures necessary to address its previous recommendations made in 2002 (CRC/C/15/Add.183) that have not been implemented or not sufficiently implemented, in particular, those related to reservations (see CRC/C/15/Add.183, para. 6), legislation (para. 8), data collection (para. 12), independent monitoring (para. 14), training on and dissemination of the Convention (para. 20), non-discrimination (para. 22), best interests of the child (para. 27) and violence (para. 35).**

Reservations

9. **With reference to its previous recommendations (see CRC/C/15/Add.183, para. 6), the Committee recommends that the State party consider withdrawing its reservations to articles 7, 14, 17 and 21 of the Convention.**

Legislation

10. The Committee, while noting the progress made towards the adoption of the Children's Rights Bill, is concerned about the slow and lengthy nature of the process.

11. The Committee recommends that the State party proceed to a swift adoption of the Children's Rights Bill and ensure that it complies with all provisions of the Convention and covers all rights under the Convention.

Coordination

12. The Committee welcomes the creation in 2009 of the Supreme Council for Motherhood and Childhood. It is concerned, however, that the way in which this Council coordinates all activities for the implementation of all rights under the Convention remains unclear, as does its relations with the multiple other child-related bodies created in the State party.

13. The Committee recommends that the Supreme Council for Motherhood and Childhood be provided with a clear mandate and the human, financial and technical resources necessary to ensure effective intersectoral coordination and cooperation at and between the federal and emirate levels of government and to ensure effective implementation of the Convention.

Allocation of resources

14. While welcoming the increasing spending on education and in the light of the high economic growth in the State party, the Committee is concerned about the lack of information on the allocation of resources for the implementation of all rights under the Convention, the measures taken to establish a tracking system for budgetary allocation, the use of resources for children throughout the budget and the level of resources allocated to children in the most disadvantaged situations.

15. In the light of its day of general discussion in 2007 on resources for ensuring the rights of the child and the responsibility of States, the Committee recommends that the State party continue giving priority to children's rights in the allocation of resources, and in particular to:

(a) **Utilize a child-rights approach in formulating the national budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget. The State party should also use this tracking system for impact assessments regarding how investments in any sector may serve "the best interests of the child", ensuring that the different impacts of such investments on girls and boys are measured;**

(b) **Conduct a comprehensive assessment of budget needs and establish a transparent way of allocating funds to progressively address the disparities in indicators related to children's rights;**

(c) **Ensure transparent and participatory budgeting through public dialogue, especially with children and for the proper accountability of local authorities;**

(d) **Define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic crisis, natural disaster or other emergency.**

Data collection

16. The Committee, while noting the current development of a joint cooperation programme with the United Nations Educational, Scientific and Cultural Organization to compile data on children, regrets that the State party was unable to provide such data, both in its periodic report and in its written responses to the Committee's list of issues.

17. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party speed up the establishment of a comprehensive data collection system and ensure that disaggregated data are collected on all persons under the age of 18 with respect to all areas covered by the Convention, including the most vulnerable groups (i.e. non-nationals, *bidoon* children, girls, children living in remote areas, children with disabilities and children of economically disadvantaged households, among others), and use these data to assess progress and to design policies to implement the Convention, especially in the area of violence against children.**

Independent monitoring

18. The Committee regrets that, in spite of the voluntary commitment made by the State party in the context of the universal periodic review in 2008 (see A/HRC/WG.6/15/ARE/1, para. 10), little progress has been made in establishing a national human rights institution.

19. **In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee reiterates its recommendation to the State party (see CRC/C/15/Add.183, para. 14) that it establish an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) which includes a specific department to monitor and evaluate progress in the implementation of the Convention in all the emirates. This institution should be accessible to children and empowered to receive and investigate complaints of violations of children's rights in a child-sensitive manner and to address them effectively.**

Dissemination, awareness-raising and training

20. **The Committee, while noting the efforts made with regard to raising awareness about the Convention, reiterates its recommendation (see CRC/C/15/Add.183, para. 20 (a) and (b)) to strengthen, expand and continue its programme for the dissemination of information on the Convention and its implementation to children, parents, civil society and all sectors and levels of Government, and to develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, emirate government officials, personnel working in institutions and places of detention for children, teachers and health personnel).**

Cooperation with civil society

21. The Committee expresses its concern about the very limited number of independent non-governmental organizations (NGOs) working specifically in the field of children's rights and therefore the lack of information transmitted to the Committee and the difficulty of assessing the situation of children on the basis of a variety of sources. The Committee is also concerned about the reported continual harassment of human rights defenders in the

State party, which greatly undermines the emergence of a vibrant civil society, as well as the protection and promotion of children's rights.

