

LEGAL PROTECTION OF CHILDREN'S RIGHTS IN THE UNITED ARAB EMIRATES: A COMPARATIVE STUDY OF WADEEMA'S LAW AND THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)

PROTEÇÃO JURÍDICA DOS DIREITOS DA CRIANÇA NOS EMIRADOS ÁRABES UNIDOS: UM ESTUDO COMPARATIVO ENTRE A LEI DE WADEEMA E A CONVENÇÃO DAS NAÇÕES UNIDAS SOBRE OS DIREITOS DA CRIANÇA (UNCRC)

Article received on: 12/19/2025

Article accepted on: 4/16/2026

Mohamed Hamad Humaid AlBadi*

*National University of Malaysia, Kuala Lumpur, Malaysia

Orcid: <https://orcid.org/0009-0002-7433-7530>
p116002@siswa.ukm.edu.my

Muhammad Nazir Alias*

*National University of Malaysia, Kuala Lumpur, Malaysia

Orcid: <https://orcid.org/0000-0001-8106-3692>
nazir@ukm.edu.my

The authors declare that there is no conflict of interest

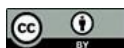
Abstract

Human rights protection is quintessential, particularly when it has to do with children. This is a principle that is fundamentally sustained in religions, cultures and throughout legal systems. In this study, we assess the variety of legal protections available to children in the United Arab Emirates under a well-known law (Wadeema's Law) and its coherence with a well-known global convention (United Nations Convention on the Rights of the Child; UNCRC). A comparative doctrinal analysis is used to identify important gaps that exist within the Wadeema's Law, especially as related to children's right to education, health, right to be protected from violence, exploitation and discrimination, child participation and the prioritization of their self-interests. Despite the monumental contribution of Wadeema's Law to child protection in the UAE, some lacuna still exists when benchmarked against the standards of UNCRC. More so, notwithstanding UAE's impressive achievements, legal reforms are important if the existing systemic challenges are to be overcome and full compliance with international norms achieved while in proper alignment with Islamic law.

Keywords: Wadeema's Law. Child Rights. Protections. UNCRC.

Resumo

A proteção dos direitos humanos é fundamental, especialmente quando se trata de crianças. Trata-se de um princípio que encontra respaldo fundamental nas religiões, nas culturas e em todos os sistemas jurídicos. Neste estudo, avaliamos a variedade de proteções legais disponíveis para as crianças nos Emirados Árabes Unidos no âmbito de uma lei bem conhecida (Lei de Wadeema) e sua coerência com uma convenção global amplamente reconhecida (Convenção das Nações Unidas sobre os Direitos da Criança; UNCRC). Utiliza-se uma análise doutrinária comparativa para identificar lacunas importantes existentes na Lei de Wadeema, especialmente no que se refere ao direito das crianças à educação, à saúde, ao direito de serem protegidas contra a violência, a exploração e a discriminação, à participação infantil e à priorização de seus próprios interesses. Apesar da contribuição monumental da Lei de Wadeema para a proteção infantil nos EAU, ainda existem algumas lacunas quando comparadas com os padrões da UNCRC. Além disso, apesar das conquistas impressionantes dos Emirados Árabes Unidos, as reformas jurídicas são importantes para que os desafios sistêmicos existentes sejam superados e o cumprimento integral das normas internacionais seja alcançado, mantendo-se em alinhamento adequado com a lei islâmica.



Palavras-chave: Lei de Wadeema. Direitos da Criança. Proteções. UNCRC.

1 INTRODUCTION

Children are invaluable assets to society and must be safeguarded from all forms of harm (UNICEF, n.d.-a). The approval of the international human rights instrument the United Nations Convention on the Rights of the Child (UNCRC) in 1989 is considered a pivotal moment in the international human rights for establishing a comprehensive framework dedicated to the safety of child's rights (Joamets and Ngouv, 2019; Ministry of Social Development, n.d.). The UNCRC is recognised as a landmark designed for global legal apparatuses for human rights which monitor and protect the rights of the children (Odala, 2012; AlMatrooshi, *et al.*, 2022). Based on the UNCRC, many jurisdictions have ratified and enforced their legislation to implement the provisions of the Convention (Lundy, *et al.*, 2013).

