

United Arab Emirates

National Child Protection Legislation

National Legislation¹

- **Age of Consent:** Must be Married²
There is no age of consent in the United Arab Emirates, as any form of sexual activity outside of marriage is illegal.
- **Age of Marriage:** 18 years old³
- **Age of Criminal Responsibility:** 18 Years

Federal Law No. 3

Article 63.

Whoever has completed seven, but under eighteen, years of age shall be governed by the provisions stipulated in the law on Delinquent and Homeless Juveniles

Federal Law No. 9

Article 1.

In applying the provisions of this law, whoever did not complete the age of eighteen at the time of perpetrating the incriminating act or found in a state of vagrancy shall be considered a juvenile.

Article 6.

Criminal prosecution shall not be instituted against a delinquent juvenile who did not complete the age of seven, however the interrogation authorities and courts may order, under all circumstances, to take the suitable educational or treatment measures when deemed necessary.

Article 7.

If the juvenile, who completed the age of seven and didn't reach the age of sixteen, perpetrated a crime sanctioned by the penal law 2 or in any other law, the judge shall order to take the measures he deems adequate.

Article 8.

Should the juvenile who completed the age of sixteen perpetrate a crime sanctioned by the Penal Code, or any other law, the judge may order to take any of the measures stipulated in this law, as deemed appropriate by him, instead of the prescribed penalties.

Article 9.

A juvenile may not be condemned to the capital sentence, imprisonment or pecuniary punishments.

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- **Extraterritoriality**

Federal Law. No 3

Article 16.

¹ This legislation encompasses UAE Civil Law only and does not directly examine Sharia Law.

² See Age of Consent in United Arab Emirates, at <https://www.ageofconsent.net/world/United-arab-emirates>

³ See Marriage, at <https://government.ae/en/information-and-services/social-affairs/marriage>

The provisions of this Law shall apply to any one who perpetrates a crime within the territory of the State which shall consist of the lands and any place under its sovereignty, including territorial waters and air space there above.

A crime shall be considered perpetrated in the territory of the State if any of its constituent acts occurs therein, or if the result has been, or is intended to be, realized therein.

Article 17. As amended by Federal Law no. 34 dated 24/12/2005:

The provisions of this Law shall apply to crimes that are perpetrated onboard warships and military aircrafts bearing the flag of the State wherever they are.

The abovementioned provisions shall apply to nonmilitary governmental vessels owned or operated by the State for governmental non - commercial purposes.

- **Dual Criminality**

Constitution of the United Arab Emirates

Article 38.

Extradition of citizens and of Political refugees is prohibited.

Article 119.

Union law shall regulate with utmost ease matters pertaining to the execution of judgements. requests for commissions of rogation, serving legal documents and surrender of fugitives between member Emirates of the Union.

- **Mandatory reporting requirements**

Federal Law No. 3 of 2016

Article 29.

The telecommunications companies and internet service providers shall notify the competent authorities or the concerned entities of any child pornography materials being circulated through the social media sites and on the Internet and shall provide necessary information and data on the persons, entities or sites that circulate such material or intend to mislead the children.

Article 42.

1- Every person shall notify the child protection specialist or child protection units in case of anything that threatens the child's physical, psychological, moral or mental integrity or health.
2- The notification shall be mandatory for the educators, physicians, social specialists or others entrusted with the protection, care or education of the child.

- **Obligations of Educational Institutions**

Private Schools Policy and Guidance Manual

Policy 3: Students Protection

All Schools are fully responsible for the care and protection of students whilst they are in the School's care, or travelling to and from the School using School-provided transportation means, and while moving between all activities organised by the School. Schools must take all possible measures to protect students from any form of exploitation, abuse, oppression and insult and/or any other physical, sexual or emotional threat, danger or harm. All Schools must exercise the utmost care over the security of students in their care.

Reporting of Incidents

It is mandatory for all Schools to thoroughly investigate and report immediately to ADEC all incidents of abuse which students may face including exploitation, violence and/or any other physical harm, sexual abuse, or any emotional threat, or harm of any kind, all of which will be referred to as “abuse of students”. If any such incident is proven or suspected, it is the responsibility of the School’s Principal (or in the case of the abuse being carried out by the School’s Principal, the Chair of Board of Trustees/School Owner) to:

- 1- Take immediate steps to safeguard all those involved, such as reporting incidents to the relevant official entities, taking into account other laws that may be related to the incident.
- 2- Immediately inform the PSQA Sector, Licensing and Accreditation Division, of the incident by telephone, and in writing within 24 hours of the incident.
- 3- Report the incident immediately to concerned Parents/Guardians.
- 4- Immediately suspend any member of staff who is accused of an offence involving student abuse if the alleged staff abuse involves a crime according to the provisions of prevailing UAE Laws, as per article 112 of the Labour Law (including notifying the relevant authorities), until an investigation in this matter is completed and a decision is made concerning this member of staff’s fitness to continue to work at the School.
- 5-Carry out a formal investigation obtaining written statements from those involved;
- 6-Provide the PSQA Sector, Licensing and Accreditation Division, with a written report within 24 hours of the incident via the official email account (private.schools@adec.ac.ae).
- 7-Immediately terminate the employment of anyone found guilty by a competent authority of an offence of student abuse, in accordance with the provisions of United Arab Emirates Federal Law No. (8) of 1980 Labour Law and its amendments.

ADEC shall require Schools, when handling cases of student abuse, to conduct an investigation, and to maintain clear and scrupulous communications and actions when dealing with relevant government entities such as the Health Authority – Abu Dhabi (“HAAD”), the social welfare institutions and police departments. Schools should keep relevant records and inform ADEC of such communications if so requested.

Policy 30: Professional Code of Ethics

Prohibited Unprofessional Conduct includes, for example:

- 1- Engaging in or encouraging inappropriate relationships with students inside or outside of the classroom, including any behaviour constituting sexual harassment or abuse.
- 2- Sending any inappropriate messages, pictures or other communication to students inside or outside of the classroom.
- 3- Using any form of discipline that involves corporal punishment, emotional or verbal abuse, or any punishment that may cause physical or emotional harm to students (e.g. ridiculing a student’s point of view).
- 4- Failure to discipline on-going bullying of a student (including cyber-bullying), which may result in physical or emotional harm to the student (see Policy (65)).
- 5- Behaving negligently or making decisions which endanger student welfare.
- 6- Using professional relationships with students for personal gain (e.g. private tutoring for students that are concurrently being taught by the teacher, asking for favours from the student’s Parents/Guardians, etc.).
- 7- Leniency in student grading, in a manner not consistent with the educational process.

Federal Law No. 3 of 2016

Article 31.

Every child shall have the right to education and the State shall work on achieving equal opportunities for every child according to the Laws in force.

Article 32.

The State shall take the following measures in the field of education:

- 1- Prevent the children's escape from school.
- 2- Promote the participation of children and their parents in the decisions related to children.
- 3- Ban all forms of violence in educational institutions and maintain the dignity of the children upon taking decisions or setting programs.
- 4- Develop the educational system including kindergartens in order to achieve its purposes of development of every child in the mental, physical, emotional, social and moral aspects.
- 5- Set special and structured programs for reporting and complaints in order to ensure investigation of the acts and violations to the educational rights set forth in this Law as determined by the Implementing Regulation.

▪ **Prohibition to hold certain positions**

Federal Law No. 3 of 2016

Article 54.

- 1- Whoever is convicted of a crime of sexual assault or child pornography shall be prohibited to work in a job or position that makes him/her in direct contact with children, even if (s)he was rehabilitated.
- 2- The judge shall rule that whoever is convicted of a crime of sexual assault against a child shall be prohibited to reside in the area of residence of the assaulted child within a five square kilometres radius surrounding the child's place of residence.
- 3- In all cases, the convicted person sentenced to imprisonment in a crime of sexual assault against a child shall not be released until after being subject, after the period of imprisonment, to psychological tests in order to ensure that (s)he is not socially endangering. In case (s)he was proved to be socially endangering, the Court shall rule to transfer him/her to a therapeutic institution after expiry of the period of imprisonment. The Implementing Regulation of this Law shall regulate the placement of the convicted person in a therapeutic institution and the procedures of study of the release requests.

▪ **Employment Law**

Federal Law No. 3 of 2016

Article 14.

The competent authorities and the concerned entities shall:

- 1- Prohibit the employment of children before the age of fifteen.
- 2- Prohibit the economic exploitation and employment in any works that may expose the child to risk, whether due to the work nature or circumstances. The Implementing Regulation of the Law and the Labour Law shall regulate the conditions and principles of child labour.

Article 38.

The following shall be prohibited:

- 1- To exploit the child for begging.
- 2- Child labour under illegal conditions.
- 3- Entrust the child with an act that would hinder his/her education or harm his/her health or physical, psychological, moral or mental integrity.

Constitution of the United Arab Emirates

Article 20.

Society shall esteem work as a cornerstone of its development. It shall endeavour to ensure that employment is available for citizens and to train them so that they are prepared for it. It shall furnish the appropriate facilities for that by providing legislations protecting the rights of the employees and the interests of the employers in the light of developing international labour legislations.

▪ **Criminal Law – Defamation**

Federal Law No. 3

Article 372.