22. **The Committee reminds the State party that human rights defenders deserve special protection, as their work is critical for promoting human rights for all, including children, and thus strongly recommends that the State party ensure that reported instances of intimidation and harassment of NGOs, human rights defenders and civil society activists are promptly and independently investigated, and that those responsible for such abuses are held accountable. The State party should take concrete steps to give legitimate recognition to human rights defenders and their work, to build a climate of trust and cooperation with civil society, and to systematically involve communities and civil society, including NGOs and children's organizations, in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights.**

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

23. The Committee is concerned about the persistence of discrimination against girls under the personal status law, notably in the field of inheritance and custody, and that no information was provided by the State party on the measures taken to prevent and eliminate gender-based discrimination. The Committee is also concerned that certain rights under the Constitution are guaranteed only to citizens and not to non-citizens residing on the territory of the State party and that *bidoon* children and children born out of wedlock continue to experience serious discrimination in relation to the enjoyment of their rights under the Convention.

24. **The Committee reminds the State party that the obligation to combat all forms of discrimination is an immediate obligation and urges it to take all appropriate measures to repeal all laws and eliminate all practices that discriminate against girls. Active measures should also be taken to eliminate de jure and de facto discrimination against children born out of wedlock, as well as children who are not citizens of the State party and *bidoon* children.**

25. The Committee is concerned about the situation of the children of human rights defenders convicted in the context of the "UAE 94" trial, whose rights to education, identity documents, freedom of movement and maintenance of contact with their detained parents have reportedly been seriously undermined.

26. **The Committee reminds the State party of its obligation to ensure that children are protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of their parents, and therefore recommends that the State party put an end to all forms of discrimination experienced by the children of human rights defenders and political opponents.**

Best interests of the child

27. The Committee reiterates its concern (see CRC/C/15/Add.183, para. 26) that the right of the child to have his or her best interests taken as a primary consideration is not always respected, for example in matters relating to family law. The Committee is particularly concerned that judges often consider underage marriage as being in the best interests of the girl child, a situation which reveals a misunderstanding of the concept of best interests and leads to multiple violations of girls' rights.

28. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration in order to avoid misconceptions with regard to this right in relation to girls.

Right to life, survival and development

29. The Committee is concerned that, in spite of all measures taken, road accidents continue to be one of the leading causes of death among adolescents as reported by the State party.

30. **The Committee recommends that the State party strengthen measures and programmes to prevent children from becoming victims of road accidents.**

Respect for the views of the child

31. The Committee notes the information provided by the State party according to which the emirates are in the process of forming a children's parliament that will represent all children of the State. The Committee nevertheless remains concerned about the representativeness of such a parliament and traditional attitudes towards children in the society which continue to limit respect for their views, especially within the family and in schools.

32. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen this right in accordance with article 12 of the Convention. To that effect, it recommends that the State party:**

(a) **Conduct research to identify the issues that are most important to children, listen to their views on those issues and find out how well their voices are being heard in family decisions affecting their lives;**

(b) **Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within the children's parliament, paying particular attention to girls and children in vulnerable situations;**

(c) **Develop toolkits for public consultation on national policy development to standardize such consultation at a high level of inclusiveness and participation, including by consulting with children on issues that affect them.**

C. Civil rights and freedoms (arts. 7, 8, and 13-17)

Birth registration/name and nationality

33. The Committee remains concerned that children of a mother who is a national of the United Arab Emirates and a father who is not cannot acquire the nationality of the State party and are at great risk of becoming stateless. The Committee is also concerned that the criminalization of sexual relations outside marriage prevents the registration of children born out of wedlock and may lead to their abandonment.