Most transnational legal apparatuses, such as those of the (EU), make reference to the UNCRC when they regulate the rights of the children as an alternative to restating the rights offered by the UNCRC provided, ignoring its provisions applicable universally (Kristi and Seo, 2019). Thus, protecting child rights has become an integral section of laws and legal institutions in most 196 countries that have embraced the UNCRC (Ton, 2020). Child rights are, therefore, a firmly established priority in international policy concerning children and juveniles (Tara and Laura, 2022). This Convention significantly influences the judicial schemes of the participating countries. They have domesticated some of the articles and improved the security of child rights, especially in criminal matters (Ton, 2020). The UNCRC sets up a global system for juvenile justice by setting rules for how minors who break the law should be treated and protecting their basic rights.

The Convention gives a full legal basis for protecting children's rights, focussing on their survival, growth, welfare, economic security, and protection from exploitation. It also encourages raising children in a way that teaches them social responsibility and respect. The UAE became a federation over 50 years ago. Since then, the country has slowly added parts of civil law and international human rights principles to its legal

system. This commitment led to the passage of Federal Law No. 3 of 2016 (Wadeema's Law). This important law was passed in response to a terrible incident involving the abuse of a child's right and is meant to make legal protections for children in the UAE stronger. This law is a big step towards making the UAE's legal system more in line with the UNCRC's principles (Alkhajeh, n.d.; Awatif, 2025). The UAE's exponential development in socio-economic innovation and its diverse population, including emigration from different parts of the globe, has called for a legal framework that accommodates cultural diversities with international obligations (Basak, 2024).

Wadeema's Law addresses main issues such as child abuse, neglect, and access to basic amenities and services, showcasing the UAE's effort to align its child protection policies in line with international standards (Ali, n.d.). It is observed that Wadeema's Law remains narrowly focused on protection and provision while overlooking the UNCRC's emphasis on participation and non-discrimination. For instance, Wadeema's Law (2016) makes committing child abuse a crime, but it doesn't set up ways for children to have a real say in decisions, and it doesn't do enough to protect vulnerable groups like non-citizen children, as the United Nations Convention on the Rights of the Child (1989) says it should. This study investigates the alignment of Wadeema's Law with the UNCRC's standards, concentrating on research deficiencies in child participation, non-discrimination, protection from all forms of violence, and the rehabilitation of victims.

By implementing a comparative legal analysis, the study identifies challenges in inculcating international values into national practices, especially in contexts where cultural values and Islamic law intersect with universal human rights principles (Generis Global Legal Services, n.d.-a). The research findings aim to contribute actionable recommendations for legal reform, making the UAE a regional leader in children's rights while preserving its cultural identity.

2 METHODOLOGY

This research adopts a doctrinal legal approach to discuss the UAE's legislative framework on child rights by analysing Wadeema's Law (Federal Law No. 3 of 2016) and its related statutes. It also maps provisions of the UAE laws against the United Nations Conventions on Child Rights to disclose the extent of compliance and loopholes.

Qualitative data is employed by secondary sources such as academic articles, reports from non-governmental organisations, and UAE government reports on child protection to address implementation challenges (Human Rights Watch, 2019).

