

**Federal Decree-Law No. (24) of 2023
on Combating Human Trafficking**

We, Mohammed bin Zayed Al Nahyan President of the United Arab Emirates,

- Upon reviewing the Constitution,
- Federal Law No. (1) of 1972 Concerning the Competence of Ministries and Powers of Ministers, as amended,
- Federal Law No. (51) of 2006 Concerning Combating Human Trafficking Crimes, as amended,
- Based on the proposal of the Minister of Justice and the Approval of the Council of Ministers,

We do hereby enact the following Decree Law:

Article (1)

Definitions

In applying the provisions of this Decree-Law, the following words and expressions shall have the meanings assigned to each of them, unless the context otherwise requires:

The State : United Arab Emirates.

Competent Authorities : Competent Federal Authorities.

Concerned Entities : Local Concerned Entities.

Human Trafficking : Crime set forth in Article (2) herein.

Child : Every human being born alive who has not reached (18)

eighteen years old (Gregorian Calendar).

An Organised Criminal Group (OCG) : A group composed of at least (3) three persons, acting in concert with the aim of committing any of the crimes set forth herein in order to directly or indirectly obtain a financial or other benefit.

A Crime of a Transnational Nature (CTN) : A crime shall be of a transnational nature if it is committed in more than one state, or committed in one state, yet it was prepared, planned, directed, supervised in another state. A Crime of a transnational nature may also be a crime committed in one state by an organised criminal group engaging in criminal activities in more than one state, or any crime committed in one state and consequences thereof impacted other state.

Funds : Assets, regardless of the method of acquisition, type and form, material or moral, movable or immovable, electronic, digital or encrypted, including the national currency, foreign currencies. In addition to legal documents and instruments of any form, including the electronic or digital form that prove the ownership of those assets, shares or rights related thereto. As well as the economic resources that are considered assets of any type, including natural resources, bank credits, checks, payment orders, stocks, securities, bonds, bills of exchange, letters of credit. Moreover, any interest, profits, or other income derived or arising from these assets and can be used to obtain any financing, goods, or services.

Proceeds : Funds, directly or indirectly, generating from committing

any of the crimes set forth herein. This shall include profits, concessions, economic interests and any similar funds whether fully or partially transferred into other funds.

Victim : Every natural person who has suffered material or moral damage as a result of one of the criminal acts punishable in accordance with the provisions hereof.

Article (2)

The Crime of Human Trafficking

1. Whoever do any of the following shall be deemed to have committed a human trafficking offence:
 - A. Whoever sells, offers to sell or purchase, promises to sell or purchase, recruits, uses, conscripts, transports, deports, shelters, hands over, or receives one or more persons whether within the state or across national borders thereof; and employs force, threat, coercion, abduction, fraud, deceit, abuse of authority, misuse of influence, or exploitation of vulnerability with the intent of exploitation.
 - B. Whoever gives or receives sums of money or benefits to obtain the consent of a person who has control over another person for the purpose of exploiting the latter.
2. Shall the victim be a child or an incapacitated person, even if any of the cases set forth in Clause No. (1) of this Article are not provided, this shall be deemed a human trafficking.
3. The forms of exploitation set forth in this Article shall include all forms of sexual exploitation, exploitation of others for prostitution, forced labour, the removal of human organs or tissues, forced service, slavery, begging, or practices similar to slavery or servitude.

Article (3)

Non-consideration of the Victim Consent

1. The victim consent shall not be taken into consideration in any form of human trafficking, whenever using any if the means set forth in Clause No. (1) of Article (2)

herein.

2. The consent of the victim father or guardian shall not be taken into consideration in cases where the victim is a child or an incapacitated person.

Article (4)

Procedures of Investigations and Trial

The following measures and procedures shall be taken at all stages of collecting evidence, investigation, and trial of human trafficking offence:

1. Informing the victim and witness of the legal rights thereof in a language they understand, while providing them with the opportunity to express legal and social needs thereof.
2. Presenting the victim to medical authorities to receive psychological or physical treatment if it becomes apparent that the victim is in need of that or based on request thereof. Moreover, the victim shall be admitted to a medical or psychological rehabilitation centre if necessary.
3. The victim shall be lodged in an accommodation centre if the victim is found to need that.
4. Providing the necessary security protection for the victim and witness whenever they are in a need thereof.
5. Keeping the foreign victim or witness in the country if the investigation or trial requires this based on an order from the Public Prosecution or the Court, as the case may be.
6. Appointing an attorney by the court for the victim based on the victim request to file a civil claim for compensation for the damage, and the state shall bear the fees thereof as contained in the Penal Code.
7. Considering the provision of educational assistance to the victim, especially children and persons with disabilities, if necessary.
8. In all cases, the court shall take measures to ensure that victims and witnesses are protected and not influenced in accordance with the provisions of the Law on the Protection of Witnesses and the like.

