

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR  
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The United Arab Emirates (UAE) is a federation of seven semiautonomous emirates with a resident population of approximately six million, of whom fewer than 20 percent (one million) are citizens. The seven emirate rulers constitute the Federal Supreme Council, the highest legislative and executive body. The council selects a president and a vice president from its membership, and the president 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. On November 3, the council reelected Sheikh Khalifa to a second term as president. Traditionally, the emirates are under patriarchal rule with political allegiance defined by loyalty to tribal leaders, to leaders of the individual emirates, and to leaders of the federation. There are no democratically elected legislative institutions or political parties. There are no general elections. Citizens express their concerns directly to their leaders through traditional, consultative mechanisms such as the open "majlis" (council). The Federal National Council (FNC), a consultative body, consists of 40 advisors, 20 of whom were elected by an appointed electoral college in 2006. Civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change their government. There were unverified reports of torture during the year, and security forces sometimes employed flogging as judicially sanctioned punishment. Arbitrary and incommunicado detention remained a problem. The judiciary lacked full independence. The government interfered with privacy and restricted civil liberties, including freedom of speech, press (including the Internet), assembly, association, and religion. There were limited reports of corruption, and the government lacked transparency. Domestic abuse of women remained a problem, and there were allegations that police sometimes enabled domestic abuse. Legal and societal discrimination against women and noncitizens was pervasive. Trafficking in persons continued, the government severely restricted the rights of foreign workers, and abuse of foreign domestic servants was common.

## **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; however, there were unverifiable allegations of tortured prisoners during the year, including a U.S. citizen on trial for terrorism charges, whose attorney stated that he confessed under duress. A ruling family member of Abu Dhabi, implicated by videotape for the 2004 torture of a foreign national allegedly over a grain sale, remained under detention pending trial at year's end.

In addition, Shari'a courts sometimes imposed flogging sentences as punishment for adultery, prostitution, consensual premarital sex, pregnancy outside marriage, defamation of character, and drug or alcohol abuse. Authorities used canes to administer floggings, resulting in substantial bruising, welts, and open wounds on those flogged.

There were also reports of prison guard brutality during the year. In July 2008 a Dubai court sentenced 25 jail wardens and a former prison director of the Dubai central detention facility to three- to six-month prison terms for abusing their authority and beating inmates. The defendants appealed the ruling and the Dubai Court of Appeals suspended the sentences of the 25 jail wardens in November 2008. At year's end, the prison director's appeal was pending, and the court released the group on bail.

#### Prison and Detention Center Conditions

Prison conditions varied widely from emirate to emirate. Some prisons were overcrowded, particularly in Abu Dhabi and Dubai. Conditions for female prisoners were equal to or slightly better than those for men. Prisoners convicted on national security grounds were held separately from the general population. Conditions in these special sections were not

significantly different from other parts of the prisons. There were credible reports that government officials discriminated against prisoners with HIV by separating them from the general prison population and by not granting commuted sentences or parole that other prisoners with similar records received.

On October 22, a Dubai central jail inmate committed suicide in solitary confinement. The inmate reportedly was receiving treatment and medication for drug addiction while he was serving a one-year sentence for illegal drug use. He had threatened to kill himself if he was not released from solitary confinement, where he was moved for refusing to wear his prison uniform.

Police in Dubai and Abu Dhabi stated that nongovernmental organizations (NGOs) and the International Committee of the Red Cross had access to observe prison conditions if requested. However, in September 2008, when members of the NGO Emirates Human Rights Association (EHRA) went to visit female inmates at Dubai's Al-Aweer Detention Facility, prison authorities denied the monitors access "to protect the prisoners' social and psychological rights." Although charitable NGOs visited prisons during the year, they were permitted to provide only material support. They were unable to determine the welfare of the prisoners.

#### 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 or a preliminary judicial hearing. The law permits indefinite, routine, incommunicado detention without appeal. Under this procedure, the detainee may contact only an attorney.

#### Role of the Police and Security Apparatus

The federal Ministry of Interior (MOI) oversees police general directorates in each of the seven emirates; each emirate, under its corresponding police general directorate, maintains its own police force and supervises the police stations. Although all emirate police forces theoretically are branches of the ministry, in practice they operated with considerable autonomy and varying degrees of efficiency. The police forces, under the umbrella of the MOI, are responsible for internal security, and the federal armed forces are responsible for external security.

Although reported incidents of police corruption were uncommon, the MOI intervened several times in criminal cases to ensure that local police were compliant with federal law and policy. Although the local police are semi-autonomous in each emirate, the MOI has broad authority to investigate abuses and ensure compliance with federal law.

On September 18, Dubai prosecutors charged a Sharjah police officer with kidnap and rape after he entered a female acquaintance's apartment and found her roommate, whom he allegedly slapped, dragged by her hair to his vehicle, and raped. The verdict was pending at year's end.

Civilian authorities maintained effective control over the local police forces, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

#### Arrest Procedures and Treatment While in Detention

The law prohibits arrest or search without probable cause; however, incidents occurred in practice. There were credible reports that security forces failed to obtain warrants in some cases.

