



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Initial report submitted by the United Arab  
Emirates under article 19 of the Convention, due  
in 2013\*\***

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\*\* The present document is being issued without formal editing.

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## **Part I**

### **General information**

#### **A. Introduction**

1. The present report was prepared in accordance with article 19, paragraph 1, of the Convention against Torture and Other Cruel, Degrading or Inhuman Treatment or Punishment, which was adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 and entered into force on 26 June 1987, in accordance with article 27. The Convention was ratified by the United Arab Emirates on 25 June 2012, pursuant to Federal Decree No. 73 of 2012.

2. The United Arab Emirates is committed to respecting and giving effect to the rights and freedoms provided for in the Convention and in all human rights principles, instruments, covenants and conventions that seek to preserve human dignity and achieve equality, social justice and equal opportunities. Prepared with the participation of national bodies and civil society organizations, the present report reflects the de facto human rights situation by providing information on the efforts of the United Arab Emirates in the field of human rights, its compliance with the international conventions and instruments it has ratified, and its national laws.

#### **Methodology for preparation of the report**

3. Federal and local government entities participated in the preparation of this report, together with the Emirates Association for Human Rights. The committee charged with the preparation of the report examined and compiled the information and data received from all the competent authorities.

#### **Plan for preparation of the report**

4. An action plan was developed for the preparation of a report reflecting primarily the obligations of the State with regard to implementing the Convention, strengthening its de facto implementation in accordance with best practices for the broader promotion of human rights, and working freely and responsibly in cooperation and wider partnership with all social groups and stakeholders. The action plan comprised the following:

- The establishment of a committee, chaired by the Ministry of Justice, to prepare the State's initial report, as provided in Federal Decree No. 73 of 2012,<sup>1</sup> and comprising members drawn from the Ministry of Foreign Affairs and International Cooperation, the Ministry of Human Resources and Emiratisation (formerly the Ministry of Labour), the Ministry of the Interior, the military judiciary, the Federal Public Prosecution, the Abu Dhabi Justice Department, the Dubai Public Prosecution, the Ras al-Khaimah Public Prosecution, and civil society organizations (Emirates Association for Human Rights);
- The Convention and the guidelines on the form and content of reports to be submitted by States parties to the Committee against Torture were reviewed through consultations and meetings held to provide the committee with data and information relating to the Convention in the State;
- The committee reviewed all the relevant human rights reports submitted by the United Arab Emirates to the United Nations bodies concerned with the treaties to which the State is a party;
- The website of the Ministry of Justice ([www.moj.gov.ae](http://www.moj.gov.ae)) contains a portal that includes information on the Convention.

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<sup>1</sup> Federal Decree No. 73 of 2012 provides in article 2 that: "The Ministry of Justice shall be responsible for following up the implementation of this Convention following the accession of the State thereto."

## **Section I**

### **Overall national context**

#### **1. Establishment of the State**

5. The United Arab Emirates was established on 2 December 1971 as a federation composed of six Emirates. Shortly thereafter, on 23 December 1971, Ras al-Khaimah declared its wish to join the Federation. Based on the unanimous approval of the Supreme Council of the Federation, Ras al-Khaimah became the seventh Emirate in the Federation, which comprises Abu Dhabi, Dubai, Sharjah, Ras al-Khaimah, Ajman, Umm al-Qaiwain and Fujairah, with Abu Dhabi as its capital.

#### **2. Geographical location**

6. The United Arab Emirates is situated in the continent of Asia, in the north-eastern part of the Arabian Peninsula, approximately between longitudes 57°10' and 51°35' and latitudes 26°25' and 22°35'. It is bounded in the north by the Arabian Gulf, the Islamic Republic of Iran and Qatar, in the east by the Sea of Oman and the Islamic Republic of Iran, and in the north and south by the Sea of Oman and the Sultanate of Oman. Its land borders with the Sultanate of Oman stretch from the east to Umm al-Zamul in the south. It is bounded in the south and west by the Kingdom of Saudi Arabia.

#### **3. Surface area**

7. The State extends over an area of around 71,023.6 km<sup>2</sup>, which includes a group of islands in the Arabian Gulf. The area of its territorial sea is roughly 27,624.9 km<sup>2</sup>.

8. The coastline runs along the southern shore of the Arabian Gulf from the base of the Qatar Peninsula in the west to Ras Musandam in the east, while the eastern coastline runs along the Gulf of Oman. The coastlines are 1,070.8 km in length.

#### **4. Topography**

9. The territory of the State consists mainly of desert, particularly in the western parts, interspersed with various well-known oases, such as Al-Ain and Liwa. It also has fertile pastureland in the Zafrah areas, where groundwater is plentiful. To the south of these areas lie the sand dunes forming the boundary of the Rub` al-Khali (the Empty Quarter).

10. Mount Hafit marks the southern boundary of the Buraimi oasis, where the city of Al-Ain is located, and stands at a height of about 1,220 metres. The Hajar mountain range, which is 80 km in length from north to south and approximately 32 km in width, also cuts across the Musandam Peninsula, running into the Sultanate of Oman and down to the eastern tip of the Arabian Peninsula. The city of Ras al-Khaimah lies at the foot of the northern flanks of this range, which reaches an altitude of around 2,438 metres at its highest point. On the western flanks are a number of large valleys and ridges, some of which are used for agriculture.

11. Most of the coastline is sandy, except in the north in Ras al-Khaimah at the headland of the Hajar mountain range.

12. The territorial waters are generally shallow, with an average depth of 35 metres and a maximum depth of 90 metres, except in the Straits of Hormuz where the depth is up to 145 metres. The waters contain an abundance of coral reefs studded with pearl oysters and teeming with fish.

## 5. Climate

13. The United Arab Emirates has a typically dry climate and is affected by the proximity of the Indian Ocean to the Arabian Gulf and the Gulf of Oman. Although winter in the Emirates is generally warm and dry, the weather near the western Hajar mountains at that time tends to be cold. The only two main seasons are winter and summer. Winter lasts from November to March, when the average temperature is 26°C in the day and 15°C at night. The winter temperature rarely falls below 6°C.

14. Summers are hot and dry and run from April to September. The temperature rises to about 48°C in the coastal towns and humidity levels are relatively high, sometimes reaching 90 per cent. In the southern desert areas, however, temperatures are as high as 50°C and the humidity is relatively low.

15. In the winter, atmospheric depressions form and north-westerly winds blow in from the Mediterranean region, producing rain in February and March, which are the wettest months of the year. It scarcely ever rains in the summer, especially in the coastal areas, whereas the annual rainfall in the mountainous and south-eastern areas averages between 140 mm and 200 mm. In some years, however, there is no rain at all and in others there are a few days of rain only.

## 6. Population

16. The country's population at the time of the last census, conducted in 2010, amounted to 8,264,070 inhabitants. The population growth is substantially influenced by economic-related factors, particularly in periods of rapid boom, as occurred from 2005 to 2010. According to the general population census of 2005, the population rose from 2.4 million in 1995 to some 4.1 million in 2005. By the end of 2010, it had reached 8,264,070, according to official estimates published by the Federal Competitiveness and Statistics Authority on the basis of data taken from administrative records held by State sources.

Table 1  
Geographical breakdown of population according to estimates in 2010 (citizens)\*

<i>Emirate</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
Abu Dhabi	204 108	200 438	404 546
Dubai	84 245	83 784	168 029
Sharjah	78 818	74 547	153 365
Ajman	21 600	20 586	42 186
Umm al-Qaiwain	8 761	8 811	17 482
Ras al-Khaimah	49 181	48 348	97 529
Fujairah	32 486	32 374	64 860
<b>Total citizens</b>	<b>479 105</b>	<b>468 888</b>	<b>974 997</b>
<b>Total non-citizens</b>	<b>5 682 711</b>	<b>1 633 262</b>	<b>7 316 073</b>
<b>Total population of the State</b>	<b>6 161 820</b>	<b>2 102 250</b>	<b>8 264 070</b>

*Source:* Federal Competitiveness and Statistics Authority.

## 7. Political system

17. The United Arab Emirates was established on 2 December 1971 as a federal State consisting of seven Emirates, namely Abu Dhabi, Dubai, Sharjah, Ajman, Umm al-Qaiwain, Ras al-Khaimah, Ajman and Fujairah.

18. The Constitution of the United Arab Emirates defines the goals and basic structures of the Federation. It states that the Federation exercises sovereignty throughout the territory

and territorial waters located within the international borders of the member Emirates and that the member Emirates exercise sovereignty over their territories and territorial waters in all matters concerning which the Federation has no jurisdiction under the Constitution. The people of the Federation are one people and a part of the Arab nation. Islam is the official religion of the Federation and Arabic is the official language.

19. The Constitution provides for the division of powers between the federal and local authorities. Article 120 sets out the legislative and executive powers of the federal authorities, while article 121 defines the legislative powers exclusive to the federal authorities. Powers other than these are assumed by the member Emirates.

## **8. Constitutional institutions**

20. The federal authorities are composed of:

### **The Supreme Council of the Federation**

21. The Supreme Council is the highest authority in the State and consists of the rulers of all the component Emirates of the Federation or their alternates in the event of a ruler's absence. Each Emirate has one vote in Council proceedings. The Supreme Council of the Federation formulates general policy on all issues for which the Federation has responsibility and considers all matters pertaining to the furtherance of the Federation's goals and the common interests of the member Emirates.

### **The President and Vice-President of the Federation**

22. The Supreme Council of the Federation elects the President and Vice-President from among its members. Under the Constitution, the President of the Federation performs a number of functions, in particular those of: presiding over the Supreme Council of the Federation and guiding its deliberations; signing federal laws, decrees and decisions ratified and promulgated by the Supreme Council; and appointing the Prime Minister, Deputy Prime Minister and ministers of the Federation, accepting their resignations, and releasing them from their duties upon the recommendation of the Prime Minister of the Federation. The Vice-President of the Federation fully exercises the powers of the President when the latter is absent for any reason.

### **The Cabinet of the Federation**

23. The Cabinet of the Federation is composed of the Prime Minister, the Deputy Prime Minister and a number of ministers. In its capacity as an executive organ of the Federation, and subject to the supreme oversight of the President of the Federation and the Supreme Council, the Cabinet deals with all internal and external affairs that are within the competence of the Federation under the Constitution and federal law. It performs a number of particular functions, primarily those of: following up the implementation of the general domestic and foreign policy of the Government of the Federation; proposing federal bills and transmitting them to the Federal National Council; preparing the draft federal budget; and overseeing the implementation of federal laws and decisions, as well as of the international treaties and conventions to which the State is a party.

### **The Federal National Council**

24. The Council is composed of 40 members from the member Emirates, with seats assigned as follows: 8 seats to Abu Dhabi; 8 to Dubai; 6 to Sharjah; 6 to Ras al-Khaimah; 4 to Ajman; 4 to Umm al-Qaiwain; and 4 to Fujairah. Federal bills, including finance bills, are presented to the Federal National Council before being submitted to the President of the Federation to lay before the Supreme Council for ratification. The Government also informs the Federal National Council of international treaties and conventions that it signs with other States and various international organizations, and provides it with relevant background information.

25. The Federal National Council may discuss any general topic relating to the affairs of the Federation and make recommendations thereon.

### **The federal judiciary**

26. Article 94 of the Constitution provides that: “Justice is the basis of government. In the performance of their duties, judges are independent and subject to no authority other than the law and their own conscience.”

27. The federal justice system consists of federal courts of first instance and federal courts of appeal with jurisdiction to hear civil, commercial, criminal, administrative and personal status cases. There is also the Federal Supreme Court, which is composed of a president and a number of judges appointed by decree of the President of the Federation following the approval of the Supreme Council and which exercises jurisdiction over the matters assigned to it under article 99 of the Constitution, including the constitutionality of federal laws.

28. In addition to the federal justice system, the United Arab Emirates has a local justice system. Article 104 of the Constitution provides that: “The local judicial authorities in each Emirate shall have jurisdiction over all legal matters not assigned to the federal courts under the Constitution.” The local justice system applies the Constitution, federal laws and local laws that are consistent with the Constitution and federal laws. It operates at three levels – first instance, appeal and cassation – without prejudice to the functions vested in the Federal Supreme Court under the Constitution. In accordance with the Constitution, the Attorney General of the Federation heads the Federal Public Prosecution, which is responsible for prosecuting offences under the Federal Criminal Code and Federal Code of Criminal Procedure.

29. A judicial coordination council was established by Cabinet Decision No. 77/3 of 2007 under the chairpersonship of the Minister of Justice and with members including heads and directors of federal and local judicial agencies, in addition to directors of the country’s judicial institutes. Its functions are to promote cooperation, coordination and exchanges of experience between the federal and local justice systems, explore problems and challenges common to both, recommend appropriate solutions, and harmonize legal principles and judgements handed down in similar cases heard by the courts in both systems.

