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## U.S. Department of State

### United Arab Emirates Country Report on Human Rights Practices for 1996

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#### UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven Emirates established in 1971. None has any democratically elected institutions or political parties. Each emirate retains control over its own oil and mineral wealth and some aspects of defense and internal security, although the Federal Government asserts primacy in most matters of law and government. Traditional rule in the emirates has generally been patriarchal, with political allegiance defined in terms of loyalty to the tribal leaders.

Political leaders in the emirates are not elected, but citizens may express their concerns directly to their leaders via traditional mechanisms, such as the open majlis, or council. In accordance with the 1971 Provisional Constitution, the seven emirate rulers constitute a Federal Supreme Council, the highest legislative and executive body. The Council selects a President and Vice President from its membership; the President in turn appoints the Prime Minister and Cabinet. The Constitution provides that the Council meets annually, although individual leaders meet frequently in more traditional settings. The Cabinet manages the Federation on a day-to-day basis.

Each emirate maintains its own police force, but only the Federal Government and the Emirate of Dubai have independent internal security organizations.

The UAE has a free market economy based on oil and gas production, trade, and light manufacturing. The Government owns the majority share of the petroleum production enterprise in the largest emirate, Abu Dhabi. The Emirate of Dubai is likewise an oil exporter, as well as a growing financial and

commercial center in the Gulf. The remaining five emirates have negligible petroleum or other resources and therefore depend in varying degrees on federal government subsidies, particularly for basic services such as health care, electricity, water, and education. The economy provides citizens with a high per capita income, but it is heavily dependent on foreign workers, who comprise at least 80 percent of the general population.

The Government continued to restrict human rights in a number of areas; e.g., denial of the right of citizens to change their government, the right to a speedy trial, and limitations on the freedoms of speech, press, assembly, association, and worker rights. Women continue to make progress in education and in the work force, but some types of discrimination persist. The press continued to avoid direct criticism of the Government and exercised self-censorship.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Political and Other Extrajudicial Killings**

There were no reports of political or other extrajudicial killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

There were no reports of torture. The Provisional Constitution prohibits torture or degrading treatment. There are consistent but unconfirmed reports from foreign prisoners of beatings and coerced confessions by police during the initial detention. The Government has conducted internal investigations of these reports. These inquiries found the reports to be groundless. Shari'a courts frequently impose flogging (except in Dubai) on Muslims found guilty of adultery, prostitution, and drug and alcohol abuse. In practice, flogging is administered in accordance with Shari'a so as to prevent major or permanent injuries. The individual administering the lashing traditionally holds a Koran under the arm and swings the whip using the forearm only. According to press accounts, punishments for adultery and prostitution have ranged from 80 to 200 lashes. Individuals convicted of drunkenness have been sentenced to 80 lashes.

The Federal Supreme Court ruled in 1993 that convictions in the Shari'a courts do not necessarily require the imposition of Shari'a penalties on non-Muslims, but sentences have been carried out in a few cases.

No amputations were known to have been carried out.

In central prisons holding long-term inmates, cells may hold 8 to 10 prisoners. They are provided with food, medical care, and adequate sanitation facilities but sleep on blankets on concrete floors. The central prisons are not air-conditioned during the intense heat and humidity of the summer. Prisoners normally may receive visitors up to three times each week and may also make occasional telephone calls.

#### **d. Arbitrary Arrest, Detention, or Exile**

The Provisional Constitution prohibits arrest, search, detention, or imprisonment except in accordance with the law. The laws of each emirate prohibit arrest or search without probable cause.

Under the Criminal Procedures Code, the police must report arrests within 48 hours to the Attorney General, who must determine within the next 24 hours whether to charge, release, or order further detention pending an investigation. The Attorney General may order detainees held for up to 21 days without charge. After that time, the authorities must obtain a court order for further detention without charge.