Police stations received complaints from the public, made arrests, and forwarded cases to the public prosecutor. The public prosecutor then transferred cases to the courts. In cases involving foreign defendants, especially for crimes of moral turpitude, authorities often summarily deported the defendants upon completion of their jail terms. Police must report an arrest within 48 hours to the public prosecutor, who then must determine within 24 hours whether to charge, release, or further detain the suspect. In practice the public prosecutor did not always meet the 24-hour time limit, although police usually adhered to their 48-hour deadline. Public prosecutors may order detainees to be held as long as 21 days without charge or longer, in some cases, with a court order. Courts may not grant an extension of more than 30 days of detention without charge; however, judges may renew 30-day extensions indefinitely. Public prosecutors may hold suspects in terrorism-related cases without charge for six months. Once a suspect is charged, the Supreme Court handles terrorism cases, which may extend the detention period indefinitely.

There is no formal system of bail; however, authorities temporarily can release detainees who deposit money, a passport, or an unsecured personal guarantee statement signed by a third party. Defendants in cases involving loss of life, including involuntary manslaughter, may be denied release in accordance with the law. Release usually is permitted after payment to the victim's family of compensation, commonly called "diya" or "blood money," a form of financial penalty imposed on defendants in criminal cases involving a death.

A defendant is entitled to an attorney only after police have completed their investigation. Police sometimes questioned accused persons for days or weeks without allowing them access to counsel. Family members generally were granted prompt access to persons arrested on charges unrelated to security. The government may provide counsel, at its discretion, to indigent defendants charged with felonies that are punishable by imprisonment of three to 15 years.

#### Amnesty

On religious and national holidays, the rulers of the individual emirates regularly pardon and pay the debts of many prisoners. According to press reports, rulers pardoned at least 900 prisoners and paid their debts during the year. The government deported most of the foreign nationals who were pardoned.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, in practice, court decisions remained subject to review by the political leadership. There were reports that the Directorate of State Security, the federal intelligence service, intervened in judicial affairs. The judiciary was composed largely of contracted foreign nationals potentially subject to deportation.

By tradition the local rulers' offices, or "diwans," maintained the practice of reviewing some criminal and civil offenses before they referred cases to prosecutors. They also reviewed sentences judges passed, returned cases to the court on appeal if they did not approve of the verdict, and approved the release of every prisoner who had completed a sentence. The diwans' involvement--usually in cases between two citizens or between a citizen and noncitizen--led to lengthy delays prior to and following the judicial process and lengthened the time defendants served in prison. The diwan's decision in any court case is considered final, and when a judge and diwan disagree, the diwan's decision prevails. Because diwans report to the MOI, there was often no functional separation between the executive and judicial branches.

There is a dual court system. Shari'a courts adjudicate criminal and family law matters based on each emirate's interpretation of Shari'a. Civil courts adjudicate civil law matters and, except in the emirates of Dubai, Abu Dhabi, and Ras al-Khaimah, 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, Abu Dhabi, and Ras al-Khaimah have their own local and appellate courts, which have jurisdiction over matters within their territories that federal legislation and the constitution do not specifically reserve for the federal system. These emirates did not refer cases in their courts to the Federal Supreme Court for judicial review, although they maintained a liaison with the federal Ministry of Justice.

In some emirates, Shari'a courts considered all types of civil and commercial cases as well as criminal cases and family matters. The courts acted in accordance with their interpretation of Shari'a but were required to answer to the Federal Supreme Court, with the exception of courts in the emirates of Abu Dhabi, Dubai, and Ras al-Khaimah. In criminal cases, Shari'a was applied first and, if evidence Shari'a required was found insufficient, the penal code was applied. Dubai had a special Shia council to act on matters pertaining to Shia family law.

The military has its own court system and military tribunals try only military personnel. Only the Federal Supreme Court hears national security cases.

#### Trial Procedures

According to the law, defendants are presumed innocent until proven guilty. The constitution provides the right to a public trial, except in national security cases or cases the judge deems harmful to public morality. There are no jury trials. Defendants have the right to be present at their trial and a limited right to legal counsel in court. While awaiting a decision on official charges at the police station or the prosecutor's office, a defendant is not entitled to legal counsel. In all cases involving a capital crime or possible life imprisonment, the defendant has a right to government-provided counsel. The government may also provide counsel, at its discretion, to indigent defendants charged with felonies punishable by imprisonment of three to 15 years. The law provides prosecutors discretion to bar defense counsel from any investigation. Defendants and their attorneys can present witnesses and question witnesses against them. Defense counsel has access to relevant government-held evidence. By law, all prosecutions are conducted in Arabic. Despite the defendant's procedural right to a translator, in some cases involving deportation of illegal residents, the court provided translation only 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. 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 diya in exchange for forgiveness and a commuted death sentence.

In a case in which a defendant is acquitted, the prosecutor may appeal and provide new or additional evidence to a higher court. An appellate court must reach unanimous agreement to overturn an acquittal.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees; however, there were persons reportedly held incommunicado and without charge for unknown reasons.

#### Civil Judicial Procedures and Remedies

Citizens and noncitizens had access to the courts to seek damages for, or cessation of, human rights violations. The civil courts, like all courts in the country, lacked full independence. Administrative remedies were available for labor complaints and were particularly common in cases regarding physical abuse of domestic workers.

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

The constitution prohibits entry into a home 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. Officers' actions in searching premises were subject to review by the MOI, and officers were liable to disciplinary action if their actions were judged irresponsible. There were reports of censorship of incoming international mail during the year.

