

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/ARE/CO/1)

UNITED ARAB EMIRATES

(...)

C. Principal subjects of concern and recommendations

(...)

Definition and criminalization of torture

(...)

8. **The Committee urges the State party to establish in its national law a definition of torture in line with that provided in article 1 of the Convention. The State party should review and amend its legislation to ensure that all forms of torture are prohibited in line with the definition contained in article 1 of the Convention, noting that serious discrepancies between the Convention’s definition of torture and that incorporated into domestic law create actual or potential loopholes for impunity. In addition, the Committee recommends that the State party:**

(a) **Ensure that the prohibition of torture is established as absolute and non-derogable in national legislation, and that no exceptional circumstances, including a state of emergency or threat of war, can be used to justify the use of torture, in line with article 2 (2) of the Convention;**

(b) **Ensure that penalties for torture are commensurate with the gravity of the crime, as set out in article 4 (2) of the Convention;**

(c) **Ensure that, since the prohibition of torture is absolute, there is no statute of limitations for acts of torture, so that persons who commit or are complicit in such crimes can be effectively investigated, prosecuted and punished.**

(...)

Conflict in Yemen

(...)

16. **The Committee wishes to remind the State party that the concept of “any territory under its jurisdiction”, linked as it is with the principle of non-derogability, includes any such territory or facilities and must be applied to protect any person, citizen or non-citizen without discrimination subject to the**

de jure or de facto control of a State party. The Committee emphasizes that the State's obligation to prevent torture also applies to all persons who act at the instigation of, or with the consent or acquiescence of, the State party. The Committee urges the State party to:

(a) Take effective measures to prevent acts of torture or ill-treatment in all areas where the State party exercises jurisdiction and by all persons who act at the instigation of, or with the consent or acquiescence of, the State party;

(...)

(e) Ensure that all victims of torture and ill-treatment have the right to complain to, and to have their cases promptly and impartially examined by, the State party's competent authorities, and that they are able to obtain redress and fair and adequate compensation, including rehabilitation, when such acts of torture and ill-treatment are attributable to the State party or have been carried out in areas under its jurisdiction.

Counter-terrorism

(...)

18. The State party should ensure that its counter-terrorism measures and legislation are in conformity with the Convention's prohibitions against torture and ill-treatment, that adequate and effective legal safeguards are in place, that all allegations of torture and ill-treatment of persons accused of involvement in terrorist acts or acts against State security are promptly, impartially and effectively investigated, that perpetrators of torture and ill-treatment are prosecuted and duly punished, and that the rules governing the State security apparatus are made available to the public in a transparent manner, including through their publication on government websites. In order to reduce the risk of torture and ill-treatment, the State party should take the measures necessary to prohibit and prevent incommunicado detention and any other forms of illegal detention and ensure that detainees enjoy basic safeguards against torture, including the right to be brought promptly before a judge. The Committee also recommends that detentions in *munasaha* centres be based on clear and identifiable criteria established by law, that orders for such detentions be limited in duration, that maximum periods of detention in *munasaha* centres be clearly defined by law, and that detainees have the ability to challenge the legality of their detention.

(...)

Gender-violence and harmful practices

(...)

32. The State party should take effective measures to ensure that all cases of gender-based violence, including domestic violence and harmful practices, and especially those cases involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated, that all perpetrators are prosecuted

and, if convicted, punished appropriately, and that the victims or their families receive full rehabilitation and redress, including adequate compensation. The Committee also recommends that the State party consider adopting legislation explicitly criminalizing female genital mutilation, along with launching an awareness-raising campaign on the dangers and prohibition of female genital mutilation, with a view to its elimination.

(...)

Follow-up procedure

39. The Committee requests the State party to provide, by 29 July 2023, information on follow-up to the Committee's recommendations on the criminalization of torture, on prevention of and redress for torture in the context of the State party's involvement in the conflict in Yemen, on counter-terrorism and on gender-based violence (see paras. 8, 16 (a) and (e), 18 and 32 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
