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## Conseil des droits de l'homme

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**Promotion et protection de tous les droits de l'homme, civils, politiques, économiques, sociaux et culturels, y compris le droit au développement**

## **Rapport de la Rapporteuse spéciale sur la vente d'enfants, la prostitution des enfants et la pornographie mettant en scène des enfants, Najat M'jid Maala**

**Additif**

**Mission aux Émirats arabes unis\***

### *Résumé*

Le présent rapport analyse le phénomène de la vente des enfants, de la prostitution des enfants et de la pornographie mettant en scène des enfants aux Émirats arabes unis, au regard des normes internationales relatives aux droits de l'homme. Se fondant sur des informations recueillies avant, pendant et après sa visite, la Rapporteuse spéciale passe en revue les mesures législatives et les stratégies de protection des enfants adoptées pour lutter contre ce phénomène et de manière générale pour protéger les enfants. Elle examine également la coopération internationale en la matière. En conclusion, la Rapporteuse spéciale formule plusieurs recommandations en vue de contribuer au renforcement des efforts en cours pour lutter contre la vente d'enfants, la prostitution des enfants et la pornographie mettant en scène des enfants, et pour protéger les droits des victimes.

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\* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit est joint en annexe au résumé et il est distribué en arabe et en anglais seulement.

## Annex

### Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to the United Arab Emirates

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## I. Introduction

1. The Special Rapporteur undertook an official visit to the United Arab Emirates between 12 and 18 October 2009. The Special Rapporteur held meetings with stakeholders in the Emirates of Abu Dhabi, Dubai, Ras Al Khaimah and Sharjah. The Special Rapporteur thanks the Government of the United Arab Emirates for its hospitality and collaboration in organizing meetings with relevant government officials and its cooperation.
2. In Abu Dhabi, the Special Rapporteur met with the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of the Interior, the Abu Dhabi Police, the Ministry of Justice, the Ministry of Education, the Secretariat of the National Committee to Combat Human Trafficking and the Federal National Council. In Dubai, she met with the Ministry of Social Affairs, the Dubai Courts and the Dubai Police. In Sharjah, she met with representatives of the judicial corps, the prosecutor and the Higher Council for Family Affairs.
3. The Special Rapporteur visited the Social Services Department of Abu Dhabi Police Headquarters, the Emirates Human Rights Association, the Abu Dhabi shelter for victims of trafficking (Ewa'a), the General Women's Union, the Dubai Community Development Authority, the Dubai Foundation for Women and Children, the Sharjah City for Humanitarian Services and the Sharjah Social Services Department.
4. During the visit, the Special Rapporteur also engaged with members of civil society, academics and other organizations and individuals.
5. The Special Rapporteur would like to thank the United Nations Country Team for its assistance and support. She met with the Resident Coordinator of the United Nations Development Programme and with representatives of the Office of the United Nations Children's Fund (UNICEF) in Abu Dhabi.
6. In her report to the ninth session of the Human Rights Council in September 2008 (A/HRC/9/21), the Special Rapporteur identified the following objectives of her mandate:
  - (a) A better understanding of the situation of the sale of children, child prostitution and child pornography and of contributing factors (socio-economic, cultural and environmental);
  - (b) Implementation of a comprehensive child protection system that ensures the best interest of the child and encompasses prevention and care as well as medical, psychological, social and legal support, rehabilitation and social reintegration of child victims, and promotion of the rights of the child; and
  - (c) Effective and concerted national, regional and international coordination and cooperation.
7. With this in mind, the objective of the visit was to explore the incidence of sale of children, child prostitution and child pornography in the United Arab Emirates, and to examine initiatives and measures undertaken by the Government and civil society in the area of child protection more generally. The Special Rapporteur paid particular attention to efforts to prevent these phenomena by exploring the situation of children vulnerable to these practices, including children in difficult family situations, children with unknown parents, orphans, migrant children and children living in more remote areas. Throughout the visit, the Special Rapporteur solicited the views of all stakeholders regarding the situation of the rights of the child in the country, on measures which have had some success, as well as on those which needed to be strengthened, with a view to making targeted conclusions and recommendations that would ultimately be owned by the stakeholders themselves. At

the end of the visit, the Special Rapporteur shared her preliminary observations with the Ministry of Foreign Affairs and the press.

## **II. General background**

### **A. Brief country profile**

8. The United Arab Emirates is composed of seven Emirates: Abu Dhabi (capital), Ajman, Dubai, Fujairah, Ras al-Khaimah, Sharjah and Umm al-Qiwain. It has undergone significant changes in a relatively short period of time. Its population grew from 1 million people in 1980 to approximately 8.19 million people (national and non-national) in 2009. It is estimated that 73.9 per cent of the population in the 15–64 age group is non-national. Its growth rate, estimated in 2009 at 3.69 per cent per year is, according to some reports, the highest in the world. The economic boom and vast entrepreneurship mostly in Abu Dhabi and Dubai also led to a significant increase in tourism to the two Emirates.

9. The Constitution defines the objectives and the institutions of the Federation and provides that the Federation exercises its sovereignty inside the international borders of the member Emirates, while the member Emirates exercise their sovereignty over all matters for which the Federation does not have competence under the Constitution. The Constitution further provides that Islam is the official religion, Arabic is the official language and that Islamic sharia is a main source of legislation.

10. The Federal system of government includes a Supreme Council, a Council of Ministers (Cabinet) and the Federal National Council. The Supreme Council, which is composed of the ruler of each of the seven Emirates, is the top policymaking body of the United Arab Emirates, and is charged with ratification of international treaties and agreements (Constitution, art. 47). The Federal National Council has both a legislative and supervisory role under the Constitution. It is responsible for examining, and amending, if necessary, all proposed federal legislation. Since late 2006, half of its members were elected by indirect vote through local councils. Prior to then, all its members had been appointed by the rulers of the constituent Emirates. Finally, each of the seven Emirates has its own local government.

11. The Federal Judiciary is composed of the Federal Supreme Court and Courts of First Instance. Neither Abu Dhabi, Dubai nor Ras Al Khaimah are part of the federal judicial system. In the Dubai court system, the Court of First Instance includes the Civil Court, the Criminal Court and the Sharia Court. The Sharia Court governs cases related to divorce, alimony, child custody and personal status and is regulated under the law and sharia.

