



## U.S. DEPARTMENT of STATE

### United Arab Emirates

#### Country Reports on Human Rights Practices - [2006](#)

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The United Arab Emirates (UAE) is a federation of seven semi-autonomous emirates, with a permanent resident population of 3.8 million of which less than 17 percent are citizens; there are at least 1.1 million additional nonpermanent residents. The seven emirate rulers constitute the 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. In 2004 the Council selected Sheikh Khalifa bin Zayed al-Nahyan, Ruler of Abu Dhabi Emirate, as head of state for a five-year term. Traditional rule in the emirates generally is patriarchal, with political allegiance defined in terms of loyalty to the tribal leaders, to the leaders of the individual emirates, and to the leaders of the federation. There are no democratically elected legislative institutions or political parties. There are no general elections; however, citizens express their concerns directly to their leaders through traditional consultative mechanisms such as the open *majlis*, or council. A consultative body, the Federal National Council (FNC), consists of 40 advisors, 20 of whom are elected by an appointed electorate. The civilian authorities generally maintained effective control of the security forces.

The government's respect for human rights remained problematic, and significant human rights problems reported included: no citizens' right to change the government and no popularly elected representatives of any kind; flogging as judicially sanctioned punishment; arbitrary detention and incommunicado detention, both permitted by law; questionable independence of the judiciary; restrictions on civil liberties—freedom of speech and of the press (including the Internet), and assembly; restrictions on right of association; restrictions on religious freedom; domestic abuse of women, sometimes enabled by police; trafficking in women and children; legal and societal discrimination against women and noncitizens; corruption and lack of government transparency; common abuse of foreign domestic servants; and severe restrictions on and abuses of workers' rights.

The government made progress in addressing the problem of human trafficking, repatriating children identified to have been trafficked to the UAE for use as camel jockeys.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits torture, and there were no reports that government officials employed it; however, courts applying Shari'a (Islamic law) sometimes imposed flogging sentences on both Muslims and non-Muslims as punishment for adultery, prostitution, consensual premarital sex, and for pregnancy outside of marriage. On March 13, a R'as al-Khaimah court sentenced a woman to five years and 150 lashes for adultery, and on June 11 a man was sentenced to be stoned to death for adultery with a maid. The law allows for capital punishment, and, unlike in previous years, capital sentences were carried out.

Flogging was also imposed as punishment for defamation of character, and drug or alcohol abuse. There were credible reports that some authorities used leather straps and canes to administer floggings, which left substantial bruising, welts, and open wounds on the recipients' bodies. On March 22 a R'as al-Khaimah court ordered the amputation (in absentia) of a man's hands on charges of theft.

##### Prison and Detention Center Conditions

Prison conditions varied widely from emirate to emirate. Some prisons were overcrowded and had spartan living conditions. Again during the year there were reports of prison overcrowding in Abu Dhabi and Dubai prisons. Between May and August Dubai began to occupy a new 6,000 bed prison facility; Dubai reportedly housed less than 3,000 prisoners at any given time during the year. Noncitizens represented

approximately 75 percent of all prisoners. Conditions for women were equal to or slightly better than those for men. Prisoners convicted on national security grounds were held separately from the general populace in special sections of the regular prisons. Conditions in these sections were not significantly different from other parts of the prisons. There were credible reports that government officials discriminated against prisoners with HIV by not granting commuted sentences or parole that other prisoners with similar records had received (see section 5, Other Societal Abuses and Discrimination).

Police in Dubai and Abu Dhabi stated that non governmental organizations (NGOs) and the International Committee of the Red Cross have access to observe prison conditions if requested; however, there were no reports of any requests for such visits during the year.

Representatives of religious and national communities regularly met with prisoners. Representatives from the General Women's Union (GWU), a local organization partially funded by the government, regularly met with female prisoners, helped them financially, and paid their airfare, when necessary, to repatriate noncitizens after their release.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, there were reports that the government held persons in official custody without charge; and that the government charged individuals but denied them a preliminary judicial hearing within a reasonable period. The law permits indefinite routine prolonged incommunicado detention without appeal, and the detainee only has the explicit right to contact with an attorney.

In 2005 there were reports that at least three persons were detained without charge for several months. Abdullah Sultan al-Subaihat, Mohammad Ahmad Saif al-Ghufli, and Sa'eed Ali Hamid al-Kutbi, were arrested in August 2005 and released without charge on October 25. No reasons were given for their being held in solitary confinement. On January 6, Humeid Salem al-Ghawas al-Za'abi, a former air force officer, was released without charge; he had reportedly been held incommunicado and without charge since March 2004.

On August 23, Mohamed Abdullah Al-Roken, a human rights activist, attorney, and former president of the Jurists Association, was detained and questioned for 72 hours by State Security officials in Dubai before being released without charge. He had previously been detained for 24 hours in July. In both instances, he was interrogated about his human rights activities and public lectures (see sections 4 and 2.d.).

#### Role of the Police and Security Apparatus

The federal Ministry of Interior oversees Police General Directorates in each of the seven emirates; however, each emirate, via its corresponding Police General Directorate, maintains its own police force and supervises the police stations therein. While all emirate police forces theoretically are branches of the ministry, in practice they operate with considerable autonomy and varying degrees of efficiency. Police stations take complaints from the public, make arrests, and forward most cases to the public prosecutor. These cases are then transferred to the courts. In cases involving foreign defendants, especially for crimes of moral turpitude, authorities often summarily deported the defendants. All cases are filed with the Ministry of Interior (MOI). While reported incidents of police corruption are uncommon, the ministry intervened several times in criminal cases to ensure local police were compliant with federal law and policy. There were no reports that impunity was a problem.

In May 2005 the government created a 70-person antitrafficking section within the Ministry of Interior, and in October 2005 Dubai Police established a special Human Trafficking section that works in conjunction with the Human Rights Care Department.

#### Arrest and Detention

The law prohibits arrest or search without probable cause, but the government did not always observe these provisions in practice. There were credible reports that security forces failed to obtain warrants in many cases. Indefinite detention without charge is permitted upon judicial review.

Under the Criminal Procedures Code, police are directed to report arrests within 48 hours to public prosecutors, who must determine within the next 24 hours whether to charge, release, or further detain the suspect pending an investigation. In practice the 24-hour time limit was not always met. Public prosecutors may order that detainees be held up to 21 days without charge. In cases of felonies or misdemeanors punishable by imprisonment, authorities must obtain court orders after 21 days for additional detention. Courts may not grant an extension of more than 30 days of detention without charge; however, judges may continue to renew 30-day extensions to the detention period indefinitely and without charge. Suspects have the right to protest any extensions of their detention periods ordered in absentia, although this right was not afforded in cases of incommunicado detention. A 2004 antiterrorism law allows public prosecutors to hold suspects in terrorism-related cases without charge for six months, an increase over the previous limit of three weeks. Once a suspect is charged, terrorism cases are handled by the Supreme Court, which may extend the detention period indefinitely.

As in the previous year, several diplomatic missions expressed concern that authorities failed to provide consular notification when their citizens were detained or arrested.

There is no formal system of bail; however, authorities can release detainees temporarily who deposit money, an important document such as a passport, or an unsecured personal guarantee statement signed by a third party. Those arrested on nonsecurity charges were generally allowed to telephone third parties and to have access to family members at some point while in detention, although not generally promptly.

Defendants in cases involving loss of life, including involuntary manslaughter, can be denied release in accordance with the law. Release

usually is permitted after a payment of compensation to the victims' families, commonly called *diya* or "blood money," which is a form of financial penalty imposed on defendants in criminal cases involving a killing.

A defendant is entitled to an attorney only after the police have completed their investigation. As a result, police can question accused persons sometimes for days or weeks without benefit of legal counsel if the Prosecutor General approves.

#### Amnesty

Rulers of the individual emirates regularly pardon and pay the debts of prisoners on religious and national holidays. During the year, at least 969 prisoners were pardoned, and over \$1 million (3.6 million dirhams) in debts were paid. Most pardoned foreign nationals were deported.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, its decisions are subject to review by the political leadership. The judiciary, composed largely of contracted foreign nationals potentially subject to deportation, was not generally considered independent. The law prohibits women from serving in the judiciary.

