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## United Arab Emirates

### Country Reports on Human Rights Practices - [2005](#)

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The United Arab Emirates (UAE) is a federation of seven semi-autonomous emirates, with an estimated resident population of 4.5 million, of which only 21 percent are citizens. 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 November 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 institutions or political parties. There are no general elections; however, citizens may 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 appointed by emirate rulers for two-year terms. The civilian authorities generally maintained effective control of the security forces.

The government's respect for human rights remained problematic. The following human rights problems exist or were reported:

- no citizens' right to change the government and no popularly elected representatives of any kind
- flogging as judicially sanctioned punishment
- arbitrary detention
- incommunicado detention permitted by law
- questionable independence of the judiciary
- restrictions on civil liberties--freedom of speech and of the press, and assembly
- restrictions on right of association, particularly for human rights groups
- 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
- abuse of foreign domestic servants
- restrictions on and abuses of workers' rights.

The government has made steady progress in addressing the problem of trafficking of women in the sex trade and children in the camel racing industry. In July, the government enacted a law, immediately enforceable, criminalizing the participation of children under age 18 in camel racing. During the year, the government rescued, rehabilitated, and repatriated 1,034 underage boys from camel training and racing. The government opened criminal cases against more than 65 persons, convicting at least 22, for trafficking-related offenses against women and children. In December, President Khalifa announced, and the Supreme Ruling Council endorsed, a decision to indirectly elect half of the consultative FNC.

### 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, and consensual

premarital sex. In March, the Dubai Shari'a court sentenced a pregnant Asian housemaid to 150 lashes and deportation for adultery.

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.

#### Prison and Detention Center Conditions

Prison conditions generally met international standards; however, prison conditions varied widely from emirate to emirate, and some rural prisons were overcrowded and had spartan living conditions. Again during the year, there were reports of prison overcrowding in Abu Dhabi and Dubai prisons. Noncitizens represented approximately 75 percent of all prisoners. Men and women were housed separately. Conditions for women were equal to or slightly better than those for men. Pretrial detainees were held separately from convicted criminals before trial. Juveniles were held separately from adults. 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 than 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.

Police in Dubai and Abu Dhabi stated that 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 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 incommunicado detention without appeal, and in one case the government held a prisoner incommunicado for several months at least.

#### 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. Police stations take complaints from the public, make arrests, and forward all cases to the public prosecutor. These cases are then transferred to the courts. All cases are filed with the Ministry of Interior. While reported incidents of police corruption are uncommon, the ministry intervened several times in criminal cases to keep local police actions in harmony with federal law and policy.

The government has taken measures to upgrade police capability to enforce anti-trafficking standards. In May, the government created a 70-person anti-trafficking section within the Ministry of Interior, and in October 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 reasonable belief, 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. 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. Court-ordered extensions may not exceed an additional 30 days of detention without charge; however, judges may continue to renew this 30-day 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. An anti-terrorism law passed in July 2004 allows public prosecutors to hold suspects in terrorism-related cases without charge for 6 months, an increase over the previous 3-week limit. Once a suspect is charged, terrorism cases are handled by the Supreme Court, which may extend the detention period indefinitely.

Several diplomatic missions again 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 non-security charges were generally allowed to telephone third parties while in detention.

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.

There were no reports of political detainees.

#### Amnesty

Rulers of the individual emirates regularly pardon and pay the debts of prisoners on religious and national holidays. During the year, at least 1,420 prisoners were pardoned, and \$2 million (7.2 million dirhams) in debts 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 Ras 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 Ras 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 Ras 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, Islamic Affairs, and Endowments.

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 Ras 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 court, 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 75 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 3 to 15 years. The Penal Procedures Law states that defense counsel may be present during any investigation, but only at the prosecutor's discretion.

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; the defendant has no right to a translator.

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

There were no reports of political prisoners.

#### 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 subject 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 determined 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

Article 30 of the constitution provides for freedom of speech and of the press; however, the government restricted these rights in practice. The UAE Print and Publication Law prohibits, under penalty of imprisonment, criticism of the government, ruling families, and friendly governments, as well as other statements that threaten social stability; however, the law was rarely enforced because journalists practiced self-censorship. The government tries complaints against journalists under the Penal Code.