### **B. International and regional human rights instruments**

12. The United Arab Emirates is a State party to the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities.

13. The United Arab Emirates is not a party to the following human rights instruments: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (nor its Optional Protocol), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Covenant on Economic, Social and Cultural Rights (nor its Optional Protocol), the International Covenant on Civil and Political Rights (nor its Optional Protocol), the

Optional Protocol to the Convention on the Rights of Persons with Disabilities nor the International Convention for the Protection of All Persons from Enforced Disappearance. In addition, the United Arab Emirates has ratified neither the 1954 Convention relating to the Status of Stateless Persons nor the 1961 Convention on the Reduction of Statelessness.

14. More specifically, the United Arab Emirates is not a party to either of the two Optional Protocols to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. The United Arab Emirates has made reservations to articles 7, 14, 17 and 21 of the Convention on the Rights of the Child.<sup>1</sup>

15. The United Arab Emirates has ratified the International Labour Organization Convention No. 138 (1973) concerning Minimum Age for Admission to Employment and Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The United Arab Emirates has also ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).

16. The Special Rapporteur took the opportunity during the visit to recall to the Government that its second periodic report to the Committee on the Rights of the Child has been overdue since 2004.

17. At the regional level, the United Arab Emirates is a member state of the Gulf Cooperation Council. The objectives of the Council include achieving coordination and integration among its member States and the development of similar regulations in a wide range of fields, including legislation, and in educational, social, cultural, tourism, and collaboration with the private sector. The United Arab Emirates has ratified the Arab Charter for Human Rights.

### III. Situation analysis

#### A. Scope of sale of children, child prostitution and child pornography

18. During the visit, the Special Rapporteur received a low number of reported cases of sale of children and of trafficking of children for the purposes of sexual exploitation. The Abu Dhabi Police informed the Special Rapporteur that there were no reported cases of sale or sexual exploitation of children in 2008. The Abu Dhabi Police also reported that the women who were arrested for engaging in prostitution were above 18 years of age. The authorities also reported on one case of trafficking of children for sexual exploitation involving two girls, who are in a shelter. This case is currently with the prosecutor's office.

19. Judges at the Dubai courts informed the Special Rapporteur that they have dealt with perhaps one case of sexual exploitation of a child in their courts in the past 5 to 10 years.

<sup>1</sup> Article 7: The United Arab Emirates is of the view that the acquisition of nationality is an internal matter and one that is regulated and whose terms and conditions are established by national legislation.

Article 14: The United Arab Emirates shall be bound by the tenor of this article to the extent that it does not conflict with the principles and provisions of Islamic law.

Article 17: While the United Arab Emirates appreciates and respects the functions assigned to the mass media by the article, it shall be bound by its provisions in the light of the requirements of domestic statutes and laws and, in accordance with the recognition accorded them in the preamble to the Convention, such a manner that the country's traditions and cultural values are not violated.

Article 21: Since, given its commitment to the principles of Islamic law, the United Arab Emirates does not permit the system of adoption, it has reservations with respect to this article and does not deem it necessary to be bound by its provisions.

Cases of prostitution, they report, involve women over 18 years of age. The Secretariat of the National Committee to Combat Human Trafficking reported that there were 20 cases of human trafficking for purposes of sexual exploitation registered with the National Committee in 2008, the largest number emanating from Dubai. There were a total of 32 victims and 43 accused persons. The Special Rapporteur also received information about successful operations to dismantle trafficking networks, in cooperation with Kazakhstan and Tajikistan. The Special Rapporteur regrets, however, that existing statistics are not disaggregated by form of trafficking nor by age and gender of the victims.

20. The Dubai Foundation for Women and Children reported that they worked with 43 victims of trafficking in 2008, and 22 victims of trafficking in the first half of 2009. According to the Foundation, on average, children represent 26 per cent of the victims of trafficking staying at the shelter, whereas in the first half of 2009, children represented 32 per cent of the victims of trafficking staying at the shelter, i.e., seven victims of trafficking.

21. The Prosecutor General's Office in Sharjah informed the Special Rapporteur that his office has one pending case of sale of a child, as a result of an "illegal relationship" between a woman and an unknown father. The trial date has yet to be fixed, so the Special Rapporteur encourages the United Arab Emirates to keep her informed of developments regarding this case, ensuring that the child is provided with adequate care, protection and follow-up.

22. The Special Rapporteur notes that knowledge about the use of children in pornography is limited. She observed that child pornography is understood as children viewing pornography, rather than the use of children in pornographic materials, which many in society still do not believe can occur.

23. The Government informed the Special Rapporteur that the file relating to the use of child camel jockeys is now closed. The authorities stated that all former child camel jockeys have been repatriated and that there are no new cases of children being used in such activities. More information on this issue is provided below, in paragraphs 65–69.

24. The Special Rapporteur notes the lack of a centralized and standardized information system for gathering data on the phenomena of sale of children and sexual exploitation of children, analysis of such data, sharing of information and reporting. The absence of such a system would explain disparities in data provided by various stakeholders on the incidence of these phenomena.

## **B. Domestic legal framework**

25. The Constitution of the United Arab Emirates provides for a range of human rights that are relevant to the mandate of the Special Rapporteur. For instance, article 15 provides that "the family is the basis of society. It is founded on morality, religion, ethics and patriotism. The law shall guarantee its existence, safeguard and protect it from corruption". Article 16 provides that "society shall be responsible for protecting childhood and motherhood and shall protect minors and others unable to look after themselves for any reason, such as illness or incapacity or old age or forced unemployment. It shall be responsible for assisting them and enabling them to help themselves for their own benefit and that of the community". The Constitution also provides that education shall be compulsory in its primary stage and free of charge at all stages (art. 17).

26. In 2002, the Committee on the Rights of the Child observed that several rights contained in the Convention (such as non-discrimination) are not adequately reflected in domestic law (CRC/C/15/Add.183, para. 7). The Special Rapporteur learned of a draft law on child protection which has reportedly been submitted for approval to the Federal National Council. This bill, a copy of which the Special Rapporteur was not able to review

despite her repeated requests, allegedly brings together elements of the existing Juvenile Delinquency and Vagrancy Act, the Criminal Code and the rights contained in the Convention on the Rights of the Child. While welcoming the initiative taken to prepare a law on child protection, the Special Rapporteur is not in a position to comment on the draft law's compatibility with the State's obligations under the Convention on the Rights of the Child, given that she was not provided with a copy thereof. She nevertheless stands ready to provide any guidance or assistance in this respect.

### **1. Sale of children**

27. Article 346 of the Penal Code (Federal Act No. 3 of 1987) prohibits the sale of persons for enslavement and provides that "whoever brings into or out of the country any person with the intent to possess or dispose of that person and whoever possesses, purchases, sells, offers for sale or transacts in any manner any person as a slave, shall be punished with provisional imprisonment."

