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Joint Standing Committee on Treaties

Australia

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### **Scholarly Analysis**

#### **Sub: Analysis Transfer of Prisoners Treaty With UAE**

The term 'Treaty' is defined in Article 2 (1) of the Vienna Convention on the Law of Treaties, 1969 as:

“treaty means an international agreement concluded between states in written form and governed by international law, whether embodies in a single instrument or in two or more related instruments and whatever its particular designation”.

As per the definition the requirements of treaty are (1) it must be an agreement in written form (2) it must be between states or countries (3) it is governed by international law

The form in which it is written and the terminology assigned to it makes no difference. It can be called as Convention, Covenant, Protocol, Agreement etc. Therefore, an instrument in written form concluded between UAE and Australia for transfer of sentenced persons will allow Australians imprisoned in UAE and their citizens imprisoned in Australia to apply to serve the remainder of their sentences in their home country

Australia's treaty with UAE to transfer of sentenced persons will allow Australians imprisoned in UAE and their citizens imprisoned in Australia to apply to serve the remainder of their sentences in their home country

The treaty creates a number of benefits for Australia, including increased rehabilitation prospects for Australian prisoners, as well as contributing to community safety by ensuring effective monitoring and recording of practices in Australia.

The treaty ensures that the humanitarian, rehabilitative and community safety objectives of prisoners are met while enabling a prisoner's original sentence to be preserved.

The treaty will further strengthen Australia's international cooperation with UAE. Increase in treaties by Australia with member states will help, assist and promote administration of criminal justice.

Australia has similar bilateral agreements in place with six countries and is also a party to the Council of Europe Convention which facilitates the transfer of prisoners between Australia and other 64 countries

### **Conclusion**

The treaty by Australia with UAE will promote cooperation, responsibility and transparency will prevent and curb strong crime increase in UAE, Australia and globally, since free trade and deregulation, in UAE, Australia and the world has increased by leaps and bounds.