3 RESULT AND DISCUSSION

3.1 Conceptual framework of children's rights

The realisation of the objectives of children's rights lies in the parties' implementation of the Convention by the parties. The UNCRC is the universally agreed treaty caring for children and upholding their welfare (Khadka, 2013). The treaty serves as a novel approach to human rights and marks a retreat from earlier tactics and the outmoded concept of children's welfare (United Nations Human Rights, 1989). It is considered an inclusive set of generally accepted norms that believed to be complementarity and free from civil, political, social, economic, and cultural facets of human life (United Nations Human Rights, 1989). To the UNCRC, a person is generally considered a child if he/she is under 18 unless contrary is stipulated in the relevant law, the age of majority is recognised prior (United Nations Human Rights, 1989). The definition of child in the EU differs, based on the regulatory background (FRA, 2015). Nevertheless, in a situation whereby the term 'child' is stated, it is usually within the meaning of the UNCRC.

This Treaty establishes a novel viewpoint for safeguarding and empowering the rights of children and prioritising them at all echelons of the United Nations and provincial organisations (Akrami, *et al.*, 2022). Archard (2015) contends that the UNCRC is 'a codification of children's rights' defining a ...' recognisable principle of thought about the rights of children. Additionally, Holzscheiter (2010) argues that the Treaty is the primary powerful force behind a world tradition of children's rights, governing international children's policy (Anna, 2010). This view as an overt and legally valid standard and value has contributed by making the UNCRC a principal and crucial machinery for propelling human rights for children (Ann, *et al.*, 2018).

The term, 'Child protection' refers to philosophies, rules, values plus measures to protect the underage from maltreatment, manipulation, and neglect (UNICEF, n.d.a). It

shows the level of the responsibilities enjoyed by families, organisations and governments in caring for children (UNICEF, n.d.). Children's developing capacities put them in exclusive groups that are ethically in need of protection and caring (UNICEF, n.d.b). Thus, the UNCRC unequivocally established their rights. There has always been an emphasis on techniques put in place to enforce the rights. (United Nations Human Rights, 1989) The UNCRC has four major fundamental principles encompassing all children's rights as enshrined in the Convention (UNICEF, n.d.-a). These are; principles of non-discrimination apply to all children irrespective of nationality, religion, race, or status (The United Nations Convention, 1989).

In addition, the UNCRC prioritises children's welfare in legal and policy decisions to safeguard the interests of children in all actions concerning them (The United Nations Convention, 1989). Also, the right to life and holistic mental, social, and physical developments (Margolis. 2021) constitute the core principles of the Convention, which grants them access to healthcare, education, and a safe environment (The United Nations Convention, 199). Regardless of being a child, the Convention grants children right to make their views heard on the matters of concerns to their well-being, and the right to be given audience (The United Nations Convention, 1999).

These principles emphasise accountability and empowerment as established in the Human Rights-Based Approach (HRBA). HRBA is an abstract structure concerned with human development that is based normatively on global human rights values and norms, operationally directed to catering and promoting human rights (United Nations for Sustainable Development Group, n.d.). According to James and Prout (1997), children are active social agents, not passive beneficiaries. Therefore, their rights must be protected as complete human beings (Wadeema's Law, 2016). In the UAE context, Wadeema's law is a landmark legislation guaranteeing children's rights and safeguarding them from all manners of manipulations and maltreatments (Allison, 1997). The act incorporates these principles in the UNCRC's core principles- through three (3 Ps) main domains, including protection (Ali, n.d.) and safeguarding children from neglect, abuse, and exploitation.

Provision (Wadeema's Law, 2016) which ensures access to education, healthcare, and social services. Lastly, prevention (Wadeema's Law, 2016) which establishes child protection units and awareness. The UAE makes it obligatory to preserve the rights of the

children to care, such as proper caring, balanced diet, and exclusive fortification against all manners of negligence, manipulations, brutality, abuse, and other inimical conditions to their growth and progress (Wadeema's Law, 2016). Articles within the UAE Constitution explicitly address the welfare and rights of children, reflecting the commitment of the nation to safeguarding their well-being. The Constitution emphasises the government to ensure the development of children in a safe environment. This responsibility underscores the government's responsibility to create a legal structure and mechanism that bolsters the rights of children within the family unit and society (Wadeema's Law, 2016).

