



Foreign &
Commonwealth
Office

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31 July 2014

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0606-14

Thank you for your email dated 17 June 2014 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

- 'I would like a copy of the following documents which cover the period from 2010 onwards.*
- 1 Copy of the FCO/consular internal procedure on dealing with domestic violence in relation to British Nationals abroad.*
 - 2 Copy of the public guidance on the above same subject.*
 - 3 Copy of public and internal guidance on the subject of: detention of British national nationals.*
 - 4. Copy of public and internal guidance and protocols for dealing with complaints against police mistreatment and torture against British Nationals.*
 - 5. What internal and public advice/guidance you have in relation to how child custody cases are dealt with in the UAE and specifically, what, if any, advice that covers the following key issues:*
 - A. travel bans. I.e. are there any warnings or any information in relation to the placing of travel bans on British subjects/children in the UAE who are the subject of family proceedings either in the UK and the UAE.*
 - B. the retention of children's passports by male guardians.*
 - C. the placing of travel bans on British subjects where they are subject to police complaints.*
 - D. the retention of passports by the UAE authorities in cases of criminal complaints filed against them'*

I am writing to confirm that I have now completed the search for the information; please find below my response to each of element of your request.

1. Internal Procedures on dealing with Domestic Violence

We do not currently have a specific chapter of internal procedure for cases involving domestic abuse (which includes domestic violence). Victims of domestic abuse are highly vulnerable and the assistance we provide them is guided by our overall approach for our most vulnerable customers. The kind of help we can provide is explained in our public guide 'Support for British Nationals Abroad: A guide' (see Question Two, below). In addition, there is relevant advice for staff in our internal guidance on other specific types of cases which are, or can be, related to domestic abuse, for example rape and sexual assault and forced marriage.

2. Guidance on Above

Full information about the range of support we can offer is listed in 'Support for British Nationals Abroad: A Guide', we have attached the 2009, 2011 and 2014 versions of this document.

3. Internal and Public Guidance on Detention of British Nationals Abroad

Please find attached internal guidance on the subject of: detention of British nationals; Guidance, Chapter 13 Prisoner and Detainees February 2010, Chapter 13 Prisoners and Detainees – Policy Guidance (current), Chapter 12 Courts and Trials 2009 and Chapter 12 Prison and Detainees Human Rights Issues.

4. Public and Internal Guidance on Protocol for Mistreatment Complaints Handling

Please find attached internal guidance on dealing with complaints against mistreatment and torture against British Nationals; Chapter 40 Torture and Mistreatment.

5. Internal and Public Guidance on Child Custody Hearings

Part A: Travel bans on British subjects/children in the UAE who are the subject of family proceedings

Internal guidance for child abduction and custody disputes can be found in 'Chapter 18 International parental child abduction and other custody disputes'

Section 12 on Child Custody disputes overseas says:

'A parent may approach us when they are involved in a legal battle overseas about where the child should live and who the child should live with. Custody disputes are private legal matters. If the parents cannot agree on custody and care arrangements for the child, generally the courts in the country where the child is habitually resident must decide what is in the child's best interests. In these cases you should:

- **Encourage the parent to get legal advice** in the country where the case is being heard and provide the list of English-speaking lawyers;
- **Explain that the FCO cannot interfere in legal proceedings** in another country, just as foreign governments would not be able to interfere in court cases in the UK;
- **If the parent is planning to make an application for full validity Passports in order to abduct the child out of the country where they are habitually resident without the other parent's consent alert HM Passport Office to the case by completing a request for a stop file and sending this to the HM Passport Office referral team ;**
- **Not issue Emergency Travel Documents or Emergency Passports for the child without both parents' consent, unless the case is exceptional'.**

There is also UAE-specific guidance regarding child abduction and custody on gov.uk which can be found at the link below

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/147862/Child_Abduction_UAE.pdf

Travel bans (in relation to a child custody dispute) are covered on Page 2.

"A mother cannot travel with her child out of the UAE without getting written approval from the child's father, even if she has legal custody. If the father refuses, the matter can be brought before a judge. It is possible for a parent to apply to the court for a stop order to be issued to prevent a spouse or child from leaving the country. If there is a stop order in place, a parent will be stopped at the airport and prevented from leaving the country. UAE does not recognise dual nationality. Therefore, a person has to enter and exit UAE on the same passport. A UK Emergency Travel Document (ETD) may be used for travel in an emergency if the British passport has been lost or stolen. An exit stamp from Immigration is required in the ETD. If there is a travel ban on the holder, they will not be able to get the exit stamp until the ban is lifted, and therefore will not be able to leave the country."

Part B: Retention of children's passports by male guardians

HM Passport Office is responsible for full validity passports and may hold information relevant to your request.

<https://www.gov.uk/government/organisations/hm-passport-office>

Parts C and D: Travel bans on British subjects who are subject to police complaints, and retention of passports by UAE authorities in cases of criminal complaints filed against them

The relevant internal guidance (again not UAE specific) is Chapter 13 – Prisoners and Detainees of the Consular Assistance Guidance. See attached. The retention of passports is also specifically covered in relation to prisoners asking for travel documents.

Relevant public advice on these two areas is in the UAE Prisoner Pack, which can be found on gov.uk at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/142676/UAE_Prison_Pack.pdf

Withheld Information

We have respected the confidentiality of third parties by withholding information relating to them as appropriate, as revealing this information would constitute a breach of the Data Protection Act 1998. Some of the withheld information is personal data relating to third parties. It is our view that disclosure of this information would breach the first data protection principle, which states that personal data should be processed fairly and lawfully. Section 40(2) and (3) of the FOIA therefore apply. It is the fairness aspect of this principle which we think would be breached by disclosure in this case. In such circumstances section 40 confers an absolute exemption on disclosure. We do not therefore have to apply the public interest test.

We have made some redactions of information covered by Section 23 of the Act, information supplied by or relating to bodies dealing with security matters. Section 23 is an absolute exemption on disclosure. We do not, therefore, have to apply a Public Interest Test.

In keeping with the spirit and effect of the FOIA, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

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Yours sincerely,
Desk Officer
Consular Directorate