Crimes and Penalties

Article (5)

Without prejudice to any severer penalty set forth in any other law, the crimes set forth in this Decree-Law shall be punished with the penalties stipulated herein.

Article (6)

Penalty of Human Trafficking

Whoever commits the human trafficking offence shall be punished with temporary imprisonment for a period of not less than (5) five years and a fine of not less than (1,000,000) million Dirhams.

Article (7)

Aggravating Circumstances in Human Trafficking Offence

The penalty shall be life imprisonment and a fine of not less than (5,000,000) five million Dirhams if the human trafficking offence is committed in the following cases:

1. If the victim is a child, a disabled person, an incapacitated person, or a pregnant woman;
2. If the offence is committed through death threat, serious harm, physical or psychological torture, or if the perpetrator is carrying a weapon.
3. If the perpetrator founds or manages an organised criminal group or is a member thereof, or participates in its activities with knowledge of objectives thereof.
4. If the perpetrator is the victim spouse, one of ascendants or descendants thereof, or has authority over the victim.
5. If the perpetrator is a public servant or someone assigned to do a public service who exploits position thereof or the duties assigned thereto in committing the offence;
6. If the offence is a crime of a transnational nature.
6. If the offence resulted in a terminal illness or a permanent disability for the victim.
7. If the perpetrator has previously been convicted of a human trafficking offence; or
8. If the victim dies.

Article (8)

Failure to Report the Crime

Whoever is aware of the commission of the human trafficking offence set forth herein and does not inform the Competent Authorities or Concerned Entities, shall be punished with imprisonment for a period ranging from one year to (5) five years and a fine of not less than (50,000) fifty thousand Dirhams, or with one of these two penalties.

Article (9)

Coercion to Give False Testimony or Conceal Testimony

Whoever, uses force or threats, offers a gift or benefit of any kind, or promises something of the same, to induce another person to give false testimony or conceal a matter, or make statements or Incorrect information before any judicial authority, Competent Authorities, or Concerned Entities in procedures related to the commission of any of the crimes set forth herein, shall be punished with temporary imprisonment for a period of not less than (5) five years. The penalty shall be temporary imprisonment for a period of not less than (10) ten years if the act was committed by a public servant or a person assigned to do a public service by exploiting the authority of position or capacity thereof.

Article (10)

Covering Up Human Trafficking Offence

Whoever commits one of the following acts shall be punished with temporary imprisonment:

1. Concealing one or more person who have participated in or committed the human trafficking offence with the intention of helping them to escape from justice, even though being aware thereof.
2. Possessing, hiding, or disposing of items obtained from the human trafficking offence, or contributing to concealing features thereof.

Article (11)

Hiding or destroying the victim documents

Whoever seizes, conceals, possesses without legal justification, or destroys a travel document, its equivalent, a visa, a residence permit, or any other document Indicates the identity of a victim of a human trafficking offence shall be punished with imprisonment for a period of not less than one year and a fine of not less than (50,000) fifty thousand Dirhams, or with one of these two penalties.

Article (12)

Protection of Victims or Witness Information

Whoever, discloses or reveals the identity of the victim or witness in a human trafficking offence which may cause danger or harm thereto or helps the perpetrators to contact therewith, shall be punished with imprisonment for a period of not less than (6) six months and a fine ranging from (150,000) one hundred and fifty thousand Dirhams to (500,000) five hundred thousand Dirhams, or with one of these two penalties.

Article (13)

Protection from being provided with incorrect information

Whoever provides the victim with misleading information about legal rights thereof with the intention of harming the victim or damaging his physical, psychological, or mental well-being, shall be punished with imprisonment for a period of not less than (6) six months and a fine of not less than (150,000) one hundred and fifty thousand Dirhams and not more than (500,000) five hundred thousand Dirhams, or with one of these two penalties.

Article (14)

Resisting Decree-Law Enforcement Authorities

1. Whoever assaults one of the officers responsible for implementing this Decree-Law during or because of the performance of duties thereof or resists the officer by force or

by threatening to use force shall be punished by temporary imprisonment for a period of no less than (5) five years; and

2. If one of the acts stipulated in Clause (1) of this Article is committed by more than one person or by a person overtly carrying a weapon, the penalty shall be temporary imprisonment for a period of no less than (10) ten years.

Article (15)

Legal Persons

1. A legal person shall be punished with a fine of not less than (2,000,000) two million Dirhams and not more than (10,000,000) ten million Dirhams, if representatives, directors, or agents thereof commit the human trafficking offence on behalf or in name thereof, without prejudice to the responsibility of the natural person affiliated thereto.
2. When a conviction is issued, the court may rule to dissolve the legal person, permanently or temporarily close it, or close one of the branches thereof.

