

## بطاقة النظام

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## Child Protection Law

Royal Decree No. (M/١٤)

٣ / ٢ / ١٤٣٦H



### Chapter One

#### Definitions, Objectives, Child Abuse and Neglect

##### Article ١

For the purposes of this Law, the following terms and expressions – wherever mentioned in this Law - shall have the meanings assigned thereto unless the context requires otherwise:

- ١- Child: A person under ١٨ years of age.
- ٢- Abuse: All types of child abuse and exploitation, or threatening thereof, including:

- Physical abuse: Exposing a child to physical harm or injury.
- Psychological abuse: Exposing a child to maltreatment which may cause psychological harm or harm to his health.
- Sexual abuse: Exposing a child to any type of sexual assault, harm or exploitation.
- ٢- Neglect: Failure to provide the basic needs of the child including: physical, health, emotional, psychological, upbringing, educational, intellectual, social, cultural as well as safety and security needs.
- ٤- Regulations: the Implementing Regulations of this Law.
- ٥- Relevant Authorities: Authorities concerned with child protection, as set forth in the Implementing Regulations.



## **Article ٢**

This Law aims to:

- ١- Emphasize stipulations of Sharia and applicable laws as well as international conventions to which the Kingdom is party, which protect children's rights against all forms of abuse and neglect.
- ٢- Protect the child against all forms of abuse and neglect and manifestations thereof to which the child may be exposed in the surrounding environment (home, school, neighborhood, public places, welfare and rehabilitation facilities, foster family, public and private institutions or the like) whether committed by a person having guardianship, responsibility or authority over the child or a person related thereto, or by any other person.
- ٣- Guarantee the rights of abused or neglected children by providing them with necessary care.
- ٤- Raise awareness of children's rights, especially those related to protection against child abuse and neglect.



**Article ۳**

The following shall be deemed cases of child abuse or neglect:

- ۱- Leaving a child without family support.
- ۲- Failing to obtain or maintain the child's identification documents, or withholding the same.
- ۳- Failing to complete the child's compulsory vaccinations.
- ۴- Causing interruption to the child's education.
- ۵- Exposing a child to an unsafe environment.
- ۶- Maltreatment.
- ۷- Sexually harassing the child or exposing him to sexual exploitation.
- ۸- Exploiting a child financially or forcing him into criminal activities or beggary.
- ۹- Using abusive language to humiliate or degrade a child.
- ۱۰- Exposing a child to obscene and criminal scenes or other scenes inappropriate for his age.
- ۱۱- Discriminating against children for racial, social or economic reasons.
- ۱۲- Explicit and continuous failure to raise and care for the child.
- ۱۳- Allowing a child under the legal driving age to drive a vehicle.
- ۱۴- Any act that may threaten the child's safety or physical or psychological wellbeing.

**Article ۴**

A child shall be considered at risk of delinquency in any of the following cases:

- ۱- Practicing beggary or any illicit act.
- ۲- Rebelling against the control of a parent or caretaker.
- ۳- Regularly escaping from home or from any rehabilitation or housing facilities.
- ۴- Regularly sleeping in places not designated for sleeping or lodging.
- ۵- Regularly visiting socially or morally suspicious places or places not appropriate for his age, or mingling with the homeless or corrupt people.

٦- Carrying out activities related to prostitution, gambling, drugs or the like or providing services to people engaged in such activities.



## **Chapter Two**

### **Child's Right to Protection**

#### **Article ٥**

A child shall always have the priority to protection, care and relief.



#### **Article ٦**

A child shall have the right to protection against all forms of abuse or neglect.



#### **Article ٧**

A child living in an inappropriate family environment where he is exposed to abuse or neglect shall have the right to alternative care through the following:

١. foster family providing custody and care; or
٢. government, nongovernment or charitable institutions providing social care, where no foster family is available.

The Regulations shall set forth necessary controls.



### **Chapter Three**

#### **Prohibitions Related to Child Protection**

##### **Article ٨**

Without prejudice to provisions of the Labor Law, a child under the age of ١٥ may not be employed nor be assigned to activities that may be harmful to his safety or physical or psychological health, nor be used in military activities or armed conflicts.



##### **Article ٩**

A child may not be sexually exploited nor exposed to any form of sexual exploitation, nor shall he be subject to trafficking for purposes of criminal activities or beggary.

**Article ١٠**

A child may not be employed in places where narcotics or psychotropic substances are produced or traded.