There is a dual court system. Shari'a (Islamic law) courts adjudicate criminal and family law matters based on each emirate's interpretation of Islamic law; civil courts adjudicate civil law matters. Civil courts generally are part of the federal system, except in the Dubai and R'as al-Khaimah emirates, and are accountable to the Federal Supreme Court, which has the power of judicial review as well as original jurisdiction in disputes between emirates or between the federal government and individual emirates. The emirates of Dubai and R'as al-Khaimah have their own local and appellate courts, which have jurisdiction over matters within their territories that the constitution and federal legislation do not specifically reserve for the federal system. The emirates of Dubai and R'as al-Khaimah do not refer cases in their courts to the Federal Supreme Court for judicial review, although they maintain a liaison with the federal Ministry of Justice.

Each emirate administers Shari'a courts. In some emirates, these courts consider all types of civil and commercial cases as well as criminal cases and family matters. They act in accordance with their interpretation of Islamic law but also are required to answer to the Federal Supreme Court, with the exception of the emirates of Dubai and R'as al-Khaimah. In criminal cases Shari'a is applied first and, if evidence required by Shari'a is found insufficient, the Penal Code is used. Dubai has a special Shi'a council to act on matters pertaining to Shi'a family law (see section 5).

#### Trial Procedures

The constitution does not provide accused persons the right to a speedy trial but does provide the right to a fair public trial. Civil defendants at times demanded same-day disposition of the cases filed against them. Authorities generally brought criminal defendants to trial within two to three months, with the exception of more slow-moving drug-related cases, in which authorities are required to inform the office of the ruler for the emirate in which the offense was committed. There were credible reports that these cases often took more than six months to go to trial.

Trials can last more than a year, depending on the seriousness of the charges, number of witnesses, and availability of judges. In Abu Dhabi Emirate, review of criminal cases by the local ruler's personal office, or *diwan*, as well as an extralegal requirement that the *diwan* approve the release of every prisoner whose sentence has been completed, resulted in bureaucratic delays in processing or releasing prisoners, and some prisoners served time beyond their original sentences.

Approximately 50 percent of federal judges were noncitizen Arabs, whose mandates were subject to periodic renewal by the government. In contrast, judicial positions held by citizens are permanent and are subject to termination only for specific reasons set out in the Judicial Authority law. The percentage of citizens serving as public prosecutors and judges, particularly at the federal level, continued to increase. Although each emirate varies, approximately 85 percent of public prosecutors were citizens.

Defendants have a limited right to legal counsel. Under the Criminal Procedures Code, the defendant has a right to request government-provided counsel in all cases involving a capital crime or possible life imprisonment, regardless of whether the defendant is financially able to hire counsel. The government may provide counsel, at its discretion, to indigent defendants charged with felonies punishable by imprisonment of three to 15 years. The Penal Procedures Law states that defense counsel may be present during any investigation, but only at the prosecutor's discretion. Defense counsel is provided with access to relevant government held evidence.

Defendants are presumed innocent until proven guilty. All trials are before judges, not juries, and trials are public, except for national security cases and those deemed by the judge likely to harm public morality. By law all prosecutions are conducted in Arabic; although the defendant has a procedural right to a translator, in practice translation was often only provided at sentencing.

Each court system has an appeals process. Death sentences may be appealed to the ruler of the emirate in which the offense is committed, or to the president of the federation, although in the case of murder, only the victim's family may commute a death sentence. The government normally negotiates with victims' families for the defendant to offer financial compensation, or *diya*, to the victims' families to receive their forgiveness and commute death sentences.

Non-Muslims who are tried for criminal offenses in Shari'a courts can receive civil penalties at the discretion of the judge. Shari'a penalties imposed on non-Muslims can be overturned or modified by a higher court.

In cases in which a defendant is acquitted, the prosecutor may appeal the acquittal to a higher court. The higher court may receive additional evidence. An appellate court must reach unanimous agreement to overturn an acquittal.

The local rulers' *diwans*, following traditional prerogatives, maintained the practice of reviewing many types of criminal and civil offenses before cases were referred to the prosecutor's office. The *diwans* may review sentences passed by judges and return cases to the court on appeal. The *diwans*' involvement, which typically occurs when the case involves parties from two different emirates or a citizen and a noncitizen, can lead to lengthy delays prior to and following the judicial process.

The military has its own court system. Military tribunals try only military personnel. National security cases are heard solely by the Supreme Court.

#### Political Prisoners and Detainees

During the year there were no reports of either political detainees or prisoners; however, there were persons reportedly held incommunicado and without charge. It is unknown why they were detained (see section 1.d.). Some human rights groups claimed that at least four of these individuals were political prisoners.

#### Civil Judicial Procedures and Remedies

There was access to courts to seek damages for, or cessation of, human rights violations. The civil courts, like all other courts in the country, maintain questionable independence. There were also administrative remedies available for labor complaints; this was particularly common in cases of physical abuse of domestic workers.

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

The constitution prohibits entry into homes without the owner's permission, except when police present a warrant in accordance with the law; however, there were credible reports that security forces sometimes failed to obtain warrants. Only police officers and public prosecutors carrying a warrant are permitted entry into homes. Officers' actions in searching premises are subject to review, and officers are liable to disciplinary action if their actions are judged to be irresponsible. Local custom and practice place a high value on privacy, and entry into private homes without owners' permission was rare. A female police officer is required to be present during the search of a private home when male family members are absent.

Authorities do not commonly screen private correspondence; however, there have been reports of censorship of incoming international mail. The government-owned Internet provider, Etisalat, regularly blocks internet sites that censors determine to be "objectionable" (see section 2.a.).

Family matters for Muslims are governed by Shari'a and the local Shari'a courts. Muslim women are forbidden to marry non-Muslims. In such cases, both parties can be arrested and tried. However, Muslim men are free to marry all women "of the book," i.e., Muslim, Christian, and Jewish women (see section 5).

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

##### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, the government restricted these rights in practice. The government drafts all Friday sermons in mosques and censors private association publications (see section 2.c.). The law prohibits criticism of the rulers, and from acts to create or encourage social unrest.

The Press and Publications Law covers all media including; print, electronic, and book publishing. It governs content, requires that publications be licensed and provides for prosecution under the Penal Code. The law authorizes censorship of domestic and foreign publications before distribution, and contains a list of proscribed subjects: criticism of the government, ruling families, and friendly governments, as well as other statements that threaten social stability. Government officials reportedly warned journalists when they published material deemed politically or culturally sensitive.

By law, the Media Council, appointed by the President, licenses all publications. The council is informed of the appointment of editors and is responsible for issuing editors their press credentials. According to Media Council and Dubai Police officials, journalists were not given specific publishing instructions. Self-censorship was practiced, with the ministry relying on editors' and journalists' discretion to refrain from publishing problematic material that could cause them problems.

Two of the country's newspapers, *Al-Ittihad* and *Al-Bayan*, were government-owned or affiliated. The privately owned media was heavily influenced by the government. The country's largest Arabic language newspaper, *Al-Khaleej*, was privately owned but received government subsidies. The country's largest English language newspaper, *Gulf News*, was also privately owned. Newspapers often relied on news agencies for material. The government-owned Emirates News Agency regularly provided material that newspapers printed verbatim.

While self-censorship affected what was reported in the local media, foreign journalists and news organizations operating out of the Dubai Media Free Zone reported no restrictions on the content of print and broadcast material produced for use outside the country. Broadcast

content within the Dubai Media Free Zone is regulated by the Free Zone Authority for Technology and Media under published guidelines entitled the "Code of Guidance." There were reports that some broadcast channels in the Media Free Zone broadcast songs and cellular short message service (SMS) messages described as "indecent" by government officials, which were accessed by the local audience.

Except for those located in Dubai's Media Free Zone and foreign language media targeted to expatriates, most television and radio stations were government-owned and conformed to unpublished government reporting guidelines. Satellite receiving dishes were widespread and provided access to international broadcasts without apparent censorship. Media Council censors (previously under the Ministry of Information) reviewed all imported media and banned or censored before distribution material considered pornographic, excessively violent, derogatory to Islam, supportive of certain Israeli government positions, unduly critical of friendly countries, or critical of the government or ruling families.

