



2008 Human Rights Report: United Arab Emirates

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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The United Arab Emirates (UAE) is a federation of seven semiautonomous emirates with a resident population of five million, of whom fewer than 20 percent (900,000) 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. 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. The civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change their government. There were unverifiable 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. Trafficking in persons continued, and legal and societal discrimination against women and noncitizens was pervasive. The government severely restricted the rights of foreign workers. 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 political prisoners during the year, as well as reports that a royal family member tortured a foreign national who had allegedly overcharged

him in a grain deal.

In addition, Shari'a (Islamic law) 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 recipients' bodies.

There were also reports of prison guard brutality during the year. On July 9, a Dubai court sentenced 25 jail wardens and a former prison director of Dubai Central Detention Facility to three- to six-month prison terms for abusing their authority and beating inmates. Among the allegations, wardens reportedly beat an Armenian inmate, leaving him with a spinal injury that led to permanent disability. The defendants appealed the ruling, and on November 18, the Dubai Court of Appeals suspended the sentences of the 25 jail wardens. At year's end the prison director's appeal was pending, and he was out 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 populace. 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.

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, on September 21, 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 only permitted to provide material support. They were unable to determine the welfare and well-being of the prisoners. However, some clergymen reported psychological abuse and frequent physical abuse of their imprisoned parishioners.

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. Current law permits indefinite, routine, incommunicado detention without appeal. Under this procedure the detainee may contact only his or her 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 therein. 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.

While 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. There were no reports of impunity.

On November 10, a police officer was charged with stealing a suspect's personal belongings, which were confiscated while the suspect was being questioned. The officer allegedly kept the stolen belongings, including money and jewelry, at his house.

On November 11, a police officer was charged with unlawfully revealing secrets and alerting a brothel allegedly run in hotel rooms of impending police raids.

Arrest and 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 most cases to the public prosecutor. Cases were then transferred 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 within 48 hours report an arrest 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 time limit. 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 continue to renew 30-day extensions indefinitely and without charge. Public prosecutors may hold suspects in terrorism-related cases without charge for six months. Once a suspect is charged, terrorism cases are handled by the Supreme Court, which may extend the detention period indefinitely.

There is no formal system of bail; however, authorities can temporarily 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, can be denied release in accordance with the law. Release is usually permitted after payment to the victim's family of compensation, commonly called "diya" or "blood money," which is a form of financial penalty imposed on defendants in criminal cases involving a death.

A defendant is entitled to an attorney only after the police have completed their investigation. As a result police sometimes questioned accused persons for days or weeks without providing them the benefit of legal counsel. Persons arrested on nonsecurity charges were generally granted prompt access to family members.

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 1,200 prisoners and paid their debts during the year. The government deported most of the foreign nationals who were pardoned. The government did not repeat its June-November 2007 amnesty for illegal expatriate residents.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. In practice, however, its decisions remained subject to review by the political leadership. 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 many types of criminal and civil offenses before cases were referred to prosecutors, reviewing sentences passed by judges, returning cases to

the court on appeal, and approving the release of every prisoner whose sentence was completed. The diwans' involvement--usually in cases between two emirates 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 in the case of disagreement between a judge and diwan, the diwan's decision prevails. Because diwans report to the minister of the interior, 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 Dubai, Abu Dhabi, and Ras al-Khaimah, were 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 the constitution and federal legislation 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. They acted in accordance with their interpretation of Shari'a but were required to answer to the Federal Supreme Court, with the exception of the emirates of Abu Dhabi, Dubai, and Ras al-Khaimah. In criminal cases Shari'a was applied first, and if evidence required by Shari'a was found insufficient, the penal code was used. Dubai had a special Shia council to act on matters pertaining to Shia family law.

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

Trial Procedures

Defendants were presumed innocent until proven guilty. The constitution provides the right to a public trial, except in national security cases or cases deemed by the judge to be harmful to public morality. Juries are not used. Defendants have the right to be present at their trial and a limited right to legal counsel in court. However, 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, and defense counsel had access to relevant government-held evidence.

By law all prosecutions are conducted in Arabic; however, despite the defendant's procedural right to a translator, in some cases involving deportation of illegal residents, translation was provided 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 cases in which a defendant is acquitted, the prosecutor may appeal the acquittal to a higher court, which may receive additional evidence. An appellate court must reach unanimous agreement to overturn an acquittal.