Furthermore, the Constitution affirmed that the right to education is crucial for empowering future generations and fostering a more informed and engaged citizenry (Constitution of the Gomaa n.d.). The legislative framework that flows from the Constitution draws attention to the ongoing efforts put in place by the UAE to conform with global laws, particularly the United Nations Convention on the Rights of the Child (Constitution of the Gomaa n.d.).

3.2 Jurisdictional basis for the rights of children in The United Arab Emirates

The UAE confirmed the United Nations Convention on the Rights of the Child on 2 February 1997 and expressed its reservations on Articles 7, 14, 17, and 21 of the UNCRC (The Constitution of the Gomaa n.d.). It protects children by enforcing laws and safeguarding their rights. Thus, it has made significant strides in establishing a comprehensive legislative framework to protect the rights and welfare of children. This framework goes beyond the protections afforded by the Constitution, incorporating additional federal and emirates-specific laws to children's rights across various domains of life. In addition to Wadeema's Law and its amendment in 2018, (Generis Global Legal Services., n.d.) several laws have been made to safeguard children. Each emirate has the autonomy to pass the laws that further enhance the protection of the rights of children, ensuring local contexts and specific needs are addressed. For instance, the Abu Dhabi Child Protection Policy reflects the emirate's commitment to providing children with a safe and fostering environment. These laws work synergistically with the constitutional

provisions, creating a robust scaffolding of legal protection prioritising children's welfare (Fatma, n.d.). They include:

- a. Federal Law No. (9) of 1976 Delinquent and Vagrant Juveniles: It is criminal legislation that applies to non-Muslim offences and most *ta'zir* (Federal Law, 2018) Thus, it does not apply to *hadd* offences, (Federal Law, 2018) *Qisas*, and *Diyyah* offences because they are governed solely by Islamic law. Other legislation complementing the implementation of this Act includes the Shari'ah Courts Act 1996 and the UAE Penal Code 1987. The Act provides some measures that may be taken regarding the juvenile, such as rebuke of the juvenile, prohibition of performing a specific work if it is established that this work contributes to delinquency or vagrancy, convincing the delinquent to undergo professional training, etc.(The Juveniles Delinquents and Vagrants Act , 1976)
- b. Federal Law No. 1 of 2012 Concerning the Custody of Children of Unknown Parentage: The Act establishes that the kids of unidentified parentage should be catered for in the State by founding homes and developing them (Generis Global Legal Services, n.d.-b; Federal Law, 2012). It also cares and ensures that supervisory families offer the necessary care for them. This includes the care relating to health, psychosomatic, communal, entertaining and didactic care. It ensures that the rights and civic freedoms of the kids whose parentage is unknown are protected. Their private lives and right of personal security are preserved in their best interests. It also makes sure that they are protected from all kinds of manipulation, cruel treatment and any form of abandonment. It ensures the growth and upbringing are based on the Islamic principles and social values (Federal Law, 2012).
- c. Federal Law No. 15 of 2006 Combating Human Trafficking Crimes. The UAE leads campaign against human trafficking, and it is the first country in the Middle East region to enact a comprehensive anti-human trafficking law (Ashwani, 2021). Under this Act, human trafficking encompasses all manners of sexual manipulations and prostitution, enslavement, involuntary labour, organ trafficking, compelled service, begging, slavery and quasi-slavery practices (United Arab Emirates Ministry of Foreign Affairs, n.d.). Currently, the UAE maintains a network shelters for protecting and rehabilitating victims of human

trafficking (Kumar, 2021). Shelters are established in Abu Dhabi (i.e EWAA Shelter for Women and Children), Dubai (i.e Dubai Foundation for Women and Children), and Ras Al-Khaimah (i.e Aman Shelter for Women and Children) (Ashwani, 2021)