## **9. Socioeconomic indicators**

30. Thanks to its development policy, the United Arab Emirates has succeeded in producing high growth rates in all economic and social sectors. Gross domestic product rose from 456.7 million dirhams (Dh) in 2003 to Dh 1.36 billion in 2015. The contribution of the non-petroleum sectors in 2015 amounted to Dh 1.041 billion. Gross national income (GNI) per capita also shifted from Dh 121,000 in 2002 to Dh 127,000 in 2010.

31. Since its inception, the United Arab Emirates has experienced rapid economic and social growth such as is rarely achieved in developing, or even advanced, societies. It has used growing revenue from oil sales to supply the basic needs of society. The State is also one of those to have made a good impression on the international community because of its generous assistance to Arab States and other developing countries around the world. The following are among the State’s main achievements:

- The establishment of most infrastructure projects;
- The establishment of educational and health institutions and the delivery of educational, health, social and cultural services;
- The procurement of production and investment materials and equipment for the creation of different types of industries;
- The enactment of laws and regulations and the creation of a modern structure for the administration of the State;

- The enactment of flexible laws to facilitate recruitment of foreign labour and supply the workforce needed to meet the requirements of different development projects;
- The use of modern technologies tailored to the real needs of the State;
- The encouragement of women's participation in the workforce and in development efforts;
- The creation of channels for economic, commercial, political and cultural cooperation with the outside world in furtherance of the mutual interests of the State and of friendly and fraternal States and peoples.

32. The United Arab Emirates pursues an open economic policy based on free trade, commercial exchanges and the free flow of capital and services. The policy is intended to develop the national economy, diversify sources of income and achieve balanced economic and social development for the State as a whole. Thanks to its development policies, the Emirates has successfully positioned itself among the leading countries of the world and made great strides forward in human development, particularly in the last decade. In the 2016 Human Development Report published by the United Nations Development Programme (UNDP), it ranked third among Arab States and forty-second globally, reflecting the Government's desire to raise living standards and improve socioeconomic conditions.

33. The Report shows that the State has achieved significant progress in the Gender Development Index, which compares male and female Human Development Index values. This progress stems from quantitative and qualitative changes in the areas of education and health. The Report also indicates that the State enjoys a high standard of living in general, that the incidence of poverty and deprivation has fallen to a record low, and that adult literacy rates have risen. The advances made in health services are clearly reflected in all health indicators, pointing, for example, to falls in the infant and under-5 mortality rates, in the percentage of babies with low birth weight, and in the maternal mortality rate. The number of children over the age of 1 who have been fully vaccinated against tuberculosis and measles has risen, as has the number of physicians per 1,000 of the population. The Report further shows that the health expenditure as a percentage of GDP is very high in the United Arab Emirates compared with the high-income industrialized countries.

34. In the area of education and modern technology, the 2005 Human Development Report shows that the United Arab Emirates has made considerable efforts and spent increasing amounts of money on education, taking into account the gross enrolment ratio for primary education. As indicated in its report of 2011 on the Millennium Development Goals, primary schooling is treated with the utmost importance in the Emirates; it provides a basic education and is free of charge, compulsory and standardized. Its aim is to equip children at the primary level with the core skills, knowledge and values and to prepare them for the option of proceeding to the next level. Education indicators show that net enrolment in the first cycle of schooling rose from 97.1 per cent in 1990 to 98.3 per cent in 2010, averaging an annual growth rate of 0.07 per cent annually during that period. The target of 100 per cent demands an annual growth rate of 0.28 per cent up to 2015. It should be noted that demographic changes affected this and other indicators during the assessment period and that the female-to-male ratio in all levels of education increased. The United Arab Emirates has also experienced a huge qualitative and quantitative leap forward in the fixed and mobile telephone sector and in Internet use per 1,000 persons as a result of the growing development and expansion of services.

35. The findings of the Human Development Report were affirmed by the 2007 World Development Indicators published by the World Bank, which likewise showed that the United Arab Emirates has achieved high rankings in the human development indicators. It was, for instance, among the top world performers in education, health, environment and the promotion of foreign investment. Furthermore, in the Networked Readiness Index included in the World Economic Forum's sixteenth annual Global Information Technology Report, published in 2016, as a measure of progress in the information and communication technology sectors, the Emirates is ranked top in the Arab world and twenty-sixth globally.

36. Thanks to the high standard of living and economic and social prosperity enjoyed in the Emirates, the quality-of-living survey conducted in 2007 by human resources consulting firm Mercer gave Abu Dhabi and Dubai the highest rankings in the Middle East and Arab world. Out of a total of 215 cities worldwide, which were ranked on the basis of the health and medical services available and quality of life, they both came fifty-eighth.

Table 2  
**Socioeconomic indicators**

<i>Indicator</i>	
Average GDP per capita (in thousands) in 2010	127 (Dh) 34.6 (US\$)
Workforce size (per cent) in 2009	53 per cent
Workforce as a percentage of the total population; crude activity (participation) rate in 2009	54.8 per cent
Unemployed as a percentage of the total workforce (unemployment rate) in 2009	4.2 per cent
<b>Total dependency ratio in 2009</b>	<b>34 per cent</b>
Population density per km <sup>2</sup> in 2010	116.36
Gender ratio (number of males per 100 females) in 2010, according to population estimates	293.1
Crude birth rate (per 1,000 persons) in 2015	10.60
Crude mortality rate (per 1,000 persons) in 2015	0.95
Infant mortality rate (per 1,000 births) in 2015	6.57

*Source:* Federal Competitiveness and Statistics Authority, Ministry of Health and Prevention.

## 10. Cultural and social framework

37. The United Arab Emirates uses oil wealth for social development consistent with the principles on which the State was founded, as defined in the overall development goals for 1974, namely that development and social services in the Emirates must be people-centred. As a result of this policy, the State has successfully brought its people out of the cycle of poverty, illiteracy and disease and into a cycle of economic and social prosperity. It has ensured a high average income, developed remote areas and introduced social security, in addition to providing access for citizens, free of charge, to services in such areas as education, health, housing, culture, leisure, sanitation and infrastructure.

38. The family lifestyle in the Emirates has consequently altered in recent years, with nomadic Bedouins turning to a more sedentary way of living and extended families converting into nuclear families. Concerning the social roles and responsibilities of men and women, they continue to be based on the principle of complementarity insofar as men and women have different responsibilities and duties towards the family and society.

39. The developments witnessed in the State and the openness to the diverse cultures of the world, whether as a result of media output, the information and technology revolution, or the migrant workers required by the labour market to meet economic development needs, have produced a set of social circumstances that are new to the Emirati community. The ongoing efforts to combine the modern with the long-established, however, have led individuals and institutions in the Emirates to examine these circumstances so as to assess their pros and cons and develop them in line with the values of the State and its social and cultural legacy.

## 11. The Emirates in global indexes

40. Human Development Index: In the 2016 Human Development Index published by the United Arab Emirates was ranked third in the Arab world and forty-second globally and was listed among the States with very high human development.

41. World happiness index: In the 2017 World Happiness Report, the country was ranked first in the Arab world and twenty-first globally.

42. Rule of Law Index: In the 2016 Rule of Law Index, the United Arab Emirates was ranked first in the Middle East region and thirty-third globally. With regard to the factors of order and security and law enforcement, it was ranked twelfth globally.

43. Transparency and anti-corruption index: In the Corruption Perceptions Index 2016, the United Arab Emirates topped the countries in the Middle East and North Africa region as the most transparent and the most successful in combating corrupt practices. It was ranked twenty-fourth globally, with a score of 66.

44. Global Competitiveness Index: In the Global Competitiveness Report 2016 published by the World Economic Forum, the United Arab Emirates was ranked fifth globally for government efficiency, second globally for public trust in politicians, and twenty-first globally for innovation and development. All of these are subpillars of competitiveness.

45. Global Innovation Index: In the Global Innovation Index 2017, the United Arab Emirates maintained its top ranking in the Arab world and was ranked thirty-fifth globally.

46. Development assistance index: In 2014, the United Arab Emirates was the largest donor of official development assistance in comparison with its GNI. It provided official development assistance amounting to Dh 18 billion (US\$ 4.89 billion), or 1.17 per cent of its GNI. The Development Assistance Committee of the Organisation for Economic Co-operation and Development announced that, according to the preliminary data on States providing official development assistance in 2014 and for the second year running, the United Arab Emirates was the world's biggest donor of such assistance when compared against its GNI.

## B. Normative and institutional framework for the promotion of human rights

### 1. General legal framework for the guarantee, promotion and protection of human rights

#### (a) Constitutional guarantees

47. In keeping with internationally recognized human rights standards, chapter III of the Constitution is devoted to the subject of public freedoms, rights and duties, and contains a number of provisions (arts. 25 to 44) guaranteeing the protection of these freedoms and rights. Chapter II of the Constitution, furthermore, sets out the social and economic pillars of the Federation, embodying a number of principles relating to human rights, freedoms, and civil, political, economic, social and cultural rights. These include equality, personal freedoms, freedom of opinion and expression, freedom of movement, freedom of belief, the right to privacy, the right to own property, the right to education and health care, the right to work and the right to freedom of assembly and association.

#### (b) Legal guarantees

48. In order to give effect to the general principles enshrined in the Constitution, the State has enacted a number of laws guaranteeing rights and freedoms, including:

- **Federal Penal Code (Act No. 3 of 1987), as amended by Federal Decree No. 7 of 2016:** The Code sets out a number of fundamental principles aimed at preserving and protecting human rights by stipulating, inter alia, that: *nullum crimen, nulla poena sine lege*; an accused person is presumed innocent until proven guilty;

punishment is personal; acts involving abuse of office and misuse of authority are criminalized; no person may be arrested, beaten or searched except as prescribed by law; it is prohibited to use or threaten the use of force to extract a confession to an offence; and it is prohibited to insult revealed religions and to perform any act prejudicial to the life, physical integrity or dignity of a human being;

- **Code of Criminal Procedure (Act No. 35 of 1992), as amended by Federal Act No. 29 of 2005:** The Code lays down the procedures that courts hearing criminal cases must follow in order to guarantee a fair trial to accused persons, who have the right to defend themselves in person or through a lawyer, whether during the preliminary inquiry, the investigation phase or trial proceedings. It also specifies the procedures by which the accused may appeal against judgements handed down by courts at different levels;
- **Federal Act No. 43 of 1992, concerning the regulation of penal and correctional facilities:** The federal legislature regulates penal facilities, including in respect of individual punishment and the placement and categorization of prisoners, who are assured of access to health and social care, education and moral instruction. It also governs the release and rehabilitation of prisoners. The key provisions of the Act define and provide for the protection of prisoners' rights and establish the right of prosecutors to enter correctional and penal facilities at any time in order to ascertain that the laws and regulations are being properly implemented. All prisoners are entitled to an interview with a prosecutor who is visiting a facility in order to present their complaints. All prisoners also have the right to direct a complaint to the Minister of the Interior, the Attorney General, the director of the competent department or the governor of the facility. The Act furthermore establishes the right of diplomats and public interest associations involved in human rights to visit prisons and inspect conditions after obtaining written permission to do so from the competent public prosecution office;
- **Federal Act No. 12 of 1976, concerning the Police and Security Force, as amended by Act No. 6 of 1986:** The Police and Security Force is one of the law enforcement agencies and is governed by Act No. 12 of 1986 (concerning the Police and Security Force), as amended by Act No. 6 of 1986. Its articles cover, among others, the duties and functions of the Force; rules on use of force in the performance of those duties; and disciplinary punishments for the arbitrary use of force;
- **Federal Act No. 8 of 1980, concerning the regulation of labour relations:** This Act sets out a number of principles safeguarding workers' rights, such as: equality of employment and career opportunities; wages protection; working hours and leave; workers' safety; workers' health and social care; compensation for occupational injuries and disease; and the settlement of individual and collective labour disputes. With regard to the right to work or to continuing work, the Act makes no distinction among individuals on grounds of race, sex, social status or belief. Everyone is therefore equal before the law. The State is pursuing its efforts to improve these laws with a view to assisting the international organizations concerned. The Ministry of Labour is currently discussing a programme of action, in cooperation with the International Labour Organization, for conducting a comprehensive review of the State's labour regulations and procedures;
- **Federal Act No. 51 of 2006, concerning the prevention of human trafficking, as amended by Act No. 1 of 2015:** The Emirates is one of the first States in the region to have promulgated legislation on this topic, thereby demonstrating the determination of the Emirates legislature to combat human trafficking offences and other forms of exploitation, particularly of women and children. Article 1 of the Act defines human trafficking as "the recruitment, transfer, removal or receiving of persons by means of the threat or use of force or any other form of coercion, abduction, deception, deceit, abuse of authority, exploitation of a situation of vulnerability or the giving or receiving of sums of money or favours in order to obtain the consent of another person, for the purposes of exploitation. Exploitation includes all forms of sexual exploitation; exploitation of the prostitution of others;

bonded labour; forced labour; slavery or practices similar to slavery; servitude; or the removal of human organs”;

