

Law No. (5) of 2019
Concerning the
Erada Centre for Treatment and Rehabilitation in Dubai¹

We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,

After perusal of:

Federal Law No. (9) of 1976 Concerning Delinquents and Homeless Juveniles and its amendments;

Federal Law No. (3) of 1987 Issuing the Penal Code and its amendments;

Federal Law No. (35) of 1992 Issuing the Criminal Procedure Code and its amendments;

Federal Law No. (14) of 1995 Concerning Combating Narcotics and Psychotropic Drugs and its amendments;

Federal Law by Decree No. (4) of 2016 Concerning Medical Liability;

The Dubai Police Law of 1966 and its Implementing Bylaw No. (1) of 1984;

Law No. (5) of 1995 Establishing the Department of Finance;

Law No. (3) of 2003 Establishing the Executive Council of the Emirate of Dubai;

Law No. (8) of 2015 Concerning the Community Development Authority in Dubai;

Law No. (1) of 2016 Concerning the Financial Regulations of the Government of Dubai;

Law No. (5) of 2016 Establishing the Erada Centre for Treatment and Rehabilitation;

Law No. (8) of 2016 Regulating the Grant of Law Enforcement Capacity in the Government of Dubai;

Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai;

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¹Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.

Law No. (5) of 2019 Establishing the Erada Centre for Treatment and Rehabilitation in Dubai

Law No. (14) of 2017 Regulating Endowments and Gifts in the Emirate of Dubai;

Law No. (6) of 2018 Establishing the Dubai Health Authority;

Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources;

Decree No. (9) of 2015 Regulating the Raising of Donations in the Emirate of Dubai; and

Decree No. (28) of 2015 Concerning Governance of the Boards and Committees Affiliated to the Government of Dubai,

Do hereby issue this Law.

Title of the Law

Article (1)

This Law will be cited as "Law No. (5) of 2019 Establishing the Erada Centre for Treatment and Rehabilitation in Dubai".

Definitions

Article (2)

The following words and expressions, wherever mentioned in this Law, will have the meaning indicated opposite each of them unless the context implies otherwise:

UAE: The United Arab Emirates.

Emirate: The Emirate of Dubai.

Government: The Government of Dubai.

Executive Council: The Executive Council of the Emirate of Dubai.

Judicial Authority: The competent court or the Public Prosecution, as the case may be.

Public Prosecution: The Public Prosecution of the Emirate.

Attorney General: The Attorney General of the Emirate.

Competent Entity:	Any entity affiliated to the Government which is concerned, pursuant to its governing legislation, with Voluntary Inpatients or Committed Patients or with any of the services rendered to them.
Erada Centre:	The Erada Centre for Treatment and Rehabilitation in Dubai.
Board of Directors:	The board of directors of the Erada Centre.
Chairman:	The chairman of the Board of Directors.
Executive Director:	The executive director of the Erada Centre.
Addiction:	A physical, psychological, or mental condition resulting from the interaction of certain chemical substances with the human body due to consuming Narcotics, Psychotropic Drugs, or alcohol, which impairs the physical or psychological health of a person and renders him dependent on such substances and willing to obtain them by any means even if it is illegal.
Narcotics:	Any of the natural or synthesised substances stipulated in the above-mentioned Federal Law No. (14) of 1995 and the resolutions issued in pursuance thereof.
Voluntary Inpatient:	A natural person who suffers from Addiction, and who is admitted to the Erada Centre, for treatment or rehabilitation, upon his request or upon the request of his legal representative; spouse; relative up to the second degree; or employer.
Committed Inpatient:	A natural person who suffers from Addiction, and who is committed by the Judicial Authority to the Erada Centre for treatment or rehabilitation, in accordance with the rules and procedures prescribed by this Law.

Scope of Application

Article (3)

The provisions of this Law apply to the Erada Centre for Treatment and Rehabilitation established pursuant to the above-mentioned Law No. (5) of 2016 as a public corporation having legal personality and the legal capacity required to undertake all acts and dispositions that ensure the achievement of its objectives. The Erada Centre is hereby affiliated to the Executive Council.