The constitution provides for freedom and confidentiality of correspondence by mail, telegram, and all other means of communication. However, on July 8, Etisalat, the country's primary telecommunications provider, issued an update to its BlackBerry subscribers that it described as a performance enhancing patch but was actually surveillance and interception software. On July 20, Etisalat, which did not acknowledge using spyware or explain its purpose, called the matter a "slight technical fault" and provided its customers with instructions on how to remove the program.

Local interpretation of Shari'a law prohibits Muslim women from marrying non-Muslims and Muslim men from marrying women not "of the book," that is, adherents of religions other than Islam, Christianity, and Judaism.

#### 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 law prohibits criticism of rulers and speech that may create or encourage social unrest. Journalists and editors practiced extensive self-censorship for fear of government retribution, particularly since most journalists were of foreign origin and feared deportation.

Public criticism of the government and ministers was permissible in a limited context, but criticism of ruling families, particularly sheikhs, was not permitted. Nevertheless, criticism of sheikhs occurred, albeit with extreme caution and in private.

On April 20, the government denied the FNC the right to discuss publicly the global financial crisis and the economic downturn's ramifications in the country.

The government owned three of the country's newspapers and heavily influenced the privately owned media, particularly through government subsidies. The government-owned Emirates News Agency regularly provided material in English and Arabic that some newspapers printed verbatim. Except for media located in Dubai's "Media Free Zone" and foreign language media targeted to foreign residents, most television and radio stations were government-owned and conformed to unpublished government reporting guidelines. Foreign journalists and news organizations operating from the Dubai Media Free Zone reported no restrictions on the content of print and broadcast material produced for use outside the country. Satellite receiving dishes were widespread and provided access to international broadcasts without apparent censorship.

In June 2008 the Pakistani television channel GEO News permanently relocated its office and staff to an undisclosed country. Station managers claimed they were given 48 hours to leave the Dubai Media Free Zone or halt the broadcasting of two shows. The shows allegedly covered efforts to reinstate judges dismissed by Pervez Musharraf, Pakistan's former president.

By law the National Media Council (NMC), appointed by the president, licenses and censors all publications, including private association publications. Media outlets must inform the NMC of the appointment of editors, and the NMC is responsible for issuing press credentials. The law authorizes censorship of domestic and foreign publications to remove criticism of the government, ruling families, or friendly governments, as well as other statements that "threaten social

stability." According to the council and Dubai police officials, journalists were not given specific publishing instructions; however, government officials reportedly warned journalists when they published material deemed politically or culturally sensitive. Journalists practiced extensive self-censorship regarding the issues they chose to cover.

On July 6, Abu Dhabi's federal court of appeal enforced a previous ruling to prohibit the *Emarat Al Youm* daily newspaper from publishing for 20 days in a defamation case raised by the Emirati Warsan Stables owners, who were members of the ruling family. The case revolved around a 2006 article alleging that the stable was doping its horses. The court enforced fines of 20,000 dirhams (\$5,500) each against the newspaper's chief executive officer and editor in chief. The newspaper resumed publishing after the 20-day prohibition.

The government used libel laws to suppress criticism of its leaders. No journalists have received prison sentences for defamation since 2007, when the leader of Dubai and vice president and prime minister of the country, Sheikh Mohammed bin Rashid al-Maktoum, ordered that journalists no longer be imprisoned for such violations. However, other punishments for violations of libel laws remained in force, including suspension of publishing for a specified period of time and penalties of five million dirhams (\$1.4 million) for disparaging senior officials or royal family members and 500,000 dirhams (\$140,000) for misleading the public and harming the country's reputation, foreign relations, or economy.

The NMC censors reviewed all imported media and prohibited or censored before distribution any 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. The authorities treated the publication of books in the same manner.

During the year the Ministry of State for FNC Affairs organized a series of workshops for local media focused on political communication, including media coverage of FNC activities and elections, in an effort to foster government transparency and strengthen the independent media.

#### Internet Freedom

The government restricted access to some Web sites and monitored chat rooms, instant messaging services, and blogs. Individuals and groups generally engaged in peaceful expression of views via the Internet, including by e-mail. There were few reports of government prosecution or punishment, although self-censorship was apparent in many chat rooms and blogs. The *UN Human Development Report* estimated there were more than 300 Internet users per 1,000 persons.

Etisalat, the country's only Internet service provider, used a proxy server to block material deemed inconsistent with the country's values. Blocked material included dating and matrimonial sites; gay and lesbian sites; sites concerning the Baha'i faith; sites originating in Israel; and sites explaining how to circumvent the proxy server. The proxy server occasionally blocked broad categories of sites. Etisalat populated its proxy server list of blocked sites primarily from lists purchased from private companies, although individuals could also report offensive sites. The social Web site Orkut and the politically oriented Web sites ArabTimes.com and UAEPrison.com remained blocked during the year. Etisalat denied having the authority to block any site and referred all complaints and suggestions to the NMC.

The law explicitly criminalizes the use of the Internet to commit a wide variety of offenses and provides fines and prison terms for Internet users who violate political, social, and religious norms. In addition to criminalizing acts commonly associated with "cyber crimes," such as hacking, phishing, 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, incite someone to commit sin, or transcend "family values" by publishing news or photos pertaining to a person's private life or family.