Political Prisoners and Detainees

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

Civil Judicial Procedures and Remedies

Citizens and noncitizens could access 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 of physical abuse of domestic workers.

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

The constitution prohibits entry into homes without the owner's permission, except when police present a warrant in accordance with the law; however, there were credible reports that security forces sometimes failed to obtain warrants. Officers' actions in searching premises were subject to review, and officers were liable to disciplinary action if their actions were judged to be irresponsible. Authorities did not commonly screen private correspondence; however, there have been reports of censorship of incoming international mail.

Local interpretation of Shari'a law prohibits Muslim women from marrying non-Muslims and Muslim men from marrying women not "of the book," i.e., 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 is permissible in a limited context, but criticism of ruling families, particularly sheikhs, is not permitted. However, criticism of sheikhs occurred with extreme caution and in private.

The government owned three of the country's newspapers and heavily influenced the privately owned media, including 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 expatriates, most television and radio stations were government-owned and conformed to unpublished government reporting guidelines. With the exception of Pakistan's GEO TV, 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. Satellite receiving dishes were widespread and provided access to international broadcasts without apparent censorship.

On June 15, 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 May 2, the NMC instructed a printing press to stop printing six vernacular publications, four dailies in Malayalam and two papers in Urdu. The NMC explained that the printing press had not obtained legal permission to print the papers. On November 18, Abu Dhabi's federal court of appeal ruled to ban Emarat Al Youm daily newspaper from publishing for 20 days in a defamation case raised by the Emirati Warsan Stables owners, who are members of the ruling family; however, the newspaper continued publishing, and the ban was never enforced. The court also fined the newspaper's chief executive officer and editor in chief 20,000 dirhams (approximately \$5,445) each. The case revolved around a 2006 article alleging that the stable was doping its horses to gain advantages in international races.

The government used libel laws to suppress criticism of its leaders. Although no journalists have received prison sentences for defamation since September 2007, when Vice President and Prime Minister Sheikh Mohammed bin Rashid al-Maktoum ordered that journalists no longer be imprisoned for such violations, other punishments for violations remained in force.

The NMC censors reviewed all imported media and banned 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. Publication of books was treated in the same manner.

Internet Freedom

The government restricted access to some Web sites on the Internet 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, with 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.

On September 12, an appeals court upheld an August 2007 decision sentencing Majan.net's owner and a blogger to one year in prison and a fine of 70,000 dirhams (approximately \$19,070) when they refused to delete critical comments about a government official.

Etisalat, the country's only Internet service provider, blocked via a proxy server 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 including many that did not meet the intended criteria. Etisalat populated its proxy server list of blocked sites primarily from lists purchased from commercial companies, although individuals could also report offensive sites. Social Web site Orkut and 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, providing 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, or incite someone to commit sin. The law criminalizes use of the Internet in transcending "family values" by publishing news or photos pertaining to a person's private life or family or by promoting a breach of public decency.

Academic Freedom and Cultural Events

The government restricted academic freedom and censored academic materials destined for schools. The government banned students from reading texts featuring sexuality or pictures of the human body. The government also restricted participation in certain cultural events, primarily events that are 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 permit for organized public gatherings. The government did not permit public meetings or demonstrations for political purposes. On December 31, security forces in the emirate of Sharjah prevented an assembly that was intended to show solidarity with the people of Gaza. In practice the government did not regularly interfere 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, sometimes of laborers protesting wages. Except in the few cases in which crowds became destructive or violent, the government did not interfere.

Citizens normally confined political discussions to informal gatherings, or 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 or no government interference.

On June 15, 83 former teachers lodged protests with the Ministry of Education over their transfers to other ministries or nonteaching positions. According to the government, the teachers were reassigned as part of ongoing education reform initiatives; however, the teachers alleged that the government was suspicious of their membership in the Reform and Social Guidance Association and therefore reassigned them. Some of the teachers' wives, who also worked at the Ministry of Education, claimed their promotions were suspended, and there were allegations that some of the teachers' children were denied scholarships.

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

c. Freedom of Religion

The constitution provides for freedom of religion in accordance with established customs; however, the law prohibits 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; conversion to Islam was viewed 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 formalized method of granting official status to religious groups other than by granting them the use of land for the construction of a building. Land grant applications are filed at the local level but may include a letter from the GAIAE. Several non-Muslim groups operated houses of worship where they can practice 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 worship in private homes. The 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 in public schools and for all Muslim children 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, the death penalty was rarely carried out, and there have been no reports that it has been applied to any case of conversion.