- **Federal Personal Status Code (Act No. 28 of 2005):** This Code contains the most up-to-date and flexible norms in matters of personal status. It applies to all citizens of the Emirates, except for non-Muslims whose confessional group or religious community is regulated specifically. It also applies to non-citizens, except for those seeking to adhere to their own laws;
- **Federal Act No. 9 of 1976, concerning juvenile offenders and homeless minors:** In conformity with international standards, Federal Act No. 9 of 1976, concerning juvenile offenders and homeless minors regulates the administration of juvenile criminal justice based on the need for minors to be afforded fair and humane treatment during prosecution, investigation and trial proceedings, which essentially rely on non-custodial measures. The Act provides that a juvenile is a person under 18 years of age and that no juvenile may be sentenced to death or imprisonment or ordered to pay financial penalties. The provisions on reoffending, moreover, do not apply to juveniles. In 2003, special public prosecution offices and departments were established to deal with juvenile cases;
- **Federal Act No. 15 of 1980, concerning printed matter and publishing:** This Act regulates and guarantees freedom of the press. It imposes restrictions on the ministerial exercise of administrative powers, ensuring that no minister can misuse those powers to remove the right to freedom of expression guaranteed by the Constitution. The Act also recognizes the right of the press to publish whatever material it deems fit;
- **Federal Act No. 15 of 1993, concerning the regulation of human organ transplantation:** This Act regulates surgical procedures for the removal of human organs from a living or deceased person and their transplantation to another person, as well as the circumstances, conditions and restrictions pertaining to human organ donation. Its key provisions are set out in article 7, which prohibits the sale and purchase of human organs by whatever means or the receiving of any material reward in exchange for human organs. Article 10 prescribes penalties as a deterrent to infringement of the provisions in the Act, namely imprisonment and a fine of up to Dh 30,000 or imprisonment for a term of up to 3 years;
- **Federal Act No. 2 of 2008, concerning public interest associations and foundations:** As part of the regulation of non-governmental organizations (NGOs) and public interest foundations, this Act prescribes the rules on the establishment and management of such foundations, the functions of their general assemblies, the conditions of membership, and the duties and rights of members. It also requires them to keep records and books, particularly with regard to income and expenditure accounts, which must be substantiated by documentary evidence;
- **Federal Act No. 2 of 2001, concerning social security:** This Act was introduced in order to meet and guarantee the basic needs for living a decent life. It regulates social assistance and the categories of those entitled to receive such assistance, as well as relief provision in the event of a public disaster;
- **Federal Act No. 7 of 1999, concerning pensions and social security:** This Act requires public and private sector employers to participate in the insurance schemes operated by the General Pension and Social Security Authority for citizens working in either sector, who are defined in the Act as “the insured”. The Act thus provides cover to secure a decent life for the insured and their beneficiaries in the event that the insured person’s employment ends for any of the reasons specified therein, in particular death, incapacity, unfitness for work, and retirement;
- **Federal Act No. 24 of 1999, concerning environmental protection and development:** This Act is essentially designed to protect the environment; preserve its diversity and natural balance; combat all forms of environmental pollution; prevent development plans and programmes from causing damage or having an

adverse impact; and protect the community and the health of human beings and other living organisms from activities and actions that are environmentally harmful;

- **Federal Act No. 24 of 1999, concerning the rights of persons with special needs, as amended by Federal Act No. 14 of 2009:** The aim of this Act is to guarantee the rights of persons with special needs and provide them with a full range of services corresponding to their capacities and potential. Under its legislation and socioeconomic development programmes, the State guarantees to this group treatment equal to that accorded to the other members of the community. It also takes appropriate measures to prevent discrimination practised against such persons on the basis of their special needs;
- **Act No. 11 of 2009, concerning martial law:** Pursuant to article 9, paragraph 3, of this Act, detainees, or their legal representatives, are permitted to appeal against actions taken against them under martial law. The ability to file a complaint against a detention order undoubtedly provides an opportunity for the amicable out-of-court settlement of disputes between detainees and the authority responsible for the enforcement of martial law;
- **Federal Act No. 5 of 2012, concerning the prevention of cybercrime, as amended:** This Act sets out penalties for anyone who deliberately and unlawfully intercepts anything communicated via the Internet or who uses the Internet to threaten or blackmail individuals in order to induce them to carry out or refrain from carrying out an act or to incite a male or female to engage in prostitution or lewd conduct, as well as for anyone who sets up a website or disseminates information via the Internet with the intention of trafficking in persons or facilitating such trafficking. The Act also provides for the punishment of anyone who uses the Internet to attack family principles and values or to disseminate images or information, even if genuine, in violation of personal or family privacy;
- **Federal Act No. 3 of 2016, concerning the rights of the child (Wadimah's law):** Under the terms of the Act, the competent authorities and relevant entities work to preserve the rights of the child to life, survival and development and to provide every opportunity for the furtherance of that mission; protect children from all forms of neglect, exploitation and ill-treatment and from all physical and mental violence; ensure that children are raised to uphold their Islamic faith and take pride in their national identity; protect the best interests of the child; raise children's awareness of their rights, obligations and duties in a society where the values of justice prevail; educate children to be virtuous and in particular to respect their parents; disseminate the culture of children's rights as widely as possible; and involve children in all areas of community life as appropriate to their age and level of maturity.

(c) **Regional and international treaty guarantees**

49. Since its establishment, the United Arab Emirates has taken care to incorporate into its Constitution and laws the fundamental human rights principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. It has also endeavoured to accede to and ratify the core international human rights treaties, thus helping to promote the human rights principles to which the international community is committed. It has accordingly acceded to the:

- International Convention on the Elimination of All Forms of Racial Discrimination (1974)
- Convention on the Rights of the Child (1997) and, by Federal Decree No. 8 of 2016, the Optional Protocol thereto on the sale of children, child prostitution and child pornography
- Convention on the Elimination of All Forms of Discrimination against Women (2004)
- Convention against Torture and Other Cruel, Degrading or Inhuman Treatment or Punishment (2012)

- Convention against Transnational Organized Crime (2007)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2009)
- Convention against Corruption (2006)
- Geneva Conventions on international humanitarian law

50. The State is furthermore a signatory to the Rome Statute of the International Criminal Court and has acceded to the Convention on the Rights of Persons with Disabilities and its Optional Protocol. It has also ratified nine International Labour Organization conventions relating to hours of work, forced labour, labour inspection, women's night work, equal remuneration, minimum age for admission to employment, and the worst forms of child labour.

51. The State is currently considering accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

## **2. Institutional framework for the promotion and protection of human rights**

### **(a) Government agencies and official bodies concerned with human rights**

#### **Ministry of Foreign Affairs and International Cooperation**

##### *Human Rights Department*

52. The Human Rights Department was set up within the Ministry of Foreign Affairs and International Cooperation in 2010 to ensure the capacity of the Emirates to meet its obligations vis-à-vis the human rights mechanisms and to strengthen bilateral and international cooperation with a view to the promotion and protection of human rights in general. In mid-2016, the Ministry and the Human Rights Department were restructured so as to increase their specialization in human rights with the aim of further enhancing the capacity of the State to fulfil its international and regional commitments on human rights issues and promote human rights at the domestic level.

#### **Ministry of the Interior**

53. The Ministry of the Interior has created within its organizational structure a number of units tasked with safeguarding and promoting respect for human rights, protecting victims from abuse, preventing official misconduct and abuse of authority, and receiving complaints and suggestions. These units include the:

##### *1. Human Rights Department*

54. The Human Rights Department was established in 2008 with the aim of making an effective contribution to the protection of human rights. Its job is to ensure that the Ministry engages in best practices and also follows up on matters relating to protection of the rights of individuals in the community, as required by the Constitution and laws of the United Arab Emirates and by the relevant international conventions.

##### *2. General Administration for Community Protection and Crime Prevention*

55. This General Administration was established by the Minister of the Interior's Decision No. 149 of 2015 to perform the task of participating in strategy and policy development and set up crime prevention boards and committees. It has several organizational subunits, including the:

- Federal Community Policing Department
- Federal Social Support Department
- Crime Prevention Centre of the Ministry of the Interior
- Federal Welfare and Police Follow-up Department

- Child Protection Centre of the Ministry of the Interior
- Department for the Rehabilitation and Employment of Persons with Disabilities of the Ministry of the Interior
- Juvenile Welfare and Protection Department

3. *Office to Promote a Culture of Respect for the Law*

56. The function of this Office is to raise awareness among all members and groups within the community concerning the country's laws; provide them with information on those laws in all of the languages spoken in the country; promote a culture of respect for law and public order in line with a strategy based on awareness-raising and on respect for and familiarity with the law; monitor implementation of, and update, the strategy; and set up legal councils on human rights.

4. *Social support centres in the general police commands*

57. These centres deal with domestic violence cases concerning which the filing of an official complaint is deemed unnecessary; incidents of violence in schools; cases of children missing from the family home that have not been reported to the police; minor juvenile offending that does not amount to a serious crime; and minor disputes and quarrels between neighbours concerning which there is no need for an official complaint. The social support centres are among the outcomes of directives issued by His late Highness Sheikh Zayed bin Sultan Al Nahyan, founder of the United Arab Emirates and the architect of its renaissance, by the grace of God Almighty, and of the punctual follow-up by His Highness Sheikh Saif bin Zayed Al Nahyan, Deputy Prime Minister and Minister of the Interior. In that context, measures were taken to strengthen social support with the help of the police and to open up further channels of communication with the public. These were in keeping with the rapid changes under way in Emirati society and had also been indicated by a number of international organizations and committees.

58. There are few cases of severe domestic violence in the Emirates, in the light of which the Social Support Centres Department has been instrumental in providing services for victims of domestic violence. It uses methods to promote family cohesion and stability and takes into consideration the safety of victims, who are one of the main groups at which its services are targeted. A brief description of those services, which are delivered in cooperation with domestic and external partners of the social support centres, follows below.

**Shelter Centre**

59. This Centre provides temporary accommodation for women victims of domestic violence and their children. The services are not limited to safe accommodation alone; the women also receive expert psychological support while staying at the Centre.

**Psychosocial support**

60. Victims of domestic violence receive all kinds of psychosocial support from trained experts during police and public prosecution investigations and also during court proceedings. These expert men and women not only help victims awaiting the outcome of the investigation and trial of their cases to regain their self-confidence but also guide them towards whatever path in life is natural and right for each of them.

**Counselling**

61. The Social Support Centres Department has access to psychologists who are highly experienced in providing advice and counselling to victims of domestic violence and their children who may have been psychologically traumatized.

**Amicable resolution of cases**

62. If a victim does not wish to pursue criminal and judicial proceedings further, the Social Support Centres Department seeks to identify the main causes of the problem with a

view to reaching an amicable solution acceptable to all parties in the case. Appropriate follow-up and aftercare are subsequently provided by specialists so as to maintain the status quo.

### **Confidentiality and privacy**

63. The Social Support Centres Department provides its services in strict confidence and in a manner that endangers neither the life nor safety of victims.

### **Community awareness, advice and guidance**

64. Advisory and counselling services are a key part of the services provided by social support centres in domestic violence cases, as they raise awareness of the need to report incidents of domestic violence or seek assistance. In addition to offering expert legal advice in cases as required, the centres also organize special awareness and guidance programmes and events for victims and coordinate with the following partners:

- (i) The Client Affairs Department of the General Secretariat of the Office of His Highness the Minister
- (ii) The dispute settlement sections of the Citizenship, Residence and Ports Division
- (iii) The Office of the Inspector-General at the Ministry of the Interior
- (iv) The Police Judicial Council
- (v) The Victims' Affairs Office at the Abu Dhabi General Police Command
- (vi) The Complaints and Suggestions Office of the General Department for Strategy and Performance Development
- (vii) Organizational units in the general police commands for combating human trafficking offences
- (viii) General command police stations
- (ix) Organizational units dealing with specific groups, such as the tourist police

### **Human rights committees at the Ministry of the Interior**

#### *Human Rights Committee*

65. This Committee was established by the Minister of the Interior's Decision No. 157 of 2013 with the aim of creating a system built on equality, the rule of law and justice for all members of society, in accordance with the country's well-established domestic laws and in conformity with international treaties. It works to promote the protection of human rights, standardize the human rights mechanisms employed in all administrative units, and contribute to the preparation and organization of activities for disseminating a human rights culture among the personnel of the Ministry of the Interior.

66. On the basis of the Minister of the Interior's Decision No. 96 of 2012, committees were formed to carry out regular periodic inspections of the country's penal and correctional institutions. The work of the seven committees set up pursuant to this administrative decision is conducted in accordance with a procedural manual issued in 2011 on regular (periodic) formal inspections in those institutions. Matters appraised during such inspections relate to, among others, the legal rights of inmates, their right to physical and moral integrity, and their right not to be subjected to use of force, beating or torture, which are prohibited. A member of the General Secretariat's Human Rights Department represents the Office of His Highness the Minister of the Interior on these committees.