#### Academic Freedom and Cultural Events

The government restricted academic freedom and censored academic materials for schools. The government prohibited students from reading texts featuring sexuality or pictures of the human body. The government also restricted participation in certain cultural events, primarily events it deemed un-Islamic.

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

The constitution provides for freedom of assembly and association; however, in practice the government did not respect these rights.

#### Freedom of Assembly

The law requires a government-issued permit for organized public gatherings. On June 19, Dubai authorities prohibited

demonstrations by Iranian immigrants protesting the June 12 reelection of President Mahmoud Ahmadinejad. An estimated 200 persons demonstrated outside the Iranian Consulate in Dubai for five consecutive days before the government took action to end the protests peacefully. There were reports of smaller demonstrations outside the Iranian Embassy in Abu Dhabi. In practice the government did not interfere regularly with informal nonpolitical gatherings held without a government permit in public places unless there were complaints.

During the year there continued to be periodic gatherings without government permission, including at least two cases of laborers protesting wages. The government dispersed the gatherings peacefully.

Citizens normally confined political discussions to informal gatherings (majlises) held in private homes.

#### Freedom of Association

Political organizations, political parties, and trade unions are illegal. All NGOs were required to register with the Ministry of Social Affairs, and many received government subsidies. Approximately 100 domestic NGOs were registered with the ministry, mostly citizens' associations for economic, religious, social, cultural, athletic, and other purposes. More than 20 unregistered local NGOs that focused on nonpolitical topics operated with little to no government interference.

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

In June 2008, 83 former teachers lodged protests with the Ministry of Education over their transfers to nonteaching positions, alleging that the government was suspicious of their membership in the Reform and Social Guidance Association.

#### c. Freedom of Religion

The constitution provides for freedom of religion in accordance with established customs; however, the law denies Muslims the freedom to change religion, and the government restricted religious freedom in practice. The federal constitution declares that Islam is the official religion of the country. The government viewed conversion to Islam favorably, and the government funded or subsidized approximately 95 percent of Sunni Muslim mosques.

Individual emirates exercised considerable autonomy in religious matters. According to the General Authority of Islamic Affairs and Endowments (GAIAE), there was no formal method of granting official status to religious groups other than granting them the use of land for the construction of a building. Land grant applications were filed at the local level but could include a letter from the GAIAE. Several non-Muslim groups operated houses of worship where they practiced their religion freely. 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 to worship in private homes. Police or other security forces did not interfere with these gatherings during the year. Members of the country's large Hindu community had to obtain official permission to use one of the two cremation facilities and associated cemeteries.

Islamic studies were mandatory for all students in public schools and for all Muslim students in private schools.

The government prohibited Muslims from converting to other religions. Under Shari'a the ultimate penalty for converting from Islam to another religion is death; however, there were no reports that the penalty has been applied to any case of conversion in recent years.

Non-Muslims were subject to criminal prosecution, imprisonment, and deportation if they proselytized or distributed religious literature to Muslims. In August a foreign Christian organization distributed audio Bibles and held discussion sessions in Dubai labor camps, but no arrests were reported. Missionaries continued to perform humanitarian work in the country but reported no restrictions on proselytizing non-Muslims. In the past, the government allegedly threatened to revoke the residence permits of persons suspected of proselytizing for religions other than Islam.

The government monitored religious groups, including those professing adherence to Islam. A GAIAE committee drafted and distributed all Friday sermons to Sunni and Shia imams, and the government monitored the sermons for adherence to the scripted content. The Emirate of Dubai had approval authority over preachers in private mosques.

The government prohibited or censored certain religious publications and 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.

#### Societal Abuses and Discrimination

There were no reports of societal abuses based on religion; however, some discrimination existed, and anti-Semitism was present in the media.

There were no synagogues for the small foreign Jewish population in residence. Anti-Semitism was apparent in news articles and editorial cartoons depicting negative images of Jews. These expressions occurred primarily in daily newspapers without government response.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf](http://www.state.gov/g/drl/rls/irf).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, emigration, and repatriation, and the government generally respected these rights in practice; however, the government imposed legal restrictions on foreign travel. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations on a humanitarian basis, but it did not grant refugee status or asylum.

Male citizens involved in legal disputes under adjudication were not permitted to travel overseas. Custom dictates that a husband can prevent his wife, minor children, and adult unmarried daughters from leaving the country by taking custody of their passports. The government may revoke naturalized citizens' passports and citizenship status for criminal or politically provocative actions. However, such revocations are rare, and there were no such reports during the year.

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

#### Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. Its laws do not provide for the granting of asylum or refugee status; there is no system for providing protection to refugees; and the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The government continued to detain some persons seeking refugee status, particularly Palestinians and non-Arabs, while they awaited resettlement in third countries. Access to employment, education, and other public services is based on an individual's status as a legal resident, which a refugee is not.

#### Stateless Persons

Estimates suggested that 20,000 to 100,000 persons without any citizenship or proof of citizenship lived in the country; however, the government continued to improve naturalization procedures for these stateless residents (known as Bidoon) during the year. On May 24, the government granted nationality to 70 previously stateless persons, compared with 51 persons in 2008.