28. Nevertheless, the Special Rapporteur notes the absence of specific provisions defining and prohibiting the sale of children. By way of indication, article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography defines the sale of children as any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.

### **2. Child prostitution and child pornography**

29. Article 358 of the Penal Code stipulates that "anyone who commits an indecent act, even in private, with a girl or boy under the age of 15 shall be sentenced to not less than one year in prison". Furthermore, article 363 of the Penal Code provides that "anyone who uses any means to incite, recruit or seduce a male or female with a view to engaging him or her in acts of debauchery or prostitution shall be sentenced to a term of not less than one year in prison and a fine". If the victim was under the age of 18, the perpetrator shall be sentenced to at least two years in prison and a fine.

30. Article 42 of the Juvenile Vagrants and Delinquents Act provides that: "a penalty of up to one year in prison or a fine of from 2,000 to 5,000 dirhams shall be imposed on anyone who exposes a minor to delinquency, by preparing him for it, inciting him to engage in such behaviour or in any way facilitating his involvement therein, even if the delinquency does not actually materialize as far as the law is concerned. According to article 13 of the Act, delinquency is a situation in which a person "commits acts involving prostitution, depravity, moral turpitude, gambling or drugs". This article would thus presumably cover situations of use of children in pornography.

31. In the aftermath of the visit, the Special Rapporteur received information about the drafting of a new law which would create the specific offence of possession of child pornography. The law would also set up a register for those convicted of sex offences against children and provide for the establishment of a child protection centre to deal with cases of child sexual abuse. Since the Special Rapporteur has not seen a copy of the draft legal provisions, she invites the Government to keep her informed of all developments in this regard.

### **3. Trafficking in children**

32. The Special Rapporteur notes Federal Law No. 51 on Combating Human Trafficking Crimes (2006) which defines trafficking according to the definition contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational

Organized Crime (Palermo Protocol) and sets out the duties of the National Committee to Combat Human Trafficking. The law furthermore defines a child as any person who is less than 18 years old. However, the Special Rapporteur notes the absence of a specific article on trafficking in children. Such an article should provide that the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in the definition (threat, use of force, coercion, kidnap, fraud, deceit, abuse of power, exploitation of a condition of weakness, offering or receiving money or advantages to secure consent of a person who is in control of another person).

33. The Special Rapporteur expresses concern at the absence of provisions in the Human Trafficking Act relating to protection measures for victims of trafficking. She learned that the Human Trafficking Act is currently being amended, notably with respect to provisions regarding the protection of witnesses and evidence. The Special Rapporteur encourages the Government to keep her informed of all developments in this regard, with a view to ensuring that all amendments are in keeping with international human rights standards.

#### **4. Adoption of children**

34. Article 21 of the Convention on the Rights of the Child provides that States parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and sets out certain conditions to ensure the safeguard of the child in both national and intercountry adoption processes.

35. Adoption is not permitted in the United Arab Emirates, as reflected in its reservation to article 21 of the Convention on the Rights of the Child. The Special Rapporteur learned about the elaboration of a draft law on children (national or not) with unknown parents, which provides for conditions under which a child may be taken under the care of by an adult (for instance, a family member). The Special Rapporteur did not see a copy of this draft, but once again expresses her willingness to provide any assistance or support in this regard.

36. During the examination of its State report to the Committee on the Rights of the Child in 2002, the United Arab Emirates stated that the national committee monitoring the implementation of the Convention on the Rights was going to re-examine all the reservations to the Convention. More particularly, the United Arab Emirates stated that its reservation to article 21 would be withdrawn given the fact that its provisions are optional for those States which do not recognize or permit the system of adoption (CRC/C/SR.794, para. 30). The United Arab Emirates have not yet done so.

#### **5. Nationality**

37. Pursuant to article 2 of the Nationality Act, the following children are granted nationality in the United Arab Emirates:

- (a) A child born in the State or abroad to a national father by law;
- (b) A child born in the State or abroad to a national mother by law and whose affiliation to the father is not legally established;
- (c) A child born in the State or abroad to a national mother by law and of unknown father or stateless;
- (d) A child born in the State of unknown parents. Unless otherwise established, the foundling shall be deemed born in the State.



## 6. Juvenile justice

38. The penalties of imprisonment and capital punishment are prohibited for juveniles (art. 9 of the Juvenile Delinquents and Vagrants Act). In accordance with article 10, the sentence must be commuted to a penalty of detention for a period not exceeding half of the prescribed maximum term and must be served in special establishments in which social welfare and educational facilities are available.

39. The age of criminal responsibility is set at 7 years of age (Juvenile Delinquents and Vagrants Act, art. 6), which the Special Rapporteur believes is too low as compared to international standards. A “juvenile” is defined under the Juvenile Delinquents and Vagrants Act as a person who, at the time of commission of the act, was less than 18 years of age. Under the terms of article 8 of the same Act, “if a juvenile over 16 years of age commits an offence punishable under the Penal Code or any other legislation, the judge may, at his discretion, sentence him to the measures provided for in this Act instead of the prescribed penalties”.

40. If a juvenile is charged for a first offence under the Juvenile Delinquents and Vagrants Act (Federal Act No. 9 of 1976), he/she receives a reprimand. If he/she commits another offence, he/she is placed under surveillance for which a judicial order is required. Placement in a detention centre is reportedly perceived as a measure of last resort.

## C. Institutional framework

41. Various ministries deal with various aspects of the rights of the child, including the Ministry of Social Affairs, the Ministry of Education, Ministry of Health, the Ministry of Justice and the Ministry of the Interior. A specific unit, with a significant budget, within the Ministry of Social Affairs is tasked with issues related to the child. Furthermore, the Special Rapporteur was pleased to learn that courts have judges specialized in the rights of the child and that there is an attorney general for children.

42. The Higher Council for Motherhood and Childhood was established by Decree No.1 in 2003, but has yet to start functioning. According to Decree No. 1 of 2003, the aims of the Higher Council are to increase the level of attention to and follow-up of motherhood and childhood issues; to provide support and achieve security and safety of the child and mother; and to monitor and evaluate development plans. The Higher Council also promotes research and cultural dissemination on issues related to motherhood and childhood. Members include the Director of the General Women’s Union, the Secretary-General of the Red Crescent Society, the Minister of Labour and the Minister of Education.