Publication of books was treated in the same manner.

In January the case against Basma al-Jandaly, a Dubai-based journalist, was dismissed. She was arrested for writing an article in 2005 in Dubai's leading English daily, *Gulf News*, about a man in Sharjah Emirate who had stalked and stabbed women. The warrant issued by Sharjah police contended that her article may have helped the attacker escape by alerting him to the investigation.

#### Internet Freedom

The government restricted access to some Web sites on the Internet. Internet chat rooms, instant messaging services, and blogs were monitored. Individuals and groups engaged in peaceful expression of views via the Internet, including by email, without reports of government prosecution or punishment, although there was self-censorship apparent in many chat rooms and blogs.

According to the NGO The Initiative for an Open Arab Internet, Internet access was widely available. According to January 2005 press reports, 37 percent of the country's population was connected to the Internet provided through the state-owned monopoly Etisalat. A proxy server blocked material deemed inconsistent with the religious, cultural, political and moral values of the country; information on how to circumvent the proxy server; dating and matrimonial sites; and gay and lesbian sites, as well as those concerning the Baha'i Faith and those originating in Israel. The proxy server occasionally blocked broad categories of sites including many that did not meet the intended criteria. Etisalat populated its proxy server list of blocked sites primarily from lists of Web sites purchased from commercial companies; though individuals could also report offensive sites. In July 2005 Etisalat blocked a blog from within the country for the first time, briefly blocking <http://secretdubai.blogspot.com> due to a complaint that it contained "nudity"-though the site contains no images. Etisalat removed the block after the site's owner requested that the block be reviewed. There were no other reports of local blogs, being blocked. The politically oriented - and often critical - sites Arabtimes.com and UAEprison.com remain blocked without explanation.

Etisalat denied having the authority to block any site, and referred all complaints and suggestions to the Media Council. Internet filtering policy and appeals are regulated by the Telecom Regulatory Authority. Each blocked site provided an email address and Web site by which a user could notify Etisalat if the site should not be blocked. Some sites were unblocked following a review. Etisalat also blocked all "voice-chat" and Voice over Internet Protocol (VOIP) Web sites and services. The proxy server did not generally affect Internet access in Dubai's Internet City and Media City.

In January the government enacted the Information and Privacy "cyber crime" law which explicitly criminalizes the use of the Internet to commit a wide variety of crimes. The law provides fines and prison terms for Internet users who violate political, social and religious norms in the country. In addition to criminalizing acts commonly associated with "cyber crimes" such as hacking, phishing, various scams and other forms of financial fraud, the law also provides penalties for using the Internet to oppose Islam, proselytize Muslims to join other religions, "abuse" a holy shrine or ritual of any religion, insult any religion, or incite someone to commit sin. The law further criminalizes use of the internet in transcending "family values" by publishing either news or photos pertaining to a person's private life or that of his/her family, or by promoting a program in breach of public decency.

#### Academic Freedom and Cultural Events

Academic freedoms were constrained. On February 14, a foreign lecturer at Zayed University was fired for showing a series of cartoons from a Danish newspaper portraying the Muslim prophet Mohamed and discussing the international uproar caused by the cartoons. The lecturer's supervisor was also fired but later reinstated.

Academic materials destined for schools were routinely censored. Students were banned from reading texts featuring sexuality or pictures of the human body. On March 6, the Ministry of Education banned and confiscated all copies of a social studies book entitled "World Cultures" from all private schools for containing materials that "offend Islam and promote sentiments against tolerance and national accord."

In September 2000, 15 intellectuals and academics were banned from publishing and teaching in the UAE, including Dr. Mohammed Al-Mansouri, Dr. Mohammed Al-Roken, Dr. Ateeq Jakkah, Dr. Abdul Razzak Al-Faris, Dr. Ali Al-Hammdi, Dr. Ibrahim Al-Shamsi, Dr. Abdul Rahman Shuhail, Dr. Mohd Makklouf, Dr. Ahmed Al Olaimi, and Dr. Khalifa Al-Suwaidi. At year's end only Khalifa Al-Suwaidi had been allowed to return to teaching and writing. On September 21, the government cancelled an event in Fujairah organized by the Jurists' Association, where Mohammed Al-Roken and Mohammed Al-Mansouri were scheduled to lecture on civil rights, women's rights, and democracy. No reasons were provided for the action (see section 2 b.).

Presentation of, and participation in, cultural events were also restricted.

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

The constitution provides for freedom of assembly and association. Organized public gatherings require a government permit. No permits were given for organized public gatherings for political purposes. In practice the government did not regularly interfere with informal nonpolitical gatherings held without a government permit in public places, unless there were complaints.

#### Freedom of Assembly

During the year there were approximately 20 widely publicized, organized gatherings (primarily in Dubai) before the Ministry of Labor building of workers complaining of unpaid wages and unsuitable working conditions. These gatherings occurred without prior government permission and also without government interference (see section 6).

Citizens normally confined their political discussions to the frequent informal gatherings, or *majlises*, held in private homes. The government did not permit public meetings or demonstrations for political purposes. There were citizen's associations licensed by, and subsidized by, the government, that were able to organize for economic, religious, social, cultural, athletic, and other purposes.

In September 2005, the government cancelled an event in Fujairah organized by the Jurists' Association on civil rights, women's rights and democracy. No reasons were provided publicly for the action. (see section 2.a.).

#### Freedom of Association

There are no political organizations, political parties, or trade unions (see sections 3 and 6.a.). All NGOs are required to register with the Ministry of Social Affairs, after which they receive subsidies from the government based on the membership size. Approximately 100 domestic NGOs were registered with the ministry. However, despite the requirement, more than 20 unregistered local NGOs focused on non-political topics and operated with little or no government interference. The percentage of citizen membership in NGOs varied widely.

NGOs must be approved by the Ministry of Social Affairs. The first quasi-independent human rights NGO in the country was approved during the year (see section 4). All private associations, including children's clubs, charitable groups, and hobby associations required approval and licensing by local, municipal, or emirate level governments. However, this requirement was enforced loosely in some emirates (see section 4).

Private associations must follow the government's censorship guidelines and receive prior government approval before publishing any material. Participation by NGO members in any event outside the country is subsidized and directed by the government. Participants must obtain government permission before attending such events, even if they are not speakers.

#### c. Freedom of Religion

The constitution provides for freedom of religion in accordance with established customs, although these customs restrict this right in practice. The constitution declares that Islam is the official religion of all seven emirates. According to the 2001 census, 76 percent of the population was Muslim, 9 percent was Christian, and 15 percent belonged to other religions.

The government controlled all Sunni and Shi'a mosques, prohibited the proselytizing of Muslims, and restricted freedom of assembly and association, thereby limiting the ability of religious groups without dedicated religious buildings to worship and conduct business. The government funded or subsidized approximately 95 percent of Sunni mosques and employed their Sunni imams; approximately 5 percent of Sunni mosques were entirely private, and several prominent mosques had large private endowments. A committee of the Ministry of Justice, Islamic Affairs, and Endowments drafts and distributes all Friday sermons to Sunni and Shi'a imams (see section 2.b.). The government monitors all sermons for political content.

The government supports a moderate interpretation of Islam; however, as the state religion, Islam is favored over other religions, and conversion to Islam is viewed favorably. All Sunni imams are employees of either individual emirate departments or of the federal Ministry of Justice, Islamic Affairs, and Endowments. Dubai's department of Islamic affairs and endowments has approval authority over preachers in that emirate's private mosques.

The Shi'a minority, concentrated in the northern emirates, was free to worship and maintain its own mosques. All Shi'a mosques were considered private and received no funds from the government. The government did not appoint imams for Shi'a mosques, but it did monitor all sermons closely. Shi'a Muslims in Dubai can pursue Shi'a family law cases through a special Shi'a council rather than the Shari'a courts.