Two of the country's newspapers, *al-Ittihad* and *al-Bayan*, were government-owned. 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 printed verbatim from many newspapers and from government officials.

By law, the Ministry of Information licenses all publications. The ministry is informed of the appointment of editors and is responsible for issuing editors their press credentials. The Press and Publications Law governs press content and contains a list of proscribed subjects. Government officials reportedly warned journalists when they published material deemed politically or culturally sensitive. According to Ministry of Information and Dubai Police officials, journalists were not given specific publishing instructions. Self-censorship was the practice, with the ministry relying on editors' and journalists' discretion to publish or refrain from publishing material which could cause them problems.

A 2002 de facto ban prohibiting 10 prominent intellectuals from publishing opinion pieces in the country's Arabic and English language media continued. The ban was lifted in 2004 for at least two of the individuals, and they have since returned to writing and teaching. There was one new report of an academic that was banned from teaching in the university, although no reason was initially given and no further details were available.

While self-censorship affected what was reported locally, 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. 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. In response, on April 16, Dubai Police and the Juvenile Welfare Association launched a five-year campaign to spread the message that indecent content would not be tolerated within the Media Free Zone.

Except for those located in Dubai's Media Free Zone, 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. The main pan-Arab dailies were not censored and were distributed on the day of publication. Censors at the Ministry of Information and Culture 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.

On June 15, Basma al-Jandaly, a local newspaper reporter, was arrested at the Dubai airport because of an article she had written in February about a man who had stalked and slashed women with a knife in Sharjah Emirate. The warrant issued by Sharjah police contended that her article in Dubai's leading English daily, *Gulf News*, may have helped the attacker escape by alerting him to the investigation. The interior minister immediately intervened on the reporter's behalf and ordered her released the following day. The minister also issued a subsequent directive that all police departments must establish standard operating procedures for dealing with complaints against the press that will allow journalists to do their jobs without undue interference.

On July 26, two journalists were found guilty of defamation and libel for publishing opinion pieces in *al-Ittihad* newspaper in 2003, and were each fined \$5,465 (20,000 dirhams). According to press reports, one of the journalists criticized a decision by the Ministry of Education to alter approved curriculums and cancel some subjects at several private schools midway through the academic year, while the other journalist was tried as an accomplice because he was the managing editor.

Internet access was provided through the state-owned monopoly Etisalat. A proxy server, intended to block material regarded as pornographic, violent, morally offensive, or anti-governmental, as well as sites promoting radical Islamic ideologies, in practice blocked broad categories of sites including many that did not meet the intended criteria, including [www.newyorktimes.com](http://www.newyorktimes.com) and [www.cnn.com](http://www.cnn.com). The Etisalat proxy server provided access to America OnLine email but blocked other features that enable users to chat online. Etisalat denied having the authority to block any site, and referred all complaints and suggestions to the Ministry of Information. Etisalat occasionally solicited suggestions from users regarding "objectionable" sites, and at times the government responded by blocking some politically oriented sites, which were sometimes later unblocked. Etisalat also blocked commercial "voice-chat" and Voice over Internet Protocol (VOIP) Web sites on the Internet. The proxy server did not affect Internet access in Dubai's Internet City and Media City.

Academic materials destined for schools were routinely censored. Students were banned from reading texts featuring sexuality or pictures of the human body.

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

Article 33 of 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 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 of workers complaining of unpaid wages and unsuitable working conditions before the Ministry of Labor and Social Affairs building. These gatherings occurred without prior government permission but also without government interference (see section 6).

Citizens normally confined their political discussions to the frequent gatherings, or *majlises*, held in private homes. There were many citizen associations subsidized by the government, organized for economic, religious, labor, social, cultural, athletic, and other purposes, but not for political purposes.

##### Freedom of Association

There are no political organizations, political parties, independent human rights groups, or trade unions (see sections 3 and 6.a.). All nongovernmental organizations (NGOs) are required to register with the Ministry of Labor and Social Affairs, after which they may 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, operate with little or no government interference. The Human Rights Committee of the Jurists Association, a government-subsidized association of lawyers and judicial personnel, focused on local and regional human rights issues. The percentage of citizen membership in NGOs varied widely. All private associations, including children's clubs, charitable groups, and hobby associations, required approval and licensing by local authorities, although 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. 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 country's first census in 2001, 76 percent of the 4.04 million total population was Muslim, 9 percent was Christian, and 15 percent belonged to other religions. There is a small resident Jewish population of unknown size; there are no synagogues. There were no reports of anti-Semitic acts or statements.