43. The Special Rapporteur was given to understand that the Higher Council will be tasked with elaborating and monitoring the implementation of the National Child Protection Strategy, which is in the process of being elaborated in collaboration with UNICEF and the General Women’s Union, among others.

44. At the local level, the Special Rapporteur visited social services departments in both Abu Dhabi and Sharjah, as well as the Dubai Community Development Authority in Dubai. The authority was established by decree in July 2008, with the objective of working on development and social issues and preserving national identity, but currently only applies to the Emirate of Dubai. The authority is tasked with implementing the Dubai Strategic Plan (2007–2015).

### 1. Establishment of a monitoring mechanism for the rights of the child

45. There is currently no independent national human rights institution in the United Arab Emirates. As such, there is no mechanism empowered to monitor the situation of the

rights of the child within care centres or other institutions, to receive and address complaints, and to monitor the implementation of the Convention on the Rights of the Child more generally. Article 4 of the Convention on the Rights of the Child provides that States parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. In 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 on the Rights of the Child encourages States parties to establish an independent institution for the promotion and monitoring of implementation of the Convention.

46. In this regard, the Special Rapporteur echoes the recommendation of the Committee on the Rights of the Child in its most recent concluding observations on the United Arab Emirates (CRC/C/118, paras. 367–411). The Committee recommended that the Government 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 (Paris Principles) to monitor and evaluate progress in the implementation of the Convention at the national and local levels. The Special Rapporteur welcomes information about the foreseen establishment of a child rights monitoring mechanism. This institution should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively. The Special Rapporteur stands ready to provide any assistance or support regarding the modalities of such a mechanism.

47. Furthermore, the Ministry for Social Affairs informed the Special Rapporteur about discussions on the possibility of providing for a defender of the rights of the child in the Child Protection Act.

## **2. National Committee to Combat Human Trafficking**

48. The Special Rapporteur met with the Secretariat of the National Committee to combat human trafficking, which derives its mandate from articles 12 and 13 of Law No. 51 on Combating Human Trafficking Crimes. Its tasks include studying and updating legislation regarding human trafficking to ensure harmonization with international standards. In addition to preparing annual reports and raising awareness on the subject, the National Committee coordinates the various State authorities in relation to combating human trafficking.

## **D. Child protection strategies to address sale of children, child prostitution and child pornography**

### **1. Assistance and protection to child victims of exploitation and abuse**

49. The Special Rapporteur was pleased to learn of six specialized tribunals for children, which have special spaces for children in the courts that she visited in Dubai, in order to guarantee confidentiality and protection to children. She was also encouraged to note the existence of specialized tribunals of first instance for minors within the Dubai criminal court system.

50. Judges at the Dubai courts reported that if they are faced with a case of prostitution, they coordinate with embassies of the countries of origin of the prostitute and with those providing psychological assistance to the victim, and take into account the views of the psychologist. The judge considers the testimony of the child in accordance with his/her age and maturity.

51. The Special Rapporteur expresses her concerns regarding the fact that a child victim of sexual exploitation is exposed to being charged with having committed sexual crimes, and that corporal punishment is provided for in the law. Pursuant to the Juvenile Delinquents and Vagrants Act, a juvenile of 16 years of age and over may be punished under article 8 of the Penal Code, which provides for a punishment by flogging for numerous offences, including murder, violent assault, offences related to alcohol or drugs, theft and sexual crimes. In addition, the Special Rapporteur is concerned about a lack of clarity as to when cases related to the involvement of a child over 16 years of age should be referred to the civil courts and when they should be referred to sharia courts, as it appears to be left to the discretion of the judge. There is further confusion over when a juvenile should be placed in prison and when he/she should be sent to a juvenile care centre.

52. The Special Rapporteur visited a range of centres that provide services to, inter alios, victims of exploitation and abuse, especially women and children. These centres are all funded by the ruling families of the Emirates. The Special Rapporteur also learned about protection centres for children without parental care (e.g. the Al Zayed Foundation), but did not have the opportunity to visit any such centre.

53. In Abu Dhabi, the Social Support Centre of the Abu Dhabi Police Headquarters (Ministry of Interior) started operations in 2004 and is run by police officers in civilian clothes. Its objectives are to provide social support, assistance to victims, rehabilitation, assistance with settling family disputes and establish partnerships with charitable organizations and the Red Crescent Society.

54. The profile of the victims at the centre range from cases of runaway children to child victims of violence in the home. There is another such centre in Al Ain, but the Abu Dhabi Centre also covers the whole country and sometimes staff from the Centre travel to other parts of the country to provide assistance services in fields such as violence against children, including negligence, reintegration into families, social support to children with unknown parents and cases of violence in schools. The Special Rapporteur was informed that serious cases of violence are referred to the police. The centre also offers training sessions to teachers on how to address and counsel students who may be victims of violence in school. The centre also runs a hotline, which reportedly does not receive many phone calls.

55. The centre is currently examining the issue of developing a specialized unit to deal with exploitation and abuse of children on the Internet. The Special Rapporteur was informed of training sessions on these issues, which have been undertaken with the assistance of Microsoft. The centre is also in the process of creating a website and brochures, and providing materials for television programmes on such television channels as Al Jazeera for children, in order to raise awareness about the issues of violence against children, the centre and its work. Representatives of the centre informed the Special Rapporteur that they share experiences with similar centres in other countries.

56. The Special Rapporteur also visited the Abu Dhabi Shelter for victims of trafficking in women and children (Ewa'a shelter). It provides temporary and long-term services for female victims of internal and transnational trafficking in persons for sexual purposes, as well as to female domestic workers who have been physically and sexually exploited. It does not cover cases of domestic violence against women.

57. It opened in January 2008 and can accommodate up to 30 individuals at one time. Thus far, it has worked on approximately 30 cases, all of whom were victims of trafficking for sexual exploitation. These cases were referred to the shelter by churches, hospitals, the Prosecutor General's Office and the Red Crescent Society. The shelter also runs a hotline. The average age of the victims receiving assistance is between 18 and 29 years of age, and sometimes women stay with their children. The length of stay of victims at the shelter

ranges between one and six months. The services provided include crisis intervention, reintegration and psychological, legal and medical assistance.

58. The Special Rapporteur was informed by shelter representatives that the main challenge remained to provide adequate treatment and assistance to the victims, as they stated that women arrive at the shelter in often severe conditions of mental and physical anguish. The Special Rapporteur was encouraged to learn about cooperation initiatives undertaken between the centre and civil society organizations in the countries of origin of the victims. For instance, the shelter arranges for return of victims and ensures, in cooperation with non-governmental organizations (NGOs) in the country of origin, in order to ensure proper follow-up of victims once they return to their home country. The Ministry of the Interior is reportedly also considering levying fines against offenders with a view to providing compensation to victims of trafficking.<sup>2</sup> The Secretariat of the National Committee to Combat Human Trafficking also informed of efforts to strengthen mechanisms to protect the confidentiality of victims of trafficking.