**Ministry of Human Resources and Emiratisation (formerly the Ministry of Labour)***Labour welfare units*

67. These units are one of the most recent initiatives of the Ministry of Human Resources and Emiratisation. Their aim is to provide care and protection for workers and increase their awareness concerning their rights. A mobile labour welfare unit has also been established in order to reach all groups of workers whom it is difficult to access.

*Occupational Health and Safety Department*

68. The Ministry of Human Resources and Emiratisation created the Occupational Health and Safety Department as part of the Labour Inspection Division to oversee and further all matters relating to occupational health and safety standards and conditions, as well as to work injury prevention.

**Ministry of Community Development (formerly the Ministry of Social Affairs)***Committee on the Employment of Persons with Disabilities*

69. Pursuant to Cabinet Decision No. 9/6w/130 of 2012, the Ministry of Community Development formed this Committee in order to develop policies and procedures for the employment of persons with special needs, particularly in the private sector, and for equipping them to set up rewarding and economically viable projects.

*Dubai Community Development Authority*

70. This Authority was established under the Local Act No. 12 of 2008. Its organizational structure includes a human rights division that is engaged in providing assistance and advice, raising public awareness of human rights, and following up human rights cases with the competent entities.

**Dubai General Police Command***General Department for Human Rights of the Dubai General Police Command*

71. Established on 30 September 1995 and concerned with the protection of human rights, this Department receives and handles complaints from the public about abuses of human rights and personal freedoms, looks after the affairs of persons held in correctional and penal facilities, assists their families, and works to disseminate a human rights culture among all segments of society.

*Human Trafficking Monitoring Centre*

72. This Centre performs its monitoring role by cataloguing and analysing human trafficking offences in cooperation with interested international organizations and bodies. In addition to training personnel of the relevant authorities in how to deal with this type of offence and cater to victims, it responds to global reports and is involved in developing ways of addressing human trafficking.

**(b) National mechanisms for the promotion and protection of human rights***Standing Committee on Follow-up of the Universal Periodic Review of Human Rights*

73. This Committee was established on 21 March 2010 to oversee fulfilment of the State's commitments to the Human Rights Council of the United Nations following the Council's adoption of the outcome of the universal periodic review of the United Arab Emirates on 19 March 2009. Its functions are, inter alia, to follow up the State's universal periodic review report and all human rights matters relating thereto; oversee the development of the national plan concerning voluntary pledges and the recommendations of the Human Rights Council; follow up the implementation of the plan; prepare the reports required by the Council on the State's human rights obligations; cooperate with federal and local authorities on a plan for raising awareness of human rights issues, in response to the

recommendations of the universal periodic review; and cooperate with government entities in order to obtain the information and data required in accordance with its terms of reference. The Committee's membership is drawn from various federal government entities, such as the Ministry of Foreign Affairs and International Cooperation, the Ministry of Presidential Affairs, the Ministry of Human Resources and Emiratisation, the Ministry of the Interior, the Ministry of Justice, the Ministry of Education, the Ministry of Social Development, the Ministry of Health and Prevention, the Ministry of State for Federal National Council Affairs, the Secretariat of the Federal National Council, the National Media Council, the Supreme Council for Mothers and Children, the Red Crescent Society and the General Women's Union. It also includes members drawn from several domestic agencies, such as the Dubai Police General Command and the Dubai Community Development Authority, as well as from some of the country's civil society organizations, such as the Emirates Human Rights Association, the Dubai Foundation for Women and Children, and women's and children's shelters.

*Human Rights Committee of the Federal National Council*

74. The Committee is responsible for examining and discussing bills and general topics falling within its remit and referred to it by the Council or by the President in cases of urgency; considering human rights matters referred to it by the Council; reviewing international, bilateral and regional human rights treaties, which the Council is required to discuss in accordance with article 91 of the Constitution; expressing an opinion to the competent committees as to whether the bills presented to the Council are consistent with the human rights enshrined in the Constitution and with the obligations of the State under international conventions.

*General Women 's Union*

75. The Women's Support Office attached to the General Women's Union is responsible for identifying and analysing women's problems and needs, receiving complaints and taking steps to resolve them, mounting awareness campaigns to educate women about laws so that they know their rights, and providing legal and psychological support. They also provide care services.

*National Committee to Combat Human Trafficking*

76. Established under Federal Act No. 51 of 2006, the Committee is mandated to coordinate the State's efforts in the field of combating human trafficking and update the legislation on matters relating to human trafficking in order to achieve the necessary protection. It includes representatives of federal and local government bodies and civil society organizations involved in combating human trafficking.

*Shelters for victims of human trafficking*

77. These shelters were set up in 2008 under the umbrella of the Red Crescent Society of the United Arab Emirates to provide protection for victims of human trafficking, take care of their mental and physical health, and offer legal assistance. Their activities have expanded following the opening of new shelters in Sharjah and Ras al-Khaimah.

**(c) Public interest associations and foundations concerned with human rights**

*Emirates Human Rights Association*

78. This Association was established pursuant to Federal Act No. 6 of 1976, concerning public interest associations, as amended by Act No. 20 of 1981, with the aim of raising awareness of and explaining the rights and obligations of individuals towards the community. It operates within the framework of the law and in cooperation with government organs to instil the principles of respect for the rights of the individual, curb human rights abuses, preserve equality, and prevent discrimination on the basis of origin, religious or intellectual beliefs, colour, sex or race. The Association also works to help bring conditions for detainees and prisoners into line with international standards and

human rights principles, and to assist the vulnerable, disaster victims and persons with special needs.

*Emirates Association for Lawyers and Jurists*

79. The Association was founded on 25 September 1980 with the aim of promoting human rights, affirming freedoms and the rule of law, enhancing the professional, cultural and social status of jurists, and cooperating with Arab and international jurist associations in connection with the Association's objectives.

*Association of Journalists*

80. The Association of Journalists was founded on 30 September 2000 with the aim of promoting the Emirates press as a medium of expression of the Emirates and a defender of the rights and interests of journalists so as to enable them to carry out their mission. Its further aims are to uphold the principle of freedom of the press, advance the profession and safeguard the rights of all members in the event of arbitrary dismissal, illness or incapacity through recourse to the competent authorities, and cooperate with public and private stakeholders in order to develop the media profession and journalistic work.

81. The Association was a founding member of the International Press Emblem Campaign in Geneva, Switzerland, and was selected as the regional headquarters for the States of the Gulf, the Middle East and North Africa. It joined the International Union of Journalists in 2004.

**3. Strategic framework for the promotion and protection of human rights**

82. The United Arab Emirates has developed a coherent system of national policies and strategies that promote and guarantee the enjoyment of human rights and fundamental freedoms. The components of the system are set out below.

**(a) Strategy of the Ministry of the Interior 2014–2016**

83. The Strategy of the Ministry of the Interior affirmed the vision of achieving a ranking for the United Arab Emirates as one of the safest and most secure countries in the world. The mission is to ensure that the Ministry of Interior works efficiently and effectively towards enhancing the quality of life for the Emirates community by serving its needs in the areas of security, traffic, reform and residency, as well as by guaranteeing the safety of life and property. The Strategic Plan is designed to promote safety and security, improve road safety, achieve the highest levels of civil safety, ensure disaster and crisis preparedness, build public confidence in the effectiveness of the services offered, make optimal use of security information, and ensure that the delivery of services conforms with quality, efficiency and transparency standards. Through this Plan, the Ministry is doing its utmost to protect members of the community and to combat torture in all its forms through a series of initiatives and strategies that have been adopted and implemented. These include:

- An initiative to disseminate a human rights culture
- A victim and witness protection programme
- The provision and development of segregation centres in penal institutions
- Use of best domestic practices in the provision of services for inmates
- An initiative for training a national body of personnel specialized in human rights
- Preparation of a reference model for combating human trafficking offences
- Establishment of a training academy for personnel employed in penal institutions
- Development of an operational framework for the secure transfer of inmates in penal and correctional facilities
- Preparation of a lecture programme on breaches of the code of conduct for personnel of the Ministry of the Interior

- Preparation of a guide to criminal procedures so as to improve the performance of all personnel and enhance police efficiency

84. The Ministry of the Interior is also engaged in drafting a number of strategic policies and practices to combat torture and other cruel, inhuman or degrading treatment. These include:

- A stop policy
- An arrest policy
- A search policy
- A detention policy
- A prisoner transfer policy
- A juvenile offender policy
- A prisoner release policy
- A support policy for victims of criminal offences
- An adult domestic violence reporting policy
- A policy for the protection of children from abuse and neglect
- A child abuse investigation policy
- A policy for the investigation of offences during the evidence-gathering phase

**(b) Strategy for the Protection of Worker’s Rights<sup>2</sup>**

85. The Ministry of Human Resources and Emiratisation has developed a strategy and action plan for providing and guaranteeing the rights of the country’s migrant workers and improving their working and living conditions.

**(c) Strategic Plan of the National Committee to Combat Human Trafficking<sup>3</sup>**

86. This Plan is based on four pillars: developing legislation and laws to combat human trafficking; empowering the concerned authorities to take deterrent and preventive action; protecting and supporting victims of human trafficking; and pursuing bilateral agreements and international cooperation in the area of human trafficking.

**(d) National Strategy for Mothers and Children<sup>4</sup>**

87. The Strategy lays down principles for creating an environment appropriate for all children and adolescents, guaranteeing their right to survival, development, good health, and education, building their capacities, engaging them effectively in issues affecting them, and protecting them from violence, abuse and exploitation. It is a primary reference for those who make decisions about children in the United Arab Emirates.

**(e) National Strategy for the Advancement of Women**

88. Taking into account the obligations of the Emirates under international treaties relating to women and the Beijing Declaration and Platform for Action of 1995, this Strategy arose out of the need for a national plan serving as a road map for women’s empowerment in eight key areas: education, health, the economy, legislation, environment, the social sphere, political participation, and decision-making.

<sup>2</sup> For further information, please visit the website of the Ministry of Human Resources and Emiratisation at <http://www.mol.gov.ae>.

<sup>3</sup> For more on the Strategy, see the annex to the 2011/12 report of the National Committee to Combat Human Trafficking.

<sup>4</sup> The National Strategy for Mothers and Children affirms the commitment of the United Arab Emirates to international human rights conventions, in particular the Convention on the Rights of the Child, and covers four key areas relating to children’s rights, namely: survival, development, protection and participation.

**(f) National Strategy for Older Persons**

89. The Ministry of Community Development is developing a national plan for older persons and encourages the private sector to invest in providing social and medical services for those persons, develop programmes and facilities for their benefit, and gain from their experience.

**4. Incorporation of human rights instruments into the domestic legal order**

90. The United Arab Emirates ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2012. It diligently complies with the treaties that it ratifies through developing appropriate strategies for applying and periodically reviewing its domestic laws to ensure consistency with its international treaty obligations, in accordance with article 125 of the Constitution, which provides that: “The Governments of the Emirates shall take the measures required for the implementation of laws enacted by the Federation and of international treaties and agreements into which it has entered, including the promulgation of the domestic laws, regulations, decisions and orders needed for such implementation. The federal authorities may oversee the implementation of laws, decisions, international treaties and federal court judgements by the Governments of the Emirates. The competent administrative and judicial authorities in the Emirates shall extend every possible assistance to the authorities of the Federation in this regard.”

91. Article 46 of the Constitution provides that: “The Supreme Council of the Federation is the supreme federal authority and comprises the rulers of all the Emirates that make up the Federation or, in the event of their absence or inability to attend, their representatives in the respective Emirate. Each Emirate has one vote in Council proceedings.”

92. Article 47 of the Constitution, concerning the functions of the Supreme Council, contains a paragraph stating that the Council ratifies international treaties and conventions by decree.

93. Article 60 of the Emirates Constitution, concerning the functions of the Cabinet, states that one of the Cabinet’s functions is to “oversee the enforcement of federal court judgements and international treaties entered into by the Federation.”

94. Article 91 of the Constitution further provides that the Government is responsible for notifying the Federal National Council of international treaties and conventions into which it enters with other States and international organizations and for providing it with relevant background information. The international treaties and agreements to be considered by the Federal National Council prior to their ratification are determined by a presidential decree.

95. It is clear from the above constitutional provisions that, following its ratification by a federal decree, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has had force of law and domestic law status since the publication of the decree in the Official Gazette, as decrees on the accession to or ratification of a treaty provide that the treaty concerned enters into force from the date of publication in the Official Gazette. The treaty thus becomes a domestic law and the implementation of its provisions is overseen by the Cabinet and the relevant minister. The human rights principles set out in the treaty enjoy twofold protection, as they are duplicated in State law and enshrined in the Constitution. Consequently, no provisions that conflict with those in the treaty may be enacted.