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 all Sunni imams; approximately 5 percent of Sunni mosques were entirely private, and several prominent mosques have 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. The government monitors all sermons for political content. During the year, the ministry distributed Friday sermons that condemned terrorism and extremism and encouraged moderation in Islam. The effort was covered widely in print and broadcast media.

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 sheikhs 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.

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 and 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.

Individual emirates exercised considerable autonomy in religious matters. There did not appear to be a formalized method of granting official status to religious groups. 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 are 24 Christian churches in the country, and Christian primary and secondary schools operate in four emirates. There is one temple for both Sikhs and Hindus located in Dubai. There are no Buddhist temples; however, Buddhists, along with Hindus and Sikhs in cities without temples, conducted religious ceremonies in private homes without interference. There are 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 poses a hardship for the large Hindu community. In October, the government refused to allow the Hindu community in Abu Dhabi to cremate the body of an Indian construction worker.

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. On February 21, two foreign women on a mission trip with the Tom Cox World Ministries were arrested by Dubai Police while passing out Bibles and religious CDs during the Dubai Shopping Festival. They were charged with possession and distribution of religious materials (26 CDs and 19 Bibles), and being an "affront to Islam." Dubai Police released the two women within hours of their arrest, but confiscated their passports. On March 3, both women departed the country. 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, blocked websites 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. For a more detailed discussion, see the [2005 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.

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 have lived in the country for more than one 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.

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.

In 2003, the government banned the widespread practice of employers forcing foreign national employees to surrender their passports as a condition of employment; however, this ban 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.).

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

#### 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 citizens with 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. 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 November 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. 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. The FNC's plenary sessions were open to the public.

On December 1, President Khalifa announced that the FNC would be partially elected for the first time in its history. On December 3, the Supreme Ruling Council endorsed this initiative. According to the announcement, indirect elections will be held for half of the FNC, with the other half being appointed. The timetable for the elections was not yet known, although government officials quoted in the press have indicated that the process would start early in 2006.

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 FNC or 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 and Planning, who was the first woman to serve on the federal Council of Ministers following her appointment in November 2004; an undersecretary in the Ministry of Labor and Social Affairs; and two assistant undersecretaries for education administration and curriculum development in the Ministry of Education.

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

In Sharjah, 7 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 Shi'a minority enjoyed commercial success, there are 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 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 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. These measures were taken by government officials in response to the problem of corruption.

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 were no independent human rights organizations in the country. The only 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.).

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.

In July 2004, a group of citizens petitioned the Ministry of Labor and Social Affairs to approve the registration of an independent human rights NGO, the UAE Human Rights Society. Although the ministry, by its own regulation, is required to act on all such applications within 30 days of receipt, it had not acted by the end of the year. The ministry also had not acted on an application filed in April by a second group, the Emirates Association for Human Rights, seeking human rights NGO status.

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

Article 25 of the constitution provides for equality before the law without regard to race, nationality, or social status; however, there was institutional and cultural discrimination based on sex and nationality. 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.). Expatriate residents infected with HIV are denied all healthcare benefits, quarantined, and deported.

##### Women

There is broad legal and societal discrimination against women. Shari'a, or Islamic law, governs the personal status of women, but civil law governs their activities in the civic and commercial sphere. The government was generally not effective in enforcing women's rights and protecting women from abuse.

Domestic abuse against women was a pervasive problem, with one study in February indicating that as many as 66 percent of all women permanently residing in the UAE 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 press reports of spousal abuse, including a case reported in July in which a man was convicted for beating his wife to death, although he was only found guilty of involuntary manslaughter because the court found that he was within his rights to beat her as a form of discipline. Forcible rape is punishable by death under the Penal Code, but is often not recognized in Shari'a courts. 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.