34. **The Committee urges the State party ensure the right of children to acquire the nationality of the State party from their mothers who are nationals of the State party. The Committee also recommends that the State party repeal legislation that criminalizes sexual relations outside of marriage. Active measures should also be taken to foster responsible parenthood and sexual behaviour, with particular attention paid to awareness-raising among boys and men.**

35. While welcoming the nationwide registration campaign for stateless persons launched by the State party in 2008, the Committee regrets the lack of information on its results and remains seriously concerned about the situation of thousands of children, including *bidoon* children, non-Arab children and children of unknown parentage, who remain stateless and therefore have limited access to birth registration, health care and education.

36. **The Committee recommends that the State party, as a matter of urgency, regularize the situation of stateless children and ensure their right to a nationality without discrimination. The Committee further recommends that the State party consider ratifying the Convention relating to the Status of Stateless Persons of 1954, and the Convention on the Reduction of Statelessness of 1961, and that it make use of the expertise of the Office of the United Nations High Commissioner for Refugees to address statelessness in the State party.**

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Freedom of the child from all forms of violence

37. The Committee, while noting that a new policy has been formulated for the investigation of cases of abuse and neglect of children, remains particularly concerned that:

(a) The existing legislation of the State party does not specifically criminalize all forms of violence against children;

(b) Article 53 (1) of the Penal Code authorizes men to use violence against their wives and children within the limits prescribed by sharia or by law and provides that perpetrators of crimes can escape punishment if the violence is “performed in good faith”;

(c) In 2010, the Federal Supreme Court issued a ruling indicating that beating and other forms of punishment or coercion by husbands of their wives were allowed, provided that they did not leave physical marks;

(d) Whereas corporal punishment of children is prohibited in school, it is lawful in the home and as a sentence for having committed a crime.

38. **Recalling the recommendations of the independent expert for the United Nations study on violence against children, contained in document A/61/299, the Committee recommends that the State party prioritize the elimination of all forms of violence against children, establish a comprehensive national framework to protect children and families from violence, take measures to provide rehabilitation to child victims of violence and prosecute perpetrators of abuse. The Committee further recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:**

(a) **Repeal without delay all laws that allow, condone or excuse gender-based violence and violence against children, especially articles 53 and 56 of the Penal Code, and ensure accountability for all forms of violence against children;**

(b) **Adopt a comprehensive law that addresses all forms of violence, explicitly prohibits corporal punishment in all settings and includes measures to raise**

awareness of positive, non-violent and participatory forms of child-rearing;

(c) **Ensure children's access to justice, including by making the reporting of violence mandatory, providing legal support and making available child-friendly and confidential complaint mechanisms in institutions, schools, detention centres, hospitals and other relevant settings;**

(d) **Ensure the availability and quality of programmes relating to prevention, protection, access to justice, rehabilitation and reintegration, including health services and psychosocial support, free helplines and adequate shelters for victims.**

Torture and other cruel or degrading treatment or punishment

39. The Committee is seriously concerned that, in spite of its previous recommendation (see CRC/C/15/Add.183, para. 33), inhuman or degrading treatment or punishment can still be imposed on children as a judicial sanction. The Committee is particularly concerned that the law on juvenile offenders provides that the punishment of whipping may be imposed on children over the age of 16 for murder, assault and battery, alcohol-related offences, theft or sexual intercourse outside of marriage.

40. **With reference to the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and to general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to immediately abolish legislation that provides for the imposition of the punishment of flogging and other forms of cruel, inhuman or degrading treatment and punishment on children.**

Abuse and neglect

41. The Committee expresses concern that, in numerous instances, police reportedly refused to register complaints lodged by expatriate women regarding domestic violence, dissuaded them from pursuing their complaints or did not properly investigate such complaints. The Committee is also concerned that sharia law is reportedly being applied in these cases and that this has led to the conviction of several mothers for defamation-related offences, depriving them of the custody of their children, and even to them being deported without their children.

42. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to review as a matter of priority all legal provisions and practices that lead to mothers who report domestic violence losing custody of their children, and to conduct an independent enquiry into all these cases in order for children to be reunited with their mothers when domestic violence is proven.**

Sexual exploitation and abuse

43. The Committee is concerned that a child victim will rarely report any instance of sexual abuse or exploitation, as she or he runs the risk of being charged with having committed a sexual crime and even being sentenced to flogging pursuant to Federal Act No. 9 of 1976, concerning juvenile delinquents and vagrants, as highlighted by the Special Rapporteur on the sale of children, child prostitution and child pornography (see A/HRC/16/57/Add.2, para. 103). The Committee is also concerned that the legislation of the State party does not adequately protect children from pornography and prostitution.

44. The Committee urges the State party to repeal all legislation treating child victims as offenders rather than as victims and to ensure that sexual abuse against children, in particular child prostitution and child pornography, is criminalized and that perpetrators are duly prosecuted and punished with sanctions commensurate with the gravity of their crimes. To this end, the State party should also establish mechanisms, procedures and guidelines to ensure the mandatory reporting of cases of child sexual abuse and exploitation and to conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest, and to ensure the existence of accessible, confidential, child-friendly and effective reporting channels for such violations. Programmes and policies for the prevention, recovery and social reintegration of child victims should also be developed in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.

Harmful practices

45. The Committee is concerned that, although the legal age for marriage in the State party is 18 years for both girls and boys, a high percentage of girls continue to be married before the age of 18 as a result of an overuse by judges of legal derogations to the law on the minimum age of marriage in order to marry girls when it is in their supposed “best interests”.

46. The Committee urges the State party to ensure that the minimum age of marriage, set at 18 for both girls and boys, is enforced effectively. In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the Committee recommends that the State party strengthen all measures to address early and forced marriage among girls, including through the organization of campaigns in collaboration with civil society, the media, traditional leaders and families to raise awareness of the harmful effects of such practices.

E. Family environment and alternative care (arts. 5, 9-11, 18 (1-2), 20-21, 25 and 27 (4))

Family environment

47. The Committee is concerned about the persistence of unequal parental responsibilities and of discriminatory provisions against women and girls in the family context, such as the legal obligation of women to obey their husbands, the maintenance of male guardianship over women and girls, polygamy and legal provisions which allow men to unilaterally divorce their wives and to prevent them from working. While welcoming the information provided during the dialogue about the Supreme Court’s position on the best interests of the child in custody decisions, the Committee is concerned that the law still provides that mothers can keep custody of their daughters only until the age of 13 and their sons only until the age of 10.

48. The Committee urges the State party to promptly repeal all provisions of the personal status law that discriminate on the basis of gender, infringe on the dignity of women and girls and have a negative impact the family environment, and to ensure that mothers and fathers equally share the legal responsibility for their children, in accordance with article 18 (1) of the Convention. The State party should abolish the concept of male guardianship as a matter of priority. The Committee also urges the

State party to review its legislation on custody and ensure that the best interests of the child are the paramount consideration in any decision taken in this respect.

Children deprived of a family environment

49. The Committee is deeply concerned about the impact of the situation of migrant workers, especially the situation of female domestic workers, on the right of their children living abroad to a family environment. The Committee is particularly concerned that the sponsorship system imposed on these workers results in slavery-like working conditions, and that the confiscation of their passports and restrictions on their freedom of movement de facto result in limiting their travel back to their home countries and thus deprive their children who remain in their home country of a family environment.

50. The Committee urges the State party to take all measures necessary, in particular legislative measures, to ensure decent conditions of work for migrant workers, as well as their right to family life with their children. In this respect, the sponsorship system imposed on migrant domestic workers should be abolished without delay and the work of migrant workers, including domestic workers, properly regulated and supervised.

Children of parents sentenced to prison or death

51. The Committee notes the provisions related to children living with their mothers in detention facilities, as well as the measures taken with regard to children whose parents are imprisoned or executed. The Committee is concerned, however, about:

- (a) The impact on children when the death penalty is imposed on their parents and the lack of attention paid to providing psychological support for such children;
- (b) Instances in which parents are sentenced to prison for failing to pay a debt;
- (c) The lack of human resources and other support necessary for children living in prison with their mothers.