Shall be sentenced to detention for a term not exceeding two years, or to a fine not in excess of twenty thousand Dirhams, whoever attributes to another, through a means of publicity, a fact that makes him object of punishment or of contempt.

The penalty shall be detention and / or a fine in case the libel is perpetrated against a public servant, or a person in charge of a public service, during or because of the discharge of his duties or performing the public service, or if it affects honor or the reputation of the families, or if it is expected to fulfill an illicit purpose.

In case the libel is done by means of publication in one of the newspapers or printed material, this shall be considered an aggravating circumstance.

Article 373.

Shall be sentenced to detention for a term not exceeding one year or to a fine not in excess of ten thousand Dirhams, whoever casts another, by any publicity means, with any statement that affects his honor or dignity without attributing to him a specific fact.

The penalty shall be detention for a term not exceeding two years and a fine not in excess of twenty thousand Dirhams, in both instances, or one of these two penalties if the insult is addressed to a public servant or a person in charge of a public service , during or because of the discharge of his duties or performing the public service , or if it affects honor or reputation of the families, or if expected to fulfill an illicit purpose .

In case the insult is done by means of publication in one of the newspapers or printed material, this shall be considered an aggravating circumstance.

Sexual Offenses Against Children

Federal Law No. 3

Article 344.

Shall be sentenced to term imprisonment, whoever illegally kidnaps, arrests, detains or deprives from freedom, a person by any means whatsoever and whether by himself or through the intermediary of others. The penalty shall be life imprisonment in the following instances:

1. In case the victim is of female sex, a juvenile, an insane or imbecile person.
2. In case the purpose of the act is to draw profit, revenge, rape of the victim, disgrace him, injure him or have him perpetrate a crime.

Article 349.

Shall be sentenced to detention for a term not exceeding two years, whoever personally or through an intermediary exposes to danger a juvenile who did not complete fifteen years of age or a person unable to defend himself because of his health, mental or psychic condition. The penalty shall be detention if the crime is perpetrated through abandoning the juvenile or the disabled person in a deserted place, or by one of the offender's ascendants, by a person in charge of his custody or of taking care of him. Should a permanent disability result there from to the victim or unintentionally cause his death, the offender shall be sentenced to the penalty prescribed for the assault leading to permanent disability or to death, as the case may be. The same penalty shall apply if the exposure to danger occurs through deliberately depriving the juvenile or the disabled from nurture or care required by his condition whenever the offender is legally required to provide same.

Article 354.

Without prejudice to the provisions of the law on juvenile delinquents and displaced, shall be sentenced to death penalty, whoever used coercion in having sexual intercourse with a female or sodomy with a male. Coercion shall be considered existent if the victim is below fourteen years of age when the crime is perpetrated.

Article 356.

Without prejudice to two preceding articles, the crime of voluntary debasement shall be penalized by detention for a minimum term of one year, but if the said crime is perpetrated on a male or female below fourteen years of age or if committed by coercion, the penalty shall be term imprisonment.

Article 358.

Shall be sentenced to detention for a minimum term of six months, whoever has flagrantly committed an indecent act.

Shall be sentenced to detention for a minimum term of one year, whoever has perpetrated an indecent act with a girl or boy who did not complete fifteen years of age, even if not committed openly.

Article 363.

Shall be sentenced to detention for a minimum term of one year and to a fine, whoever entices, induces or tempts, by any means, a male or female to commit debauchery or prostitution or assisted him to this end. In case the age of the victim is below eighteen years, then the penalty shall be detention for a minimum term of two years and the payment of a fine.

Article 364.

Shall be sentenced to imprisonment for a term not exceeding ten years, whoever entices a male or female to debauchery or prostitution by means of coercion, threat or subterfuge.

The penalty shall be imprisonment for a minimum term of ten years, should the age of the victim be below eighteen years of age. The foregoing penalties, as the case may be, shall apply to whoever detains a person against his will by means of coercion, threat or subterfuge in a place with the intention of enticing him to perpetrate one or more acts of debauchery or prostitution.

Federal Law No. 51

Article 1.

In the implementation of the provisions hereof, the following terms and phrases shall have the meanings assigned for each of them unless the context requires otherwise:

Human trafficking: the mobilization, transportation, deportation or reception of persons them by means of threat to use, or by using force or any other type of coercion, kidnapping, fraud, deceit, abuse of power, ill - exploitation of weaknesses, or giving and receiving sums and favors in view of obtaining the consent of a person who has control over another person for exploitation purposes.

Such exploitation shall include all types of sexual exploitation, the exploitation for prostitution of others, forced labor, coercive service, servitude, practices similar to servitude, enslavement or organ eviscerations.