The law protects women from verbal abuse and harassment from men outside the family; however, male guardians within the family have a positive legal 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. Committing an "infamous" act against the rules of decency results in 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.

In early February, diplomatic representatives were refused entry to the Dubai Immigration Detention Center by the deputy director of the

center to talk to with potential sex trafficking victims awaiting deportation.

Identifying victims relies almost exclusively on the willingness of a victim to take the initiative in filing a complaint against a trafficker. 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. 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 did keep records of the number of persons arrested and prosecuted for trafficking.

Some local and foreign employers physically and sexually abused female domestic servants (see section 6.e.).

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 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.

Divorced women normally receive custody of female children until the children reach the age of maturity or marry. Divorced women are normally granted custody of male children until the age of 13. 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. In July, the cabinet approved a Personal Status Law, which enables women to obtain a *khul'* divorce, or divorce by petitioning the Shari'a court, paying compensation, or 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.

Fornication is a crime. The government may imprison and deport non-citizen women if they bear children out of wedlock. In the event that a court sentences a woman to prison for such an offense, local authorities, at the request of the prisoner, may hold the newborn children in a special area within the prison or place them with a relative. In rare cases, children are held in other facilities until the mother is released from prison.

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.).

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 GWU regularly conducted programs to encourage small business entrepreneurship by women. 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 6 months' maternity leave; however, citizen teachers receive only 45 days' maternity leave, with a guaranteed position after maternity leave.

Opportunities for women grew in government service, education, private business, and health services. According to 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 in airports, immigration offices, and in women's prisons. The Dubai Police College also recruited women. The armed forces continued to enlist women, and their numbers are increasing yearly. In January, the Army promoted a woman to the rank of Brigadier General Medical Corps Physician, the first woman in the military to reach that rank.

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.

#### 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 receive 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 1 to 5); 8.3 percent of the 148,563 middle school students (grades 6 to 9); 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, except in cases of children trafficked from abroad, was not prevalent. Trafficking of young, noncitizen boys employed as camel jockeys continued to be a serious problem, with the last known case of a child being used as a jockey occurring on March 30 (see section 5, Trafficking).

#### Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although child smuggling, forced prostitution, kidnapping, fornication, and pornography are crimes. In practice, trafficking in women and girls used as prostitutes and domestic servants and men used as servants, laborers, and unskilled workers continued to be serious problems. Until March, very young boys used as camel jockeys also continued to be a serious problem.

However, the government has made steady progress in combating the problem of trafficking in regard to women in the sex trade and children in the camel racing industry. Prior to May 31, before the end of the two-month amnesty and before the promulgation of the new federal law on July 5, no one was prosecuted for trafficking in and/or abusing underage boys as camel jockeys. Between June and year's end, however, at least 17 persons were convicted under existing penal statutes of having trafficked or used young boys as camel jockeys prior to the promulgation of the federal law.

The government made significant progress toward eliminating the practice of trafficking in young foreign boys as camel jockeys, which until March had been a serious problem for many years. On July 5, President Khalifa promulgated a federal law that prohibits persons below age 18 from participating in camel races and subjects violators to imprisonment and financial penalties. The government also worked with UNICEF, source country embassies, and NGOs to rescue, rehabilitate, and repatriate approximately 1,034 children who had worked as camel jockeys. By year's end, an additional 39 children were in the remaining rehabilitation shelter awaiting repatriation.

In October 2004, an in-depth documentary by HBO's "Real Sports" program detailed the use of young boys as camel jockeys who were subjected to physical abuse and extremely harsh living and working conditions that, at times, led to serious injuries and death. All of these boys were foreign nationals who had been brought explicitly to work in camel racing. Most of the boys were from Pakistan, Sudan, Bangladesh, or Mauritania.

The trafficking in and abuse of underage camel jockeys persisted during the first several months of the year. In early February, at the Nad al-Sheba racetrack in Dubai, diplomatic representatives witnessed dozens of young foreign boys—some only three years old—still being used to train and race camels.

End-of-season camel races on March 9 in Dubai and on March 30 in Abu Dhabi featured underage camel jockeys. Internet reports stated that the race at al-Wathba racetrack in Abu Dhabi was attended by sheikhs and that government security personnel cordoned off the racetrack to prevent foreigners from attending.

