

Safeguarding 2.0

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We previously looked at the [UAE Child Rights Law](#) (UAE Federal Law No. 3 of 2016) and the evolving landscape in the UAE in relation to child rights and safeguarding children.

The focus of the previous article was in relation to HR issues around background checks and how to deal with issues when they arise. The focus of this article is in relation to safeguarding children generally and aims to bring readers up to speed on the latest developments in this evolving area and look at what is coming down the track.

Child Protection Units

By way of brief recap on the Child Rights Law which was enacted in 2016. The key pillars of it are:

- It enshrines the basic principle that children have the right to life and safety, and specifically provides that every child is entitled to an education.
- It seeks to prevent all kinds of violence in educational institutions and to preserve children's dignity in an education context. The law states that a child's mental, psychological, physical or ethical safety must not be prejudiced.
- The law envisages that dedicated Child Protection Units ("CPUs") would be established in the relevant Ministries aimed at developing and implementing child protection mechanisms.

The executive regulations to the law, which set out the details and mechanics of how it will be implemented, have not been issued yet. The regulations will determinate the competencies of the CPU's and operating mechanisms within each ministry.

We do have an idea of what the new safeguarding regime will look like.

- It is envisaged that each Ministry that has a remit for children will have a dedicated CPU within it; so for example the Ministry of Education (MOE), Ministry of Health (MOH) etc. These CPUs will deal with any safeguarding/child's rights issues arising from institutions/schools etc that are under its remit. So education providers would naturally fall under the remit of the MOE and healthcare providers under the MOH etc.
- The legislation provides for child protection specialists to carry out a significant role in relation to the implementation of the law.



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Child Protection Specialists

One of the major features of the law is the creation of an official child protection specialist role (“CPS”) with sweeping powers.

We understand that it is envisaged that private entities may have a member of their own staff appointed as a CPS. So in the education space a child protection officer from a school or college could be appointed to this official role of CPS, which carries with it quasi-judicial powers including:

- perform preventive and therapeutic intervention in any case where there is a risk to the child’s health, physical, psychological, ethical or mental safety;
- power to collect evidence regarding any reported incidents;
- enter the premises where the child is present;
- take appropriate preventive measures to protect the child;
- in situations where a threat to the child’s health or safety is established, the CPS will have authority to propose to place the child temporarily in an alternative family, an association, or an appropriate social, educational or health institution;
- assistance in investigations and trials.

The CPS would receive training prior to appointment and would have the full backup and authority of the law.

Without doubt this is a very significant development and will be welcomed by education providers.

Reporting

In the meantime, and prior to the establishment of the CPUs and the CPS system, schools can report any suspicions of abuse to the Ministry of Interior. The Ministry, which has remit over a wide range of functions including the police, has a dedicated child protection unit. The unit deals with child protection complaints from the general public, schools and any other sources. Contact details are as follows:

Hotline phone number: 116 111

Email address: childprotection@moi-cpc.gov.ae

A complaint can be made anonymously or otherwise. The unit will then contact the child protection unit of the local police force.

Even after the establishment of the CPUs it is expected that any allegation of sexual abuse would be reported to the police directly or via the Ministry of Interior.

Conclusion

Significant and welcome changes are imminent in the child protection space. The authorities are working on what appears to be well thought-out procedures and processes which will involve educational institutions becoming integrated in the framework and solution.

Al Tamimi & Company's [employment team](#) regularly advises on all aspects of the employment relationship in the UAE, in relation to the education sector and across all other sectors and industries. For further information please contact [Ivor McGettigan](#) (i.mcgettigan@tamimi.com).