The child: Any person whose age does not exceed eighteen years.

Article 2.

Whoever perpetrates any of the human trafficking crimes set forth in the article 1 hereof shall be sentenced to provisional imprisonment for a period of five years at least.

The sanction shall be life imprisonment in the following cases:

1 - Should the perpetrator of the crime establish, found, organize or direct an organized criminal group or assume the leadership thereof, or called for the adherence thereto.

2 - Should the victim be a woman, a child or a disabled.

Federal Decree - Law no. 5 of 2012

Article 1.

Pornography involving Juveniles: Any photographing, recordings, drawings or others which arouses sex organs or any actual, virtual or simulated sexual acts with a juvenile under eighteen years of age.

Article 17.

Shall be punished by imprisonment and a fine not less than two hundred and fifty thousand dirhams and not in excess of five hundred thousand dirhams or either of these two penalties whoever establishes, manages or runs a website or transmits, sends, publishes or re - publishes through the computer network pornographic materials or gambling activities and whatever that may afflict the public morals.

Shall be punished by the same penalty whoever produces, draws up, prepares, sends or saves for exploitation, distribution, or display to others through the computer network, pornographic materials or gambling activities and whatever that may afflict the public morals.

If the subject of the pornographic content involves a juvenile under eighteen years of age, or if such content is designed to seduce juveniles, the principal shall be punished by imprisonment for a period of at least one year and a fine not less than fifty thousand dirhams and not in excess of one hundred and fifty thousand dirhams.

Article 18.

Shall be punished by imprisonment for a period of at least six months and a fine not less than one hundred fifty thousand dirhams and not in excess of one million dirhams whoever has deliberately acquired pornographic materials involving juveniles by using an electronic

information system or computer network or electronic website or any information technology means.

Article 19.

Shall be punished by imprisonment and a fine not less than two hundred fifty thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever entices, aids or abets another person, by using a computer network or any information technology means, to engage in prostitution or lewdness.

The punishment shall be imprisonment for a period of at least five years and a fine not in excess of one million dirhams if the victim is a juvenile under the age of eighteen years of age.

Federal Law No. 3 of 2016

Article 2, Clause 2.

The competent authorities and the concerned entities shall:

2- Protect the child from all forms of neglect, exploitation and abuse and from any physical and psychological violence that exceeds the limits of the Sharia and the Law, such as the rights of the parents and their equivalents to discipline their children

Article 13.

It shall be prohibited to expose the child to any arbitrary interference or illegal conduct in his/her life, family, home or correspondences. It shall be also prohibited to harm his/her honour or reputation. The State shall guarantee the protection of the child from all child pornography forms according to the legislations in force.

Article 26.

It shall be prohibited to publish, display, circulate, possess or produce any visual, audio or printed works or games for children that address the child's sexual instincts or adorn the behaviours that are contrary to the public order and morals or that would encourage abnormal behaviour.

Article 33.

The following in particular shall be considered as threatening to the child or to his/her physical, psychological, moral or mental integrity, which requires his/her right to protection:

- 1- Loss of both parents and living without a breadwinner or tutor.
- 2- Child's exposure to neglect, rejection and homelessness.
- 3- Obvious and continuous default in education and care.
- 4- Habitual child abuse.
- 5- Child's exposure to exploitation or sexual abuse.
- 6- Child's exposure to exploitation by illegal organisations and in organised crime, such as planting the ideas of intolerance and hatred or inciting the child to carry out acts of violence and intimidation.
- 7- Child's exposure to begging or to economic exploitation.
- 8- Inability of the parents or custodian to provide care or to raise the child.
- 9- Child's exposure to kidnapping, sale or trafficking for any purpose or to exploitation of any form.
- 10- Psychological or mental disability that affects the child's ability to perception.

Article 36.

Taking into consideration Clause 2 of Article 2 hereof, it shall be prohibited to expose the child to torture, violate his/her physical integrity or commit any act involving cruelty that would affect the child's emotional, psychological, mental or moral balance.

Article 37. The following acts shall be prohibited:

- 1- To use or exploit a child in the filming, recording or production of pornographic materials.
- 2- To produce, publish, distribute or facilitate access of children to pornographic materials in any way.
- 3- To possess child pornography materials regardless of the intent to distribute the same.
- 4- To download, upload or send child pornography materials through the Internet or any other communications or IT means.
- 5- The custodian's contribution to the child's participation in the production or filming of child pornography or any other sexual acts, or his permission or assistance offered to the child in such acts.
- 6- To exploit the child sexually by exposing or preparing him/her for prostitution or debauchery, whether with or without pay, directly or indirectly.