Article (16)

An attempt of an offence

1. Whoever attempts to commit the crimes stipulated in Articles (6), (7), (9), and (11) of this Decree-Law shall be punished with the penalty of the complete crime.
2. Whoever participates in committing the crimes set forth in Articles (2), (6), (7), (9), (10), and (11) of this Decree-Law as a direct or causative accomplice shall be deemed the perpetrator thereof.

Article (17)

Incitement to commit crime

Whoever publicly incites to commit the human trafficking offence, even if the incitement has no effect, shall be punished with temporary imprisonment.

Article (18)

Complementary Penalties

Without prejudice to the rights of bona fide third parties, the following shall be ruled in all cases:

1. Confiscating tools of the crime, funds and proceeds arising therefrom. Where it is not possible to rule on confiscation because it relates to the rights of bona fide third parties, the court shall decide a fine equivalent to the value thereof at the time of committing the crime.
2. Deporting a foreigner who is convicted of one of the crimes stipulated herein.
3. Closing the place in which the human trafficking offence was committed. It shall not be opened unless it is prepared for a legitimate purpose, and after the approval of the Public Prosecution.

Article (19)

Exemption from Punishment

1. Any perpetrator who takes the initiative to inform the Judicial or Competent Authorities or Concerned Entities of knowledge thereof about the crime before being committed in a way leading to discover the crime before occurrence, arrest perpetrators, or prevent completion thereof, shall be exempted from the penalties set forth herein.
2. If the perpetrator reports after the crime has occurred, the perpetrator may be exempted from the penalty or the penalty may be reduced provided that the perpetrator enables the Competent Authorities or Concerned Entities during the investigation to arrest other perpetrators of the crime. The provisions of this clause may not be applied if the crime results in the death of the victim or causing a terminal illness or a permanent disability thereto.

Article (20)

Knowing the Age of the Victim

The perpetrator shall be presumed to have knowledge of the age of the victim in the crimes stipulated in this Decree-Law.

Article (21)

Non-Liability of the Victim

The victim shall not be held criminally or civilly liable for any of the crimes set forth in this Decree-Law whenever it arises or is directly related to be a victim of the human trafficking offence.

Article (22)

Exemption from Paying Civil Lawsuit Fees

The victim of the human trafficking offence shall be exempted from the fees of the civil lawsuit filed thereby to claim compensation for the damage arising from exploitation thereof in the same crime.

Article (23)

Victim Protection Mechanism

The state shall ensure mechanisms to protect victims, and work to create appropriate conditions to assist them, provide them with health, psychological, educational and social care, rehabilitate them and integrate them into society within a framework of freedom and human dignity. In addition, it shall ensure their return to their countries quickly and safely if the person is a foreigner who is not resident in the state, in accordance with the rules and the procedures issued by a resolution of the Cabinet.

Article (24)

The National Committee to Combat Human Trafficking

The National Committee to Combat Human Trafficking shall be formed upon a resolution of the Cabinet based on a proposal by the Minister of Justice.

Article (25)

Competencies of The National Committee to Combat Human Trafficking

The Committee shall do the following:

1. Develop a comprehensive national strategy to combat human trafficking, and prepare plans, programmes and mechanisms for the implementation thereof in coordination with the Competent Authorities and Concerned Entities in the state.
2. Study and propose updating legislation and regulations related to human trafficking issues in order to achieve the required protection for victims and witnesses in accordance with international requirements.
3. Create a database that includes international legislation relevant to the human trafficking offence, means and methods of trafficking, and studies related thereto.
4. Prepare reports on the measures taken by the state to combat human trafficking in coordination with the Competent Authorities and Concerned Entities in the state.
5. Study international, regional, and local reports related to the prevention of human trafficking and take the necessary actions and measures in this regard.
6. Coordinate with the Competent Authorities and Concerned Entities to ensure the protection and support of human trafficking victims, including a care and rehabilitation programme to help victims integrate into society.
7. Raise awareness about the issues related to human trafficking.
8. Hold conferences, seminars, publications, training, and other activities to achieve the goals of the committee.
9. Participate with the Competent Authorities and Concerned Entities in international conferences and forums related to combating human trafficking, and convey the state point of view in international forums.
10. Develop appropriate mechanisms for identifying victims in human trafficking cases.
11. Any other competences entrusted thereto by the Cabinet.

Article (26)

Repeals

1. Federal Law No. (51) of 2006 Concerning Combating Human Trafficking Offences shall be repealed.
2. Any provision conflicting or contradicting with the provisions hereof shall be repealed.

Article (27)

Publication & Enforcement of the Decree-Law

This Decree-Law shall be published in the Official Gazette and shall enter into force as of the day following the date of its publication.

Mohammed Bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace in Abu Dhabi:

On: Safar 27, 1445 H

Corresponding to: September 13, 2023