59. The Special Rapporteur also visited the Dubai Foundation for Women and Children and met with its representatives. The Foundation was established in late 2007 and runs a shelter for victims of various forms of violence, such as domestic violence or trafficking in persons, especially women and children. It currently consists of 150 lodgings, and at the time of the visit, was half full.

60. The Foundation provides support services (advocacy, outreach, work with the media), as well as protection and rehabilitation services directly to victims (psychologists, social workers and supervisors). The Special Rapporteur learned that the Foundation runs a hotline. If they receive a possible threat of violence over the hotline, the professionals contact the police.

61. According to statistics provided by representatives of the Foundation, victims of domestic violence represent 37 per cent of the cases referred to them, victims of trafficking 28 per cent, victims of child abuse 25 per cent, and other 10 per cent. On average, children represent 26 per cent of the victims of trafficking, whereas in the first half of 2009, children represented 32 per cent of the victims of trafficking staying at the shelter. The Foundation reported that in 2008, they received 43 victims of trafficking, and 22 victims of trafficking in the first half of 2009.

62. The Special Rapporteur also visited the Sharjah Social Services Department, a sizeable programme created in 1984. Since its creation, it has worked with a total of 1,089 children, 338 of whom benefited from the protection services of the Department's centre and 202 were placed in foster families. The centre established transitory shelter services for children in difficult situations coming from all the Emirates in 2006, targeting their reintegration into foster families. In 2007, a counselling unit was created for children with mental and psychological difficulties, from difficult backgrounds, providing care, recovery and reintegration. In 2008, a programme was created to work on protection of children of prisoners, working with the children directly in the prisons; since its inception, this programme has assisted 128 children. The centre also operates as a day-care centre and offers psychological services, and works with children from unknown parents. The Special Rapporteur was pleased to learn about a system whereby complaints within the school system are transmitted to the Social Services Department. In 2008, 633 complaints were received. The Special Rapporteur regrets however that these statistics are not disaggregated by nature of complaint nor who is filing the complaint.

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<sup>2</sup> National Committee to Combat Human Trafficking, *Combating Human Trafficking in the UAE*, Annual Report 2008-09 (Abu Dhabi), p. 16.

63. Finally, the Department has been running a hotline since 2007, which receives calls relating to neglect, exploitation and trafficking, among other concerns. During 2008, out of a total of 8,248 calls to the hotline, 625 callers were seeking information, while 403 calls related to particular cases. The following table illustrates the cases raised by the callers in 2008 and between January and September 2009:

<i>Year</i>	<i>Physical violence and abuse</i>	<i>Neglect</i>	<i>Sexual abuse</i>	<i>Psychological violence</i>
2008	55.4 %	19.1 %	17.1 %	8.2 %
Jan–Sept 2009	60.3 %	21.6 %	14.4 %	3.7 %

64. Regarding programmes to combat online child pornography, the Dubai Police reported that their Organized Crime Unit collaborates with the Research Department on Electronic Information, in order to detect irregular websites. Agents in the Organized Crime Unit also check different websites in order to detect prohibited material.

#### *Use of children as camel jockeys*

65. Over the last two decades, children have been used as camel jockeys in the United Arab Emirates. Some children were trafficked from countries such as Bangladesh, Mauritania, Pakistan, Sudan and Yemen. The Special Rapporteur learned about considerable efforts made by the United Arab Emirates, in cooperation with other countries and international organizations, to tackle this problem and measures undertaken to assist and protect child victims. The Special Rapporteur is not in a position to assess the impact of the repatriation and rehabilitation efforts, having not met any former child camel jockeys. Nevertheless, the Special Rapporteur learned that the United Arab Emirates enacted Law No. 15 of 2005 which prohibits the trafficking of children under 18 for camel racing. Under this law, offenders face up to three years in prison and/or a fine of at least 50,000 dirhams (approximately US\$13,615).

66. In May 2005, the United Arab Emirates and UNICEF signed an agreement setting out a programme for the repatriation, rehabilitation, reintegration and protection of child jockeys. During a progress review in September 2006 by a number of States, 1,077 child camel jockeys were returned to their home countries in Asia and Africa. This program was estimated to cost 10 million dirhams (US\$ 2.75 million), provided entirely by the United Arab Emirates, and was managed by the authorities of the United Arab Emirates, in association with the Ansar Burney Welfare Trust International in Pakistan and UNICEF.

67. In April 2007, the United Arab Emirates, UNICEF and delegates from Bangladesh, Mauritania and Sudan met to affirm their commitment to ending the use of camel jockeys and providing services and compensation to all children formerly involved in camel racing in the United Arab Emirates. The United Arab Emirates committed 29 million dirhams (US\$8 million) to this programme, the focus of which was to help in country-based interventions by focusing on the establishment of monitoring mechanisms to prevent children formerly involved in camel racing from re-entering hazardous or exploitative labour. This programme ended in May 2009.<sup>3</sup>

68. The Ministry of the Interior informed the Special Rapporteur about efforts undertaken to repatriate and rehabilitate former child camel jockeys and collaboration with UNICEF to train police officers in inspecting and responding to this issue. A working group has also been established, composed of representatives of the Ministry of the Interior,

<sup>3</sup> Ibid., pp. 21 ff.

UNICEF and the authorities of four countries of origin in order to monitor the situation. In this regard, she encourages the Government to keep her informed of continued efforts to address and eradicate this phenomenon.

69. On 9 February 2010, the Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, sent a letter to the United Arab Emirates regarding allegations that 988 Pakistani child camel jockeys who were previously trafficked to the United Arab Emirates have not been provided with compensation to date. This information indicates that the Government may not have undertaken adequate measures to ensure that the former child camel jockeys are repatriated, rehabilitated and adequately compensated for the damage suffered. The Special Rapporteur regrets that she has not yet received a response to this letter of allegation.

70. The Special Rapporteur was pleased to learn that the number of training sessions for police in identification of victims of trafficking is on the increase.

## **2. Capacity-building and awareness-raising**

71. Efforts to prevent the phenomena of the sale of children, child prostitution and child pornography are multiple and interlinked, and include awareness-raising measures and elimination of the root causes and the demand for services that are exploitative of children.