Head Office of the Erada Centre

Article (4)

The head office of the Erada Centre will be located in the Emirate.

Objectives of the Erada Centre

Article (5)

The Erada Centre aims to:

1. provide Addiction treatment and rehabilitation services;
2. encourage persons suffering from Addiction to seek treatment and rehabilitation at the Erada Centre;
3. contribute to protecting the members of the community from all types of Addiction and safeguarding them against the danger of slipping into it;
4. increase the awareness of the members of the community on the dangers of Addiction;
5. partake in the social inclusion of Voluntary Inpatients and Committed Inpatients recovering from Addiction; and
6. support and encourage the families of Voluntary Inpatients and Committed Inpatients and raise their awareness on the necessity of the treatment and rehabilitation of their addicted relatives.

Functions of the Erada Centre

Article (6)

For the purpose of achieving its objectives, the Erada Centre will have the duties and powers to:

1. contribute to developing Addiction treatment and rehabilitation policies and strategic plans in the Emirate in coordination with the Dubai Health Authority and the Competent Entities;
2. devise and develop specialised programmes for Addiction combating, treatment, and rehabilitation, in accordance with the best international practices adopted in this regard;
3. provide Addiction treatment and rehabilitation services to adult and minor Voluntary Inpatients and Committed Inpatients using the resources available at the Erada Centre, in accordance with this Law and the resolutions issued in pursuance hereof, and with the legislation in force and the policies adopted in the Emirate;
4. provide a healthy, safe, and favourable environment for Voluntary Inpatients and Committed Inpatients;
5. include recovering Voluntary Inpatients and Committed Inpatients into society through organising, in coordination with the Competent Entities, comprehensive care, training, and empowerment programmes;
6. enter into partnerships with local, regional, and international entities specialised in areas related to the work of the Erada Centre, and coordinate with these entities in all matters related to achieving the objectives of the Erada Centre;
7. prepare and qualify UAE-national cadres specialised in Addiction prevention, treatment, and rehabilitation, in coordination with the Competent Entities and other concerned entities within and outside of the UAE;
8. conduct specialised studies and research on Addiction prevention, treatment, and rehabilitation; and use the results and outcomes of these studies and researches in achieving the objectives of the Erada Centre;

9. organise seminars, conferences, training courses and programmes, and workshops on areas relating to the work of the Erada Centre; and issue publications and printed material that contribute to the achievement of the objectives of the Erada Centre;
10. import, upon obtaining the necessary approvals and authorisations from the Competent Entities, the medications, devices, and equipment required for Addiction treatment and rehabilitation; and store them at appropriate places;
11. coordinate with the Judicial Authority on all matters related to Committed Inpatients;
12. raise Donations for the benefit of the Erada Centre in accordance with the legislation in force in the Emirate; and
13. exercise any other duties or powers required for the achievement of the objectives of the Erada Centre.

Organisational Structure of the Erada Centre

Article (7)

The Erada Centre will have the following organisational levels:

1. the Board of Directors; and
2. the executive body.

Formation of the Board of Directors

Article (8)

The Erada Centre will have a Board of Directors comprised of a Chairman, a vice chairman, and a number of experienced, competent, and specialised members appointed pursuant to a resolution of the Chairman of the Executive Council for a renewable term of three (3) years.

Functions of the Board of Directors

Article (9)

The Board of Directors is the highest authority in charge of the general supervision, management of the affairs, and achievement of the objectives of the Erada Centre. In particular, the Board of Directors will have the duties and powers to:

1. approve, and follow up the implementation of, the general policy and strategic, development, and operational plans of the Erada Centre;
2. approve the projects, programmes, and initiatives of the Erada Centre;
3. approve the draft annual budget and financial statements of the Erada Centre, and submit the same to the competent authority in the Emirate for final approval;
4. propose the legislation related to Addiction, and coordinate in this regard with the competent authority in the Emirate;
5. approve the organisational structure of the Erada Centre, and submit it to the Executive Council for final approval;
6. approve the bylaws, regulations, and resolutions regulating the administrative, financial, and technical work of the Erada Centre;
7. form permanent and temporary committees and work teams, and determine their functions and terms of reference;
8. submit, to the Executive Council, an annual report on the work and activities of the Erada Centre, and the outcomes of periodic assessment reports on the performance of the Board of Directors and the committees and work teams it forms;
9. evaluate and follow up the performance of the executive body of the Erada Centre;
10. study the work flow reports of the Erada Centre and make the appropriate decisions in respect thereof;
11. issue the rules related to raising Donations for the Erada Centre and spending them for their intended purposes, in accordance with the legislation in force in the Emirate;
12. seek the assistance of experts and specialists, as it deems appropriate, to assist it in performing its duties; and
13. exercise any other duties or powers required for the achievement of the objectives of the Erada Centre, as assigned to it by the Executive Council.

Terms of Reference of the Board of Directors

Article (10)

The meetings of the Board of Directors, the procedures for passing its resolutions, the duties of the Chairman and the members of the Board of Directors, and all matters related to regulating its work will be governed by the provisions of the above-mentioned Decree No. (28) of 2015 and the resolutions issued in pursuance thereof.

Executive Body of the Erada Centre

Article (11)

- a. The executive body of the Erada Centre will comprise an Executive Director and a number of administrative and technical Employees.
- b. The executive body of the Erada Centre will be responsible for the operational work of the Erada Centre, and for providing administrative and technical support to the Board of Directors.
- c. The above-mentioned Law No. (8) of 2018 and the resolutions issued in pursuance thereof apply to the Employees of the executive body.

Appointment of the Executive Director

Article (12)

- a. The Executive Director will be appointed by a resolution of the Chairman of the Executive Council.
- b. The Executive Director will be directly responsible to the Board of Directors for performing the duties assigned to him under this Law, the resolutions issued in pursuance hereof, and the legislation in force in the Emirate; and for performing any other duties assigned to him by the Board of Directors.

Functions of the Executive Director

Article (13)

The Executive Director will have the duties and powers to:

1. propose the general policy, and the strategic, development, and operational plans of the Erada Centre, and submit the same to the Board of Directors for approval;
2. supervise the implementation of the approved general policy of the Erada Centre and the resolutions and recommendations issued by the Board of Directors;
3. prepare the draft annual budget and the Financial Statements of the Erada Centre, and submit the same to the Board of Directors for approval;
4. develop the projects, programmes, and initiatives of the Erada Centre; and submit the same to the Board of Directors for approval;
5. prepare the organisational structure of the Erada Centre, and submit the same to the Board of Directors for approval;
6. draft the bylaws, regulations, and resolutions regulating the administrative, financial, and technical work of the Erada Centre; and submit the same to the Board of Directors for approval;
7. supervise, on a daily basis, the Employees of the Erada Centre, including the work and activities they perform and the services they provide;
8. submit periodic reports on the performance of the Erada Centre to the Board of Directors to make the appropriate decisions in respect thereof;
9. propose charges for the services rendered by the Erada Centre and rules for exemption therefrom; and submit the same to the Board of Directors to take the appropriate action in respect thereof;
10. represent the Erada Centre before third parties and execute the contracts, agreements, and memoranda of understanding to which the Erada Centre is a party, in accordance with the relevant powers vested in him by the Board of Directors; and
11. exercise any other duties or powers assigned to him by the Board of Directors.

Recipients of the Erada Centre's Services

Article (14)

- a. The Erada Centre will provide Addiction treatment and rehabilitation services to UAE-national Voluntary Inpatients and Committed Inpatients in accordance with the provisions of this Law; the resolutions issued in pursuance hereof; and the policies, bylaws, and regulations adopted by the Erada Centre in this regard.
- b. The Erada Centre may provide Addiction treatment and rehabilitation services to non-UAE nationals in accordance with the requirements and procedures approved by the Board of Directors in this regard, and in return for the charges it prescribes.