Citizenship generally is derived from one's parents. Children of female citizens married to noncitizens do not acquire citizenship at birth; however, female citizens under these circumstances could apply for citizenship for their children, and the government generally granted it. A foreign woman may receive citizenship through marriage to a citizen after 10 years of marriage, and anyone may receive a passport by presidential fiat. On July 27, a MOI committee went to Cairo to meet 22 children of Emirati fathers and Egyptian mothers. The committee, carrying out a ministerial directive to verify paternity that would give the children the option of residency in the country, also traveled to Syria and India to review a number of nationality cases.

The government registered Bidoon births but did not grant citizenship to the children. Most Bidoon lacked citizenship because they did not have the preferred tribal affiliation used to determine citizenship when the country was established. Others had entered the country, legally or illegally, in search of employment. The Bidoon faced discrimination in employment and had limited access to medical care and education. Without passports or other identity documents, their movement was restricted, both within the country and internationally.

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

The law does not provide citizens the right to change their government peacefully. There were no democratic general elections or institutions, and citizens did not have the right to form political parties.

#### Elections and Political Participation

In 2006 a 6,689-member-appointed electorate elected half of the 40-seat FNC. In December 2008 the Federal Supreme

Council announced a constitutional amendment that extended the term of FNC members from two to four years.

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. It elects from its members the country's president and vice president. Decisions at the federal level generally represented consensus among the rulers, their families, and other leading families. The ruling families, in consultation with other prominent tribal figures, also choose new emirate rulers.

Although the FNC has no legislative authority, it generally reviewed all federal draft laws and decrees before the federal supreme council officially adopted them, and it could send legislation back for amendment. The FNC also has the authority to question any government minister. Former and present FNC members called during the year for greater legislative powers.

Despite laws discouraging women's political activities, some women were active in political life, mostly at the federal level. Four women were appointed ministers in the cabinet; nine women, one of whom was elected, served in the FNC; and several women served as public prosecutors or judges. In Sharjah, seven women served on the 40-seat Consultative Council and two women served as directors of local departments. No women held nonfederal senior government positions in the other emirates and women were only 17 percent of the fewer than 7,000-person electorate hand-picked by Emirati rulers to vote in FNC elections.

Except in the judiciary, minorities, including Shia, did not serve in senior federal positions. A number of judges were contracted foreign nationals.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. Government corruption reportedly occurred at the administrative level. There were no financial disclosure laws for public officials.

On November 23, a former government minister being retried on charges of fraud and breach of public trust was acquitted of allegedly cheating a Lebanese woman of her late brother's inheritance. Earlier in the year, the minister had been cleared of a breach of public trust charge but sentenced to two years' imprisonment for fraud.

In October 2008 the Department of Accountability returned to the treasury approximately 300 million dirhams (\$82 million) employees had embezzled. At year's end, there was no information regarding what had happened to the employees.

The law provides for public access to government information, but the government followed this provision selectively. Requests for access usually went unanswered.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government generally did not permit organizations to focus on political issues. Two recognized local human rights organizations existed: the quasi-independent Emirates Human Rights Association (EHRA), which focused on human rights issues and complaints such as labor rights, stateless persons' rights, and prisoners' well-being and humane treatment; and the government-subsidized Jurists' Association Human Rights Committee, which focused on human rights education and conducted seminars and symposia subject to government approval. Although a government prosecutor headed the EHRA, it generally operated without government interference, apart from the requirements that apply to all associations in the country. EHRA members met with MOI officials and prisoners during visits to several detention facilities.

During the year the Ministry of Social Affairs rejected applications by the Jurists' Association to join the Arab Coalition for Development, Democracy, and Human Rights and the International Bar Association, and the government prevented Jurists' Association Human Rights Committee members from traveling to meetings outside the country, including meetings of the Arab Jurists Union and the Gulf Jurists Union.

The government did not allow international human rights NGOs to be based in the country but allowed representatives to visit on a limited basis. There were no transparent standards governing visits from international NGO representatives.

The government generally cooperated with other international organizations, including the UN Children's Fund (UNICEF) and the UNHCR. On January 12, the government accepted a recommendation of the UN Human Rights Council Universal Periodic Review Working Group to invite the UN special rapporteur on trafficking in persons to visit the country. At year's end, the visit had not taken place. The UN Office for the Coordination of Humanitarian Affairs maintained an office in the country, and in October the government hosted the UN special rapporteur on the sale of children, child prostitution, and child pornography.

## Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equality before the law without regard to race, nationality, or social status, and the law prohibits discrimination based on disability; however, legal and cultural discrimination existed and went unpunished.

### Women

Rape is punishable by death under the penal code, but in Shari'a courts the extremely high burden of proof often meant that there were few convictions. The penal code does not specifically address spousal rape.

Domestic abuse against women, including spousal abuse, was a pervasive problem. The penal code allows men to use physical means, including violence, at their discretion against female and minor family members. Nevertheless, some domestic abuse cases may be filed as assault without intent to kill, punishable by 10 years in prison if death results, seven years for permanent disability, and one year for temporary injury. Victims of domestic abuse may file complaints with police units stationed in major public hospitals. Social workers and counselors, usually female, also maintained offices in public hospitals and police stations. Women often were reluctant to file formal charges of abuse for social, cultural, and economic reasons. There were several reports that police refused to protect women and instead encouraged them to return home. In some cases, authorities contacted the allegedly abusive husbands to transport their wives home. Early in the year, Abu Dhabi opened a new shelter to serve victims of human trafficking and domestic violence.

There were no specific reports of honor crimes or killings, although such incidents were rumored to occur within the Muslim foreign resident population.