Until December 2004, camel racing was regulated by the Camel Racing Federation, composed of wealthy and influential owners. Since that time, camel racing has been regulated by the Ministry of Interior. On February 7, diplomatic representatives monitoring the use of children in camel racing, were refused entry into a camel race at Nad Al Sheba racetrack in Dubai on the orders of a senior Camel Racing Federation official.

In February, the Minister of the Interior created a Special Committee on Camel Racing and a 70-person Anti-Trafficking in Persons (TIP) Unit, both within the Ministry of Interior, to oversee government efforts to combat trafficking of young boys as camel jockeys.

On July 5, President Khalifa promulgated a federal law, effective immediately, that prohibits persons below age 18 of either sex from participating in camel racing, and subjects those involved with using underage persons for this purpose to jail sentences of up to 3 years and/or a fine not less than \$13,500 (50,000 dirhams). Penalties are doubled for repeat offenders. The Ministry of Labor and Social Affairs is empowered to enforce the law in coordination with other concerned agencies, including the Ministry of Interior. The federal law replaced a 2002 presidential decree that had "banned" the use of underage foreign camel jockeys. In practice the decree was unenforceable and largely ignored. No cases were prosecuted under the 2002 ban.

To supplement the law, the government tightened immigration controls by requiring children from the seven primary source-countries to enter the country on individual passports, not family passports. Federal immigration and residency officers at Dubai International Airport began enforcing the new passport rule, despite a six-month amnesty beginning on March 31.

In September, the Ministry of Interior issued a decision requiring camel farm owners to obtain identification cards for all of their jockeys before they can participate in camel races. Under this provision all camel jockeys are required to undergo medical testing to prove their age and fitness level before ID cards are issued. Jockeys must present their ID card to race officials prior to any race and display them while at racetracks. The government also mandated DNA testing for boys with questionable family ties, or those suspected to be trafficking victims, prior to a card being issued. According to UNICEF, these various measures have been seen in practice and seemed to be working.

The government worked with UNICEF, source country embassies and consulates, and NGOs to rescue, care for, and repatriate many boys who had been trafficked in to work as camel jockeys. On May 8, the Ministry of Interior signed a project agreement with UNICEF for screening, identifying, rescuing, protecting, rehabilitating, and reintegrating children in the country working in the camel jockey industry. Under the agreement, the rescued child jockeys will receive aid for their health, education, job, and other rehabilitation needs for 2 years.

By year's end, the government reported that 1,034 boys had been repatriated to their home countries and 39 additional boys remained at the Bani Yas Social Support Center located outside Abu Dhabi, awaiting repatriation. During the year, the government provided \$2 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 children's returns to their home countries.

Of the 1,034 boys repatriated, approximately 548 were from Pakistan, 311 from Bangladesh, 151 from Sudan, 17 from Mauritania, and 7 from Eritrea. There were no government statistics available to estimate how many underage foreign boys originally trafficked into the country to work as camel jockeys still remained in the country.

Since June 2, the government reported that there have been 17 convictions for child trafficking in relation to camel jockeying, with an additional 31 persons under investigation. Approximately half of the 48 defendants in these cases were citizens, with the remainder from Pakistan (16), Sudan (9), Bangladesh (4), Mauritania (2), and Saudi Arabia (1). Sentences for the convicted ranged from six months' to three years' imprisonment plus deportation. Because these convictions and prosecutions were for crimes committed prior to the promulgation of the new camel jockey law on July 5, defendants were prosecuted primarily under articles of the Penal Code addressing juvenile labor and child welfare, forced labor, trafficking for slavery, and kidnapping. There is no record of anyone being convicted under the new camel jockey law.

During the year, there were a number of media reports of trafficking in women and girls into the country, especially to Dubai, for sexual exploitation. Observers believed that trafficking activity was conducted with the complicity of some of the women's citizen sponsors and by noncitizen traffickers.

Law enforcement, particularly in Dubai and Abu Dhabi, investigated reports of trafficking in women for prostitution. 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 women arrested for prostitution, the Human Rights Care Department housed in hotels all women who were victims of and could provide evidence about trafficking, until they could testify in trials against the traffickers. Victims who were unable to provide evidence were also assisted until they had acquired travel documents to return home.

