DUTY-TO-RESCUE, GOOD SAMARITAN PRINCIPLES AND THE EMIRATI CULTURE

Background

Duty-to-rescue and freedom from liability when responding to an emergency is universally known as the Good Samaritan Law. Good Samaritan Laws are designed to encourage passers-by and witnesses to rescue or render lifesaving care to victims of accidents and other emergency situations, such as drug overdose. Good Samaritan Laws are in existence in one form or another in many countries and are typically of two types: one that imposes a duty on people, in their own capacity, to provide lifesaving care in case of emergencies (France, Spain, Germany, Quebec) and one that encourages anyone to provide lifesaving care to victims of emergencies without fear of liability from injuries or negligent acts occurring in the process of providing emergency care (most US states) (Lee, 2015; Mengyun, 2014; Northrop, 1990).

The United Arab Emirates (UAE) does not have a “Good Samaritan Law” per se (Kelly, 2014; Partridge, Abbo, & Virk, 2009). However, liabilities and protection thereof, are covered by the UAE Law and the Shariah Law. While these laws provide Emiratis guidance as to the right and duty of individuals when they witness an emergency, there is still confusion as to what one can or cannot do in these cases (Dhal, 2013). The police’s stand is that it is an offence to provide emergency care without proper training and people who have helped are in fear of being sued (Al Dhaheri, 2015). Several accounts of emergency situations indicated that the police discouraged civilians from providing help and gave instructions to wait for the ambulance instead (Al Dhaheri, 2015).

There have been more discussion about the need for an explicit Duty-to-Rescue Law in the UAE in recent years in order to encourage civilians who help in cases of accidents and other emergency situations and to provide protection from legal liability. Decisions may also be affected by awareness of the law, as well as cultural, religious restrictions (Kelly, 2014).

Objective

In light of current heightened interests of the Duty-to-Rescue Principles in the UAE, this study aims to explore the awareness and personal views of Emiratis on the duties and rights of “good Samaritans” in relation to their laws as well as culture and religious considerations.

Review of Literature

Good Samaritan Laws. The concept of the Good Samaritan Law has its origins in the bible. The Book of Luke tells of the story of a man who was robbed, beaten and left for dead (NIV, n.d.). A priest and a Levite saw this man yet chose to ignore him and continue walking. On the other hand, a Samaritan took pity on him, cleaned and bandaged his wound, brought him to an inn and paid for the innkeeper to continue caring for him.

The duty-to-rescue code is embedded in the Napoleonic Law principles (Mengyun, 2014; DAN Legal Network, n.d.) which imposes a penalty for someone who fails to provide assistance to someone in need. However, fear of legal liabilities from unexpected negative outcomes when providing voluntary care in the scene of accidents have deterred individuals, especially those without proper medical training, to stop and help (Low, Butt, Ellis, & Davis Smith, 2007). The United States have Good Samaritan Laws that vary in implementation across the different states. It generally provides protection from liability to good Samaritans unless the injury resulting from the act is of willful wanton or reckless action. Most states do not carry a duty-to-rescue provision. In some states, however, a witness to an accident or emergency situation is duty-bound to at least call for help. In the UK, the Social Action, Responsibility and Heroism (SARAH) Act was signed into a law in 2015 in an effort to allay the fear of “everyday heroes” of legal action resulting from unexpected outcomes when providing first-aid in cases of emergencies. SARAH, however, does not impose a duty-to-rescue (legislation.gov.uk, 2015). In Canada, similar laws are in place. With the exception of Quebec, there are also no duty-to-rescue provisions in these Good Samaritan Laws.

Across Europe, Good Samaritan Laws similarly contain provisions of duty-to-rescue, as well as protection from legal liabilities. In 2013, China has passed its own Good Samaritan Law providing similar protection. Good Samaritan Principles in the context of the UAE Laws. The United Arab Emirates (UAE) does not have a “Good Samaritan Law” (Kelly, 2014; Partridge, Abbo, & Virk, 2009). However, liabilities and protection thereof, are covered by the UAE Law and the Shariah Law. UAE Law covers both the duty of a person to help a victim and the right of the “good Samaritan” to provide emergency care without liability (Kelly, 2014). Similarly, the Shariah Law draws upon the necessity to preserve one’s life and property, in that individuals providing first aid may not be held liable for the victim’s death, but however imposes a liability to anyone who does not provide first aid when necessary (Kelly, 2014).

Conceptual definition

Duty-to-Rescue Principles - In consideration of religious and cultural limitations, the Good Samaritan Laws or Principles as more universally known, will be referred to in this study as Duty-to-Rescue Principles. It applies the same duty-to-rescue code and freedom from liability conditions in the Good Samaritan Laws.
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Methods

Research Design. This study will utilize a qualitative research design using in-depth semi-structured interviews to elict participating perspectives of the Duty-to-Rescue principles in relation to their awareness of the law and how it relates to the Emirati culture and religious practices.

Sampling Design. A convenient sample is sought in order to cover differences in opinions and points of view. Data saturation will dictate the number of participants that will be included in this study, however, a minimum of ten (10) participants is required. The participants must be an Emirati national, living in the UAE for majority of their time. No exclusion in terms of age, sex and profession will be exercised.

Study Procedures. The study’s research protocol will be submitted to the Research Ethics Board for technical and ethical review. Once clearance has been awarded, the researcher will proceed with the implementation of the research.

An interview schedule will be developed as a guide for the interview. The interview will be semi-structured, in that, general questions are determined beforehand, while providing unlimited opportunities to explore responses to elicit and in-depth understanding of the participant perspectives.

Individual participants will be approached to participate in the study and will be screened according to the inclusion criteria. They will be asked to sign an informed consent after the study details have been explained to them, including the full nature of the study, the person’s right to refuse or withdraw from participation, the researcher’s responsibilities and the likely benefits and risks of participation. It will be reiterated that their participation is strictly voluntary and that they have a right to refuse to participate. Contact information of the researcher and the ethics review board will be provided for any questions, comments or concerns.

Data Analysis. Field notes and audio recordings will be used to collect the data. The responses will be transcribed, coded and clustered according to emerging themes.

Sample Questionnaire:

Please indicate your degree of agreement to the following statements by encircling the number corresponding to your answer.

Scale:

Strongly Disagree

Strongly Agree

1. On a scale of 1-10, please rate how much you know about Good Samaritan principles. Encircle the number that corresponds to your rating.

Vignette

A pedestrian got hit by a speeding car. The car left without stopping and the pedestrian is in the middle of the road, clearly alive, crying in pain. There is blood gushing from his arm. Several people have now gathered around the pedestrian.

1. UA Law covers both the duty of a person to help a victim and the right of the witnesses to provide emergency care without liability

2. Shariah Law covers both the duty of a person to help a victim and a liability for anyone who does not provide first aid when necessary

3. It is an offense to provide emergency care without proper training

4. It is the duty of witnesses to an accident or emergency situation to provide care to the victim

5. A Good Samaritan Law should be passed in the UAE

6. What do you think should be considered if this law is going to be created?

“Religion” “Culture” “Both” “Other (please specify) _______”

References


Mengyun, T. (2014). Does China Need “Good Samaritan” Laws to Save “Yue Yue”?.


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