96. In 2009, the Emirates legislature amended the Constitution so as alter the role played by the Federal National Council in the ratification of international treaties and agreements. Until then, the Government would notify the Council of any such treaties and agreements that had been ratified, as well as provide relevant information, and there was no requirement on the Council to approve or express an opinion on the treaty concerned. Following that amendment of the Constitution (art. 91) in 2009, the Supreme Council of the Federation is not empowered to ratify a treaty until after the treaty has been considered by the Federal National Council.

97. Article 125 of the Constitution provides that the Governments of the Emirates must take the measures required for the implementation of laws enacted by the Federation and of international treaties and agreements into which it has entered, including the promulgation of the domestic laws, regulations, decisions and orders needed for such implementation. It also provides that that federal authorities may oversee the implementation of laws, decisions, international treaties and federal court judgements by the Governments of the Emirates and that the competent administrative and judicial authorities in the Emirates must extend every possible assistance to the authorities of the Federation in that regard.

## **5. Remedies: The right of complaint**

98. The judiciary forms the basis of social justice in the community. Hence, under the Constitution and the law, all persons present in the State have a guaranteed and non-discriminatory right to file complaints and seek legal redress. All parties to a complaint are protected against physical or mental abuse. Any person may apply to the judicial or police authorities, at any time and without hindrance, and other non-traditional mechanisms have also been established to address grievances and complaints. Court judgements are subject to appeal and the right to legal counsel is guaranteed at all levels of judicial proceedings and before boards of enquiry and investigating authorities. Legal aid is also provided in cases of need.

### **(a) The right to file a complaint and communicate with public authorities**

99. The protection of rights and freedoms is guaranteed under the Constitution, which provides in article 41 that: “Any person may submit a complaint to the competent authorities, including judicial bodies, concerning violations of the rights and freedoms set out in the present chapter”.

100. The rulers and senior officials of the Emirates continue the tradition of holding open councils, which provide a forum for citizens and others to discuss public affairs. With frequent regularity, the rulers visit citizens in their own areas and even their homes to see their situation. This is an established and effective practice in the Emirates and represents the traditional channel working actively in parallel with modern channels of representation and participation.

### **(b) Complaint and reporting mechanisms of the Ministry of the Interior**

101. The Ministry of the Interior has seen to it that complaints and reports are received through the organizational units of its central departments and police commands (referred to in the part of the present report on the institutional framework for the promotion and protection of human rights). It has also created committees tasked with inspecting the country’s penal and correctional facilities, juvenile care institutions and police detention centres, scrutinizing legal procedures, checking up on the physical and moral integrity of detainees, and ascertaining that no detainee is subjected to cruelty and torture. Every penal and correctional institution has a prisoners’ complaint box, in addition to which the following freephone numbers, hotlines and online facilities have been set up to receive complaints and reports:

- Freephone number 999 through which complaints, reports and calls for help can be made from anywhere in the country and are followed up by the local police commands (within their areas of jurisdiction);
- Freephone number 600525555 for submitting complaints and suggestions to the Abu Dhabi police command;
- Security switchboard 8002626 – 5086888 for submitting complaints and suggestions to the Abu Dhabi general police command, and SMS text messaging number 2828;
- Freephone number 800404040 for making general complaints to the Dubai general police command;
- Security service number 8004888 for making complaints and suggestions to the Dubai general police command;

- Freephone number 80080 for reporting to the citizenship, residence and ports authorities any violation or infringement of the rights of sponsored workers;
- Hotline 8005354 for submitting complaints of domestic violence to social support centres;
- Workers' hotline 8005005, which is part of a programme for monitoring and dealing with abuses against workers;
- Emergency SMS text message service 5999 through which persons with special needs can communicate with the Abu Dhabi police command;
- Child helpline 800700 for reporting incidents of child abuse;
- The website of the Ministry of the Interior and its organizational units (<http://www.moi.gov.ae>), which offers a direct means of communication through which members of the public can submit complaints, reports and suggestions in both Arabic and English;
- Smart applications used to communicate with the public and learn of their complaints and suggestions.

102. Through these mechanisms, individuals are able to contact the authorities competent to deal with their case.

## **Part II**

### **Information in relation to each substantive article of the Convention**

#### **The articles of the Convention and their implementation in the State**

##### **Article 1**

###### **Comment**

103. Federal Decree No. 73 of 2012 on the accession of the United Arab Emirates to the Convention against Torture and Other Cruel, Degrading or Inhuman Treatment or Punishment of 1984 states in article 1 as follows:

###### **Article 1 (Declaration)**

104. The United Arab Emirates affirms that neither the lawful sanctions applicable under national law nor pain or suffering arising from, inherent in or incidental to those sanctions fall within the concept of torture set out in article 1 of the Convention or within the concept of cruel, inhuman or degrading treatment or punishment articulated in the Convention.

105. The Constitution and laws of the United Arab Emirates prohibit torture in all its forms, in conformity with the provisions of the Convention.

106. Article 26 of the Constitution of the United Arab Emirates provides that: "Personal liberty shall be guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except as provided by law. No one shall be subjected to torture or indignity."

107. The term "indignity" is generally construed to include all forms of torture as defined in the Convention.

108. Article 28 of the Constitution provides that: "Punishment is personal and accused persons are innocent until proven guilty in a fair and legal trial. Accused persons are entitled to engage competent counsel to defend them at trial. The law shall specify the conditions under which counsel for the accused must be present. The infliction of physical or mental harm on an accused person is prohibited."

109. Article 242 of the Penal Code provides that: "Any public official who uses torture, force or threats against an accused person, a witness or an expert, either directly or through

an intermediary, for the purpose of obtaining a confession to an offence, or coercing the person into making a statement or providing information about an offence or concealing facts shall be sentenced to a fixed term of imprisonment.”

110. Article 243 of the Penal Code provides that: “Any public official who, with respect to a convicted person, imposes or orders the imposition of a penalty that is more severe than that imposed by law or different to the penalty to which the person was sentenced shall be sentenced to imprisonment for a term of up to 5 years.”

111. Article 245 of the Penal Code provides that: “All public officials or persons entrusted with a public service who use the authority of their office to subject others to cruel treatment, offend their decency or cause them bodily harm shall be sentenced to imprisonment for a minimum term of 1 year and/or to a minimum fine of Dh 10,000.”

112. Article 259 of the Code provides that: “Without prejudice to the provisions of article 242, anyone who uses torture, force or threats, or who offers or promises a gift or advantage of any kind in order to induce a person to conceal facts or make a false statement or provide incorrect information to any judicial authority shall be liable to a term of imprisonment or a fine.”

113. Article 344 of the Code provides that: “Anyone who, by any means, unlawfully abducts, arrests, confines or deprives another person of liberty, either directly or through an intermediary, shall be sentenced to imprisonment. The penalty shall be life imprisonment in the following cases:

1. If the act is carried out by impersonating a public official, by claiming to be performing or entrusted with a public service, or by providing false information;
2. If the act is committed by deceit or accompanied by use of force, threat of killing or grievous harm or acts of physical or mental torture;
3. If the act is carried out by two or more persons or by a person bearing arms;
4. If the abduction, arrest, confinement or deprivation of liberty lasts for more than one month;
5. If the victim is female, a minor or mentally incapacitated;
6. If the purpose of the act is profit or revenge, or to rape, violate the honour of or cause harm to the victim, or to induce the victim to commit an offence;
7. If the act is carried out against a public official during the course of performing his or her duties or by reason thereof.”

114. If the act leads to the death of the victim, the penalty is death or life imprisonment. Any intermediary involved in the offences referred to in the same article receives the same penalty as the principal offender, as does anyone who knowingly conceals a person who has been abducted.

115. The above articles clearly demonstrate that all forms of torture are prohibited under Emirates law and that the Emirati Constitution makes specific provision for combating torture and inhuman or degrading practices as defined in the Convention.

## **Article 2**

### **Comment**

#### **Article 2, paragraph 1**

116. Article 47 of the Code of Criminal Procedure provides that: “A law enforcement official shall take statements from accused persons immediately upon their arrest or apprehension and arraignment. Accused persons who provide no proof of their innocence shall be presented within 48 hours to the competent public prosecution office.”

117. The public prosecution office must question accused persons within 24 hours and then order their remand in custody or release.

118. Article 100 of the Code of Criminal Procedure provides that: “The lawyer for the accused shall be authorized to be present during questioning and to have access to the investigation files unless the prosecutor decides otherwise in the interest of the investigation.”

119. Article 110 of the Code of Criminal Procedure provides that: “A detention order may be issued by the public prosecution office, after questioning of the accused, for a period of 7 days, renewable for a period of up to 14 days.”

120. If it is in the interest of the investigation for the accused to remain in custody following the expiration of the periods mentioned in the above paragraph, the public prosecution office must submit the files to a judge of the competent criminal court who, after examining those files and hearing the statements of the accused, may order an extension of the custody for a renewable period of up to 30 days or the release of the accused, with or without bail.

121. If the order to extend the custody period is issued in absentia, accused persons may file a complaint with the president of the court within three days from the date when they were notified or learned of the order.

122. Article 18 of the Act regulating penal facilities provides that: “The lawyer for an accused person held in pretrial detention has the right to meet in private with the accused in the facility, while non-nationals held in pretrial detention have the right to contact their consulates or the authorities looking after their interests.”

123. In both cases, written permission must be obtained from the competent public prosecution office. Meetings take place within the sight but outside the hearing of an official of the facility.

124. Article 9 of the Act regulating penal facilities provides that: “All prisoners shall have the right at any time to make a written or verbal complaint to the governor of the facility and request that it be reported to the competent public prosecution office. The governor shall accept the complaint and report it immediately to the public prosecution office after entering it in the complaints register. He shall provide the public prosecution office with any information that it requests.”

125. Article 10 of the Act regulating penal facilities provides that: “Competent prosecutors shall have the right to enter penal facilities at any time to ascertain that the laws and regulations are being implemented and that no prisoner is being held unlawfully. They may examine records and files to verify their conformity with the laws, regulations and rules.”

126. All prisoners are entitled to an interview with a prosecutor who is visiting a facility in order to present their complaints. The prosecutor must examine the complaint, take any necessary action and notify the public prosecution office accordingly.

127. Article 29 of the Act regulating penal facilities provides that: “Every facility shall assign one or more physicians, one of them resident, to look after the health of prisoners as prescribed in the implementing regulations. The physician shall examine all prisoners on their entry to the facility, make a record of their physical and mental condition in the general register for each category of prisoner, and specify the activities that they are physically capable of performing. In the case of women-only facilities, the physicians must be female unless there is a requirement for the facility to have one or more male physicians.”

128. The director of the department must establish the facts concerning any complaints made and take appropriate action.

129. The director of the competent department may designate inspectors to visit facilities and ascertain that all laws, regulations and rules are being implemented and that standards of cleanliness, hygiene and security are met. As far as possible, women inspectors should be designated to visit women-only facilities. Inspectors report on the outcome of their inspections to the director of the competent department.

130. It is clear from the provisions of the above articles that effective measures are in place for preventing acts of torture, particularly during the questioning, arrest and detention phases, and that every safeguard is taken to ensure that no torture is practised.

131. No legal provision is made for including torture among the acts for which permissible grounds are listed in articles 53 to 58 of the Federal Penal Code, even if it is ordered by a senior official or a public authority.

132. Article 86 of the Minister of the Interior's Decision No. 471 of 1995, concerning the regulation of correctional and penal facilities, provides that:

“1. The use of cruelty, beating, torture or other means of physically assaulting prisoners is prohibited, as is mental duress of any kind. No disciplinary punishments other than those prescribed by law may be imposed on prisoners;

2. A notice listing in Arabic, English and Urdu the duties, prohibitions and sanctions set out in the tables annexed to the present regulation shall be displayed in each wing of the penal facility in a place where it can be read by all prisoners.”

### **Article 2, paragraph 2**

3. With regard to article 2, paragraph 2, of the Convention, which states that no one may be subjected to torture, even in situations of emergency, detainees or their legal representatives are permitted under article 9, paragraph 3, of Act No. 11 of 2009, concerning martial law, to contest action taken against them under martial law, the provisions of which apply only in exceptional circumstances.

### **Article 2, paragraph 3**

4. With regard to article 2, paragraph 3, of the Convention, which states that an order from a superior officer may not be invoked as a justification for torture, the interest of the Emirati legislature in the matter is evidenced in Ministerial Decision No. 109 of 1989, concerning breaches of conduct and punishments imposed for such breaches. Under article 21 of the Decision, anyone who defies or is reluctant to carry out a legitimate order is punished. The main prerequisite for the imposition of punishment, however, is the legitimacy of the order given to the subordinate. No public servant who defies or is reluctant to carry out an illegitimate order issued by a superior authority is punished for breach of conduct.

