

# UNITED ARAB EMIRATES 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The United Arab Emirates (UAE) is a federation of seven semiautonomous emirates with a resident population of approximately 8.5 million, of whom an estimated 11.5 percent are citizens. The rulers of the seven emirates constitute the Federal Supreme Council, the country's 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 2009 the council selected Sheikh Khalifa bin Zayed Al Nahyan, ruler of Abu Dhabi Emirate, to a second five-year term as president. The emirates are under patriarchal rule with political allegiance defined by loyalty to tribal leaders, leaders of the individual emirates, and leaders of the federation. There are limited democratically elected institutions, and political parties are not permitted. A limited, appointed electorate participates in periodic elections for the Federal National Council (FNC). The FNC, a nonlegislative, consultative body, consists of 40 representatives allocated proportionally to each emirate based on population. The appointed electorate elected 20 FNC members in September 2011, and the rulers of the individual emirates appointed another 20 in mid-November 2011. Citizens can express their concerns directly to their leaders through traditional, consultative mechanisms such as the open "majlis" (forum). Topics of legislation can also emerge through discussions and debates in the FNC. Security forces reported to civilian authority.

The three most significant human rights problems were arbitrary arrests, incommunicado detentions, and lengthy pretrial detentions; limitations on citizens' civil liberties (including the freedoms of speech, press, assembly, and association); and citizens' inability to change their government.

Other human rights problems included reports of police and prison guard brutality. The government continued to interfere with citizens' privacy rights, and placed some limits on freedom of movement. Although there were limited reports of corruption, the government lacked transparency and there was a lack of judicial independence. Domestic abuse and violence against women remained problems; however, police and social workers began to address the problems in close coordination, with the presence of social workers at police stations to communicate in private with victims of violence. The government also conducted programs to raise awareness of these problems throughout the year. Women and noncitizens faced legal and societal discrimination. Trafficking in persons continued, as did discrimination against persons with

disabilities. Legal and societal discrimination against persons with HIV/AIDS and based on sexual orientation and sexual identity remained a problem. The government restricted worker rights, including the rights of foreign workers. Forced labor was a problem, although the government took steps to combat it. Mistreatment of foreign domestic servants and other migrant workers, including sexual abuse, remained a problem.

The government took steps to prosecute and punish officials who committed abuses. Authorities held accountable police who committed abuses.

## **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.

On June 13, the Dubai Court of First Instance acquitted 13 police officers of charges that they beat and tortured three Pakistani prisoners in May 2011, killing one and severely injuring the others. The court sentenced five of the officers involved to one month in jail for illegally confining the deceased. On November 24, the Dubai Appellate Court upheld the lower court's verdict.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices and there were no reports that government officials employed torture. However, there were reports of police and prison guard brutality and additional reports that unidentified members of the security forces mistreated and abused detainees.

According to a September report, two Syrian nationals alleged that authorities severely mistreated them while in custody in 2011. One of the men reported that 15 persons in four unmarked vehicles stopped his vehicle, confiscated his identification, and handcuffed and blindfolded him before driving him to a detention center. The individual claimed that these men placed him in a

windowless cell equipped with a surveillance camera and that the men spoke with Gulf accents and identified the cell as being part of a state security facility. The individual reported that his captors beat and whipped him, held him in painful stress positions, hung him from a wall by his arms and legs, and subjected him to sleep deprivation for an 18-day period. He claimed that unidentified authorities interrogated him regarding his connection to the Syrian uprising, his connection to the second Syrian detainee, his alleged participation in political violence, and links with Islamist groups, including al-Qaida. The second Syrian national reported to fellow inmates that authorities abused him while holding him in solitary confinement for three months. The courts freed the first Syrian national in January but convicted the second Syrian national on terrorism charges and sentenced him to three years in prison. He started a hunger strike on June 27 to protest his conviction, and consequently authorities took him to a hospital in late July. No further information was available at year's end.

Another foreigner, Yonas Fikre, alleged in April that security forces detained and severely mistreated him for three months in 2011 in a Dubai detention center. He stated that security forces beat him and held him in stress positions that caused him to collapse or black out.

Courts applying Sharia (Islamic law) had the option of imposing flogging as punishment for adultery, prostitution, consensual premarital sex, pregnancy outside marriage, defamation of character, and drug or alcohol abuse. Caning in past years resulted in substantial bruising, welts, and open wounds on those flogged. The penal code also requires all individuals to pay diya (blood money) to victims' families in cases where accidents or crimes caused the death of another person. There were reports that courts imposed these punishments during the year.

On July 5, a court in Fujairah convicted a man for stealing a cell phone and consuming alcohol. Courts originally sentenced the man to one year in prison. However, the Fujairah Court of Appeal changed his punishment by reducing the prison sentence from one year to three months but added a new sentence of 80 lashings after courts determined the man consumed alcohol.

Press reported updates in the case of a Nepalese worker on death row. Courts convicted the worker in 2009 of murder and ordered him to pay 82,676 dirhams (\$22,527) in diya. In 2010 authorities notified the embassy of Nepal that the convicted worker faced a death sentence because he and his family had not raised the required diya. Emirati authorities contacted the victim's family in August and asked whether the family was willing to accept a reduced diya or pardon the

convicted murderer. At year's end Emirati and Nepalese authorities were waiting for the victim's family to make a decision.