During the year, the government convicted at least 12 persons, including at least 7 foreigners, of offenses related to trafficking in and exploiting women and sentenced them to prison terms of between 2 and 5 years (and in one case 90 lashes) and deportation.

The police in Abu Dhabi and Dubai, and the Ministries of Interior, Health, and Justice, all held anti-trafficking training courses throughout the

year for police, prosecutors, and judges.

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.

#### 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 and Social Affairs operated 5 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 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 national population. More than 50 percent of foreign workers were estimated to have come from the Indian subcontinent.

Noncitizens were denied access to many free or reduced-cost services provided by the government to citizens, 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.

#### Other Societal Abuses and Discrimination

Although both civil law and Shari'a criminalize homosexual activity, in general, reports of discrimination against individuals based on sexual orientation were not widespread. However, on November 23, Abu Dhabi Police arrested 26 allegedly homosexual men--UAE nationals, Arabs, and Asians--who had gathered at an Abu Dhabi hotel for a party. 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. At year's end the case was not yet resolved.

### Section 6 Worker Rights

#### a. The Right of Association

The labor law, dating from 1980, does not specifically entitle or prohibit workers from forming or joining unions, and none existed; however, if they existed, unions would be subject to general restrictions on the right of association. 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. The labor law does not cover the 2.1 million domestic servants, government workers, or agricultural workers.

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 labor law does not explicitly prohibit strikes or collective bargaining units for private sector employees, nor does it state explicitly that they are permitted; however, the law does provide for collective work dispute resolution, which took place. Professional associations, organized by profession (e.g., teachers, jurists, engineers, medical professionals, and social workers), are the only workers' associations that currently exist in the country. Most members of these associations are citizens. Although foreign workers may belong to these associations, they do not have voting rights and cannot serve on the boards of these organizations. Twenty persons from the same profession can request that the Ministry of Labor (MOL) permit an association to be formed. Each society holds biennial elections for its board, supervised by the ministry of labor. Officers must be citizens. Each association has a constitution, written by its members and approved by the MOL. Members pay annual dues of approximately \$33. 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 address the right to strike, but in practice the government has not retaliated against work stoppages by protesting laborers. MOL officials have said that the law does not forbid strikes, and if laborers feel they are denied their rights, they can stop working. In that case, such workers would be subject to deportation for breach of contract. 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 MOL had begun to take action on the case. Other employees who took part in the strike were not deported.

In practice, there were numerous strikes by private sector employees. For example, in March over 2,000 workers in Dubai marched toward the Dubai Labor Office to protest unpaid wages, but police turned them away. This was reportedly the seventh time in eight months they had approached the MOL about unpaid wages. Another dispute involved 73 Moroccans working for an interior decorator. The workers filed a complaint with the MOL for two months unpaid wages and for delayed issuance of work visas. The ministry denied the claim because the group had entered the country on tourist visas. On September 19, approximately 1,000 laborers from al-Hamed Construction Company blocked a major Dubai highway to protest unpaid wages. The MOL quickly met with both labor and company representatives and ordered the company to immediately pay all back wages.

In addition, workers participated in organized and impromptu gatherings almost daily in front of the MOL 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 MOL distributed information to foreign workers, both directly and through their sponsoring companies' public affairs offices, outlining their rights under the labor law and how to pursue labor disputes, whether individually or collectively. The information was generally available in Arabic and English, and usually Urdu. Employees may file individual or collective employment dispute complaints in Arabic with the MOL, 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 MOL. During the year, the ministry settled approximately 80 percent of complaints.

If the MOL 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 their 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 implementable. 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 MOL grants the worker temporary permission to legally continue employment in the country.

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, and the Ministry of Interior settles most disputes between employers and domestic servants.

The labor law governs all private-sector employment outside the free trade zones with the exception of domestic servants. During the year approximately 2.7 million workers were covered by the labor law. The MOL estimated that there were approximately 100 thousand persons working in the free trade zones, while 2004 International Monetary Fund (IMF) estimates show that approximately 264 thousand persons worked in government services, and more than 200 thousand domestic servants. Although those working in government services were covered under a separate Civil Service law, the 200 thousand 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 MOL rescinded the six-month immigration ban for workers who change sponsors without a "no objection letter"; however, the Ministry of Labor and Social Affairs 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.