Although the code does not specify a right to a speedy trial, authorities bring detainees to trial in reasonable time. Trials may last a substantial period of time, depending on the seriousness of the charges, number of witnesses, and availability of judges. For example, one drug trafficking case involving two U.S. citizens has been in the trial phase for over 1 year. There is no formal system of bail, but the authorities may temporarily release detainees who deposit money or an important document such as a passport. The law permits incommunicado detention, but there is no evidence that it is practiced. Defendants in cases involving loss of life, including involuntary manslaughter, may be denied release in accordance with the local custom of protecting the defendant from the victim's aggrieved family. Bail is usually permitted, however, after payment of "diya", i.e., financial compensation paid for death or injury cases.

The Provisional Constitution prohibits exile, which is not practiced.

#### e. Denial of Fair Public Trial

The Provisional Constitution provides for the independence of the judiciary. There is a dual system of Shari'a (Islamic) and civil (secular) courts. The civil courts are generally part of the federal system and are answerable to the Federal Supreme Court, located in Abu Dhabi, which has the power of judicial review as well as original jurisdiction in disputes between emirates or between the Federal Government and individual emirates. Courts and other parts of the judicial system in the Emirate of Dubai tend to maintain independence from the federal system.

The Shari'a courts are administered by each emirate but are also answerable to the Federal Supreme Court. In 1994 the President decreed that the Shari'a courts, and not the civil courts, would have the authority to try almost all types of criminal cases. The decree did not affect the emirates of Dubai, Umm Al-Qaiwain, and Ras Al-Khaimah which have lower courts independent of the federal system.

Legal counsel may represent defendants in both court systems. Under the new Criminal Procedures Code, the accused has a right to counsel in all cases involving a capital crime or possible life imprisonment. Only the Emirate of Dubai has a public defender's office. If the defendant is indigent, the Government will provide counsel. In Dubai, however, the Government provides indigents counsel only in felony cases. The Supreme Court ruled in 1993 that a defendant in an appeals case has a "fundamental right" to select his attorney and that this right supersedes a judge's power to appoint an attorney for the defendant.

Defendants are presumed innocent until proven guilty. There are no jury trials. A single judge normally renders the verdict in each case, whether in Shari'a or civil courts; three judges sit for Dubai felony cases. All trials are public, except national security cases and those deemed by the judge likely to harm public morality. Most judges are foreign nationals, primarily from other Arab countries; however, the Ministry of Justice has trained some UAE citizens as judges and prosecutors.

Each court system has an appeal process. Death sentences may be appealed to the ruler of the emirate in which the offense was committed or to the President of the Federation. Non-Muslims tried for criminal offenses in Shari'a courts may receive civil penalties at the discretion of the judge. Shari'a penalties imposed on non-Muslims may be overturned or modified by a higher court.

The Office of the President in Abu Dhabi Emirate (also known as the Diwan), following the traditional prerogatives of a local ruler, maintains the practice of reviewing many types of criminal and civil offenses (such as alcohol use, drug-related cases, firearm use, cases involving personal injury, and cases affecting tribal harmony) before cases are released to the prosecutor's office. The Diwan also reviews sentences passed by judges and reserves the right to return cases to the courts on appeal. The Diwan's involvement leads to long delays prior to and following the judicial process, causing prisoners to remain in prison after they have completed their sentence. In a recent case, a prisoner served twice her sentence of 2 months and was only released after foreign embassy intervention. Although there are reports of intervention by other emirates' rulers in specific cases of personal interest, it does not appear to be done routinely.

The military has its own court system based on Western military judicial practice. Military tribunals try only military personnel. There is no separate national security court system. In Dubai convicted criminals are eligible for executive pardon, often based on humanitarian grounds, once they have served at least half of their sentence.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Provisional Constitution prohibits entry into homes without the owner's permission, except in accordance with the law. Although the police may enter homes without a warrant and without demonstrating probable cause, an officer's actions in searching premises are subject to review, and he is subject to disciplinary action if he acts irresponsibly. Officials other than a police officer must have a court order to enter a private home. Local custom and practice place a high value on privacy, and entry into private homes without the owner's permission is rare. There is no known surveillance of private correspondence.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

Although the Provisional Constitution provides for freedom of speech, most people, especially foreign nationals, refrain from criticizing the Government in public. All published material is subject to Federal Law 15 of 1988, which stipulates that all publications, whether books or periodicals, should be licensed by the Ministry of Education. It also governs content and contains a list of proscribed subjects. Mindful of these provisions, journalists censor themselves when reporting on government policy, the ruling families, national security, religion, and relations with neighboring states.