72. Awareness-raising measures go a long way towards empowering the general public and professionals working in the field of child protection to detect and, in some cases, prevent violations of the rights of the child. Given the diverse ethnic composition of Emirati society, the Ministry of the Interior informed the Special Rapporteur about sensitization training offered to police. The Special Rapporteur also learned about ongoing training at the Judicial Institute on the rights of the child. The Special Rapporteur was informed about sensitization campaigns on the Convention on the Rights of the Child and on human rights more generally. Currently, human rights education filters into children's learning through Arabic and Islamic law classes at schools, and teachers sometimes refer to the Convention on the Rights of the Child. Nevertheless, the Ministry of Justice admitted that a main challenge remains establishing how to increase awareness among the general public about international instruments and the domestic laws implementing them.

73. The Special Rapporteur was pleased to learn that the Dubai Foundation for Women and Children shares practices and exchanges information and research on a regular basis with other NGOs, academic institutions and United Nations agencies. The Foundation is regularly involved in advocacy campaigns on television and radio and provides training to social workers in schools.

74. The Ministry of the Interior also identified the important role of the family, particularly mothers, in efforts to prevent online child pornography. The Ministry of the Interior requested that additional seminars or training be organized and made available by the Office of the United Nations High Commissioner for Human Rights.

75. After the visit, the Special Rapporteur was also informed about the opening of a "Human Rights village" in Dubai consisting of five domes addressing different human rights issues and which should be accessible to all. She welcomes this initiative, which she hopes will help raise awareness and educate people about human rights.

## **3. Preventive actions addressing vulnerable children**

76. Efforts to prevent the sexual exploitation of children must include effective measures to address the situation of children who are particularly vulnerable to these practices. The Special Rapporteur learned that there are some cases of children dropping out of school. However, because of the absence of a data collection system, it is difficult to

know how many such cases there are, the profiles of those children and what their situation is. In this regard, the Special Rapporteur was pleased to learn that a new situation assessment of children in the United Arab Emirates was being prepared at the time of the visit.

77. The Special Rapporteur was impressed by her visit to the Sharjah City for Humanitarian Services, which provides facilities, early intervention, rehabilitation and reintegration services for disabled children. It boasts 473 employees for 2,181 children; 1,700 children attend the centre during the day only. The centre receives children who are, inter alia, hard of hearing, mentally disabled or autistic.

78. The Special Rapporteur was alarmed to hear first-hand accounts about the situation of children from *bidoon* communities.<sup>4</sup> The Special Rapporteur received reports that children who are born to *bidoon* parents in hospital do not receive a health-care card and eventually cannot register to attend school. Birth registration of *bidoon* children is thus virtually non-existent in certain Emirates. She received reports that treatment of *bidoons* is disparate amongst the Emirates. Allegedly, only 10 per cent of *bidoon* children are in school, namely, in private institutions, as their parents can afford such education. She also heard about instances of sexual exploitation of these children and involvement in illegal activities.

79. The Special Rapporteur welcomes steps taken by the United Arab Emirates to grant citizenship to a certain number of *bidoons* in 2007 and again between September and November 2008. However, she regrets that the regularization process has been slow and incomplete and encourages the Government to accelerate this process to ensure that *bidoon* children have full access to social services (education, health, etc.) and protection from all forms of exploitation, neglect or violence.

80. The Special Rapporteur expresses concern that some rights contained in the Constitution are only guaranteed for citizens and not non-citizens residing on the territory of the United Arab Emirates. For instance, article 19 provides that medical care and means of prevention and treatment of diseases and epidemics shall be ensured by the community for all citizens. In addition, all persons are equal before the law, without distinction between citizens of the Union with regard to race, nationality, religious belief or social status (art. 25).

81. International human rights law provides that only a limited number of rights can be guaranteed only to citizens. Limited access to certain rights such as health and education by non-national children makes the latter more vulnerable to certain practices such as commercial sexual exploitation. The Special Rapporteur recalls the obligation of the United Arab Emirates, pursuant to article 2 of the Convention on the Rights of the Child, to take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination. Furthermore, she echoes the Committee on the Rights of the Child which expressed its concern at the disparities in the enjoyment of

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<sup>4</sup> While definitions of the term *bidoon* tend to vary depending on the interlocutor, the individuals with whom the Special Rapporteur met have been residing on the territory of the United Arab Emirates since before the creation of the federation in 1971 but have never been granted citizenship and are stateless. The term *bidoons* also include Arab-speaking individuals without recognized identification documents who have a genuine feeling of belonging to the United Arab Emirates, either because they were born on its territory before or after 1971, or because they had been raised on its soil. There are discrepancies regarding the total number of *bidoons* residing in the United Arab Emirates between official figures and those quoted by representatives of civil society. Government officials estimate that there are approximately 10,000 *bidoons*, whereas civil society representatives are of the view that the number of *bidoons* is much higher than the official figure of 10,000.

economic and social rights, particularly regarding health and education, experienced by non-national children (see CRC/C/15/Add.183, para. 23).

82. The Special Rapporteur is of the view that granting nationality through the mother solely in cases where the father's affiliation is not legally established or where the father is unknown is discriminatory and can lead to discriminatory practices against the women and children concerned.<sup>5</sup> She therefore remains concerned at the reservations made by the United Arab Emirates to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women and to article 7 of the Convention on the Rights of the Child regarding nationality.

#### **4. Child participation**

83. The Special Rapporteur met with the Sharjah Higher Council for Family Affairs and learned about their programmes. She was informed about programmes to increase awareness among children of their rights, in conformity with the principles of Islam, including freedom of expression, equality and their right to participate in matters affecting them. As an example of the work being done, there are summer camp programmes and nine websites accessible to children.

84. The Special Rapporteur also learned about the Sharjah Children's Parliament. She was disappointed not to have met with the child members themselves, as she was told they were all in school at the time of the visit. The Parliament is divided into two councils (one for those aged between 10 and 12 years of age; and another for those aged between 12 and 18 years of age). Representatives of this Parliament recently attended a conference bringing together representatives of children's parliaments from other countries. For the time being, the Children's Parliament only exists in Sharjah, but the wish was expressed that it be extended throughout the territory, which the Special Rapporteur strongly encourages.

85. The Ministry of Justice informed the Special Rapporteur that children are not involved in the elaboration of laws or policies affecting them, as children lack the necessary intellectual capacity to adequately participate in such processes. In this regard, the Special Rapporteur recalls article 12 of the Convention on the Rights of Child, which provides that States Parties shall assure to the child who is capable of forming his or her own 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.