Businesses in the free trade zones do not have to comply with municipal law 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 7 days. The MOL did not regulate the free trade zones; instead, each free trade zone maintains its own labor department to deal with workers.

### 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 receives work as a domestic servant or other similar position after obtaining a visa and labor card. When the worker receives the visa and labor card it is to work as a domestic servant or other similar position.

The law prohibits forced or compulsory child labor. However, for many years, including the first several months of the year, hundreds of young foreign children were trafficked into the country and forced to work as camel jockeys. During the year, the government took concrete steps to eliminate this practice, including issuing a new federal law and punishing violators (see sections 5 and 6.d.).

#### 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 those 15 to 18 years of age. The Ministry of Labor and Social Affairs 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 tolerated, with the exception of child camel jockeys, which was prohibited after the promulgation of a federal law in July (see sections 5 and 6.c.).

#### e. Acceptable Conditions of Work

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

The government made significant progress toward eliminating the practice of trafficking in young foreign boys as camel jockeys, which until March had been a serious problem for many years (see section 5).

The standard workday is eight hours per day, and the standard workweek is six days per week; however, these standards were not strictly enforced. Domestic servants and agricultural workers were not covered by the labor law and were often obliged to work for longer periods. According to the MOL and the labor law, employees are entitled 2 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.

The government does not impose a minimum wage or have minimum wage guidelines, but in practice MOL officials are required to inspect all contracts covered by minimum wage, which cover about half of the work force, 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," lack of electricity, lack of potable water, and lack of 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 6b.)

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.

The law requires that employers provide employees with a safe work environment. 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 late June, the MOL announced a new decree, effective July 1, 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.

Press reports indicated a "sharp drop" in cases of heat exhaustion requiring hospitalization; there were no official government statistics however. In July, the MOL 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 importing new workers. 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. Workers may file complaints with the MOL if these laws are not obeyed; the ministry reported that workers did file complaints during the year.

In Dubai Municipality, 39 construction workers died during the year, an increase of 14.7 percent from 2004. The accident rate jumped 66 percent, with 175 workers injured in construction accidents. The Dubai Building Department noted that the accident rate was an absolute increase, but that when taking into account the increase in construction it was a relative decline.

The MOL 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.

On October 29, the Dubai Police created a rapid intervention force within its human rights department and opened a 24-hour hotline for labor complaints. The hotline was staffed by employees that spoke English, Arabic, Urdu, and Hindi. The press reported that since its inception, the hotline received 20-25 complaints per day. The press reported that from November to December the hotline resulted in 23,717 workers receiving over \$4 million (15 million dirhams) in back wages, from 65 different companies.

The number of inspectors in the labor division of the Ministry of Labor and Social Affairs substantially decreased during the year 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. 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 and Social Affairs 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 MOL, 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 dispute 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.

Some employers abused domestic workers by excessive work hours; nonpayment of wages; verbal, physical, and sexual abuse; and restriction of movement. During the year, the government convicted at least five persons in separate cases involving abuse of domestic workers.

Domestic workers may file complaints with the Ministry of Interior or go to court, but were likely to be fined or countercharged with theft 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.

On July 12, the cabinet loosened the sponsorship and residency regulations to grant the MOL's 2.7 million workers more freedom of movement in the labor market. (These workers do not include the approximate 264,000 government employees (covered by the Civil Service Law) or 200,000 to 300,000 domestic servants who are regulated directly by the Ministry of Interior.) The law took effect in August.

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 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, thus allowing a worker more transfer opportunities.

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 three 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.

The MOL fines companies approximately \$1,400 (5,000 dirhams) per year for each labor card that is expired. Failure to comply results in a cessation of all transactions with the MOL. A MOL 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 MOL distributed pamphlets, in both English and Arabic, to foreign workers advising them to report employers who violated this regulation. However, there were reports that, in many cases, the law did not have a practical impact on either the private or public sectors, and 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 government enforced health and safety standards and required every large industrial enterprise to employ a certified occupational safety officer; however, these standards were not observed uniformly.

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