Many of the local English and Arabic language newspapers are privately owned but receive government subsidies. Foreign publications are routinely subjected to censorship before distribution.

All television and radio stations are government owned and conform to government reporting guidelines. Satellite receiving dishes are widespread and provide access to international broadcasts without apparent censorship. Censors at the Ministry of Information and Culture review imported

newspapers, periodicals, books, films, and videos and ban any material considered pornographic, violent, derogatory to Islam, favorable to Israel, unduly critical of friendly countries, or critical of the Government or the ruling families.

The unwritten but generally recognized ban on criticism of the Government also restricts academic freedom, although in recent years academics have been more open in their criticism.

#### b. Freedom of Peaceful Assembly and Association

These freedoms are tightly restricted. Organized public gatherings require a government permit. Each emirate determines its own practice on public gatherings. Some emirates are relatively tolerant of seminars and conferences on sensitive subjects.

Citizens normally confine their political discussions to the numerous gatherings or majlis, held in private homes. There are no restrictions on such gatherings. However, private associations must follow the Government's censorship guidelines if they publish any material. Unauthorized political organizations are prohibited.

#### c. Freedom of Religion

Islam is the official religion of all the emirates. Citizens are predominantly Sunni Muslims, but Shi'a Muslims are also free to worship and maintain mosques. In 1993 the Emirate of Dubai placed private mosques under the control of its Department of Islamic Affairs and Endowments. This move gave the Government control over the appointment of preachers and the conduct of their work. Throughout the emirates, most mosques are government funded or subsidized, and the Ministry of Awqaf and Religious Affairs ensures that clergy do not deviate from approved topics in their sermons.

Non-Muslims are free to practice their religion but may not proselytize publicly or distribute religious literature. Major cities have Christian churches and Hindu and Sikh temples, some built on land donated by the ruling families. Other religious communities (mostly expatriates residing in Dubai and Abu Dhabi) include Ismailis, Parsis, and Iranian Baha'is. The Government permits foreign clergy to minister to expatriate congregations. Non-Muslim religious groups are permitted to engage in private charitable activities and to send their children to private schools.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no limitations on freedom of movement or relocation within the country, except for security areas such as defense and oil installations.

Unrestricted foreign travel and emigration are permitted to male citizens except those involved in financial disputes under adjudication. A husband may bar his wife and children from leaving the country. All citizens have the right to return. There is a small population of stateless residents, many of whom have lived in the UAE for more than one generation. They are Bedouins or the descendants of Bedouins who are unable to prove that they are of UAE origin.

Citizens are not restricted in seeking or changing employment. However, foreign nationals in specific occupations, primarily professional, may not change employers without first leaving the country for 6 months. This law is not often enforced. Foreign nationals involved in disputes with UAE citizen employers can be blacklisted by the employer with UAE immigration authorities, effectively preventing their return.

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. It may detain persons seeking refugee status, particularly non-Arabs, while they await resettlement in a third country. There is no formal procedure for naturalization, although foreign women receive citizenship by marriage to a UAE citizen, and anyone may receive a passport by presidential fiat.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

There are no democratically elected institutions, and citizens do not have the right to change their government or to form political parties. Although there are consultative councils at the federal and emirate levels, most executive and legislative power is in the hands of the Federal Supreme Council. The seven emirate rulers, their extended families, and those persons and families to whom they are allied by historical ties, marriage, or common interest wield most political power in their own emirates. Decisions at the federal level are generally made by consensus of the sheikhs of the seven emirates and leading families.

A federal consultative body, called the Federal National Council (FNC), consists of advisers appointed by the rulers of each emirate. The FNC has no legislative authority but may question ministers and make policy recommendations to the Cabinet. Its sessions are usually open to the public.

The choice of a new emirate ruler falls to the ruling family in consultation with other prominent tribal figures. By tradition, rulers and ruling families are presumed to have the right to rule, but their incumbency ultimately depends on the quality of their leadership and their responsiveness to their subjects' needs. Emirate rulers are accessible, in varying degrees, to citizens who have a problem or a request.