Non-Muslims were subject to criminal prosecution, imprisonment, and deportation if they were found proselytizing or distributing religious literature to Muslims; however, there were no reports of such actions during the year. Missionaries continued to perform humanitarian work in the country and faced no restrictions on proselytizing non-Muslims.

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 banned 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, resident, noncitizen Jewish population. Anti-Semitism was apparent in news articles and editorial cartoons depicting negative images of Jews. These expressions occurred primarily in private daily newspapers without government response.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/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, there were legal restrictions on foreign travel. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) on a humanitarian basis but 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 bar his wife, minor children, and adult unmarried daughters from leaving the country by taking custody of their passports. However, there was no enforcement of this custom at exit points that would bar an individual from traveling, unless there was a court order. The government may revoke naturalized citizens' passports and citizenship status for criminal or politically provocative actions. However, such revocations were rare, and there were no reports of its use during the year.

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. In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Refugees generally were required to petition for settlement in third countries. The government continued to detain some persons seeking refugee status, particularly Palestinians and non-Arabs, while they awaited resettlement in third countries.

Stateless Persons

Citizenship of the country is generally derived from one's parents. 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. From September 7 to November 6, registration centers in four emirates accepted naturalization applications from individuals who had been resident in the country at least since the federation's establishment in 1971. On October 18, the government granted nationality to 51 previously stateless persons.

Children of female citizens married to noncitizens do not acquire citizenship at birth; however, female citizens under these circumstances can apply for citizenship for their children, and the government generally grants it. Foreign women may receive citizenship through marriage to a citizen after 10 years of marriage, and anyone may receive a passport by presidential fiat.

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 and 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, 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 or freely change the laws that govern them. There were no democratic general elections or institutions, and citizens did not have the right to form

political parties.

On December 16, the government denied the FNC the right to discuss publicly the increasingly political topics of national identity associated with the demographic imbalance between the minority citizen population and the majority expatriate population.

Elections and Political Participation

In 2006 a 6,689-member appointed electorate elected half of the 40-seat FNC, a consultative body that has no legislative mandate. On December 2, The 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 that elects from its members the country's president and vice president. Decisions at the federal level generally were made by 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 they were officially adopted by the Federal Supreme Council, and it could send legislation back for amendment. The FNC also has the authority to question any government minister. During the year the government accepted 80 percent of the FNC's recommendations. 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 despite a law prohibiting women from serving in the judiciary, 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; however, no women held nonfederal senior government positions in the other emirates.

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

Government Corruption and 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 January 8, the Abu Dhabi Naturalization and Residency Department arrested an employee of the Al Ain Naturalization and Residency Department for illegally issuing entry visas for cash. In Dubai there were other high-profile corruption investigations during the year that led to criminal charges of betrayal of trust and unlawfully taking possession of money and property.

On October 25, the Department of Accountability returned to the treasury approximately 300 million dirhams (approximately \$82 million), which 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 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government did not generally permit organizations to focus on political issues. However, two recognized local human rights organizations existed: the quasi-independent 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 it was headed by a government prosecutor, the EHRA generally operated without government interference, apart from the many requirements faced by all associations in the country. However, lack of government interference did not imply full cooperation. For example Ministry of Interior officials refused to meet with EHRA members concerning the treatment of prisoners and conditions in detention facilities.

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 visitation from international NGO representatives.

The government generally cooperated with other international organizations, including the UN Children's Fund (UNICEF) and UNHCR. The UN Office for the Coordination of Humanitarian Affairs maintained an office in the country.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equality before the law without regard to race, nationality, or social status, 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 the crime was not recognized. The penal code does not specifically address spousal rape. During the year there were 53 rape cases reported, of which 46 resulted in convictions with sentences varying from three months in prison to life imprisonment and deportation for noncitizens. However, given the onerous burden of proof and societal pressure, it was likely that the actual incidence of rape was much higher.

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. In 2007 Dubai police handled 126 cases of wife beating and more than 200 nonphysical domestic conflict cases. Women were often 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 asking them to transport their wives home. In 2007 the Dubai Foundation for Women and Children, funded by the Dubai government, opened a 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 expatriate population.