Prostitution is illegal; however, it has become an increasing problem in recent years, particularly in Dubai. Although prostitution was widely acknowledged to exist, the government did not publicly address the issue. During the year the media reported several arrests for prostitution, trafficking, and operating a brothel.

During the year the press reported that men were 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 as long as 15 years if the victim is younger than 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" may result in up to one year in prison and a 10,000 dirham (\$2,700) fine.

Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children, and the means to do so free from discrimination, coercion, and violence. According to the Population Reference Bureau, skilled personnel attended 99 percent of births. There was no information on whether women received postnatal care visits. Statistics on the use of modern contraceptive methods available to both married and single women were unavailable; however, it reports indicate that various contraceptives were available widely. There was no information on the rate of HIV/AIDS and treatment for sexually transmitted infections for women.

Women faced legal and economic discrimination. The government's interpretation of Shari'a applied in personal status cases and family law. Muslim women were forbidden to marry non-Muslims. Unlike men, female citizens married to noncitizens did not automatically pass citizenship to their children. The law permits a man to have as many as four wives. Women normally inherited less than men under the government's interpretation of Shari'a. For example, a son may inherit double what a daughter inherits when their parent dies.

It was difficult for a woman to obtain a divorce, as she must prove that her husband has inflicted physical or moral harm upon her, has abandoned her for at least three months, or has not maintained her upkeep or that of their children. Alternatively, women may divorce by paying compensation or surrendering their dowry to their husbands. The law gives divorced men custody of female children after the age of 13 and male children after the age of 10.

Fornication is a crime, and the government may imprison and deport noncitizen women if they bear children out of wedlock. Paternity denial was an emerging problem in the courts. Despite DNA tests proving paternity, the courts could not force a man to accept paternal responsibility. In the absence of an acknowledged father, the mothers of these children faced potential legal charges of adultery.

No law prohibits women from working or owning businesses, and a man has no right under the government's interpretation of Shari'a to ban his wife from working if she was employed at the time of their marriage; however, some husbands reportedly did so. Women who worked outside the home sometimes did not receive equal benefits, and women also reportedly faced discrimination in promotion.

Women constituted approximately 75 percent of university students. Coeducation is prohibited in public schools and

universities except at the United Arab Emirate University executive Master of Business Administration program. Several private schools, private universities, and institutions were coeducational.

The government continued to make efforts to integrate women more fully into society. On May 17, one new female judge was sworn in; on June 30, 24 female Department of Labor (DOL) inspectors began work, bringing the number of female inspectors to 75. Women constituted 10 percent of the country's diplomatic corps.

#### Children

The government registered Bidoon births, but it did not grant citizenship to the children.

Education is compulsory through the ninth grade; however, compulsory education was not enforced, and some children did not attend school. Noncitizen children could enroll in public schools only if they scored at least 90 percent on entrance examinations. The government provided primary education free to citizens, but not to noncitizens. Public schools were not coeducational after kindergarten. Statistically, girls and women in every age group were more academically successful and continued to higher levels of education than their male peers.

Child abuse was not prevalent, although there was some evidence that societal influences prevented cases from being reported. The law protects children from abuse and trafficking, and the government provides some shelter and help for victims. The law does not address female genital mutilation (FGM), which some Somali, Omani, and Sudanese foreign residents practiced. The Ministry of Health prohibits hospitals and clinics from performing FGM, but some private clinics in the northern emirates and rural areas continued to carry out the procedure.

#### Trafficking in Persons

The law prohibits trafficking in persons for all purposes; however, trafficking in persons continued to be a serious problem. The country was a destination for men, women, and children from South, Southeast, and East Asia, Eastern Europe, Africa, and the Middle East for involuntary servitude and sexual exploitation; the country also was a transit point for women trafficked into Oman and men into Iraq.

Some women from India, Pakistan, Sri Lanka, Bangladesh, Indonesia, Ethiopia, Eritrea, and the Philippines migrated willingly to the country to work as domestic servants, but some faced debt bondage to recruiters; conditions of involuntary servitude, such as excessive work hours without pay; verbal, mental, physical, or sexual abuse; and restrictions on movement. Men from India, Sri Lanka, Bangladesh, and Pakistan who came to the country to work in the construction industry occasionally were subject to involuntary servitude and debt bondage to pay recruitment costs. It was illegal but customary for employers to take custody of workers' passports. Observers believed that resident citizen employment sponsors and foreign-based traffickers partnered to traffic women and girls into the country, especially to Dubai, for commercial sexual exploitation. A trafficker may promise a legal employment opportunity and supply a victim with a fraudulent passport after the victim enters the country on a visitor's or worker's visa. A fraudulent employment sponsor might force the victim into commercial sexual exploitation.

On December 22, a court sentenced an Iraqi husband and wife to three years in prison for human trafficking. The couple allegedly bought a 13-year-old girl from her Iraqi parents in Syria and brought her to the country to engage in prostitution.