Individual emirates exercised considerable autonomy in religious matters. According to the General Authority of Islamic Affairs and Endowments, there is no formalized method of granting official status to religious groups other than by granting them the use of land for the construction of a building. Land grant applications are filed at the local level but may include a letter from the General Authority. Several non-Muslim groups own houses of worship where they can practice their religion freely, although the local ruler owns the land. Groups that did not have their own buildings were limited in their ability to assemble for worship; they were required to use the facilities of other religious organizations or worship in private homes. The police or other security forces did not interfere with these gatherings.

Facilities for Christian congregations were far greater in number and size than those for other non-Muslim groups, which significantly outnumber the Christian population. There were at least 31 Christian churches in the country, and Christian primary and secondary schools operated in four emirates. There were two Hindu temples located in Dubai, one of which was co-located with a Sikh *gurdwara*. There were no Buddhist temples; however, Buddhists, along with Hindus and Sikhs in cities without temples, conducted religious ceremonies in private homes without interference. There were only two cremation facilities and associated cemeteries for the large Hindu community, one in Dubai and the other in Abu Dhabi. Official permission must be obtained to use the facilities in every instance, which posed a hardship for the large Hindu community.

The government prohibits Muslims from converting to other religions. Although non-Muslims in the country are free to practice their religion, they are subject to criminal prosecution, imprisonment, and deportation if found proselytizing or distributing religious literature to Muslims. There are no specific laws against missionary activities, and there were no reports of authorities revoking residence permits of persons suspected of such activities. Missionaries have performed humanitarian work since before the country's independence in 1971. There is no restriction on proselytizing non-Muslims.

The country's sole Internet service provider, Etisalat, sometimes blocked Web sites containing religious information. These sites included information on the Baha'i Faith, Judaism, negative critiques of Islam, and testimonies of former Muslims who had converted to Christianity (see section 2.a.).

There is a small resident noncitizen Jewish population of unknown size; there are no synagogues. There were no reported acts of physical violence against or harassment of Jewish persons, however, anti-Semitism in the government-affiliated media was present and anti-Semitic articles and editorial cartoons depicting demonic images of Jews, negative images of Jews along with Jewish symbols, and comparisons of Israeli leaders and Israel to the Nazis were published throughout the year. These expressions occurred primarily in the government operated daily newspaper *Al-Itihad* and the government affiliated periodical, *Al-Bayan*. These anti-Semitic articles and depictions occurred without government response.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The law provides for freedom of movement or relocation within the country, and the government generally respected these rights in practice.

Unrestricted foreign travel and emigration is permitted for male citizens, except those involved in legal disputes under adjudication. Custom dictates that a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country by taking custody of their passports (see section 5). However, there was no enforcement of this custom at exit points unless there was a court order barring an individual from traveling. All citizens have the right to return to the country.

The constitution prohibits forced exile, and there were no reported cases during the year.

There was a small population of "stateless" residents who either were without citizenship or had no proof of citizenship for any country. Many such persons had lived in the country for more than a generation. Many stateless residents originally were from Iran and South Asia. Other stateless residents included Bedouins and their descendants who were unable to prove they originated in the country. Since stateless residents do not have official identification documents, they are unable to enroll in school, secure a work permit, open a bank account, or travel outside the country, among other hindrances.

There is no formal procedure for naturalization, although foreign women may receive citizenship through marriage to a citizen after 10 years, and anyone may receive a passport by presidential fiat. Since naturalized citizens are not of the country's original tribal groups, their passports and citizenship status may be revoked for criminal or politically provocative actions. However, such revocations were rare, and there were no reports of such occurrences during the year.

Children born to male citizens acquire citizenship at birth. The same benefit does not extend to children of female citizens married to noncitizens; however, female citizens under these circumstances can apply to the Ministry of Presidential Affairs for citizenship for their children. Passports are generally issued and citizenship is generally received even though there is no provision in the law.

The widespread practice of employers forcing foreign national employees to surrender their passports as a condition of employment remained a serious problem. A 2003 ban on this practice was generally not enforced. This practice prevented international travel or repatriation by foreign national employees without their employers' consent, and it especially affected employees in the resolution of employment disputes. Citizens were not restricted in seeking or changing employment. However, foreign nationals in most occupations are not permitted to change employers without first leaving the country for six months, unless the former employer agrees to waive the requirement (see section 6.e.).

#### Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. The government did not provide protection against *refoulement*, or the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum.

Refugees generally were required to petition for settlement in third countries. In the past the government detained persons seeking refugee status, particularly non-Arabs, while they awaited resettlement in third countries.

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

The law does not provide to citizens the right to change their government peacefully, or to freely change the laws that govern them. There are no democratic elections or institutions and citizens do not have the right to form political parties. However, in December an appointed electorate elected one-half of the 40-seat Federal National Council. Federal executive and legislative power is in the hands of the Federal

Supreme Council, a body composed of the hereditary rulers of the seven emirates that elects from its members the country's president and vice president. Decisions at the federal level generally are made by consensus among the rulers, their families, and other leading families. The seven emirate rulers, together with their extended families and those persons and families to whom they are allied by historical ties, marriage, or common interests, hold political and economic power in their respective emirates.

#### Elections and Political Participation

In 2004 the seven-member Federal Supreme Council elected Sheikh Khalifa bin Zayed al-Nahyan as head of state for a five-year term.

The rulers of the seven semi-autonomous emirates appoint the Federal National Council (FNC), a 40-person advisory federal consultative body. While the constitution requires that the president call the FNC into session each year by the third week in November, the FNC has not been in session since June 2005. The members are drawn from each emirate in proportion to the population. The emirates of Abu Dhabi and Dubai each have eight seats; the emirates of Sharjah and Ras Al Khaimah have six; and the smaller emirates of Ajman, Umm Al Qaiwain, and Fujairah each have four. Each FNC member serves a term of two years. The FNC has no legislative authority, but generally reviews all federal draft laws and decrees before they are officially adopted by the Federal Supreme Council; the FNC does not have the power to draft or reject legislation. It can, however, send legislation back to the cabinet for amendment. The FNC also has the authority to question any government minister. On December 16, 18, and 20, one-half of the FNC was elected by an electoral college appointed by the rulers of each emirate. The electoral college was established in September, and consisted of 6,689 members, including 1,189 women. One woman was elected to the FNC.

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

There were very few women in senior government or business positions. There were no female members of the judiciary. The Federal Judicial Authority law prohibits women from working as judges or public prosecutors. During the year women underwent public prosecution training, and in August three women were appointed to senior administrative positions in the Dubai Public Prosecutor's Office, but not as prosecutors.

Other women in senior federal government positions included the Minister of Economy, the Minister of Social Affairs, the secretary general of the Cabinet of Ministers, and two assistant undersecretaries in the Ministry of Education.

During the year there were 32 women, approximately 10 percent of the diplomatic corps, serving as diplomats in the Ministry of Foreign Affairs. Although there was no law prohibiting women from being diplomats, no women served as diplomats prior to 2001.

In Sharjah seven women served on the 40-seat Consultative Council, and 2 women served as directors of local departments. In the other emirates there were no women in non-federal senior government positions.

Although the small minority of Shi'a citizens enjoyed commercial success, there were no Shi'a in top positions in the federal government.

#### Government Corruption and Transparency

There were reports of government corruption at the administrative level. An Abu Dhabi Police study published in February 2005 cited a problem of "rampant" bribery, nepotism, embezzlement, and abuse of power throughout local administrations. Subsequently, special anti-corruption sections were established to investigate and prosecute violators. In December 2005 the Penal Code was amended to increase penalties for corruption-related offenses, including mandatory prison time (minimum of one year) for any government official accepting a bribe, up to five years for attempting to bribe an official, and various prison terms for embezzlement. There were no reports of prosecutions under the new Penal Code amendments. The law provides for public access to government information, but this provision was followed only selectively. Requests for access were usually not denied, but simply went unanswered. Draft legislation was not available to the public, nor was there any period for public comment on proposed legislation.

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

There was one quasi-independent human rights organization based in the country. In February the Ministry Social Affairs approved the establishment of the Emirates Human Rights Association (EHRA), after having failed to take action on two previous applications filed since 2004. The only other local human rights organization was the government-subsidized Jurists' Association Human Rights Committee, which focused on human rights education and conducted seminars and symposia subject to government approval (see section 2.b.).