86. Despite efforts to promote the freedom of expression of children, the Special Rapporteur is of the view that such efforts do not entirely encompass a true understanding of the right of a child to express his/her views in all matters affecting him/her. In this regard, the Special Rapporteur echoes the concerns raised by the Committee on the Rights of the Child in 2002 in its concluding observations to the United Arab Emirates that children are not adequately informed about how to have input into policies that affect them, nor about how their views will be taken into consideration once they have been solicited (CRC/C/15/Add.183, para. 28).

#### **5. Promotion of the rights of the child**

87. The Special Rapporteur observed a wide range of measures undertaken by the Government to secure rights of children, including access to education and health. For example, the Ministry of Education informed the Special Rapporteur about various programmes within schools designed to encourage child development. The establishment of

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<sup>5</sup> See also CEDAW/C/ARE/CO/1, concluding observations of the Committee on the Elimination of Discrimination against Women.



the Higher Council for Motherhood and Childhood and the ongoing collaboration with UNICEF also point to a political will to promote the rights of the child.

88. Nevertheless, the Special Rapporteur observed that more can still be done in terms of promoting a veritable culture of the rights of the child, which views the child as an actor, not merely an object of rights, and a vector of proposals in all matters affecting him/her. In this regard, the Special Rapporteur is of the view that awareness-raising measures targeted to parents, teachers, prosecutors, judges and other concerned professionals (including psychologists, sociologists and legal aid workers) can be strengthened by ensuring a child rights-based approach based on the four guiding principles of the Convention on the Rights of the Child: non-discrimination, adherence to the best interests of the child, the right to participate and the right to life, survival and development.

#### IV. Ongoing actions

89. *Ratification of the Optional Protocol:* The authorities informed the Special Rapporteur that the ratification instruments relating to the Optional Protocol on the sale of children, child prostitution and child pornography had been deposited with the Council of Ministers for the final stages of ratification.

90. *Standardized system of data collection:* A recurring issue of concern is the absence of a reliable, nationwide and standardized system of data collection. For example, the Special Rapporteur is concerned about the discrepancy in the figures reported by the Ministry of the Interior (Abu Dhabi police) and those provided by care centres, such as the Dubai Foundation for women and children. The Special Rapporteur requested official statistics on child victims of sexual exploitation, including those trafficked for those purposes, but did not receive such figures. Such discrepancies point to the urgent need for a standardized system of data and information collection on these phenomena, and for such data to be disaggregated by age, gender, form of exploitation and other indicators. Data collection will go a long way towards providing more reliable information on the nature of these phenomena, their causes and their consequences and will assist the Government in its protection and prevention efforts.

91. The Special Rapporteur was pleased to learn that the Government is in the process of establishing such a database and encourages it to keep her updated on progress in this regard.

92. *Pending legislation:* The Special Rapporteur highlights that certain laws are still pending in draft format, including the draft law on child protection and the law on children with unknown parents. Amendments to Federal Law No. 51 on Combating Human Trafficking Crimes are also pending.

93. *Higher Council for Motherhood and Childhood and National Child Protection Strategy:* In the light of the observations set out in this report, the Special Rapporteur highlights the need for a national, integrated child protection strategy. She was informed that, within six months of her visit, a new situation assessment of the rights of the child in the United Arab Emirates was going to be prepared by the Higher Council for Motherhood and Childhood, in collaboration with UNICEF and other partners, such as the General Women's Union. This assessment would then feed into the elaboration of a national child protection strategy. As mentioned above, the Higher Council for Motherhood and Childhood has been established by Decree but has yet to start functioning.

94. The Special Rapporteur welcomes such a process and encourages the Government and its partners to ensure that any such strategy consist of clear objectives and adopt a holistic view of the rights of the child. Children must be consulted and their views taken

into account in the elaboration of this strategy and its implementation. The Strategy must be based on the best interest of the child, be accessible to all children in the country and at the local level, reflect complaint mechanisms and child protection systems and provide for effective evaluation and follow-up. The Special Rapporteur stands ready to provide any assistance or support in the elaboration or follow-up of this strategy.

## V. International cooperation

95. As mentioned above, the Special Rapporteur commends the efforts of the United Arab Emirates regarding international cooperation to address the issue of rehabilitation and repatriation of child camel jockeys, particularly through the signing of eight bilateral agreements with sending countries in this regard.

96. Regarding online child pornography, the Ministry of the Interior reported various measures of cooperation to combat online child pornography and highlighted the importance of learning from other countries' experiences in this regard. The United Arab Emirates cooperate with the International Criminal Police Organization (INTERPOL) to report and detect cases, further to a programme of cooperation between the two. The Ministry of Social Affairs also reported that it participates in the Child Online Protection Initiative of the International Telecommunications Union, in which the private sector also participates.

97. The Abu Dhabi Police also joined the Virtual Global Taskforce, which is made up of law enforcement agencies from around the world working together to fight child abuse online. The taskforce is made up of the Australian Federal Police, the Child Exploitation and Online Protection Centre in the United Kingdom of Great Britain and Northern Ireland, the Italian Postal and Communication Police Service, the Royal Canadian Mounted Police, the United States Department of Homeland Security, the Abu Dhabi Police and INTERPOL.

98. The Abu Dhabi Social Support Centre expressed its view that its work would be more effective if it had direct access to police in other countries, rather than needing to pass through the respective Ministries of Foreign Affairs. They noted that such access would help them increase information-sharing, detection of criminals, protection and follow-up of victims.

## VI. Conclusions and recommendations

### A. Conclusions

99. **The Special Rapporteur welcomes the wide range of initiatives undertaken by the Government to guarantee the rights of the child and respond to emerging violations of the rights of the child. The incidence of sale of children and sexual exploitation of children remains low. There have been strong efforts to fund the rehabilitation, reintegration and reparation of children used as camel jockeys. A number of programmes and centres have been created, run by various actors at the national and local level to address cases of child abuse, neglect, sexual exploitation of children, child victims of trafficking and challenges faced by disabled children. Furthermore, the Special Rapporteur observed a keen interest on the part of the Government to share practices from other States and international organizations on how to further promote and protect the rights of the child.**

100. Nevertheless, the Special Rapporteur is of the view that stronger efforts may be undertaken in the area of prevention, for example, by paying greater attention to the situation of certain children who may be particularly vulnerable to the abovementioned practices. She remains concerned at the disparate treatment of the rights of the child amongst the Emirates. Finally, several initiatives are still pending.