Tradition rather than law has limited the political role of women. Women are free to hold government positions, but there are few women in senior positions. Although the small Shi'a minority has enjoyed commercial success, few Shi'a Muslims have top positions in the Federal Government.

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

There are no independent human rights groups. Government restrictions on freedom of the press and public association make it difficult for such groups to investigate and publicly criticize the Government's human rights restrictions. A human rights section exists within Dubai Emirate's police force to monitor allegations of human rights abuses.

A few informal public discussions of human rights have taken place in recent years, such as a seminar in December 1992 and an international symposium in late 1993. These events, along with some press coverage of selected local human rights problems, have led to a small increase in public awareness of human rights.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Provisional Constitution provides for equality before the law with regard to race, nationality, religious beliefs, or social status. However, there is institutional and cultural discrimination based on sex, nationality, and religion.

Women

There are reported cases of spousal abuse. When reported, the local police authorities may take action to protect women from abuse. The laws protect women from verbal abuse or harassment from men, and violators are subject to criminal action. There continue to be credible reports of abuse of female domestic servants by some UAE and foreign employers (see Section 6.e.).

Most women play a subordinate role in this family centered society because of early marriages and traditional attitudes about women's activities. Husbands may bar their wives and children from leaving the country (see Section 2.d.), and a married woman may not accept employment without her husband's written consent. Islamic law is applied in cases of divorce. Mothers receive custody of their children under 7 years of age. Older children live with their fathers unless judicial authorities decide otherwise. Courts usually grant custody to the father regardless of the child's age in divorce cases. A woman who remarries forfeits her right to the custody of children from a previous marriage. Islamic law permits polygyny.

Women are restricted from holding majority shares in most businesses. A woman's property is not commingled with that of her husband. Women who work outside the home do not receive equal such as housing, and may face discrimination in promotion. In June 1995, the UAE Cabinet provisionally extended paid maternity leave for citizen women in the private sector to 3 months at full pay from 45 days, and up to 1 year's leave at half pay and a second year's leave at quarter pay.

Opportunities for women have grown in government service, education, private business, and health services. According to UAE government figures, 19.4 percent of the country's work force in 1995 was female. The Federal Government has publicly encouraged women to join the work force, guaranteeing public sector employment for all who apply. Cultural barriers and the lack of economic necessity have limited female participation. A symposium promoting the rights of women in the labor force was held in October. Participants called for increasing rights granted to women including the elimination of the requirement that a husband give approval before his wife can work.

Women continue to make rapid progress in education. They constitute over 75 percent of the student body at the National University in Al-Ain, largely because women, unlike men, rarely study abroad.

Women are officially encouraged to continue their education, and government-sponsored women's centers provide adult education and technical training courses. The Federal Armed Forces accept female volunteers, who may enroll in a special training course started after the Gulf War. The Dubai Police College recruits women, many of whom are deployed at airports, immigration offices, and women's prisons. As of mid-1995, about 85 women had graduated from the college.

The law prohibits cohabitation by unmarried couples. The Government may imprison and deport noncitizen women if they bear children out of wedlock. In the event that the courts sentence women to prison for such an offense, local authorities will hold the newborn children in a special facility until the mother's release and deportation. Children may remain in this facility longer in the event of a custody dispute.

## Children

The Government is committed to the welfare of children. Children who are citizens receive free health care, free education, guaranteed housing, and other perquisites of citizenship. A family may also be eligible to receive aid from the Ministry of Labor and Social Welfare for sons and daughters who are under the age of 18 or unmarried or disabled. There is no pattern of societal child abuse.

## People with Disabilities

There is no federal legislation requiring accessibility for the disabled. However, the Ministry of Labor and Social Affairs sponsors centers which provide facilities and services to the disabled. Services range from monthly social aid funds, special education, and transportation assistance to sending a team to the Special Olympics.

## National/Racial/Ethnic Minorities

Discrimination based on national origin, while not legally sanctioned, is prevalent (see Section 2.d.). Employment, immigration, and security policy, as well as cultural attitudes towards foreign workers, are conditioned by national origin.

## Section 6 Worker Rights

### a. The Right of Association

There are no unions and no strikes. The law does not grant workers the right to organize unions or to strike. Foreign workers, who make up the bulk of the work force, risk deportation if they attempt to organize unions or to strike.