In July 2004 a group of citizens headed by Mohamed Al-Roken petitioned the Ministry of Labor and Social Affairs to approve the registration of an independent human rights NGO, the UAE Human Rights Society. In April 2005 another group led by Khalifa Bakhit Al-Falasi, applied to establish another human rights organization. According to the Ministry's own regulations, it is required to act on all such applications within 30 days of receipt of the applications, but it did not act on either application by the end of the year. The NGO that was finally approved, the EHRA, was initially composed of members drawn from the first two applications of which the names had been vetted by the government. This application did not include either Al-Roken or Al-Falasi and was filed by Mohammed Al-Daheri. Once approved, the association's membership was open to any adult citizen who did not have a criminal record.

There were claims that state security officials harassed human rights activists including Mohamed Al-Roken for their lectures, writings and activities regarding human rights and democratization. Al-Roken was detained and questioned for two-days in July and three-days more in

August before finally being released without charge. On July 17, an arrest warrant was issued for Mohamed Al-Mansouri, a lawyer, human rights activist and President of the Independent Jurists Association, stemming from slander charges filed by the General Public Prosecutor's Office for information published on the Web site of a London-based think tank, civil society, and human rights organization that Al-Mansouri chairs.

Domestic NGOs were charitable, social, and educational in their purposes. They were required to register with the government and were subject to many regulations and restrictions. In practice these restrictions, if violated, were often overlooked.

The government did not allow international human rights NGOs to be based in the country, but allowed international representatives to visit with limited restrictions. The government cooperated with international governmental organizations and worked closely with both UNICEF and UNODC on human rights programs. UNICEF representatives specifically commended the country for their work on rescuing and repatriating many children previously used as camel jockeys.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equality before the law without regard to race, nationality, or social status; however, there was legal and cultural discrimination based on gender and nationality.

##### Women

There is broad legal and societal discrimination against women. Islamic law governs the personal status of women, but civil law governs their activities in the civic and commercial sphere. Muslim women are forbidden to marry non-Muslims (see section 1.f.). Custom dictates that a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country. All male citizens can pass citizenship to their children at birth, whereas female citizens married to noncitizens do not automatically pass citizenship to their children (see section 2.d.). The government was generally not effective in enforcing women's rights and protecting women from abuse. There is no data regarding the number of abusers who were prosecuted, convicted, or punished.

Domestic abuse against women was a pervasive problem. A UAE University study published in February 2005 indicated that as many as 66 percent of all women permanently residing in the country had been subjected to domestic abuse. Almost 34 percent of respondents age 18 to 30 claimed to have been abused by a family member, and over 50 percent of respondents said that they witnessed their mothers being abused in the home.

Abuse and rape are criminal offenses, and offenders are prosecuted and penalized. There were many press reports of spousal abuse. Rape is punishable by death under the Penal Code, but is often not recognized in Shari'a courts. The Penal Code does not specifically address spousal rape. Assault without intent to kill is punishable by 10 years in prison, seven years if it only results in disability, and one year if only resulting in temporary injury.

There were no specific reports of honor crimes or killings, although it was rumored to occur within the foreign population.

The law protects women from verbal abuse and harassment from men outside the family; however, male guardians within the family have a right in the Penal Code to discipline women and children family members at their discretion, including use of physical violence. Violators outside of the immediate family are subject to criminal action, including up to one year in prison, a fine of not more than \$2,750 (10,000 dirhams) and deportation if not a citizen. During the year the press reported incidents of men being arrested and prosecuted for harassing women in public. The Penal Code prohibits "disgracing or dishonoring" a person in public, punishable by a minimum of one year in prison, and 15 years if the person is under the age of 14. An "infamous" act against the rules of decency carries a penalty of six months in prison, and dishonoring a woman by word or deed on a public roadway results in up to one year in prison and a \$2,700 (10,000 dirhams) fine.

Police units are stationed in major public hospitals so that victims of abuse may file complaints, which fall under the jurisdiction of the Shari'a courts. In addition, attending physicians may call police to interview suspected victims of abuse. Social workers and counselors, usually female, also maintained offices in public hospitals and police stations. However, women sometimes were reluctant to file formal charges for social, cultural, and economic reasons.

All Dubai police departments, and many police departments in other emirates, have human rights and social support offices that provide assistance to women and children who are victims of abuse. When abuse is reported to local police, authorities may take action to protect the complainant; however, the government was generally not effective in protecting women from abuse. There were several reports that police authorities refused to protect women and instead encouraged them to return home. In some cases the authorities contacted the allegedly abusive husbands to transport their wives home.

The government has not developed an effective method to screen and identify real or potential trafficking victims at ports of entry or after arrests, unless they come forward on their own. Identifying victims relies almost exclusively on the willingness of a victim to take the initiative in filing a complaint against a trafficker. The government grouped trafficking victims with other human rights cases. Other than former camel jockeys, the government did not know how many trafficking victims it assisted during the year. The government maintained records of the number of persons arrested and prosecuted for trafficking.

Some local and foreign employers physically and sexually abused female domestic servants; in some cases, the situation rose to the level of involuntary servitude (see section 6.e.). There were reports from foreign embassies that some police authorities pressured victims not to pursue complaints against their employers, and/or assisted the employers in repatriating the victims to their home countries before a criminal complaint could be filed.

No law prohibits female genital mutilation (FGM), which was primarily practiced among Somali, Omani, and Sudanese expatriates. The Ministry of Health prohibits hospitals and clinics from performing FGM; however, some private clinics in the northern emirates and rural areas continued to carry out the procedure.

Prostitution is illegal; however, it has become an increasing problem in recent years, particularly in Dubai. Substantial numbers of women reportedly arrived regularly from the states of the former Soviet Union, Africa, South Asia, East Asia, Eastern Europe, and other states of the Middle East for temporary stays, during which they engaged in prostitution and other activities connected to organized crime. Although there was credible evidence that many prostitutes entered the country willingly for economic reasons, others were trafficked into the country (see section 5, Trafficking).

While prostitution was widely acknowledged to exist, the government did not address the issue publicly because of societal sensitivities. However, during the year, there continued to be press reports highlighting the problems of prostitution and human trafficking.

In addition to increased policing and tightened immigration procedures, authorities also restricted the number of visas issued to single young women from certain countries of concern; however, problems continued with more facile access at airports in the northern emirates and with airline tourism companies reportedly continuing to obtain tourist visas for prostitutes.

The government's interpretation of Shari'a is applied in personal status cases and family law. The law permits men to have more than one wife, but not more than four at any time. When a woman marries, her separate property (including her dowry, which is set by presidential decision at a maximum of approximately \$13,700 (50,000 dirhams) and the income of her separate property remain under her control and are not commingled with the separate property of her husband. However, there were several cases during the year where a woman's dowry exceeded this maximum amount, ostensibly to make it far more difficult for a woman to pay it back should there be a divorce. During the marriage, the husband is legally obliged to provide a marital home and necessities for his wife and children. In the event of divorce, a woman takes her separate property, any amount she receives in a property settlement with her husband, plus any allowance granted for her and her children's maintenance.

Laws of inheritance according to the government's interpretation of Shari'a apply equally to men and women, although laws of distribution may differ. For example, women normally inherit less than men; a brother inherits double what the sister inherits when a parent dies.

Divorce is permissible, although it is often very difficult for a woman to obtain. A woman may be granted a divorce if she can prove that her husband has inflicted physical or moral harm upon her. A woman also may sue for divorce if her husband has abandoned her for a minimum of three months, or if he has not maintained her upkeep or that of their children.

A July 2005 Personal Status Law enables women to obtain a *khul'* divorce, or divorce by petitioning the Shari'a court, by paying compensation, or by returning their dowry to their husbands. The law also affects child custody guidelines, giving divorced women custody of female children only until the age of 13 and male children only until the age of 11. If the court deems the mother to be unfit, custody normally reverts to the next able female relative on the mother's side. A woman who remarries may forfeit her right to the custody of children from a previous marriage.

Fornication is a crime. The government may imprison and deport noncitizen women if they bear children out of wedlock.

There are no legal restrictions on the travel of women. However, by custom and tradition, a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country by taking possession of their passports (see section 2.d.).