**Article ١١**

١- The sale of tobacco or tobacco derivatives and any harmful substances to children shall be prohibited. Children may not be used in purchasing, selling or promoting such substances, nor be used in production sites.

٢- Importing and selling children toys or candies resembling cigarettes or any other smoking tools shall be prohibited.

٣- Smoking in the presence of children and displaying any scenes which encourage children to smoke shall be prohibited.

**Article ١٢**

It shall be prohibited to produce, publish, display, trade and possess any printed, visual or audio works targeting children and inciting them to engage in any behavior contrary to provisions of Sharia, public policy or public decency, or those works which may encourage delinquency.



**Article ١٣**

Participation of children in sports or recreational activities or competitions that may endanger their safety or health shall be prohibited.



**Article ١٤**

Without prejudice to provisions of other laws, any medical intervention or procedure on a fetus shall be prohibited, except for necessary medical purposes.



**Chapter Four**

**Responsibility towards the Child and the Child's Right to Care**

**Article ١٥**

١- The child's parents, or either of them or his caretaker, shall be responsible, within their abilities and financial capabilities, for raising the child and guaranteeing his rights, providing adequate care and protecting him against abuse or neglect.

٢- The relevant authorities shall take necessary measures to ensure the commitment of the parents - or the caretaker - to their responsibility towards the child, to safeguard his rights and to protect him against abuse or neglect.

٣- In case the parents are separated, the child shall have the right to visit or contact either of them, unless the interest of the child requires otherwise.



#### **Article ١٦**

All agencies shall take into consideration the interest of the child in all actions taken regarding the child and shall expedite such actions. They shall also take into consideration the mental, psychological, physical, upbringing and educational needs of the child as appropriate to his age, health, etc.



#### **Article ١٧**

All relevant agencies shall promptly take appropriate care and rehabilitation measures if the child is in an environment detrimental to his upbringing as well as to his mental, psychological and physical health.



**Article 18**

The relevant agencies shall take all appropriate measures to perform the following:

- 1- assume a productive and effective role in promoting preventive healthcare and guidance, raise awareness – through various media- of children's rights, particularly in relation to health and nutrition, benefits of breastfeeding, mental health, protection against accidents and smoking as well as the risks of smoking during pregnancy;
- 2- support school health programs to play an effective role in preventive healthcare and guidance;
- 3- guarantee the child's right to obtain education appropriate to his age;
- 4- protect the child from dangerous or contagious diseases;
- 5- protect the child from injuries resulting from car accidents and other accidents;
- 6- protect the child from the hazards of environmental pollution; and
- 7- relieve the suffering of children living under harsh conditions such as children whose custody is disputed, street and homeless children as well as victims of disasters and wars.

**Article 19**

The relevant agencies shall develop health, educational, psychological and social programs to rehabilitate abused or neglected children.

**Article ٢٠**

The relevant agencies shall set comprehensive quality standards for children's toys, whether locally manufactured or imported, to ensure compliance with safety, health, environmental and cultural standards and specifications, and to ensure they are not contrary to Sharia.

**Article ٢١**

Provisions and procedures set forth in this Law shall not prejudice:

- ١- obligations of other concerned agencies, each within their jurisdiction; nor
- ٢- any provision guaranteeing better protection to the child set forth in any other law or international convention to which the Kingdom is party.

**Chapter Five****Reporting and Considering Violations of the Law and its Regulations and Effective Date****Article ٢٢**

- ١- Any person who becomes aware of a case of abuse or neglect shall promptly report the same to the competent agencies.
- ٢- The competent agencies shall facilitate the reporting of cases of abuse or neglect, especially if made by the child.
- ٣- The Regulations shall specify the procedures for reporting cases of abuse and neglect and manner of response thereto.



#### **Article ٢٢**

- ١- Subject to Article ٢٢(٣) of this Law, the Bureau of Investigation and Public Prosecution shall investigate violations of the provisions of this Law and file lawsuits before the competent court.
- ٢- Subject to the provisions of other related laws, the competent court shall consider violations of the provisions of this Law and decide appropriate penalties.



#### **Article ٢٤**

The Minister of Social Affairs shall issue the Regulations within ٩٠ days from the publication date of this Law in the Official Gazette, upon coordination with the Ministry of Interior, Ministry of Education, Ministry of Health, Human Rights Commission and other relevant agencies, each within their jurisdiction. The Regulations shall become effective from the effective date of this Law.



**Article ۲۰**

This Law shall become effective ۹۰ days from the date of its publication in the Official Gazette.