Since July 1995, the UAE has been suspended from the U.S. Overseas Private Investment Corporation insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards.

### b. The Right to Organize and Bargain Collectively

The law does not grant workers the right to engage in collective bargaining, which is not practiced. Workers in the industrial and service sectors are normally employed under contracts that are subject to review by the Ministry of Labor and Social Affairs. The purpose of the review is to ensure that the pay will satisfy the employee's basic needs and secure a means of living. For the resolution of work-related disputes, workers must rely on conciliation committees organized by the Ministry of Labor and Social Affairs or on special labor courts.

Labor laws do not cover government employees, domestic servants, and agricultural workers. The latter two groups face considerable difficulty in obtaining assistance to resolve disputes with employers. While any worker may seek redress through the courts, this process puts a heavy financial burden on those in lower income brackets.

In Dubai's Jebel Ali Free Zone, the same labor laws apply as in the rest of the country.

### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is illegal and not practiced. However, some unscrupulous employment agents bring foreign workers to the UAE under conditions approaching indenture.

### d. Minimum Age for Employment of Children

Labor regulations prohibit employment of persons under the age of 15 and have special provisions for employing those 15 to 18 years of age. The Department of Labor enforces the regulations. Other

regulations permit employers to engage only adult foreign workers. In 1993 the Government prohibited the employment of children under the age of 15 as camel jockeys and of jockeys who do not weigh more than 45 kilograms. The Camel Racing Association is responsible for enforcing these rules. However, children under the age of 15 working as camel jockeys have still been observed. Otherwise, child labor is not permitted.

#### e. Acceptable Conditions of Work

There is no legislated or administrative minimum wage. Supply and demand determine compensation. However, according to the Ministry of Labor and Social Affairs, there is an unofficial, unwritten minimum wage rate which would afford a worker and family a minimal standard of living. As noted in Section 6.b., the Labor and Social Affairs Ministry reviews labor contracts and does not approve any contract that stipulates a clearly unacceptable wage.

The standard workday and workweek are 8 hours a day, 6 days per week, but these standards are not strictly enforced. Certain types of workers, notably domestic servants, may be obliged to work longer than the mandated standard hours. The law also provides for a minimum of 24 days per year of annual leave plus 10 national and religious holidays. In addition, manual workers are not required to do outdoor work when the temperature exceeds 45 degrees Celsius (112 degrees Fahrenheit).

Most foreign workers receive either employer-provided housing or housing allowances, medical care, and homeward passage from their employers. Most foreign workers do not earn the minimum salary of \$1,090 per month (or \$817 per month, if a housing allowance is provided in addition to the salary) required to obtain residency permits for their families. Employers have the option to petition for a 6-month ban from the work force against any foreign employee who leaves his job without fulfilling the terms of his contract.

The Ministry of Health, the Ministry of Labor and Social Affairs, municipalities, and civil defense units enforce health and safety standards. The Government requires every large industrial concern to employ a certified occupational safety officer. An injured worker is entitled to fair compensation. Health standards are not uniformly observed in the housing camps provided for foreign workers. Workers' jobs are not protected if they remove themselves from what they consider to be unsafe working conditions. However, the Ministry of Labor and Social Affairs may require employers to reinstate workers dismissed for not performing unsafe work. All workers have the right to lodge grievances with Ministry officials, who make an effort to investigate all complaints. However, the Ministry is understaffed and underbudgeted; complaints and compensation claims are backlogged.

Rulings on complaints may be appealed within the Ministry and ultimately to the courts. However, many workers choose not to protest for fear of reprisals or deportation. The press periodically carries reports of abuses suffered by domestic servants, particularly women, at the hands of some employers. Allegations have included excessive work hours, nonpayment of wages, and verbal and physical abuse.

Newspaper reports continue to highlight the difficult conditions of domestic workers. However, there have been no cases in 1996 as highly publicized as the 1995 Balabagan case. (Sarah Balabagan was the Filipina maid convicted of killing her employer, who she claimed had raped her.) The UAE Government quietly released Balabagan in July at the completion of her sentence.

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