Neither the labor law nor the civil service law, which covers labor matters in the public sector, prohibits the employment of women. A man has no right under Shari'a to ban his wife from working if she was employed at the time of their marriage; however, some government administrations do not employ married women without their husbands' written consent.

There are no legal prohibitions against women owning their own businesses. Female citizens working as doctors, architects, and lawyers typically did not face restrictions on licensing their own businesses; noncitizens of either gender may not license a business. The Abu Dhabi Chamber of Commerce, the UAE Businesswomen's Council, and the General Women's Union (GWU) regularly conducted programs to encourage women into small business entrepreneurship. Three women members of the Dubai Chamber of Commerce served on the board of directors.

Women who worked outside the home sometimes did not receive equal benefits. Women also reportedly faced discrimination in promotion.

Public sector employees may receive as much as two months' paid maternity leave; however, citizen teachers receive only 45 days' paid maternity leave, with a guaranteed position after maternity leave.

According to the Ministry of Planning, female citizens constituted approximately 26 percent of the national workforce, an 11 percent rise over the past 10 years. The government publicly encouraged female citizens to join the workforce and ensured public sector employment for all that applied. According to government statistics, women comprised approximately 42 percent of all employees in education, 34 percent in the health sector, 20 percent in social affairs, 28 percent of all civil servants, and 57 percent of citizens working in banking and financial services.

Women constituted approximately three-fourths of all university students. Coeducation is prohibited in public schools and universities except at the UAE University Executive MBA Program. Several private universities and institutions are coeducational. Government-sponsored women's centers provided adult education and technical training courses. Women were actively recruited to work as police officers

## Children

The government was committed to children's rights and welfare, and expended resources on the welfare of citizen children; however, noncitizen children received fewer benefits.

All children received free health care and all citizen children also received free public education through the university level. Noncitizen resident children were not permitted to enroll in public schools unless they lived in rural areas that lacked private schools. Many foreign workers in private sector employment received education allowances as part of their salary packages. For those who did not receive the extra salary benefit, the government provided an annual subsidy of approximately \$1,600 (6,000 dirhams) per family to its noncitizen employees for private school tuition.

Education is compulsory through the ninth grade. Citizen children are required to attend gender-segregated schools through the sixth grade, the last grade of primary education, when children can be as young as 10 or 11 years old. However, compulsory education was not enforced, and some children did not attend school. For the 2004-05 academic year, the Ministry of Education reported student dropout rates as 9.9 percent of the 143,301 primary level students (grades one to five); 8.3 percent of the 148,563 middle school students (grades six to nine); and 9.3 percent of the 102,903 students at the secondary level (grades 10 to 12).

Housing benefits were also routinely granted to citizens with children. Some citizens opted for available government land grants and interest-free loans to build their homes. Citizens employed by the government were also eligible to receive higher salaries to support their children who were under the age of 18, were unmarried, or had disabilities. The government, through its Marriage Fund, encouraged citizens to marry fellow citizens by providing significant funding to subsidize dowries and to offset customarily high wedding expenses. The media regularly published articles encouraging citizens to have large families.

Child abuse was not prevalent. Trafficking of young, noncitizen boys employed as camel jockeys was a serious problem in the past, with the last known case of a child being used as a jockey occurring in March 2005. (see section 5, Trafficking).

## Trafficking in Persons

On November 10, the President issued a comprehensive law prohibiting trafficking in persons. The law prescribes punishments including jail sentences for those convicted of trafficking, including trafficking for commercial sexual exploitation and involuntary servitude. The new law generally follows the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. Prior to the passage of the antitrafficking law, defendants were prosecuted primarily under articles of the Penal Code addressing juvenile labor and child welfare, forced labor, trafficking for slavery, and kidnapping. Regardless of the change in law, the trafficking of men, women, and children from South and East Asia, Eastern Europe, Africa, and the Middle East for involuntary servitude and for sexual exploitation continued to be serious problems.

The government made progress in combating the problem of trafficking. In addition to the new antitrafficking legislation, the government worked with UNICEF, source country embassies, and NGOs to identify, rescue, rehabilitate, and repatriate approximately 1,069 children who had worked as camel jockeys. Since July 2005 the government provided in excess of \$3 million for care and repatriation of all the boys, which included financing of social services and resettlement sites in Pakistan, Bangladesh, and India to facilitate the return of the children to their home countries. By year's end there were no identified children remaining in rehabilitation shelters awaiting repatriation.

During the year there were a number of local media reports of trafficking in women and girls into the country, especially to Dubai, for commercial sexual exploitation. Observers believed that trafficking activity was conducted with the complicity of some of the women's citizen sponsors and by non-citizen traffickers. For example, during the year a Bangladeshi woman who came to work in the country as a domestic servant was thrown from a fourth floor balcony by her five Bangladeshi traffickers when she refused to become a prostitute.

As many as 10,000 women were sexually exploited for profit in the country. Law enforcement, particularly in Dubai and Abu Dhabi, investigated reports of trafficking in women for prostitution, but prosecutions for sex trafficking remain extremely low relative to the extent of the problem. In 2004 and during the year, Dubai police closed 39 hotels in Dubai and several massage parlors and night clubs suspected of exploiting women for prostitution.

Unlike in previous years, instead of summarily deporting all women arrested for prostitution, the Human Rights Care Department housed in hotels women who identified themselves as victims of and could provide evidence about trafficking until they could testify in trials against the traffickers. The government has not developed an effective method to screen and identify actual or potential trafficking victims who do not identify themselves to authorities. As a result, many victims are believed to have been deported without access to protection services or without being able to testify against their traffickers. Victims who were unable to provide evidence of trafficking were also assisted until they had acquired travel documents to return home.

In 2005 the government convicted at least 12 persons, including at least seven foreigners, of offenses related to trafficking in women and sentenced them to prison terms of between two and five years (and in one case 90 lashes) and deportation. No statistics were available for the current year.

The government also provided assistance to trafficking victims. Counseling services were available in public hospitals and jails. The Dubai police also sponsored a Crime Victims' Assistance Program, and assigned program coordinators in police stations throughout the city.

In May 2005 the government created a 70-person antitrafficking section within the Ministry of Interior, and in October 2005 Dubai Police established a special Human Trafficking section that works in conjunction with the Human Rights Care Department.

## Persons with Disabilities

There is no federal legislation requiring accessibility for persons with disabilities; however, most public buildings provided access. There were no reported incidents of discrimination against persons with disabilities in employment, education, or in the provision of other state services.

The Ministry of Labor operated five federal rehabilitation centers, which were open only to citizens. The Ministry of Interior also operated a training and employment center in Al Ain, and implemented a program to educate 75 students with mental disabilities. There were reported inadequacies in both public and private centers, including unqualified teachers and supervisors, a lack of healthcare, and unreasonably high costs of private centers.

One percent of all jobs in the federal government, and 2 percent of government jobs in Abu Dhabi Emirate are reserved for persons with disabilities.

## National/Racial/Ethnic Minorities

Societal discrimination against noncitizens, while not legally sanctioned, was prevalent and occurred in most areas of daily life including employment, housing, social interaction, and healthcare. National origin played an important role in employment, immigration, and security policies, as well as cultural attitudes towards noncitizens, who comprised approximately 85 percent of the resident population. More than 50 percent of foreign workers were estimated to have come from the Indian subcontinent.

The government failed to provide many free or reduced-cost services to noncitizens including child and adult education, health care, housing, and social and recreational club memberships. While citizens who contract HIV are afforded full, continuous, and free health care, noncitizen migrant workers who contract the same disease are denied health care and deported. Expatriate residents infected with HIV are denied all healthcare benefits, quarantined, and deported.

## Other Societal Abuses and Discrimination

Both civil law and Shari'a criminalize homosexual activity. In November 2005 Abu Dhabi Police arrested 26 men, 13 citizens and 13 other Arabs and Asians, for alleged homosexual activity. Government officials reportedly said that the men were transferred to the ministry's Social Support Center and would "be given the necessary treatment, from male hormone injections to psychological therapies" after their trial. The Ministry of Interior later disavowed this statement. In May 12 of the 13 nationals involved were sentenced to five years in prison; the other was given six months, all for immoral activities. All 13 of the foreign nationals involved were sentenced to a period equal to that which they had already been imprisoned, and were deported to their home countries.