## **Article 3**

### **Comment**

133. Article 9, paragraph 10, of the Federal Act concerning international judicial cooperation in criminal matters provides that:

“Extradition shall not be permitted in the following cases: 10. If the requested person has been, or may be, subjected in the requesting State to torture or cruel, inhuman or degrading treatment or punishment disproportionate to the offence, or if the minimum safeguards prescribed in the Code of Criminal Procedure are unavailable to the person.”

134. It is therefore prohibited under Emirati legislation to extradite any person to another State if to do so would place that person in danger of being subjected to torture or cruel, inhuman or degrading treatment or punishment disproportionate to the offence.

135. The provisions below are set out in article 18 of the Federal Act concerning international judicial cooperation in criminal matters.

136. The Attorney General must transmit the extradition request to the competent court within 15 days from the date when it was considered, accompanied by a written memorandum to be deposited with the clerk's office at that court together with all the documents supporting the request.

137. The public prosecution office must instruct the requested person to attend the extradition hearing.

138. The provisions below are set out in article 19 of the Federal Act concerning international judicial cooperation in criminal matters.

139. The competent court considers extradition requests in closed session in the presence of the public prosecution, the requested person and any lawyer acting for that person. It gives a decision on the request after hearing the public prosecution and the defence.

140. If requested persons consent in court to the extradition, the court must determine that they are legally competent and aware of the consequences of consenting to the extradition. The consent must be express and given in writing. The files are then returned to the Attorney General for the implementation of article 13 of the Act.

141. Article 20 of the Federal Act concerning international judicial cooperation in criminal matters provides that: "The competent court shall give its decision concerning the possibility of extradition in accordance with the law. Its decision shall be reasoned."

142. Article 21 of the Federal Act concerning international judicial cooperation in criminal matters provides that: "A decision not to extradite shall result in the immediate release of the requested person unless otherwise stipulated in the decision."

143. Article 22 of the Federal Act concerning international judicial cooperation in criminal matters provides that: "The Attorney General and the requested person may each appeal the decision of the competent court to the competent court of appeal. The time limit for the appeal shall be 30 days from the date of the court decision, if it was handed down in the presence of the parties, or from the date on which the requested person is notified of it, if it was handed down in absentia."

144. Article 23 of the Federal Act concerning international judicial cooperation in criminal matters provides that: "An appeal against the decision referred to in the preceding article shall be lodged with the clerk's office at the competent court. Upon submission of the appeal, a hearing for its consideration shall be fixed to take place within a maximum of 10 days from the date when it was lodged, which shall be regarded as notification of the hearing, even if the appeal was lodged by the representative of the requested person."

145. The Ministry of the Interior has also organized human rights courses with a view to disseminating a culture of human rights among its personnel. The focus of the courses is to provide information on human rights and related principles and standards. From 2009 to 2014, a total of 601 courses and talks on human rights took place and were attended by 16,025 personnel of the Ministry of the Interior.

146. The main subjects covered by these courses and talks were as follows:

- Human rights in the national legislation
- Principles and nature of human rights
- International human rights treaties
- Human rights of prisoners
- Police officers and human rights
- International refugee law and the principle of international protection

147. The Emirates Institute for Citizenship, Residence and Ports at the Ministry of the Interior provides human rights training for all personnel working in the Citizenship, Residence and Ports Division, enabling them to acquire the professional and behavioural knowledge and skills needed to carry out procedures relating to migrants and to deportation, as well as those needed to combat human trafficking and to identify and locate its victims. From 2010 to 2014, a total of 628 officers, non-commissioned officers and individuals from the Division attended various human rights courses.

## Article 4

### Comment

148. Under article 17 of Federal Decree Law No. 10 of 2009, concerning military punishments, as amended, anyone who intentionally causes grave injury to, or exacerbates the injuries of, prisoners or persons who are wounded or ill and unable to defend themselves is sentenced to a fixed term of imprisonment. Under paragraph 2 of the same article, anyone who is violent or abusive towards prisoners without valid justification is sentenced to imprisonment. The provisions of the article are thus fully compatible with the aim of the Convention in that the military legislation punishes anyone who causes wounding or injury or inflicts violence on a soldier who is sick, injured or in captivity. The criminalization provision referred to is manifestly designed to protect prisoners and ensure that no torture or bodily harm is inflicted on them, despite their status as enemies prepared to take up arms against national forces.

149. This provision of the country's military legislation takes human rights fully into account, without regard for nationality or enemy status, and a punishment is accordingly prescribed for any act that inflicts bodily harm on persons or points to the use of force against them. The text as a whole speaks to the national armed forces, prescribing a punishment for any member of their personnel who inflicts cruelty or any form of torture on an enemy prisoner. This constitutes a significant human rights guarantee fully in line with all international treaties that are against torture and establish guarantees for the treatment of prisoners of war. It is furthermore consistent with the Geneva Conventions concerning the rights of prisoners of war and their treatment as human beings.

150. With regard to the offence of torture in the military legislation, article 37 of Federal Decree Law No. 10 of 2009, concerning military punishments, as amended, states that the provisions of the Penal Code, other criminal laws and the Code of Criminal Procedure apply where no special provision for the offence is made in the Decree Law. Hence, in the military justice system, which has its own prosecution offices and tribunals, the offence of torture is punishable with the same penalties as those provided for civilians in the ordinary justice system under the Federal Penal Code. There is no statute of limitations for the offence in the military justice system, which is fully consistent with the ordinary justice system in that regard as it applies the provisions of the Penal Code and the Code of Criminal Procedure as required under the above-mentioned article. The military legislation makes no provision for the offence of torture or related investigation procedures and nor does it include the general provisions governing the offence in the Penal Code. Military prosecutors and judges are therefore required to apply the relevant provisions of the Penal Code and the Code of Criminal Procedure.

151. Pursuant to the Minister of the Interior's Decision No. 109 of 1989, concerning breaches of conduct and punishments imposed for such breaches, members of the Ministry's personnel are liable to disciplinary sanctions, in accordance with the regulations and laws applicable to the police force, for any punishable breach of conduct. Such members appear before disciplinary boards, which may impose sanctions ranging from a caution, salary deduction or simple imprisonment to demotion or dismissal. The rules governing the use of force are also applied.

## Article 5

### Comment

152. Article 18 of the Federal Penal Code provides that: "Without prejudice to the agreements and treaties to which State is a party, the provisions of this law shall not apply to offences committed on board a foreign ship in any of the State's ports or in its territorial waters, except in the following cases:

- If the effects of the offence extend to the State;
- If the offence by its nature disturbs the peace, offends public morals or disrupts order in its ports or territorial waters;

- If the ship's captain or the consul of its flag State requests assistance from the local authorities;
- If the offender or victim is a national of the State;
- If the ship is carrying materials or items of which the circulation, possession and trade are internationally prohibited.

153. The provisions of the Code do not apply, however, to offences committed on board foreign aircraft in the State's airspace, except if the aircraft lands in one of its airports after the offence is committed, if the offence by its nature disturbs the peace or disrupts public order, if the captain of the aircraft requests assistance from the local authorities, or if the offender or victim is a national of the State.

## Article 6

### Comment

154. Article 106 of the Code of Criminal Procedure provides that: "Subject to the provisions of the Act concerning juvenile offenders and homeless minors, a prosecutor may, after questioning an accused person, remand the person in custody if there is sufficient evidence and the act constitutes a serious offence or a misdemeanour punishable with more than a fine."

- With regard to the custody periods, article 47 of the Code of Criminal Procedure provides that: "A law enforcement official shall take statements from accused persons immediately upon their arrest or apprehension and arraignment. Accused persons who provide no proof of their innocence shall be presented within 48 hours to the competent public prosecution office, which must question them within 24 hours and then order their remand in custody or release."
- Article 110 of the Code of Criminal Procedure provides that: "A detention order may be issued by the public prosecution office, after questioning of the accused, for a period of 7 days, renewable for a further period of up to 14 days. If it is in the interest of the investigation for the accused to remain in custody following the expiration of the periods mentioned in the above paragraph, the public prosecution office must submit the files to a judge of the competent criminal court who, after examining those files and hearing the statements of the accused, may order an extension of the custody for a renewable period of up to 30 days or the release of the accused, with or without bail."

155. If the order to extend the custody period is issued in absentia, accused persons may file a complaint with the president of the court within three days from the date when they were notified or learned of the order.

156. Article 18 of the Act regulating penal facilities provides that: "The lawyer for an accused person held in pretrial detention has the right to meet in private with the accused in the facility, while non-nationals held in pretrial detention have the right to contact their consulates or the authorities looking after their interests."

157. In both cases, written permission must be obtained from the competent public prosecution office. Meetings take place within the sight but outside the hearing of an official of the facility.

158. As to custody and provisional detention periods in the case of persons whose extradition to another State is requested, article 15 of the Federal Act concerning international judicial cooperation in criminal matters provides that: "The Attorney General or his representative may, in cases of urgency and on the basis of an arrest warrant issued by a foreign judicial authority, order the provisional detention of the requested person, pending the extradition request. In this event, the detention of the requested person may not exceed 15 days unless the requesting State provides a valid reason for a delay of the extradition request. In no case may the detention exceed 40 days."

159. The Attorney General may, at his own discretion or at the request of the requested person, order the person's release on personal recognizance or bail.

160. The release of requested persons shall not preclude their re-arrest or further detention once the extradition request is made.

161. Concerning the prompt investigation of incidents of torture, article 47 of the Code of Criminal Procedure provides that: "A law enforcement official shall take statements from accused persons immediately upon their arrest or apprehension and arraignment. Accused persons who provide no proof of their innocence shall be presented within 48 hours to the competent public prosecution office."

162. The public prosecution office must question accused persons within 24 hours and then order their remand in custody or release.

## Article 7

### Comment

163. In the judicial cooperation agreements concluded by the United Arab Emirates with other States, the means of legal and judicial cooperation, including with respect to the extradition of offenders, are organized so that all offences, including torture, are extraditable offences. If extradition is denied, the offender must be prosecuted in accordance with the principle of extradition or prosecution.

164. Article 38 of the Emirati Constitution provides that: "The extradition of citizens and political refugees is prohibited."

165. Article 23 of the Federal Penal Code provides that: "No criminal proceedings shall be instituted against persons who commit an offence in another State except by the Attorney General. Nor may such proceedings be instituted against persons who are proven to have been finally acquitted by a foreign court or to have been convicted and served their sentence, or in respect of whom criminal proceedings or any convictions have been legally dropped or the investigation has been closed by the competent authorities in that State. In determining whether a judgement is final, whether proceedings or convictions have been dropped or whether an investigation has been closed, reference shall be made to the law of the country in which the judgement was issued."

166. The article further provides that: "A term of sentence that has not been fully served must be completed. If an acquittal is given for an offence, as provided in articles 20 and 21, on the ground that the offence is not punishable under that country's law, criminal proceedings may be instituted against the acquitted person in the courts of the State. Courts located in the capital of the Federation shall have jurisdiction to hear the proceedings."

167. The measures taken by the judicial authorities in the United Arab Emirates to protect human rights at all procedural stages, starting with the investigation and prosecution and ending with the judgement, are wholly legitimate under the Constitution, which encompasses all of the rules and safeguards for a fair trial, whether the offender is a national or non-national of the State.

- Pursuant to Ministerial Decision No. 654 of 2005, the Ministry of the Interior issued a police code of conduct and ethics, which was disseminated and promoted to its senior and junior personnel. The code contains 33 rules for ensuring that offenders are well treated, including in particular through:
  - (i) Observing the principles of the use of necessary force, and exercising care and caution;
  - (ii) Using authority prudently and making conscious and impartial decisions;
  - (iii) Dealing with all members of the community, in all circumstances, in accordance with the law, with due respect, and without favouritism or discrimination;
  - (iv) Refraining in all circumstances from inflicting any form of cruel, inhuman or degrading treatment;

- (v) Maintaining the health of convicted persons and persons detained pending investigation or trial, respecting all rights guaranteed to them by law, and having regard for social customs;
  - (vi) Behaving with integrity and avoiding any action that would expose the police profession to abuse or diminish the trust of the community in the police;
  - (vii) Subjecting no member of the community to discrimination on the basis of colour, sex, nationality, religion, belief, language, age or social status;
  - (viii) Obtaining information lawfully, respecting the confidentiality of those providing information, and complying with the obligation to protect them;
  - (ix) Seeking to gain knowledge and enhance security awareness and professional competence by all available means.
- The Ministry of the Interior has also issued a code of conduct for those involved in combating human trafficking. The code contains various rules, including:
    - Rule III: Treat all suspects in accordance with the rules and ethics of the profession and on the basis of the principle of innocent until proven guilty;
    - Rule IV: Refrain in all circumstances from inflicting any form of cruel, inhuman or degrading treatment;
    - Rule VI: Desist from the arbitrary use of power or abuse of authority in carrying out arrest, search and pretrial detention procedures;
  - The Ministry of the Interior has furthermore issued a guide for police on dealing with women, children, older persons and persons with disabilities during the evidence-gathering phase. The guide focuses on the human aspect and the science of taking statements from women and children, whether victims, accused or witnesses, in a manner that preserves their dignity and humanity;
  - Interpretation is also provided for non-Arabic speakers during the evidence-gathering phase and many police stations use electronic translation programmes that help to speed up the process, which the police are bound to complete within a maximum of 48 hours in accordance with the aforementioned Code of Criminal Procedure.