- d. Federal Law N0.11 (Labour Law): a specific age is set for the employment of children and violation of the stipulated age is considered child labour (United Arab Emirates Ministry of Foreign Affairs, n.d.). Despite being prohibited internationally, it is widely prevalent in most countries (United Arab Emirates Ministry of Foreign Affairs, n.d.). Any activity depriving a child of their childhood or harming their physical, mental or moral well-being is categorised as child labour (Nik-Mahmod, 2016). Thus, the Act regulates working conditions for minors and expressly prohibits child labour. In complement to the provision of the Act, the Federal Decree-Law No. 33 of 2021 (labour Code) frowns at any employment of a child under the age of 15 (Federal Decree, 2021; Elhais, n.d.).

These legislative frameworks, and others not mentioned in this research, serve as a cornerstone for protecting children in all ramifications. They safeguard children from physical, emotional, and sexual abuse, neglect, and exploitation; criminalise harmful practices and raise awareness to prevent infringement of the rights of children; promoting their rights to education, healthcare plus participation in affairs of the nations; establish mechanisms to make violator of the rights of children to be held accountable by creating special courts and protection units for the children.

3.3 Comparative analysis of Wadeema's law and the United Nations Convention on the Rights of Child (UNCRC)

Protective measures and mechanisms for children's rights against all forms of abuse, exploitation, neglect, and discrimination are universal obligations. It has been reinforced by the United Nations Convention on the Rights of the Children (UNCRC) and United Arab Emirates Federal Law No.13 of 2016, known as Wadeema's law (Federal Decree-Law, 2021). However, the extent to which Wadeema's law complies with UNCRC, especially in areas such as:

- a. **Non-Discrimination:** The UNCRC states that: “State parties shall respect and ensure the rights outlined in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or another status.” (Razan, n.d.) Meanwhile, Wadeema’s Law protects all children in the UAE, including non-citizens (Wadeema’s Law, 2016). However, accessing rights like education and healthcare for migrant children, especially children of average employees are not adequately provided for. The lack of explicit provision to guarantee migrant children complete protection is a systemic challenge to Wadeema’s Law (World Report, 2019). Therefore, the inclusion of migrant children in articles of Wadeema is necessary to protect innocent children.
- b. **The Best Interest of the Kid:** UNCRC offers that in all activities in the interest of the kids, be it carried out by open or sequestered welfare institutions, law courts, managerial authorities, or jurisdictional organisations, shall be primarily considered (United Nations, 1997.). Likewise, Wadeema’s law emphasises the ‘best interest of the child’ in decision-related custody, education, and protection (Wadeema’s Law, 2016). However, in practice, cultural norms prioritising parental authority sometimes outweigh the principle of the best interest of the children. Thus, there is an erratic application of parental rights vs. child welfare (Elhais, n.d.). Because of this inconsistency, there may be some children who will be the victims.
- c. **Protection from Violence and Exploitation:** UNCRC provides that all states parties that ratified the Convention shall adhere to all statutory, managerial, communal and learning procedures and mechanisms in order to safeguard the kids from all manners corporeal or mental assault, injury or cruelty, abandonment or inhumane treatment including sexual abuse from parent(s), legal guardian(s) or any other person in whose custody the child is (United Nations, 1997). The law (i.e. Wadeema’s law) criminalises corporal, psychosomatic, and sexual abuse, with penalties including imprisonment and fines, and obligates reporting any form of abuse against children (Wadeema’s Law, 2016). Still, there is a record of underreporting of abuse facing children from some professionals such as teachers, doctors, etc. (UNICEF, 2019). Both laws prohibit economic exploitation and

hazardous work (The United Nations, 2016). However, informal labour remains a concern, especially for migrant children.

