

Federal Law No. 12 of 2021

On the National Human Rights Institution

We, Khalifa Bin Zayed Al Nahyan, President of the United Arab Emirates,

After the perusal of the Constitution,

Federal Law No. 1 of 1972 concerning the competencies of Ministers and Authorities of the Ministers and its amendments.

Federal Law No. 7 of 1999 on Pensions and Social Security and its amendments,

Federal Decree Law No. 11 of 2008 on Human Resources in the Federal Government and its amendments,

Federal Decree Law No. 26 of 2019 on Public Finance,

Based on the proposal of the Minister of Foreign Affairs and International Cooperation, and the approval of the Cabinet and the Federal National Council, and the ratification of the Federal Supreme Board,

We have issued the following law:

Article 1

Definitions

In implementing the provisions of this law, the following words and expressions shall have the meanings assigned to each of them unless the context requires otherwise..

State: United Arab Emirates

The Government: Government of the United Arab Emirates.

NHRI: National Human Rights Institution.

The Board: NHRI Board of Trustees.

The Chairperson: Chairperson of the NHRI.

The Vice Chairperson: Vice Chairperson of the NHRI.

Competent Authorities: Federal and local government agencies in the state.

Competent institutions: Non-for-profit associations and organizations.

International organizations: International and regional governmental and non-governmental organizations.

Secretary-General: NHRI Secretary-General.

General Secretariat: NHRI General Secretariat.

Article 2

National Human Rights Institution

Pursuant to this law, an independent body called the National Human Rights Institution (NHRI) is established and headquartered in Abu Dhabi. The NHRI may open additional branches and establish offices in other Emirates.

Article 3

Independence

The NHRI enjoys an independent legal personality, a financial and administrative independence in the exercise of its functions, activities, and competences, and is represented by its Chairperson before the judiciary and in its relations with third parties.

Article 4

NHRI Objectives

The NHRI aims to promote and protect human rights and fundamental freedoms in accordance with the provisions of the UAE Constitution, laws, and legislation in force in the state in relevance with international treaties, covenants, and conventions.

Article 5

NHRI Competencies

In order to achieve its objectives, the NHRI shall:

1. Participate along with the competent authorities and institutions in the development of a national action plan to promote and protect human rights in the state and propose a mechanism for its implementation.
2. Disseminate the culture of human rights and raise public awareness through, seminars, conferences and panel discussions on human rights.
3. Submit proposals, recommendations and advice to the competent authorities and institutions to promote, protect, and pursue human rights.
4. Contribute to the promotion and protection of human rights in the state, promote equality, eliminate all forms of racial discrimination, and follow up on the achievement of objectives set out in international treaties, covenants and conventions on human rights to which the UAE is a party.
5. Submit to the competent authorities and institutions proposals on the extent to which national legislation and laws are compatible with international treaties, covenants and conventions on human rights to which the UAE is a party.

6. Monitor human rights abuses and violations, verify their authenticity and report them to the competent authorities.
7. Conduct field visits to penal and correctional institutions, places of detention, labour camps, and health and educational facilities and shelters, and monitor human rights conditions therein.
8. Receive and consider individual rights complaints in accordance with the NHRI's standards and refer them to the competent authorities.
9. Follow up and coordinate with the competent authorities to respond to observations received by the State from international human rights organizations.
10. Strengthen cooperation with international organizations and national human rights institutions in other countries, particularly those concerned with the rights of women, children and persons with disabilities.
11. Express views in the national reports submitted by the State to the international organizations dealing with human rights issues.
12. Cooperate with the United Nations human rights bodies and mechanisms through reports and participations as appropriate and advise on the preparation of national reports submitted by the State to the international human rights mechanisms.
13. Participate in international and regional human rights forums.
14. Issue publications, statements, and reports related to human rights.

Article 6

Formation of the Board

1. The NHRI shall have a board of trustees of at least 11 members, including the Chairperson, with at least half of the members working on a full-time basis.
2. The mechanism for selecting members of the NHRI shall be determined by a decision of the President of the State, and the members shall be selected from advisory bodies, academics, civil society institutions, and those with technical and professional expertise, in their personal capacity, while taking into account the appropriate representation of women.
3. A number of representatives of government agencies, which are determined by decision of the President of the State, shall participate in the work of the NHRI and attend its meetings without the right to vote.
4. The Board elects, among its members, a vice-chairperson to replace the chairperson in his absence.

Article 7

Membership Conditions

Members of the Board shall meet the following criteria:

1. Must be national of the United Arab Emirates.
2. Must not be below 25 years of age.
3. Must have civil capacity, exemplary conduct, a good reputation and no previous convictions for dishonourable offences, even if they have been rehabilitated.
4. They must be competent, knowledgeable and interested in the field of human rights.

Article 8

Term of Membership

The term of membership of the Board shall be 4 years, renewable once, beginning on the date of the issuance of the decision. Members shall exercise their duties in their personal capacity.

Article 9

Meetings of the Board

1. The Board shall meet periodically at least once every three months. The Chairperson, or at the request of a majority of the members, may invite the Board to an extraordinary meeting at any time.
2. The meeting of the Board shall be valid in the presence of the majority of its members, provided that the Chairperson or Vice-Chairperson shall be present. Decisions shall be taken by a majority vote of the members present. In the case of equal votes, the Chairperson shall have the casting vote.