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. The implications for the mothers of these children were extremely serious because the women faced potential charges of adultery, a legally punishable crime.

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 address the issue publicly. However, one police officer was charged for informing the female head of a brothel of an impending police raid. There was no evidence of sex tourism.

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 up to 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" results in up to one year in prison and a 10,000 dirham (approximately \$2,700) fine. On January 28, the public prosecutor charged a driver with molesting a shopper in a store, violating her privacy, and indecently gesturing in a public place.

Women also faced legal and economic discrimination. The government's interpretation of Shari'a was 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 is required to prove that her husband has inflicted physical or moral harm upon her, that he has abandoned her for at least three months, or that he 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 women custody of female children only until the age of 13 and male children only until the age of 10. Fornication is a crime, and the government may imprison and deport noncitizen women if they bear children out of wedlock.

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 prevented their wives from working. Women who worked outside the home sometimes did not receive equal benefits, and women also reportedly faced discrimination in promotion.

Women constituted 65 percent of all university students. Coeducation is prohibited in public schools and universities except at the UAE University Executive MBA Program. Several private schools, private universities, and institutions are coeducational.

The government continued to make efforts to integrate women more fully. On January 16, the first female pilots graduated from Khalifa bin Zayed Air College, and on September 15, the country appointed its first two female ambassadors. Women comprised 10 percent of the country's diplomatic corps. On November 5, at the Dubai Judicial Institute, 10 female trainees were sworn in as the first female public prosecutors in the emirate of Dubai.

Children

The government registered Bidoon births but did not grant citizenship to the children, who remained stateless.

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 exams. Primary education was provided free to citizens, but not to noncitizens. Public schools were not coeducational after kindergarten, and statistically, in every age group, girls and women 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 shelter and help for victims. However, the law does not address female genital mutilation (FGM), which some Somali, Omani, and Sudanese expatriates 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 all forms of trafficking in persons; however, trafficking continued to be a serious problem. The country remained a destination for men, women, and children from South and East Asia, Eastern Europe, Africa, and the Middle East for involuntary servitude and sexual exploitation, and a transit point for women trafficked into Oman and men into Iraq.

Women from India, Sri Lanka, Bangladesh, Indonesia, Ethiopia, 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. Similarly, men from India, Sri Lanka, Bangladesh, and Pakistan who came to the country to work in the construction industry were sometimes subject to involuntary servitude and debt bondage to pay off recruitment costs. Although illegal, it was 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 with an inflated age; 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.

The law prescribes punishments including jail sentences for those convicted of trafficking, including for commercial sexual exploitation and involuntary servitude. The National Committee to Combat Human Trafficking is the government entity responsible for combating trafficking in persons, in coordination with law enforcement and government ministries. Although there were 11 prosecutions and convictions during the year, enforcement and punishments generally remained lacking.

The government has not fully developed an effective method to screen and identify actual or potential trafficking victims who do not identify themselves to authorities. As a result many victims 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 were sometimes provided with food and shelter until they acquired travel documents to return home. At least one official and one private shelter in Dubai assisted victims of abuse and trafficking. The National Committee for Combating Human Trafficking continued its active efforts to eliminate trafficking through awareness campaigns, training of law enforcement personnel, and coordination of government efforts.

The government continued a program with UNICEF and other countries to repatriate and rehabilitate former camel

jockeys.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with 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 (MOL) five federal rehabilitation centers, as well as that in private centers, was reportedly 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. One percent of all federal government jobs and 2 percent of government jobs in Abu Dhabi are reserved for persons with disabilities. On May 19, the Ministry of Economy hired a severely visually impaired woman upon a request from the EHRA, and on July 9, the MOL acknowledged the contributions of six employees with disabilities who had been working there since 2000.

National/Racial/Ethnic Minorities

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

Other Societal Abuses and Discrimination

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 activities. During the year there were reports that the government deported and sentenced to prison individuals for being openly homosexual.

Cross-dressing, according to the law, is a punishable offense. On May 26, Dubai police announced that transvestites would be arrested if caught in public. Police arrested 40 cross-dressing tourists in local shopping malls and other public places over the following three weeks and deported them soon after.

On April 8, Dubai courts confirmed 15-year jail terms for two citizen men and a three-year term for one male minor citizen for the July 2007 gang rape of a 15-year-old Swiss-French boy. The victim left the country before any criminal prosecution.