Admission and Committal to, and Discharge from, the Erada Centre

Article (15)

- a. A Voluntary Inpatient will be admitted to the Erada Centre for Addiction treatment or rehabilitation in accordance with the relevant rules adopted by the Erada Centre and upon the approval of the admission request by the Public Prosecution; or by the Erada Centre or competent law enforcement entity, in which case the Public Prosecution must be informed of the admission.
- b. An addict will be committed to the Erada Centre for treatment or rehabilitation pursuant to:
 1. a judgment or decision issued by the competent court; or
 2. a decision rendered by the Attorney General at the request of the competent law enforcement entity or chief prosecutor.
- c. The period of admission or committal to the Erada Centre for Addiction treatment or rehabilitation must not exceed two (2) years.
- d. A Voluntary Inpatient or Committed Inpatient may be discharged from the Erada Centre:
 1. pursuant to an order issued by the competent court, after seeking the opinion of the Public Prosecution, in case of discharging a Voluntary Inpatient in either of the following cases:

- a. where it is established to the satisfaction of the competent court, based on the Erada Centre's report, that his health condition allows his discharge; or
 - b. where he requests to be discharged and obtains the Erada Centre's approval of the same.
2. pursuant to an order of the Public Prosecution in case of Committed Inpatients and Voluntary Inpatients who are committed or admitted to the Erada Centre through the Public Prosecution or the competent law enforcement entity; or
 3. pursuant to a decision of the Erada Centre, in case of Voluntary Inpatients who are admitted to the Erada Centre at their request.

Initiating Criminal Proceedings

Article (16)

- a. Criminal proceedings may not be initiated against a Voluntary Inpatient at any time his request for admission to the Erada Centre is approved unless he refuses to surrender any Narcotics in his possession, or fails to comply with the treatment programme or plan prescribed for him at the Erada Centre.
- b. The Erada Centre must notify the competent law enforcement entity or the Public Prosecution to take the necessary judicial action against any Voluntary Inpatient or Committed Inpatient in case of his failure to comply with the treatment plan prescribed for him at the Erada Centre; or in case he is caught in possession of Narcotics in the course of Addiction treatment or rehabilitation.

Rights of Voluntary Inpatients and

Committed Inpatients

Article (17)

Without prejudice to any restrictions legally imposed on a Committed Inpatient, or imposed under a decision of the Judicial Authority, a Voluntary Inpatient or a Committed Inpatient is entitled to the following rights:

1. to receive the professional and decent medical and psychological care required for treatment and rehabilitation;

2. to be settled in a favourable and healthy environment throughout the period of treatment and rehabilitation;
3. to participate in the training programmes, the courses, the events, and the activities organised by the Erada Centre, in accordance with the relevant regulations and policies adopted by the Erada Centre;
4. to have adequate privacy in accordance with the rules adopted by the Erada Centre in this regard;
5. to follow up his personal matters, and be allowed to communicate with his family members and other individuals using the available means of communication, in accordance with the relevant rules adopted by the Erada Centre;
6. be informed of his rights and obligations, as well as the obligations of his family members, throughout the period of his stay at the Erada Centre; and
7. to be apprised of the regulations applicable in the Erada Centre and the available Addiction treatment and rehabilitation methods and options.

**Obligations of Voluntary Inpatients and
Committed Inpatients
Article (18)**

A Voluntary Inpatient or Committed Inpatient must:

1. comply with the Addiction treatment and rehabilitation programme prescribed for him by the Erada Centre;
2. surrender any Narcotics in his possession, if any;
3. not leave the Erada Centre unless this is permitted and in accordance with the relevant rules adopted by the Erada Centre;
4. not mingle with other Voluntary Inpatients or Committed Inpatients, where this is prohibited by the treating medical staff;
5. not aid or abet his peers, from among Voluntary Inpatients and Committed Inpatients, in absconding from the Erada Centre;

6. not disclose any information or data related to the Erada Centre, Voluntary Inpatients, or Committed Inpatients;
7. cooperate with the Erada Centre's Employees and not obstruct their work;
8. preserve the property of the Erada Centre;
9. comply with the bylaws and instructions applicable in the Erada Centre;
10. comply with the restrictions imposed on him by law or pursuant to the decisions of the Judicial Authority; and
11. comply with any other obligations prescribed by the relevant resolutions of the Board of Directors.