101. The Special Rapporteur recalls that preventing and combating these phenomena is directly linked to the capacity of a society to adopt a holistic approach to the fundamental rights of children, and paving the way for the implementation of social policies which favour children, youth and the family and the elaboration of creative and innovative responses from both the public and the private sectors.

## **B. Recommendations**

102. In the spirit of cooperation and partnership, the Special Rapporteur makes the following specific recommendations to the Government, aimed at preventing the sale of children, child prostitution and child pornography and building on efforts to ensure the protection of each child in the territory of the United Arab Emirates. She is assured that every effort will be made to implement them and stands ready to offer her full cooperation and assistance in this regard.

103. Regarding legislation, the Special Rapporteur recommends that the State party:

(a) Accelerate the process of ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(b) Define and criminalize the sale of children, in accordance with the definition provided in article 2 of the Optional Protocol;

(c) Ensure that all children under 18 years of age who are sexually exploited are not treated as criminals but rather as victims; all possible measures should be taken to avoid their stigmatization and social marginalization. This principle should be clearly established in all tribunals across all the Emirates;

(d) Raise the minimum age of criminal responsibility in accordance with the principles and provisions of the Convention;

(e) Include provisions in Federal Law No. 51 on Combating Human Trafficking Crimes regarding trafficking in children and protection of victims (care, rehabilitation, reintegration, repatriation, etc.) in accordance with the provisions of the Palermo Protocol;

(f) Withdraw the reservations to articles 7, 17 and 21 of the Convention on the Rights of the Child, and study its reservation to article 14, with a view to narrowing it, and in the longer term, to withdraw it in accordance with the Vienna Declaration and Programme of Action of the World Conference on Human Rights (1993);

(g) Withdraw the reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women;

(h) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

(i) Remove discriminatory Constitutional provision that health care is only guaranteed to citizens. Health care should be guaranteed to all children on the territory of the United Arab Emirates;

(j) Outlaw corporal punishment in alternative care facilities and as a form of punishment for all those under 18 years of age.

104. Regarding the National Child Protection Strategy, the Special Rapporteur recommends that the State party:

(a) Accelerate the process of elaborating the national child protection strategy, under the aegis of the Higher Council for Motherhood and Childhood, ensuring that it provides child protection systems accessible at the local level across the country, for all children without discrimination;

(b) Ensure that the Higher Council for Motherhood and Childhood becomes functional as soon as possible and that it be vested with clear objectives and decision-making capacities;

(c) Establish efficient coordination mechanisms at the national and local level.

105. Regarding information-gathering on the phenomena, the Special Rapporteur recommends that the State party:

(a) Complete the situation assessment of the rights of the child, in cooperation with UNICEF and the General Women's Union;

(b) Accelerate the process of establishing a standardized and centralized information-gathering system which should provide for disaggregating data by sex, age, type of violation and measures taken, and by harmonizing methods of gathering and processing data.

106. Regarding child victims, the Special Rapporteur recommends that the State party:

(a) Strengthen the child complaints monitoring mechanism, ensuring that it is easily accessible to all children on the territory of the United Arab Emirates without discrimination and guarantees the safety, protection and confidentiality of children;

(b) Strengthen training given to relevant authorities on combating child online sexual exploitation, in order to effectively detect violations, and providing assistance to child victims of sexual exploitation while ensuring a child rights-based approach by means of an integrated and holistic system of care, reintegration and follow-up of children;

(c) Implement the child victim protection guidelines, explicitly providing that children be consulted in the return and reintegration process;

(d) Provide durable solutions for those children who cannot return to their original home communities;

(e) Implement norms and standards in all childcare or detention institutions, based on a child-rights approach.

107. Regarding vulnerable children, the Special Rapporteur recommends that the State party guarantee birth registration of all children born on the territory of the United Arab Emirates, and access to social services to all children, citizen or not. The situation of the *bidoon* children must urgently be regularized with a view to ensuring

that they have access to health and education and thus decreasing their vulnerability to sexual exploitation.

108. Regarding awareness-raising, the Special Rapporteur recommends that:

(a) Awareness-raising programmes should be continued in the longer term, targeting children, parents and the general public in order to promote behaviour and attitudes that guarantee the respect and promotion of the rights of the child, considering the child as a rights-holder;

(b) The media should be trained in the ethical treatment of cases of the sale of children, child prostitution and child pornography and their role in awareness-raising on the issue.

109. The Special Rapporteur recommends that child participation is increased by:

(a) Informing, consulting and involving children in all matters involving them, including with respect to programmes and policies on the rights of the child;

(b) Ensuring the participation of disadvantaged children (disabled, non-registered and vulnerable children) without discrimination;

(c) Empowering children and youth to engage in more positive and meaningful use of information and communication technologies;

(d) Enhancing child and youth initiatives related to prevention, to fight sexual exploitation and to promote child rights. Children should be viewed as actors and vectors of proposals, not merely as subjects of rights.

110. The State party should continue pursuing partnerships with the private sector, particularly tourism agencies, Internet service providers, telecommunication companies and banks in all efforts to combat the sexual exploitation of children, including child sex tourism and the exploitation of children online.

111. Regarding independent monitoring of the situation of human rights, the Special Rapporteur recommends that the State party:

(a) Accelerate the establishment of an independent children's rights mechanism, taking into account general comment No 2 (2002) of the Committee on the Rights of the Child on the role of independent national human rights institutions in the promotion and protection of the rights of the child. This body should play a key role in the independent monitoring of actions taken for the prevention of sale, trafficking and sexual exploitation, and protection of children from such exploitation and the restoration of the rights of children victims, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before this institution;<sup>6</sup>

(b) Ensure evaluation and follow up of implementation of the rights of the child, including the preparation and dissemination of annual reports on the rights of the child.

112. Regarding international and regional cooperation, the Special Rapporteur recommends that:

<sup>6</sup> Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, Third World Congress against Commercial Sexual Exploitation of Children (November 2008).

(a) In view of the fact that the average age of victims of trafficking for sexual exploitation seems to be decreasing, the Government, in collaboration with countries of origin and transit, should strengthen comprehensive bilateral/subregional agreements to share information, to implement joint measures in order to prevent and combat child trafficking from the point of detection/identification to interim care and protection, and return and reintegration, and to prosecute offenders;

(b) Facilitate cooperation between the police forces of the United Arab Emirates and police forces in other States, for instance by alleviating procedures of establishing contact with each other;

(c) Increase and encourage the sharing of good practices, in cooperation with United Nations agencies and mechanisms regarding the child rights approach and the promotion of the rights of the child.

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