The law prescribes punishments for those convicted of trafficking in persons, whether for commercial sexual exploitation or involuntary servitude. Although the country prosecuted more than 30 cases of trafficking for sexual exploitation, at year's end, there had not been any labor trafficking prosecutions. Prison terms for convicted traffickers ranged from three to 10 years, with two recent convictions resulting in a life sentence. In coordination with law enforcement and government ministries, the National Committee to Combat Human Trafficking was the government entity responsible for combating trafficking in persons. The government coordinated antitrafficking efforts with labor ministries in source countries and, at year's end, had agreements in place with India, Pakistan, Philippines, Sri Lanka, Bangladesh, Nepal, China, and Thailand. The agreements require the involvement of government labor ministries or other appropriate offices in the contracting of foreign laborers as a means of undermining illegitimate private recruiting agencies.

Trafficking victims who did not identify themselves to authorities were believed to have been deported on criminal charges without access to protective services or without being able to testify against their traffickers. There were reports from foreign embassies that some police authorities pressured victims not to pursue complaints against their employers and assisted employers in repatriating victims before a criminal complaint could be filed. Victims who were unable to provide evidence of trafficking occasionally were provided food and shelter until they acquired travel documents to return home. At least two official shelters, one in Dubai and one in Abu Dhabi, assisted victims of abuse and trafficking. City of Hope, the country's only NGO women's shelter, closed on June 2.

The National Committee for Combating Human Trafficking increased its efforts to eliminate trafficking through awareness campaigns in labor ministries and embassies abroad, training of law enforcement personnel, and coordination of government efforts. In January the government appointed additional public prosecutors to the committee to assist in the identification and prosecution of traffickers. On February 25, antitrafficking experts from the International Organization for Migration trained law enforcement officials and NGO representatives in identifying trafficked persons and traffickers and in methods for interviewing victims.

The government continued a program with UNICEF and other countries to repatriate and rehabilitate former camel jockeys. On September 14, the government provided funding for the educational and occupational rehabilitation of 1,000 underage former camel jockeys who had previously been repatriated to Pakistan. In May officials traveled to Bangladesh to present \$1.43 million in compensation to be divided among 879 former camel jockeys.

The Department of State's annual *Trafficking in Persons Report* can be found at <http://www.state.gov/g/tip>.

#### Persons with Disabilities

The law prohibits discrimination against persons who have physical and mental disabilities. Most public buildings provided some form of access for persons with disabilities in accordance with the law. There were no reported incidents of discrimination against persons with disabilities in employment or education; however, health care provided in the Ministry of Labor's five federal rehabilitation centers, as well as that in private centers, reportedly was inadequate. Moreover, the public centers were not available to noncitizens.

Various departments within the ministries of labor and education were responsible for protecting the rights of persons with disabilities, and the government effectively enforced these rights. One percent of all federal government jobs and 2 percent of government jobs in Abu Dhabi were reserved for persons with disabilities.

#### National/Racial/Ethnic Minorities

Approximately 80 percent of the resident population were noncitizens originating primarily from the Indian subcontinent. Societal discrimination against noncitizens was prevalent and occurred in most areas of daily life, including employment, education, housing, social interaction, and health care. Although the government had pledged to improve standards of living for all residents, there were few programs to improve conditions for noncitizens.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Both civil law and Shari'a criminalize homosexual activity, and Islamic religious law sets the death penalty as punishment for individuals who engage in consensual homosexual activity. During the year, there were reports that the government deported and sentenced individuals to prison for openly homosexual activity.

Under the law, cross-dressing is a punishable offense. The government deported cross-dressing foreign residents and referred citizens to public prosecutors. On August 3, the Ministry of Social Affairs launched a social awareness campaign and offered psychological treatment and social counseling to combat a trend of girls dressing as men.

#### Other Societal Violence or Discrimination

Persons with HIV/AIDS and other diseases faced discrimination. 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. Noncitizen residents infected with HIV, hepatitis types B and C, and tuberculosis were denied all health benefits, quarantined, and deported.

#### Section 7 Worker Rights

##### a. The Right of Association

The law does not permit workers to form or join unions, and no unions existed. Professional organizations, such as lawyers' associations, existed; however, they had to receive government approval for international affiliation.

The law explicitly does not prohibit strikes by private sector workers, but it allows an employer to suspend an employee for striking. In addition, the government may cancel the work permit of and deport for up to one year any foreign worker who is absent from work for more than seven days without a valid reason. The government forbids strikes by public sector employees, citing national security. A public sector employee may file an administrative grievance or a case in the civil courts to address a labor-related dispute or complaint; however, there was no evidence of any such grievances or cases.

The government generally did not punish workers for nonviolent protests in response to nonpayment of wages by employers. During the year the government dispersed nonviolent protests. Only two major labor demonstrations took place during the year involving 1,500 persons, compared to at least seven strikes involving an estimated 10,000 participants in 2008. Most grievances related to unpaid wages and hazardous or abusive working conditions. The Ministry of Labor generally contacted the business owner, which usually prompted a settlement privately.

On October 25, an estimated 300 foreign workers went on strike in Dubai, claiming nonpayment of wages for the previous three months. On August 31, approximately 1,200 foreign laborers in Dubai protested low wages and reduced overtime. Dubai police and Ministry of Labor officials responded to both demonstrations immediately and peacefully dispersed the protesters.

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

Employees covered by the labor law--which excludes domestic, agricultural, and government workers--may file collective employment dispute complaints with the Ministry of Labor, which serves as mediator between the parties. Employees may file unresolved disputes with the labor court system, which in turn are forwarded to the conciliation council. In practice most cases were resolved through direct mediation. The government granted some professional associations with a majority citizen membership a limited ability to raise work-related issues, to petition the government for redress, and to file grievances with the government. Foreign workers may belong to these professional associations as well; however, they do not have voting rights and cannot serve on the organizations' boards.