There were credible reports that government officials discriminated against prisoners with HIV by not granting commuted sentences or parole that other prisoners with similar records had received (see section 1.c.).

## Section 6 Worker Rights

### a. The Right of Association

The labor law, dating from 1980 does not authorize workers to form or join unions, and none existed. The labor law does not cover domestic servants, government workers, or agricultural workers. Professional organizations do exist and collective work dispute resolution is explicitly permitted (see section 6.b.). International affiliation by professional associations must be approved by the government. There have been no attempts to form labor unions.

Since 1995 the country has been suspended from the U.S. Overseas Private Investment Corporation (OPIC) insurance programs because of the government's noncompliance with internationally recognized worker rights standards.

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

The law does not explicitly prohibit or permit strikes or collective bargaining units for private sector employees. The law does provide for collective work dispute resolution. Professional associations, organized by profession (e.g., teachers, jurists, engineers, medical professionals, and social workers), were the only workers' associations that existed in the country. Although foreign workers may belong to these associations, they do not have voting rights and cannot serve on the boards of these organizations. The government granted some professional associations limited freedom to raise work-related concerns, to lobby the government for redress, and to file grievances with the government.

The labor law does not forbid strikes but does allow an employer to suspend an employee for temporarily striking. On September 10 there was an administrative directive to ban employment of strike instigators. In practice the government did not prevent non-violent protests, and generally did not take retributive action against striking workers. Ministry of Labor officials reported that the law does not forbid strikes, and if laborers feel they are denied their rights they can stop working. In that case, however, such workers may be subject to deportation for breach of contract. In September the Ministry of Labor passed an administrative resolution stating that foreign workers who instigate illegal strikes may be banned from employment for one-year. There were no reports of groups of workers being deported for striking; however, at least one worker was deported for continuing to incite his coworkers to strike after the Ministry of Labor had begun to take action on the case. Other employees who took part in the strike were not deported after they returned to work.

In practice there were numerous strikes by private sector employees. For example, during the year over 1,600 workers in Dubai went on strike after not having been paid in four months and for living in unhealthy conditions. The Ministry of Labor quickly met with both labor and company representatives and ordered the company to immediately pay all back wages. Another dispute in June involved 6,500 laborers who went on strike demanding a wage increase from \$177 (650 dirhams) to \$218 (800 dirhams). The ministry told them to return to work or face deportation since the employer had met its obligations under a valid work contract.

In addition, workers participated in organized and impromptu gatherings almost daily in front of the Ministry of Labor in Abu Dhabi and Dubai to complain of unpaid wages and hazardous or unfair working conditions. Generally, the workers at these gatherings did not have a permit to protest, but the government did not punish any workers for doing so. The government prohibits strikes by public sector employees on national security grounds. Almost all strikes were in response to unpaid wages, and most involved construction companies (see section 6.c.).

Domestic workers' contracts were not covered by the labor law.

The Ministry of Labor distributed information to foreign workers, available in five languages, both directly and through their sponsoring companies' public affairs offices, outlining their rights under the labor law and explaining how to pursue labor disputes, whether individually or collectively.

An extremely small number of workers were eligible to pursue a resolution of a collective labor dispute; due to the lack of unions, many employees are never allowed the opportunity to pursue collective resolutions. Employees covered by the labor law may file individual or collective employment dispute complaints in Arabic with the Ministry of Labor, which serves as the mediator between the parties. If the dispute remains unresolved, the employee may file a complaint with the labor court system. The labor law gives the ministry two weeks to resolve the dispute or refer it to the courts, although in practice, it generally takes a month or more. In all cases, complaints must be filed with the ministry before they can be submitted to the court for consideration.

Parties in a collective work dispute may file complaints with the Ministry of Labor. During the year the ministry settled approximately 85 percent of complaints. If the ministry is unable to mediate a settlement within 10 business days, the complaint is to be submitted to a Conciliation Committee for mediation, which consists of the manager of the labor department, a member of the Chamber of Commerce, a member of the vocational society chosen by the workers as a dispute representative, and a nonvoting legal expert from the ministry.

Either the employee or employer can appeal the Conciliation Committee's decision to a Supreme Committee of Conciliation whose decision, while final, is only enforceable if both parties agree to the decision. Either party can, at any time in the process, ask that his/her dispute be referred to the Court of First Instance in the emirate where the alleged violation occurred. If a case cannot be settled, it is then referred to the court, where labor cases were quickly adjudicated during the year and not subject to court fees. Rulings were generally in favor of the workers and are fully possible to implement. In practice, most cases were resolved through direct mediation, and if that failed they were sent directly to the courts without going to the Conciliation Council. When a case is delayed the Ministry grants the worker temporary permission to legally continue employment in the country. In November Dubai's ruler, Mohamed bin Rashid Al-Maktoum, established a new court to hear labor disputes in Dubai.

The Ministry of Interior's Naturalization and Residency Administration mandates use of standard contracts for noncitizen domestic servants, clearly listing the salary, work requirements, and duration of employment. Domestic workers may bring work-related disputes to Conciliation Committees organized by the Ministry of Interior or to the Court of First Instance. The Ministry of Interior settles most disputes between employers and domestic servants. Labor attaches at various foreign embassies indicate that most disputes were settled in the employees' favor and were settled by allowing the worker to transfer sponsors. There are no employer sanctions; if there is physical or sexual abuse involved in the complaint, the matter is turned over to the police for investigation/prosecution under criminal statutes. There have been several reports that employers have successfully pressured police authorities to deport the worker prior to criminal charges being filed.

The labor law governs all private-sector employment outside the free trade zones with the exception of domestic servants. According to the Ministry of Labor, during the year approximately 2.7 million workers were registered with the Ministry, and were covered by the labor law. The Ministry estimated that there were approximately 100,000 persons working in the free trade zones, while 2004 International Monetary Fund (IMF) estimates show that approximately 264,000 persons worked in government services, and more than 200,000 domestic servants. Although those working in government services were covered under a separate Civil Service law, the 200,000 as domestic servants were not covered under any labor law. Domestic servants and agricultural workers have always been considerably disadvantaged in negotiating employment contracts because the mandatory requirements contained in the labor law do not apply. They also faced considerable difficulty in obtaining assistance to resolve disputes with their employers. The law ties workers' residency permission to their sponsorship by their employer. Moreover, most employment contracts stipulate that for six months after the end of employment, the employee is forbidden from working for a "competitor," unless the former employee obtains a letter of "no objection" from the former employer. This regulation has very severely restricted foreign worker labor mobility inside the country. In August the Ministry of Labor rescinded the six-month immigration ban for workers who change sponsors without a "no objection letter"; however, the Ministry still waits six months to issue a new work permit with a new sponsor unless the employee presents a letter of "no objection" from the former employer. A letter of no objection is not needed if an employee proves that the previous employer has violated his/her labor contract, such as a delay in payment. Fines were often substantial, and more importantly often involved having all transactions cancelled with the Ministry, which resulted in no new labor contracts during the year.

Businesses in the free trade zones do not have to comply with federal labor statutes since they are considered a "country within a country." In practice, however, the federal law serves as the guideline for any labor issues in the free trade zones. One difference is in paid holidays: federal law dictates a minimum of 21 days paid leave, while the free trade zone law provides for only seven days. The MOL did not regulate the free trade zones; instead, each free trade zone maintains its own labor department. These free zone labor departments, although private, act as the government regulating body for free zone labor operations.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor for both adults and children; however, employment agents continued to bring some foreign workers to the country to work under forced or compulsory conditions. Women were brought to the country under false promises of legitimate employment and were instead forced into prostitution (see section 5). Low-paid unskilled and semi-skilled workers were also victims of contract switching, which occurs when a worker is offered a certain position, often secretarial, but, for example, then receives a visa labor card to work as a domestic servant instead.