Confidentiality
Article (19)

All the information and data of a Voluntary Inpatient or Committed Inpatient are deemed confidential. The members of the Board of Directors and Employees of the Erada Centre may not use, disclose, or divulge such data and information to third parties without the written approval of the inpatient, an order of the Public Prosecution, a judgement or ruling of the competent court, or a request from a government entity in charge of providing care to the inpatient after his discharge from the Erada Centre.

Service Charges
Article (20)

The charges for the services provided by the Erada Centre, and the rules for exemption therefrom, will be prescribed pursuant to a resolution to be issued in this regard by the Board of Directors upon the approval of the Department of Finance.

Penalties and Measures

Article (21)

- a. The Executive Director, or his authorised representative, may impose any of the following penalties and measures on a Voluntary Inpatient who fails to comply with his obligations under this Law or the resolutions issued in pursuance hereof:
 1. written warning;
 2. deprivation of some of the privileges offered at the Erada Centre;
 3. confinement at a designated place within the Erada Centre; or
 4. any other penalty determined pursuant to the relevant resolutions issued by the Board of Directors, subject to compliance with the provisions of this Law and the legislation in force in the Emirate.
- b. The imposition of penalties and measures on a Committed Inpatient who violates any of the provisions of this Law, the resolutions issued in pursuance hereof, or any instructions or resolutions issued by the Judicial Authority will be coordinated with the Public Prosecution.

Law Enforcement

Article (22)

The Erada Centre Employees nominated pursuant to a resolution of the Chairman will have the capacity of law enforcement officers to record the acts committed in breach of the provisions of this Law and the resolutions issued in pursuance hereof. For this purpose, they may issue the necessary violation reports; and, where necessary, seek the assistance of police personnel.

Grievance

Article (23)

Any affected party may submit to the Chairman a written grievance against any decision, procedure, or measure taken against him in accordance with this Law or the resolutions issued in pursuance hereof, within thirty (30) days from the date of being notified of the

contested decision, procedure, or measure. The grievance will be determined, within thirty (30) days from its submission, by a committee formed by the Chairman for this purpose; and the decision issued by the committee on the grievance will be final.

Cooperation with the Erada Centre

Article (24)

All Government Entities in the Emirate and all Competent Entities must cooperate with, and provide the necessary support to, the Erada Centre to enable it to achieve its objectives and perform the functions assigned to it under this Law and the resolutions issued in pursuance hereof.

Financial Resources of the Erada Centre

Article (25)

The financial resources of the Erada Centre will consist of:

1. the support annually allocated to the Erada Centre in the General Budget of the Government;
2. the charges for the services provided by the Erada Centre;
3. the grants, gifts, donations, bequests, and endowments accepted by the Board of Directors; and
4. any other resources approved by the Executive Council.

Accounts and Financial Year of the Erada Centre

Article (26)

- a. In managing its accounts and records, the Erada Centre will apply the rules and principles of government accounting.
- b. The Financial Year of the Erada Centre will commence on 1 January and will end on 31 December of each year.

Issuing Implementing Resolutions
Article (27)

The Chairman will issue the resolutions required for the implementation of this Law, subject to approval of these resolutions by the Board of Directors.

Supersession and Repeals
Article (28)

- a. This Law supersedes the above-mentioned Law No. (5) of 2016.
- b. Any provision in any other legislation is hereby repealed to the extent that it contradicts the provisions of this Law.
- c. The resolutions and bylaws issued in pursuance of the above-mentioned Law No. (5) of 2016 will continue in force, to the extent that they do not contradict this Law, until new superseding resolutions and bylaws are issued.

Publication and Commencement
Article (29)

This Law will be published in the Official Gazette and will come into force on the day on which it is published.

Mohammed bin Rashid Al Maktoum
Ruler of Dubai

Issued in Dubai on 4 September 2019
Corresponding to 5 Muharram 1441 A.H.