52. The Committee recommends that the State party:

- (a) **Take into consideration the existence of children and their best interests when considering the death penalty and provide psychological and other support necessary to children whose parents have been sentenced to death;**
- (b) **Prohibit the sentencing to prison of parents who have failed to pay a debt;**
- (c) **Give primary consideration to the best interests of the child by considering alternatives to the detention of mothers and, only if such alternatives are not found, provide all the necessary human and financial resources, as well as all the necessary support, to children living in detention with their mothers and to children who have ceased living in prison at the age of 2.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)

Children with disabilities

53. The Committee welcomes Federal Act No. 29 of 2006, concerning the rights of persons with disabilities, as amended by Federal Act No. 14 of 2009, as well as all the circulars adopted to adapt the school environment for children with visual impairments (e.g. by providing school books in Braille) or autism (e.g. by offering training programmes

on the use of the Vineland Adaptive Behaviour Scale and the Gilliam Autism Rating Scale) and provide specific training to teachers. It is concerned, however, that priority is still given to the provision of special education, including in mainstream schools, over the development of a fully inclusive educational system. The Committee is also concerned about the lack of disaggregated data on children with disabilities and about the lack of measures to include them in recreational, sport and cultural activities, which remain mostly segregated.

54. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human-rights-based approach to disability and to collect disaggregated data on children with disabilities in order to develop efficient policies and strategies for these children and adequately monitor the implementation of those policies. The State party should also set up a comprehensive strategy for the inclusion of children with disabilities in the mainstream educational system, as well as in recreational, sport and cultural activities and society at large.

Environmental health

55. The Committee welcomes the numerous achievements of the State party in the field of child health. The Committee is concerned, however, about the consequences of the high consumption of petroleum on children's health, in particular about air pollution and lead poisoning.

56. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party assess the negative consequences of petroleum consumption on children's rights and address the situation with adequate measures.

Adolescent health

57. The Committee reiterates its concern (see CRC/C/15/Add.183, para. 36) that insufficient information is available in relation to adolescent health, such as access to confidential reproductive health services and mental health counselling services, and on measures to address obesity, overweight and the marketing of unhealthy food, as well as drug and substance abuse. The Committee is also concerned that the only ground for allowing abortion in the State party is a woman's or girl's life being in danger, abortion being criminalized in all other situations.

58. Referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, and its general comment No. 15, the Committee recommends that the State party:

(a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targets adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections and fostering responsible sexual behaviour, particularly among boys and men;

(b) Regulate the marketing of unhealthy food, especially when such marketing is focused on children, and regulate the availability of such food in schools and other places;

(c) Provide children with accurate and objective information about substance abuse, and develop specialized and youth-friendly drug-dependence treatment and harm reduction services;

(d) **Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescents.**

Breastfeeding

59. **The Committee recommends that the State party continue to promote positive breastfeeding practices while refraining from imposing obligations on mothers, whose free choice of whether to breastfeed should always be respected.**

G. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance/human rights education

60. The Committee is concerned that access to free education is guaranteed only to children who are nationals of the United Arab Emirates, although the right to free primary education under the Convention applies to all children living on the territory of a State party. The Committee is also concerned about the limited information provided on the provision of human rights education in the State party's schools.

61. **The Committee recommends that the State party ensure that all children living on its territory enjoy their right to free compulsory primary education and develop a national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education.**

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38-40)

Asylum-seeking and refugee children

62. The Committee welcomes the lead taken by the State party in the adoption of the principles adopted at the Sharjah Conference on Refugee Children in October 2014 (the Sharjah Principles) related to the protection of refugee children in the Middle East and North Africa region. The Committee regrets, however, that the State party does not recognize the presence of refugees and asylum seekers on its territory and has still not adopted any legal and policy framework in this respect, as recognized in its responses to the Committee's list of issues, a situation which has led to violations of the rights of refugee, asylum-seeking and unaccompanied children. The Committee is particularly concerned about the situation of Syrian refugee families, including children who lack access to all basic services.