Persons with HIV/AIDS and other diseases also 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 healthcare benefits, quarantined, and deported. During the year the government deported 1,518 noncitizen residents infected with these diseases. The EHRA also reported that several women diagnosed with breast cancer were fired solely because of their illness and that hundreds of women were reluctant to undergo medical examinations to detect breast cancer for fear of losing their jobs if they received a positive diagnosis.

Section 6 Worker Rights

a. The Right of Association

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

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

The government did not generally punish workers for nonviolent protests in response to nonpayment of wages by employers. However, during the year the government took measures to break up nonviolent protests.

Approximately 10,000 workers participated in at least seven strikes during the year. Most grievances were related to unpaid wages and hazardous or abusive working conditions.

For example, on February 11, more than 300 workers demonstrated in Ajman against their Dubai-based employer over unpaid salaries. The workers marched from their residences in Ajman to the Dubai labor office, stopping in Sharjah to file a case against their employer. The workers complained that they had not been paid in four months and that their living conditions were unsuitable. Shajrah police dispersed the strike peacefully and sent the workers back to Ajman. The MOL summoned the employer, who agreed to resolve the dispute.

On July 7, approximately 3,000 workers in Ras Al-Khaimah protested salary levels. The strike turned violent as workers burned cars and buses. The MOL could not intervene in this contractual dispute because the company operated in a free trade zone (FTZ) in the emirate of Ras Al-Khaimah. The workers were arrested and detained by the police for approximately two weeks. The police imprisoned eight persons who allegedly instigated the incident. The instigators will be deported at the end of their sentence. At year's end there was no information on the length of their sentence.

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 in Arabic with the MOL, which serves as mediator between the parties. Unresolved disputes may be filed with the labor court system and forwarded to the Conciliation Council. In practice most cases were resolved through direct mediation. The government granted some professional associations with mostly 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 associations; however, they do not have voting rights and cannot serve on the boards of the organizations.

Businesses in the FTZs are not subject to labor statutes. The MOL 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 of forced and

compulsory labor affecting some adults, noncitizens in particular.

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.

Lack of payment to employees, especially foreign workers, for extended periods of time was common. On June 1, to reduce the problem of unpaid wages, the MOL and the Central Bank signed a memorandum of understanding that facilitated direct deposits of laborers' salaries; however, the system had not taken effect at year's end.

Some domestic and agricultural workers were subject to de facto compulsory labor. Employers routinely held employees' passports, severely restricting their freedom of movement. There were increasing incidents of employees being prevented from changing positions because their contracts stipulated that they were banned from working for a "competitor" for six months after their original employment ended; the only way to overcome the six-month ban was to seek a letter of "no objection" from the original employer. However, some employers, as retribution, refused to sign such letters. The MOL made exceptions during the year by not requiring letters of "no objection" if the employee had completed three years in the original position or if the employer had withheld salary.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of persons younger than 15 and has special provisions for employing persons 15 to 18 years of age, including expatriate children 16 or older. The MOL 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 minimum wage, leaving much of the workforce without sufficient compensation for more than a minimal subsistence. Salaries, which depend on the occupation and employer, were estimated to range upward from 400 dirhams (approximately \$110) per month for domestic or agricultural workers and from 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 nature of work. There was no legal provision requiring overtime pay, nor was there a prohibition on excessive compulsory overtime. However, domestic workers are under the jurisdiction of the MOI and not regulated by the current labor laws. The unregulated conditions of domestic workers left them vulnerable to long work days and underpayment.

The law requires that employers provide employees with a safe work and living environment; however, despite recent increases in the number of MOL inspectors, the government did not uniformly enforce health and safety standards. At year's end there were 48 safety and health inspectors. The MOL 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 is ongoing.

On August 26, a fire killed 11 workers in a labor housing unit in Dubai. In response, the Dubai government sent warning notices to contractors to vacate 422 labor housing units for noncompliance with safety conditions.

The MOL 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 midday break, putting workers at risk for heat exhaustion.

Domestic workers were routinely subject to physical, sexual, and emotional abuse. On June 5, a Fujairah court imposed a fine of 4,000 dirhams (approximately \$1,100) against a woman accused of beating her maids and breaking their bones.

Workers' jobs were not protected if they removed themselves from what they considered unsafe working conditions; however, all workers have the right to lodge labor-related grievances.

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 registers the cases but does not necessarily follow up on them.