

Federal Law No. (28) of 1981

Concerning the Detention and Treatment of Those Who Suffer from Mental Illnesses

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

- After perusal of the provisional constitution; and
- Federal Law No. (1) of 1972 Concerning the competences of Ministries, Powers of Ministers and the laws amending thereof; and
- The Cabinet Decision No. (3) of 1973 on the system of the Ministry of Health, as amended; and
- According to a presentation by the Minister of Health, approval of the Cabinet and National Federal Council and ratification by the Federal Supreme Council,

We have issued the following law:

Article (1)

In implementation of the provisions hereof, the following words and expressions shall have the meaning set opposite each of them:

- Psychosis** : It is a disease affects the mind leading to disorder whereupon the affected person loses contact with reality. This includes the mental disorder, mental deficiency and personality ailment associated to the Psychosis.
- Legal Age** : When the person reaches the age of 18.
- Authority** : Justice Departments, Public Prosecution or Police, as the case may be.
- Patient Relatives** : First and second degree relatives, and, in their absence, the tribe chief, his deputy or the police.
- Specialized Physician** : The physician who obtains a specialization in neurology and psychiatry and who practices in a government department or a licensed organization.
- Neurology and Psychiatry Department** : The Department specialized in treating the Psychosis disease whether such department is a part of a public government hospital or an independent department.

Department Board : The medical board consisting of the head of Neurology and Psychiatry Department and at least two of the specialist. However, if the required number is not available, a specialist from outside the department may be appointed.

Article (2)

Admission of the Psychosis patient shall be either optional or in the form of compulsory detention at the Neurology and Psychiatry Department according to the provisions herein below.

Article (3)

The admission of the psychotic to the Neurology and Psychiatric Department shall be optional based on his/her request and freewill and choice if he reaches the Legal Age and his condition allows him to express his/her desire. If he did not reach the Legal Age, the optional admission shall be requested by his/her guardian or trustee.

Article (4)

The detention in the Neurology and Psychiatric Department shall be compulsory upon suspecting a Psychosis cases, if it is feared that such person may jeopardize the security or public order or may affect the patient's or others safety. In this case, the detention shall be by instructions from the Authority.

The Patient Relatives may request the Authority to take the detention action.

Article (5)

The Department Board in case of compulsory detention may decide within 48 hours to detain the patient if his/her condition dictates so. The detention shall be for a period not more than 7 days from the date of detention. However, if the Department Board decides after the end of such period that the patient condition does not allow him/her to leave the Department the board may extend such period by not more than one month each time.

The Authority should be informed of its extension while the Patient's Relatives or the party who requested the detention may object to such extension. The Department board shall

have to issue a decision in respect of the objection within 72 hours from the date of receiving and in which case its decision shall be final.

Article (6)

Head of the Neurology and Psychiatric Department shall notify the competent authority as the case maybe of the compulsory detention of the patient within 48 hours and the date of detention in order to safe keep his/her belongings.

Article (7)

If the patient detention is requested by the court, and such requested to release such patient to appear before it or to listen to his/her testimony, the Department Board shall decide on the possibility to comply with this request within a maximum period of 10 days from the date of receiving such request. Upon rejection the board decision should be justified.

Article (8)

If the detention period lapses without extension the patient may request to remain in the Department, in which case this shall be treated as optional admission.

Article (9)

If the Department Board decides that the condition of the patient whose compulsory detained allows him/her to spend a trial period outside the Department, the Board may decide to allow the patient to leave the Department for such period after obtaining an undertaking from his/her relatives to look after the patient, observe and protect him/her from any damage - self harm or harm caused by others.

Article (10)

If the compulsory detained patient is absent from the Department without permission and the Department Board decides that there is no objection from allowing the patient a trial period, the patient shall be treated as already given such chance and the Authority has been

notified of the same, in which case an undertaking shall be taken from the Patient's Relatives observe and protect him/her from any damage - self harm or harm caused by others.

Article (11)

The Department Board shall reconsider the patient condition after spending the trial period outside the Department and take decision in light of the patient behavior during the trial period outside the Department and take decision in the light of the patient behavior during the trial period.

Article (12)

If the conditions of some patients require special watch, the Department may seek assistance from the police in their respect.

Article (13)

Without prejudice to any severer punishment provided for in any other law, he who violates the provisions hereof and all the resolutions implementing this law pay a fine not less than Dhs. 200/- and not more than Dhs. 5,000/-.

Article (14)

The Executive Resolutions of this law shall be issued by resolution from the Minister of Health in conjunction with the Minister of Justice, Islamic Affairs and Awqaf.

Article (15)

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

Zayed Bin Sultan Al Nahyan
President of the United Arab Emirates

Issued at the Presidential Palace in Abu Dhabi
On: 7.11.1981