### d. Prohibition of Child Labor and Minimum Age for Employment

The labor law prohibits employment of persons under the age of 15 and has special provisions for employing persons 15 to 18 years of age. The Ministry of Labor is responsible for enforcing the regulations. The government does not issue work permits for foreign workers under the age of 18 years. Child labor was not generally a problem throughout the year; however, there were reports of children laborers who came to the country under their parents' work permits, and then were employed by that same employer. During the year the government carried out extensive efforts to end the practice of trafficking in young foreign boys as camel jockeys.

### e. Acceptable Conditions of Work

The government does not impose a minimum wage or have minimum wage guidelines and most of the workforce does not earn compensation sufficient to provide a decent standard of living for a worker and a family.

Ministry of Labor officials are required to inspect all contracts covered by the labor law in order to ensure compliance with legally required benefits, allowances, and time of payments. Officials do not approve any labor contracts that stipulate "substandard wages." Salaries depended on the occupation and employer and ranged from \$109 (400 dirhams) per month for domestic or agricultural workers to \$164 (600 dirhams) per month for construction workers to much higher salaries for highly skilled and white-collar employees. Compensation packages generally provided housing or housing allowances; however, low-skilled employees were often provided with substandard living conditions, including overcrowded apartments or lodging in unsafe and unhygienic "labor camps," often lacking electricity, potable water, and adequate cooking and bathing facilities. Some low-paid workers did not receive these benefits, even if stipulated in their contracts. Local newspapers detailed numerous cases of non-payment of wages to foreign workers.(see section 6.b.).

Most foreign workers do not earn the minimum salary required in order to obtain residency permits for their families. The required monthly minimum salary for an accompanying family to obtain residency permits is \$1,090 (3,924 dirhams); the minimum salary requirement is \$817 (2,941 dirhams) per month when the government provides housing or an additional housing allowance to the foreign worker.

Noncitizens comprised approximately 98 percent of the private sector workforce. According to the Ministry of Labor, the country was a destination for a large number of unskilled workers, including reportedly as many as 300,000 domestic servants, most of them women from South and East Asia, and a much larger number of unskilled male workers from South Asia. These unskilled laborers actively competed for jobs in the country, and were subject to poor working conditions. Female domestic servants sometimes faced abusive working conditions.

The standard workday is eight hours per day, and the standard workweek is six days per week; however, these standards were not enforced. There was no legal provision requiring premium pay for overtime, nor was there a prohibition on excessive compulsory overtime. According to the Ministry of Labor and the labor law, employees are entitled to two days of annual leave per month after completing each of the first two 6-month periods on the job; after the first year, employees are entitled to 30 calendar days of annual leave, in addition to national holidays.

In 2005 the Ministry of Labor began inspecting construction and outdoor worksites and identified at least 15 companies (of 80 inspected) that failed to enforce the break. These companies faced fines of \$2,700 (10,000 dirhams) for the first offense and were prohibited from sponsoring any new workers. Throughout the summer the press reported several companies that were fined for violating the mid-day break. The Ministry of Labor did not provide any further details. According to the press, failure to comply with any ministry regulation results in all of a company's transactions with the ministry being halted until the company is in compliance. During the year, however, there were no reported examples of sponsorship being cancelled based upon unlawful labor practices. Workers may file complaints with the Ministry of Labor if these laws are not obeyed; the ministry reported that workers did file complaints during the year. In Dubai emirate, several construction workers died during the year from heatstroke. Dubai Municipality recorded that in 2004, 34 workers died at worksites. According to the Indian, Pakistani, and Bangladeshi embassies 880 construction workers' bodies were returned to their home countries.

In 2005 the Ministry of Labor received 17,360 complaints during the year. The majority of complaints concerned unpaid wages. In 2004 the media reported an estimate by unidentified municipal sources of a 61 percent increase in construction site accidents during the year, rising to 149 accidents.

In 2005 the number of inspectors in the labor division of the Ministry of Labor and Social Affairs substantially decreased after many of the inspectors resigned. Although inspectors attempted to enforce health and safety regulations, there were insufficient inspectors and resources to adequately enforce occupational health and safety codes in each emirate; during the year there were 80 inspectors. There were frequently reports in the press of cases of workers who were killed on the job site as a result of inadequate safety measures. Workers' jobs were not protected if they removed themselves from what they considered to be unsafe working conditions. However, the Ministry of Labor can force employers to reinstate workers who were dismissed for refusing to perform unsafe work. Injured workers are entitled to fair compensation, and all workers have the right to lodge labor-related grievances with the Ministry of Labor, which mediates the dispute between the parties. Either party has the right to end mediation at any time and have the complaint referred to the Court of First Instance. Workers, particularly unskilled workers, in disputes with their employers over unpaid wages, generally agree to a mediated settlement for less money than they

are owed in order to avoid a protracted court battle. However, workers in disputes with employers generally do not take action due to fear of reprisals, including withdrawal of sponsorship or deportation.

Domestic employees' contracts are regulated by the Ministry of Interior. Some employers abused domestic workers by imposing excessive work hours; nonpayment of wages; verbal, physical, and sexual abuse; and restriction of movement. During the year the government convicted at least seven persons in separate cases involving abuse of domestic workers.

Domestic workers may file complaints with the Ministry of Interior or go to court, but they were likely to be fined or countercharged with theft by their employers and deported. During the year the ministry took action against hundreds of employers who abused or failed to pay their domestic employees. According to new regulations, ministry officials can ban an employer from further sponsorship of domestic employees after receiving four reports of abuse.

Under the law, all workers who enter the country on a labor permit are limited in the number of times that they may change employers under that permit. The new regulations allow foreign workers holding graduate or professional degrees to transfer jobs after one year, with no limit on the number of times that they can change employers. Foreign workers holding bachelor's degrees are allowed to change employment after two years, with a maximum of two transfers. Foreign workers and laborers without university degrees are permitted to change employment after three years (allowing the employer more time to benefit from training given to the unskilled laborers), but only once. In each case, leaving the country for six months and filing for a new labor permit restarts the process.

All workers wishing to change employment must either complete their existing contract, provide a valid reason to dispute their existing contract (such as the nonpayment of wages for at least two months), or obtain a letter of "no objection" from their current employer. Any worker not meeting one of these three criteria must leave the country for at least six months and apply for a new work permit before changing employers. Fees for changing sponsorship range from approximately \$400 (1,500 dirhams) to \$1,350 (5,000 dirhams), with the higher fees charged for unskilled laborers to change employers. The law requires the employer to pay this fee, but in practice the employer usually requires the employee to pay the fee, which can be prohibitive for low-wage earners.

On February 1, additional changes to the sponsorship law offered domestic workers the opportunity to change sponsors without facing a one-year work ban upon either completion of their contract or with an employer's letter of "no objection." These rules are implemented by the Ministry of Interior.

The Ministry of Labor fines companies approximately \$1,400 (5,000 dirhams) per year for each labor card that is expired. Failure to comply with this regulation results in a cessation of all transactions with the ministry. A ministry official reported that employers often forced workers to pay the fine for an expired labor card and the fee for a new labor card, under threats of reprisals, including a cancellation of their sponsorship.

Employers historically have held their employees' passports, thus preventing them from leaving the country without prior permission. In 2003 the Federal Supreme Court ruled that employers could not legally withhold employees' passports because they were personal documents (see section 5). The Ministry of Labor distributed pamphlets, in both English and Arabic, to foreign workers advising them to report employers who violated this regulation. However, withholding passports from employees was still widely practiced. There have been no recent or consistent attempts by the Ministries of Labor or Interior to enforce the regulation.

The law requires that employers provide employees with a safe work environment. During the year there were several complaints of poor sanitation and lack of access to toilets for workers. Local medical experts recommended that it was inadvisable for laborers to work outdoors when the temperature exceeded 40 degrees Celsius, and that employers provide safety helmets and adjust work hours to reduce exposure to the sun. In 2005 the Ministry of Labor announced a decree requiring a four-hour midday break (12:30 p.m. to 4:30 p.m.) for outdoor laborers during July and August, the hottest months of the year. The break was reduced to two and one-half hours, from 12:30 p.m. to 3:00 p.m.

The government did not uniformly enforce health and safety standards, or require every large industrial enterprise to employ a certified occupational safety officer.