Article 10

Competencies of the Board

1. Draw NHRI general policy and monitor its implementation.
2. Approve the NHRI strategic plan and operational plan and ensure the follow-up of their implementation and outcomes.
3. Adopt the NHRI annual action plan and activate and evaluate its activities.
4. Approve the means of developing the NHRI and enhance its activities and assessment.
5. Examine and adopt the annual report on the situation of human rights in the state.
6. Examine and decide on issues and matters referred to it by the Secretary-General.
7. Develop closer relations with similar regional and international institutions.
8. Approve the NHRI draft annual budget and its final accounting statement before it has been stated in the federal general budget and the final account, and may appoint an external legal auditor of accounts.

9. Issue rules and regulations required for the management of the NHRI, its branches and committees.
10. Supervise the various NHRI activities in the field of human rights

Article 11

Expiration and Termination of Membership

1. The term of the Members of the Board expires or terminates in the following cases:
 - a) Expiration of membership.
 - b) Resignation.
 - c) Death or disability that prevents members from performing their membership duties.
 - d) One of the membership conditions is no more fulfilled.
2. The membership of the Board may be terminated before its expiry by a decision of the President of the State upon recommendation of the Board in any of the following cases:
 - a) If a member violates the provisions of this law or the implementing regulations or decisions pertaining thereto.
 - b) If a member has acted contrary to the NHRI objectives or would have impaired the performance of its mandate and duties.
 - c) If a member failed to attend the meetings of the Board or the committees without an excuse accepted by the Board despite the written early warning thereof in accordance with the bylaws.
3. In all cases, if a member seat is vacant before the end of the term of office for any reason, an alternate shall be appointed by a decision of the President of the State within two months from the date of the announcement of this vacancy by the NHRI, unless the member seat was vacant prior to the last three months of the term of the membership. The new member will serve for the remainder of the predecessor's term.

Article 12

Guarantees

1. The NHRI members shall enjoy full independence in carrying out its competencies, and a member of the Board may express any views and opinions within those competencies during meetings of the Board.
2. The NHRI headquarters may be inspected only by judicial order and in the presence of a representative of the Public Prosecution, provided that the Chairperson is notified and a representative is invited to attend the inspection.

Article 13

The NHRI relationship with the competent authorities

The competent authorities shall cooperate with the NHRI to carry out its duties and achieve its objectives, including the provision of information, data and documents requested by the NHRI, and to respond to the observations and recommendations contained in the NHRI's reports.

Article 14

The assistance of experts

The Board may seek the assistance of experts and specialists to perform its duties. The Board may invite them to attend its meetings with no right to vote.

Article 15

The Board's Committees

1. The Board may establish standing or temporary committees or working groups from its members, to consider any subject relating to the NHRI's competencies. These committees shall submit their reports to the Board.
2. The standing committees shall meet once a month. A member appointed by the Board shall chair each committee.
3. The Standing and Temporary Committees may use experts and specialists to carry out their duties and invite them to attend their meetings with no right to vote.

Article 16

The NHRI Administration

1. The NHRI has an administrative body consisting of organizational units, which acts as its executive organ.
2. The NHRI shall have a Secretary General with the rank of Undersecretary among personalities known for their competence, integrity and independence. The Secretary General shall meet the same conditions as the member of the Board, and shall be appointed by a decision of the President of the State.
3. The administrative body shall have sufficient number of consultants, experts, researchers, managers and other employees of the Secretariat. They shall be appointed by a decision of the President and upon recommendation of the Secretary General.

Article 17

The Competencies of the Secretary General

The Secretary General shall carry out the NHRI executive work and shall report directly to the Chairperson with regard to the discharge of his duties, in particular, performing the following functions and competencies:

1. The overall supervision of the administrative body as well as personnel, financial and administrative affairs of the NHRI.

2. Attending meetings of the Board and committees and follow up their work without having the right to vote on decisions.
3. The Secretary-General may delegate, in writing, any of the staff members of the administrative body to assume some of his functions and competencies.

Article 18

Financial dues

1. The remuneration of the full-time and part-time Board members and their financial entitlements, including the Chairperson, shall be determined by a decision of the President of the State.
2. The human and financial resources regulations applicable to the NHRI shall determine the financial entitlements of its employees.
3. NHRI Employees who are UAE nationals are subject to the provisions of Federal Law No. 7 of 1999 on Pensions and Social Security and amendments thereto.

Article 19

NHRI Budget

The NHRI shall have an independent budget that includes its revenues and expenses, stated in the general budget of the state. The fiscal year shall begin and end with the beginning and end of the fiscal year of the state. The first fiscal year shall come into force on the date of the entry into force of this Law until the end of the fiscal year of the State.

Article 20

NHRI Resources

The NHRI, while respecting its independence, shall have sufficient financial resources to enable it to carry out its duties. These resources shall consist of the following:

1. The annual budget appropriations allocated by the State to the NHRI.
2. Contributions, donations, grants, wills and endowment (waqf) provided by entities within the state and approved by the Board.
3. Other revenues earned by the NHRI from carrying out its activities.

Article 21

Annual report

The NHRI shall prepare an annual report on its efforts and activities, with a section on the of human rights situation in the state, as well as proposals and recommendations to protect, promote and advance human rights. The report shall be submitted to the president of the State, the Cabinet, and the Federal National Council.

Article 22

NHRI Bylaws

The NHRI shall issue its own organizational structure and bylaws, including the organization of its General Secretariat, its Personnel Affairs and its financial and administrative affairs. These shall be issued by a decision of the Board.

Article 23

Disclosure of information

NHRI members and employees shall be prohibited from disclosing information or data obtained or accessed by reason of their employment. The prohibition shall remain in effect even after the termination or expiration of membership or service.

Article 24

Publication and entry into force

This Law shall be published in the Official Gazette and shall come into force from the date of its publication.

Khalifa ben Zayed ALNhayan

President of the United Arab Emirates

Issues by us at the Presidential Palace in Abu Dhabi

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On 19-May-2021