## Articles 8 and 9

### Comment

168. In the Act concerning international judicial cooperation in criminal matters and in the judicial cooperation agreements concluded by the United Arab Emirates with other States, the means of legal and judicial cooperation, including with respect to the extradition of offenders, are organized so that all offences, including torture, are extraditable offences. Extraditable offences are not therefore listed specifically.

169. There are numerous bases for legal and judicial cooperation between the United Arab Emirates and other States without extradition being made conditional on the existence of a treaty or agreement. An extradition request may be received from a requesting State with which no treaty exists, in which case the extradition is subject to the rules set out in federal law concerning international judicial cooperation in criminal matters.

## Article 10

### Comment

170. The Ministry of the Interior has paid great attention to training for its law enforcement personnel, in particular those involved in dealing with persons subjected to any form of detention and inmates of penal and correctional institutions. Information is provided below on the various training programmes, the personnel attending the courses

and the main subjects covered. The Ministry also developed a personnel training plan that is modified annually, in the light of a results-based needs assessment, in order to meet the desired goals. A number of general police commands have also developed their own separate training plans with local or specific areas of focus for all of their federal and local personnel.

171. General human rights training is provided through police colleges, academies and schools offering the following courses:

- Human rights of prisoners
- Police officers and human rights

**Total number of personnel of the Ministry of the Interior attending human rights courses from 2010 to 2014**

<i>Years</i>	<i>Attendees</i>
2010	2 219
2011	2 843
2012	1 943
2013	1 703
2014	1 293
<b>Overall total</b>	<b>10 001</b>

172. Specialized training was also provided through the:

**(a) Social Support Centres Department**

- Several specialized human rights courses were organized on various topics, including:
  - The investigation of offences involving violence against children
  - Child protection
  - The police and human rights
  - Offences involving violence against children
  - The link between offences involving sexual violence against women, organized crime and human trafficking
  - Dealing with persons with disabilities
  - Cooperation with detainees

173. From 2010 to 2014, the Ministry of the Interior organized a total of 234 specialized human rights courses, which were attended by 881 of its personnel.

**(b) General Department for Penal and Correctional Institutions**

174. From 2011 to 2013, a total of 5,079 personnel of penal and correctional institutions attended human rights courses held at three different levels (refresher, specialized and advanced specialized), in addition to courses, workshops and training programmes on the United Nations Standard Minimum Rules for the Treatment of Prisoners and their application in the country. The main specialized courses covered the following:

- Human rights for those working in penal and correctional institutions
- Dealing with male and female prisoners
- Security and protection of penal and correctional institutions
- Security, deportation and escape of detainees
- Riot control in penal and correctional institutions

- Occupational health and safety rules in penal and correctional institutions

175. The Ministry of the Interior has also provided training for medical personnel who examine detainees in the clinics operated at penal and correctional facilities by the Medical Services. These personnel participated in the following:

- (i) Advanced courses in cardiopulmonary and paediatric medicine
- (ii) Courses on the rights and duties of patients
- (iii) Weekly talks (every Monday and Tuesday) providing information on new m developments in medicine
- (iv) Courses on infection control
- (v) Courses on handling hazardous materials
- (vi) Periodic medical conferences and workshops
- (vii) Specialized human rights training for dealing with particular groups:

### Children

176. From 2011 to 2014, numerous courses were held on child-related issues and attended by 651 personnel, as illustrated below:

<i>Course</i>	<i>Attendees</i>
Identifying cases of violence against children and child abuse	214
Identifying and responding to cases of violence against children and child abuse	150
Dealing with cases of child assault, child neglect and child exploitation	226
Management of victims' affairs and shelters	16
Investigation of sexual offences	19
Resolving child behaviour problems	14
Providing family counselling	12

### Women

177. From 2010 to 2014, a total of 102 personnel of the Social Support Centres Department attended specialized courses on dealing with women, as follows:

- (i) Marriage problem-solving skills
- (ii) Domestic violence
- (iii) Crime prevention awareness for families
- (iv) Aftercare for rape victims
- (v) Transfer and security of female detainees

### Persons with disabilities

178. From 2001 to 2014, a total of 12 specialized courses were held on dealing with persons with disabilities and attended by 115 men and women.

179. The training policy of the Ministry of the Interior also sets out:

- The commitment to the pursuit of effective scientific and practical development and training by studying and analysing the organizational structure, job requirements, and strategic performance elements with regard to staff;
- The commitment to the principle of transparency in dealing with information and facts obtained through training needs analyses in order to achieve high levels of precision and integrity in policymaking, decision-making and planning for the enhancement of staff performance;

- The creation of a practical environment suitable for the application of acquired knowledge and skills, as well as for monitoring and assessment of the staff development and training process, through systematically measuring the impact of training to ensure that the programmes are effective and that the results are reflected in job performance.

(c) **Training methodology of the Ministry of the Interior**

180. The Ministry of the Interior has developed and diversified training methods with a view to improving the standard of its personnel and ensuring that they are informed about human rights norms and have the skills to implement them. The aim is to build their responsiveness so that they are able to deal with internal and external shifts and international cooperation and adopt an innovative and creative approach to addressing challenges in practice. These methodologies bring the desired training benefit and include in particular:

- (i) A methodology for identifying training needs
- (ii) A methodology for measuring the impact of training

181. In addition, the Ministry of the Interior, in cooperation with the United Nations Office on Drugs and Crime's regional office for the States of the Gulf Cooperation Council, organized a training workshop on United Nations standards and norms in criminal justice, from 4 to 6 May 2015, which was attended by 130 ministerial personnel and staff from penal and correctional institutions. The discussion focused on a number of key topics, including: international human rights norms and standards followed by the United Nations in the area of criminal justice; the protection of human rights and freedoms through law enforcement; and the investment of stakeholders, in partnership with the United Nations, in providing a regional role model for law enforcement and criminal justice. Norms relating directly to policing, with a focus on women and child victims and inmates of penal and correctional institutions, were also reviewed.

## Article 11

### Comment

182. Focus is likewise placed on mechanisms for the protection of complainants and witnesses from any kind of intimidation or ill-treatment during the information-gathering and investigation phase. The legislation of the United Arab Emirates provides for such protection through the means described below.

183. The Constitution of the United Arab Emirates and various pieces of the legislation in effect provide for the right to submit complaints. They also establish safeguards for the protection of complainants and witnesses from any form of ill-treatment, harm, indignity and intimidation to which they may be subjected for having lodged a complaint or a formal report. Article 26 of the Constitution provides that: "... No one shall be subjected to torture or indignity."

184. Court judgements have established that the failure of investigating officers to reveal their sources or name an informant or contact has no effect on the conclusiveness of evidence or the significance of investigations. The entire matter is at the discretion of the judge.

185. The Federal Penal Code (Act No. 3 of 1987) also criminalizes in article 263 any act committed with the aim of influencing witnesses who may be required to testify in proceedings or an investigation. Heavier punishments are set out in articles 240, 242 and 245 for any public official who uses torture, force or threats against witnesses or experts for the purpose of inducing them to confess an offence, give a statement or provide information, or inflicts cruel treatment on such persons or unlawfully arrests, confines or detains them.

186. Pursuant to article 4 of Federal Act No. 51 of 2006, concerning the prevention of human trafficking, imprisonment for a fixed term of up to 5 years is the punishment for anyone who uses force or threats or who offers or promises a gift or advantage of any kind

in order to induce a person to make a false statement, conceal facts or provide incorrect information to any judicial authority in procedures relating to the commission of any of the offences provided for in the Act.

187. Numerous pieces of legislation contain provisions exempting offenders from punishment if they report an offence to the judicial or administration authorities before it is discovered. There are also provisions similarly exempting from punishment witnesses who may be subjected to grievous harm that affects their freedom or honour or those of their spouse or an ascendant, descendant, sibling or in-law. Examples of such provisions can be found in, among others, articles 239 and 255 of the aforementioned Federal Penal Code and article 11 of the aforementioned Act concerning the prevention of human trafficking.

188. Article 18 of the Federal Code of Criminal Procedure (Act No. 35 of 1992) also provides that: "If an offence is committed against a criminal court or one of its members or staff, or if the offence breaches an order of the court, is in contempt of the court or affects one of its members or a witness in the course of proceedings before it, the accused shall be referred to the public prosecution for investigation." This provision clearly guarantees the protection of witnesses by enabling the court to refer the accused person to the public prosecution for investigation.

189. With regard to decisions or mechanisms concerning the procedures for protecting witnesses and complainants, and conditions in police detention centres, ...

190. Article 52 of Federal Act No. 7 of 2014, concerning the prevention of terrorism offences, provides that, in exception to article 20, paragraph 2, and article 315 of the Federal Code of Criminal Procedure, both of which deal with the statute of limitations, there is no statute of limitations for torture offences, in conformity with the general principles of international law.

191. Article 28 of the Constitution of the United Arab Emirates provides that: "Punishment is personal and accused persons are innocent until proven guilty in a fair and legal trial. Accused persons are entitled to engage competent counsel to defend them at trial. The law shall specify the conditions under which counsel for the accused must be present."

192. The infliction of physical or mental harm on an accused person is prohibited. The Federal Code of Criminal Procedure also sets out the rules on information-gathering and preliminary investigation, guaranteeing that no torture is practised, in accordance with the provisions below.

193. Article 31 of the Code of Criminal Procedure provides that: "A law enforcement official shall investigate offences, seek the perpetrators and gather the information and evidence required for the investigation and prosecution."

194. Article 30 of the Code of Criminal Procedure further provides that: "Law enforcement officials are answerable to, and under the oversight of, the Attorney General with regard to the performance of their functions."

195. Articles 65 to 110 set out the rules governing investigations by the public prosecution and cover the questioning of accused persons, the hearing of witnesses and the appointment of experts to establish facts, including with regard to the offence of torture, as well as arrest warrants and pretrial detention orders. Article 320 of the Code of Criminal Procedure provides that: "Prosecutors shall be empowered to enter penal facilities situated within the area of jurisdiction of the courts in which they work in order to ascertain that no one is being detained unlawfully. They may examine and make copies of records, arrest warrants and detention orders, speak to any detainee and hear any complaint that the detainee wishes to make. Every assistance must be extended to them in obtaining the information that they request."

196. Article 321 of the Code of Criminal Procedure provides that: "All persons detained in one of the facilities referred to in the preceding article may at any time make a written or verbal complaint to the official in charge of the facility and request that the complaint be reported to the competent public prosecution office. The official shall accept the complaint and report it immediately to the public prosecution office after entering it in the register designated for that purpose."

197. It further provides that: “Anyone with knowledge that a person is being detained unlawfully or in a place not designated for detention shall notify a member of the public prosecution who, on receipt of the notification, must proceed immediately to the place where the person is being held, investigate and order the person’s release if the detention is unlawful, and make a report on the matter.”

198. The Ministry of the Interior produced a handbook for personnel on the rights of prisoners, in accordance with Federal Act No. 43 of 1992, as amended, and the implementing regulations thereto promulgated by Ministerial Decision No. 471 of 1995, concerning the regulation of penal facilities. The aim of the handbook is to provide an overview of the rights and duties of prisoners and the prohibitions that prisoners must observe. In connection with the implementation of all of the laws and regulations governing those rights in penal institutions, it also sets out the procedures applicable to prisoners by law once the basic procedures have been carried out. It furthermore underlines the values of the Ministry of the Interior, which are based on justice and human rights, and deals with a number of the rights and duties of prisoners.

199. The Ministry of the Interior has issued a guide to police procedures when dealing with children, women, older persons and persons with disabilities during the information-gathering phase. The guide explains the steps that police officers are advised to follow when gathering information from members of these groups, whether victims of an offence or offenders, and is intended to equip the personnel of the Ministry for dealing with children, women, older persons and persons with disabilities who are in at-risk situations. It therefore spells out clear and deliberate steps that officers should take when gathering information. These are based on the human rights norms, principles and safeguards enshrined in national and international legislation, which should be strictly observed.

200. The Ministry of the Interior is also continuously improving prisons in terms of their intake capacity, categorization, suitability for the number of inmates, rehabilitation programmes and quality of services. Prisoners are placed in penal institutions by category, age and case, in accordance with federal law. The prison environment furthermore meets the highest international standards with regard to accommodation, ventilation and the right to exercise, education and rehabilitation. Full environmental safety measures are also in place.