Businesses in free trade zones (FTZs) are not subject to labor statutes. The Ministry of Labor does not regulate the FTZs; instead, each FTZ maintained its own labor department. Unions and strikes are not allowed in any FTZs.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were instances when such practices occurred, predominantly involving noncitizens.

Some employment agents continued to bring numerous foreign workers to the country to work under forced or compulsory conditions, and there continued to be reports of worker suicides. Some women were brought to the country under false promises of legitimate employment and forced into prostitution. Low-paid unskilled and semiskilled workers were also victims of contract switching, which occurred when a worker was offered a certain position but received a visa labor card for a different position.

Foreign workers frequently did not receive their wages, sometimes for extended periods. In June 2008, to reduce the problem of unpaid wages, the Ministry of Labor and the Central Bank signed a memorandum of understanding that facilitated direct deposits of laborers' salaries. On August 26, the government announced that 500,000 laborers were receiving their wages in this manner and set a May 31, 2010, deadline for all employers to adopt the system, which would cover more than four million workers.

Some domestic and agricultural workers were subject to what was in fact compulsory, unpaid labor to repay their employers for hiring expenses. Employers routinely held employees' passports, severely restricting their freedom of movement. There were increasing incidents of employees prevented from changing jobs because their contracts stipulated that they were prohibited from working for a "competitor" for six months after their original employment ended. The only way to overcome the six-month restriction was to seek a letter of "no objection" from the original employer; some employers, as retribution for losing the employee to another employer, refused to sign such letters. The Ministry of Labor made exceptions during the year by not requiring "no objection" letters if the employee had completed three years in the original position or if the employer had withheld salary. In July Emirati and Indian media reported that more than 100 workers in a labor camp outside Abu Dhabi were stranded without work, wages, or legal residency documentation after their employment sponsor went bankrupt. Local charities provided food for the workers, who were seeking assistance from the courts.

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

The law prohibits employment of persons younger than age 15 and has special provisions for employing persons 15 to 18 years of age, including foreign resident children 16 or older. The Ministry of Labor is responsible for enforcing these regulations and generally enforced them effectively. However, there were rare reports of foreign children who came to the country under their parents' work permits and subsequently were pressured to work.

#### e. Acceptable Conditions of Work

There is no established minimum wage, leaving much of the workforce without sufficient compensation for more than minimal subsistence. Salaries, which depend on the occupation and employer, were estimated to be at least 400 dirhams (\$110) per month for domestic or agricultural workers and 600 dirhams (\$164) per month for construction workers. Highly skilled and white-collar employees generally received higher salaries.

According to the labor law, the workday is eight hours and the workweek six days; however, these standards were not enforced. There were laws regulating minimum rest periods and hours worked, which varied depending on the nature of the work. There was no legal provision requiring overtime pay, nor was there a prohibition on excessive compulsory overtime. Domestic workers are under the jurisdiction of the MOI, which has a special office for assisting domestic laborers, although current labor laws do not regulate domestic workers. The unregulated conditions of domestic workers left them vulnerable to long work days and underpayment.

The Ministry of Labor requires a break from 12:30 p.m. to 3:00 p.m. for most outdoor laborers during July and August, the hottest months of the year; however, oil sector and asphalt and cement companies, among others, were not required to give their employees this break, putting workers at risk for heat exhaustion. The government routinely fined employers for violating the midday break rule and published compliance statistics. For the first offense, an employer is fined 10,000 dirhams (\$2,725) and is prohibited from issuing new labor permits for three months. A second offense results in a 20,000 dirham fine (\$5,450) and a six-month prohibition. A third offense carries a 30,000 dirham fine (\$8,175) and a one-year prohibition on new permits. In June the Ministry of Labor set up a toll-free hot line for laborers to report companies that violated break rules or delayed wage payments.

The law requires employers to provide employees with a safe work and living environment; however, despite recent increases in the number of Ministry of Labor inspectors, the government did not uniformly enforce health and safety standards. On June 30, the ministry hired 134 more safety and health inspectors, bringing the total to more than 400. Inspections of primarily construction sites took place throughout the year, resulting in fines for employers who violated workplace safety or midday break rules. The ministry also employed language interpreters to assist foreign workers in understanding employment guidelines.

Despite efforts to improve housing facilities, some low-skilled and foreign employees continued to face substandard living conditions, including overcrowded apartments or lodging in unsafe and unhygienic "labor camps," which sometimes lacked electricity, potable water, and adequate cooking and bathing facilities. Construction of newer worker accommodations was ongoing.

During the year the press reported a number of cases of workers who were injured or killed on job sites due to inadequate safety measures. Although the law requires the government to track job-related injuries and deaths, in practice the government registered the cases but did not always follow up on them.

Domestic workers routinely were subject to physical, sexual, and emotional abuse. In August police in Ajman arrested a woman accused of beating her maid with an electrical cord, breaking her ribs, and burning her feet with an iron. The court case was pending at year's end.

Workers' jobs were not protected if they removed themselves from what they considered to be unsafe working conditions; however, all workers have the right to lodge labor-related grievances to the Ministry of Labor. If ministry arbitration could not resolve the issue, it was referred to the judiciary.