63. **The Committee recommends that the State party consider ratifying the Convention relating to the Status of Refugees and adopt the necessary legal framework, as well as all the necessary measures in line with the Sharjah Principles, with a view to ensuring that asylum-seeking and refugee children, including Syrian children, fully enjoy their rights under the Convention.**

Children in armed conflict

64. While noting that recruitment into the State party's armed forces cannot take place before the age of 18, the Committee is concerned that the State party has still not ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and has established neither a legal framework to criminalize all forms of recruitment and use of children in armed conflict, nor a policy framework which would enable the prevention of such recruitment and the identification of children who might have been recruited and used in armed conflict abroad.

65. **The Committee recommends that the State party ratify the Optional Protocol on the involvement of children in armed conflict and take all the measures necessary to prevent and protect children from involvement in armed conflict.**

Economic exploitation, including child labour

66. The Committee, while noting that the employment of children under the age of 15 is prohibited, is concerned that this prohibition does not apply to certain sectors of the economy, such as agriculture.

67. **The Committee recommends that the State party bring its legislation into line with the International Labour Organization Minimum Age Convention, 1973 (No. 138) and clearly prohibit labour by children under the age of 15 in all sectors of the economy.**

Sale, trafficking and abduction

68. The Committee welcomes the ratification of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in 2009, as well as Federal Act No. 1 of 2015, which provides for protection measures for victims of trafficking. The Committee is concerned, however, that children continue to be trafficked to the State party for the purpose of sexual exploitation or for forced begging at marketplaces and petrol stations, that such children are not properly identified and are often deported without proper identification, and that trafficking victims encounter challenges to registering the birth of their children, especially those born out of wedlock as a result of sexual abuse. The Committee is further concerned that all forms of the sale of children are not properly criminalized.

69. **The Committee urges the State party to take all measures necessary to prevent the trafficking of children, to bring perpetrators to justice, to provide effective protection to children who have been trafficked and to ensure that such children are no longer deported. The State party should take all measures necessary to effectively register child victims of trafficking, who should under no circumstances be considered offenders. The Committee also urges the State party to criminalize all forms of the sale of children. The Committee recommends that the State party formalize a cooperation agreement with the Office of the United Nations High Commissioner for Refugees concerning trafficking in persons, including children.**

Administration of juvenile justice

70. The Committee remains concerned that:

(a) The age of criminal responsibility remains 7 years of age, well below international standards, and that the State party intends to raise it only to 9 years of age;

(b) The new federal bill on juvenile justice contains derogatory language regarding children in conflict with the law;

(c) Federal Counter-Terrorism Act No. 7 of 2014 can be applied to children over the age of 16;

(d) The State party does not clarify the criteria used to determine whether cases involving children over the age of 16 years are referred to civil courts or to sharia courts.

71. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards, and in particular to:**

(a) **Expediently adopt an amended bill on juvenile justice raising the age of criminal responsibility to an internationally acceptable level, as previously recommended, and clarifying that all children in conflict with the law should be brought before juvenile justice, and not religious, courts;**

(b) **Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of, as well as throughout, any legal proceedings;**

(c) **Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used only as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;**

(d) **Make use, to that effect, of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, the United Nations Educational, Scientific and Cultural Organization, the Office of the United Nations High Commissioner for Human Rights and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.**

Child victims and witnesses of crimes

72. The Committee urges the State party to ensure, through adequate legal provisions and regulations, that all child victims of and/or witnesses to crime are provided with the protection guaranteed by the Convention and are not prosecuted. The State party should also take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (see Economic and Social Council resolution 2005/20, annex).

I. Ratification of the Optional Protocols to the Convention

73. The Committee recommends that the State party, in order to further strengthen the fulfillment of children's rights, ratify the three Optional Protocols to the Convention.

J. Ratification of international human rights instruments

74. The Committee recommends that the State party, in order to further strengthen the fulfillment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and their Optional Protocols; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Optional Protocols to the Convention on the Elimination of all Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities.

V. Implementation and reporting

A. Follow-up and dissemination

75. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the second periodic report, the written replies of the State party to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. Next report

76. The Committee invites the State party to submit its combined third to fifth periodic reports by 1 August 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

77. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for common core documents contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I), and in accordance with paragraph 16 of General Assembly resolution 68/268.