- d. Rights to Education and Health: UNCRC mandates parties to the treaty to recognise children's rights to education by making primary education compulsory and free (The United Nations, 1997). The UAE law also guarantees every child the right to education (Wadeema's Law, 2016). While the UAE provides free education for citizens, migrant children do not enjoy the full privilege of the provisions of the law. Thus, there is no legal guarantee of free education for immigrant children. Moreover, UNCRC (the United Nation, 2016) and Wadeema's Law provide access to healthcare and nutritious food (Wadeema's Law, 2016). However, there is unequal access for migrant families, which includes their children (Sonmez, *et al.*, 2011; Alshehhi and Rosman, 2022).
- e. Child Participation: The UNCRC grants children to present their views on matters affecting them. It states thus: "State parties shall assure to the child who is capable of forming his or her views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child," (The United Nations, 1989) whereas, Wadeema's Law limits child participation in their matter affecting them. The law focuses on protection rather than involvement and empowerment.
- f. Special Protection for Vulnerable Groups: UNCRC provides thus: "State parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are parties." (The United Nations, 1989) The UAE is not a signatory party to the 1951 Refugee Convention, leaving refugee children in legal limbo, so there is no explicit provision addressing refugee and migrant children's rights (Bassam Nweiran, n.d.).

4 CONCLUSION AND RECOMMENDATION

The enactment of Wadeema's law (Federation Law, 2016) has significantly supported and protected the rights of children in the United Emirates. It creates legal safeguards against the exploitation, abuse, rejection, neglect, and exploitation of children, reflecting the UAE's dedication and commitment to children's welfare, safety, and security. Notwithstanding, in terms of the legislative measures, Wadeema's Law faces challenges in full compliance with the main UNCRC articles, particularly the ones relating to non-discrimination, participatory rights, and protection especially for the migratory kids. These challenges do hinder the required implementation of the rights of kids intended and enshrined in the UNCRC, creating gaps in compliance with Wadeema's Law with the UNCRC frameworks in the UAE. The following recommendations are proposed to bolster the legal protection of children's rights in the UAE and ensure total compliance with the UNCRC:

Firstly, the legal compliance of Wadeema's Law with the UNCRC should be enhanced to expressly include full participatory rights, making sure that kids have a right to be given audience and opportunity to make decisions regarding issues that affect them (The United Nations, 1989). Secondly, Bolstering implementation and enforcement measures by providing training programs for law enforcement agencies, educators, and healthcare personnel to monitor child abuse and report any abuse to appropriate authorities (The United Nations, 1989). Thirdly, it is necessary to expand child protection units across the UAE and establish a centralised digital database to track cases of child abuse, discrimination, neglect, and exploitation. Fourthly, ensuring inclusive protection for all children by developing specific policies to protect migrant children so they could have access to sound education, health, and legal recourse. Dialogues with religious scholars and traditional leaders to reconcile local values with contemporary rights principles (Collins and Wright, 2022). In addition, conducting biennial evaluations of Wadeema's Law to identify enforcement loopholes and propose amendments where necessary. A unique agency is needed to coordinate child protection efforts between ministries, non-government organisations, and the bodies of international recognition such as the UNICEF (i.e. United Nations International Children's Emergency Fund). Finally, regular progress shall be submitted to the United Nations Committee on the

Rights of Child, incorporating its recommendations into national plans (European Union, 2015).

ETHICAL CONSIDERATIONS

Not applicable.

CONFLICT OF INTEREST

The authors declare no conflicts of interest, in compliance with ethical standards and publication guidelines.

FUNDING

There was no funding for this study.

DECLARATION REGARDING GENERATIVE AI AND AI-ASSISTED TECHNOLOGIES IN MANUSCRIPT PREPARATION

In preparation for this work, the authors used Grammarly to ensure that their grammar was correct, their sentences flowed better, and their writing was easier to read. Microsoft Copilot was used to organise thoughts, suggest ways to improve academic styles, and write a cover letter. After using these tools, the authors carefully reviewed and edited the content as needed, and they took full responsibility for what was in the final article.

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Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.