201. Prisoners have access to basic services, such as health care, which is delivered through a specialized clinic staffed around the clock by a physician and a nurse. Prisoners undergo periodic health checks and receive any necessary treatment in either public or private health facilities. Social workers and psychologists are also on hand to provide care for prisoners. The guide on the administration of penal and correctional institutions states that the medical section is responsible for fully monitoring the health of prisoners, providing them with health services and treatment, and periodically examining them to check that they are free of communicable disease.

202. Wholesome and nutritious food is provided in accordance with health standards, with special meals served to patients. The menu is periodically reviewed and special meals are also served to non-Muslims during the month of Ramadan. Safe drinking water is likewise provided. All prisoners are allowed contact with their families, relatives and the outside world through visits and other means of communication. Prisoner rehabilitation and reintegration programmes are also available.

203. Penal facilities are furthermore developing specialized rehabilitation programmes for convicted offenders on the basis of their potential. Inmates are taught crafts in onsite training centres and are paid a daily wage for their work. The training they receive can help them to enter the job market once they are released. The rehabilitation programmes run by penal and correctional institutions in conjunction with the Higher College of Technology also enable prisoners to assimilate into the job market after their release. These programmes are delivered in the rehabilitation sections of penal institutions and include the following:

- Programmes for the completion of university studies
- Religious programmes (religious preaching, lectures and Qur’an memorization)

- Rehabilitation programmes for the labour market (carpentry workshops, sewing workshops for female prisoners, vehicle repair for male prisoners, and number-plate manufacturing, also for male prisoners, in Abu Dhabi)
- Computing programmes (printing, secretarial work and computer skills)
- Libraries (available in all of the country's penal institutions)
- Life skills
- Mathematics programmes

204. Penal and correctional facilities offer prisoners incentives for good behaviour, such as an increase in the permitted number of private visits and family telephone calls. Prisoners who are particularly well behaved while serving their sentence may also win early release in accordance with the conditions prescribed by law. Each year, all of the Gulf Cooperation Council countries mark Prisoners' Week, during which various prisoners are released and receive support and assistance coordinated between the public and private sectors for themselves and their families.

205. A project for amending the law on penal and correctional institutions is under way in the light of the new penal policy of awarding prisoners a number of privileges.

206. Prisoners are furthermore separated, as required pursuant to Federal Act No. 43 of 1992, as amended, and the implementing regulations thereto issued by Ministerial Decision No. 471 of 1995, concerning the regulation of penal and correctional facilities. Under the terms of the Act, men, women, juveniles, detainees and convicted offenders held in such facilities must be kept entirely separate and categorized by type of offence, sex and age.

207. Penal facilities keep records approved for use pursuant to Federal Act No. 43 of 1992, concerning the regulation of those facilities. Any record may be created where deemed essential by the Attorney General or the director-general of penal and correctional institutions.

208. On its own initiative, and in coordination with prison administrations, the Emirates Association for Human Rights carries out inspections of institutions in addition to those conducted by the General Department for Penal and Correctional Institutions and the specialized departments and committees of the Ministry of the Interior.

209. Modern buildings constructed to international specifications and standards in 2014 included a new 480-person capacity detention centre next to the Abu Dhabi courts. New premises for the federal penal and correctional institution in the northern Emirates are currently being built to the highest international standards in the Dhaid area, at a cost of Dh 311 million, and will accommodate 3,282 prisoners. A new institution with a capacity for around 2,880 prisoners is also being built in Sharjah at a cost of Dh 370 million.

210. A practical guide has been prepared on contact during the information-gathering phase between foreign nationals in police custody and their country's embassy or consulate.

## **Article 12**

### **Comment**

211. Reference has already been made in the comment on the preceding article of the Convention to article 26 of the Constitution of the United Arab Emirates, which states that: "Personal liberty shall be guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except as provided by law. No one shall be subjected to torture or indignity."

212. Article 96 of the Code of Criminal Procedure also provides that: "If the investigation requires the assistance of a physician or other expert to establish a fact, a member of the public prosecution may by order designate such a person to provide a report on the assigned task. The member may be present whenever the expert is engaged in performing the task and the expert may perform the task without the litigants being present."

213. In the present report, reference has already been made in the comment on article 2 of the Convention to article 47 of the Code of Criminal Procedure, which provides that: “A law enforcement official shall take statements from accused persons immediately upon their arrest or apprehension and arraignment. Accused persons who provide no proof of their innocence shall be presented within 48 hours to the competent public prosecution office.”

214. The public prosecution office must question accused persons within 24 hours and then order their remand in custody or release.

215. Article 110 of the Code of Criminal Procedure provides that: “A detention order may be issued by the public prosecution office, after questioning of the accused, for a period of 7 days, renewable for a further period of up to 14 days. If it is in the interest of the investigation for the accused to remain in custody following the expiration of the periods mentioned in the above paragraph, the public prosecution office must submit the files to a judge of the competent criminal court who, after examining those files and hearing the statements of the accused, may order an extension of the custody for a renewable period of up to 30 days or the release of the accused, with or without bail.”

216. If the order to extend the custody period is issued in absentia, accused persons may file a complaint with the president of the court within three days from the date when they were notified or learned of the order.

217. As already mentioned in the comment on article 11 of the Convention, article 242 of the Penal Code provides that: “Any public official who uses torture, force or threats against an accused person, a witness or an expert, either directly or through an intermediary, for the purpose of obtaining a confession to an offence or coercing the person into making a statement or providing information about an offence or concealing facts shall be sentenced to a fixed term of imprisonment.”

## **Article 13**

### **Comment**

218. In the present report, reference has already been made in the comment on article 11 of the Convention to article 41 of the Constitution of the United Arab Emirates, which provides that: “Any person may submit a complaint to the competent authorities, including judicial bodies, concerning violations of the rights and freedoms set out in the present chapter”.

219. All citizens and residents have a legitimate right to file complaints. In the justice system of the United Arab Emirates, everyone has the unrestricted opportunity to seek legal redress. All persons who feel they have been subjected to injustice, including torture, are entitled to institute legal proceedings and the case then takes its course. The competent legal authorities decide either to admit the case if the necessary elements are present or to reject it where there are grounds for so doing.

220. Article 35 of the Code of Criminal Procedure provides that: “Law enforcement officials shall accept reports and complaints received in respect of offences. They and their subordinates shall seek to obtain clarifications and conduct the necessary inquiries to facilitate investigation of the facts reported to them or brought to their attention by whatever means. They shall take every precaution to preserve evidence of the offence.”

221. Article 133 of the above-mentioned Code provides that: “Civil claimants may appeal a decision of the public prosecution that a case is unfounded on the ground that no charge has been laid or the law does not punish the act or there is insufficient evidence against the accused.”

222. Article 134 of the same Code provides that: “The appeals provided for in articles 132 and 133 of the present Code shall be lodged with the clerk’s office at the criminal court within 24 hours in the situation provided for in article 132 and within 10 days in the situation provided for in article 133. The time limit with regard to the public prosecution shall commence from the date when the decision was issued and, with regard to the other parties, from the date of its notification.”

223. Article 135 of the Code provides that: “On submission of the appeal, a date shall be set for a hearing to take place within three days. The public prosecution shall instruct the other parties to attend the hearing and shall immediately transmit the files to the clerk’s office at the competent criminal court.”

224. Article 136 of the Code provides that: “The court of appeal shall hear appeals against the orders and decisions referred to in the present chapter in closed session and, as necessary, may do so on other than the appointed days or in a place other than the court.”

225. Article 134 of the Code provides that: “Any decision of the court of appeal that a case is unfounded shall be given after it has examined the files and heard clarifications that it saw fit to request from the parties. It may conduct any additional investigations that it deems necessary in order to reach a decision on appeals brought before it or may designate one of its members or the public prosecution to do so. When reversing an order stating that a case is unfounded, the court shall return the case to the public prosecution, together with a reasoned decision providing details of the offence, its constituents and the applicable law, so that it may be referred to the competent criminal court. Decisions of the court of appeal are unappealable in all circumstances.

226. Article 134 of the Code provides that: “When hearing an appeal against an order for the release of a person remanded in custody, the court of appeal may order an extension of the custody. If no decision on the appeal is given within three days of when the appeal was lodged, the order for the person’s release shall be immediately executed.”

227. With regard to personnel trained to handle cases of torture, the subject has already been covered in the comments on previous articles of the Convention.

228. Concerning the protection of witnesses, article 255 of the Federal Criminal Code provides that: “Witnesses who, if they speak the truth, may be subjected to grievous harm that affects their freedom or honour, or those of their spouse or ex-spouse or an ascendant, descendant, sibling or in-law of the same degree, shall be exempted from punishment.”

## **Article 14**

### **Comment**

229. All persons who believe that they have suffered harm, including persons who have been subjected to torture and their families, are entitled under the laws of the United Arab Emirates to bring proceedings for compensation before the domestic courts, as provided for in the Civil Code.

230. The Code of Civil Procedure provides that: “Civil proceedings, whatever their value, for compensation for damage arising from an offence may be instituted before the criminal court for consideration in conjunction with the criminal proceedings after payment of the fees prescribed by law.”

231. Article 4 of the Martial Law Act empowers the competent authorities to seize temporary control of any facility, institution, company, premises, real estate or movable property, taking into account the owners’ right to fair compensation.

232. Article 21 of the Constitution further provides that private property is protected and that no persons may be stripped of their property, except where required in the public interest as provided by law and in return for fair compensation.

233. The Social Support Centres Department offers the requisite care and psychosocial support to victims of violence and crime, especially women, children and older persons, and works to protect them from abuse and control, and to provide them with aftercare. The victim support and shelter unit provides psychological and moral support to victims of domestic violence, especially women and children, in coordination with other professional entities. It also works to raise police awareness with the aim of improving ways of dealing with victims of crime and domestic violence. It furthermore proposes training and rehabilitation plans and programmes for victims.

## Article 15

### Comment

234. Article 242 of the Penal Code provides that: “Any public official who uses torture, force or threats against an accused person, a witness or an expert, either directly or through an intermediary, for the purpose of obtaining a confession to an offence or coercing the person into making a statement or providing information about an offence or concealing facts shall be sentenced to a fixed term of imprisonment.”

## Article 16

### Comment

235. As already mentioned in the comment on article 1 of the Convention, the Constitution of the United Arab Emirates prohibits torture in all its forms and any degrading treatment, even if it does not amount to torture. Article 26 of the Constitution provides that: “Personal liberty shall be guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except as provided by law. No one shall be subjected to torture or indignity.”

236. Article 242 of the Penal Code similarly provides that: “Any public official who uses torture, force or threats against an accused person, a witness or an expert, either directly or through an intermediary, for the purpose of obtaining a confession to an offence or coercing the person into making a statement or providing information about an offence or concealing facts shall be sentenced to a fixed term of imprisonment.”

237. Article 259 of the Penal Code provides that: “Without prejudice to the provisions of article 242, anyone who uses torture, force or threats, or who offers or promises a gift or advantage of any kind in order to induce a person to conceal facts or make a false statement or provide incorrect information to any judicial authority shall be sentenced to imprisonment or a fine.”

238. Article 344 of the Penal Code provides that: “Anyone who, by any means, unlawfully abducts, arrests, confines or deprives another person of liberty, either directly or through an intermediary, shall be sentenced to imprisonment. The penalty shall be life imprisonment in the following cases:

1. If the act is carried out by impersonating a public official, by claiming to be performing or entrusted with a public service, or by providing false information;
2. If the act is committed by deceit or accompanied by use of force, threat of killing or grievous harm or acts of physical or mental torture;
3. If the act is carried out by two or more persons or by a person bearing arms;
4. If the abduction, arrest, confinement or deprivation of liberty lasts for more than one month;
5. If the victim is female, a minor or mentally incapacitated;
6. If the purpose of the act is profit or reprisal, or to rape, violate the honour of or cause harm to the victim, or to induce the victim to commit an offence;
7. If the act is carried out against a public official during the course of performing his or her duties or by reason thereof.

If the act leads to the death of the victim, the penalty shall be death or life imprisonment. Any intermediary involved in the offences referred to in the same article shall receive the same penalty as the principal offender, as shall anyone who knowingly conceals a person who has been abducted.”

239. The Ministry of the Interior has systematized the disciplinary sanctions for inmates of penal and correctional institutions. These sanctions are listed in the handbook for

personnel on the rights of prisoners, referred to in this report in the comment on article 11 of the Convention, and include the following:

- A caution
  - Removal of all or some of the privileges established for prisoners for a period of up to 30 days
  - A wage deduction for a period of up to 7 days
  - Solitary confinement for a period of up to 7 days
  - Downgrading to a lower level for a period of up to 6 months for prisoners sentenced to a fixed term of imprisonment and a period of up to 1 year for prisoners sentenced to life imprisonment.
-