The use of diya created situations where prisoners faced indeterminate periods of incarceration. On May 4, a press report indicated 23 prisoners remained behind bars after completing their sentences because they could not afford to pay diya settlements that were also part of their punishments. Legal experts noted in the report the 23 prisoners would remain imprisoned indefinitely if they could not find a way to raise funds to pay diya.

### **Prison and Detention Center Conditions**

Prison conditions varied widely among the emirates. There were reports that police and prison guards mistreated individuals, particularly at some prisons and police precincts in Dubai. Lesbian, gay, bisexual and transgender (LGBT) individuals faced severe mistreatment including physical abuse and rape in prisons (see section 6).

Physical Conditions: The government did not release statistics on prison demographics and capacity. Some prisons were overcrowded, especially in Abu Dhabi and Dubai. There were reports that the Port Rashid prison facility in particular was severely overcrowded and that prisoners there faced very poor sanitary conditions.

At times, prisoners arrested for political or security reasons were treated differently from other prisoners. For example, authorities allegedly forced Bidoon (stateless) blogger-activist Ahmed Abdul Khaleq to acquire a Comorian passport, arrested him on May 22 for campaigning online for the rights of stateless persons living in the country, deported him to Thailand on July 16, and barred his return. Authorities previously arrested Khaleq in April 2011 in connection with his online political activities, along with four other activists. Authorities tried him, sentenced him to two years' imprisonment, and subsequently pardoned him in November 2011 before arresting him again in May.

There were reports of prisoners dying while in custody.

The press reported on September 10 that a 35-year-old Kenyan died while in prison at the Central Jail in Al Awir. Authorities had sentenced him to a year in prison in 2010 and fined him 160,000 dirhams (\$43,596), but he remained in jail after completing his sentence, as he could not pay the fine. He reportedly became

depressed and suffered from panic attacks. Authorities reportedly took him for treatment a few days before his death.

According to local press, in 2011, an Omani serving a life sentence (25 years) for drug trafficking was found dead in his cell at the Dubai Central Jail. Authorities reported that the 35-year-old overdosed on prescription pills that he had hoarded. Authorities also noted that the individual had often threatened to take his own life. However, an inmate stated he thought the victim was force-fed the pills and requested to meet with prosecutors to ask for an investigation. The request was declined.

There were several reports from foreign prisoners held in Dubai that they suffered abuse while in detention. In May a prisoner reported that officers at police headquarters in Dubai physically, mentally, and sexually abused him. In July a prisoner claimed that officers physically abused him at a Dubai police station; he was released soon thereafter. Also in July another prisoner claimed that officers abused him at the Dubai Police Headquarters, but did not give a written statement, reportedly due to fear that it might affect his case negatively.

Prisoners had access to potable water. There were reports that prisoners with HIV did not receive appropriate health care.

Administration: The authorities kept adequate prison records, but did not make records available to the public. Judicial authorities did not use alternatives to sentencing for nonviolent offenders. Ombudsmen cannot serve on behalf of prisoners and detainees. Prisoners had access to visitors, but it was unclear if they were permitted religious observance. Prisoners had a right to submit complaints to judicial authorities; however, details about investigations into complaints were not publicly available.

Monitoring: The government stated that it inspected and monitored prison and detention center conditions. Police in Dubai and Abu Dhabi stated that nongovernmental organizations (NGOs) and the International Committee of the Red Cross would be granted access to observe prison conditions, if requested. Charitable NGOs visited prisons during the year and provided material support but were unable to determine the welfare of the prisoners. Members of the government-supported, albeit largely privately funded, Emirates Human Rights Association (EHRA) met with federal Ministry of Interior officials and prisoners during visits to several detention facilities during the year. The EHRA reported that prison conditions were “good” and acknowledged overcrowding conditions

while the ministry stated authorities were working to make them “excellent.” The EHRA also reported they investigated allegations of mistreatment and abuse.

#### **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 Ministry of Interior detained foreign residents arbitrarily at times. The law permits indefinite, routine, and incommunicado detention without appeal. Authorities determined whether detainees were permitted to contact attorneys, family members, or others after an indefinite or unspecified period.

Beginning in March authorities arrested more than 80 individuals, including at least 12 Egyptians residing in the country who were arrested between November and December. Authorities stated that the individuals had ties to Dawat Al Islah, an organization associated with the Muslim Brotherhood, and were plotting a government overthrow and attacks against the nation. Individuals associated with those arrested, and other organizations, disputed authorities’ claims and noted that many of the detainees called for political reforms and expanded rights. Many of the individuals were arbitrarily arrested and subjected to incommunicado detention (see section 1.e.).

#### **Role of the Police and Security Apparatus**

Each of the seven emirates maintains a local police force, which is officially a branch of the federal Ministry of Interior and called a general directorate. All emirate-level police general directorates enforce their respective emirate’s laws autonomously. The emirate-level police general directorates also enforce the country’s federal laws within their emirate in coordination with each other and under the ministry’s auspices, but the manner in which they do so varies depending on local operational considerations. The federal government maintains federal armed forces for external security. Civilian authorities maintained effective control over emirate-level police and federal security forces.

The Ministry of Interior has broad authority to investigate abuses. 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. However, there were some unresolved cases involving allegations of mistreatment by security forces.

No further information was available on the October 2011 case of a Dubai police officer charged with kidnapping and raping a Moroccan woman.

In January 2011 the Dubai Criminal Court of First Instance sentenced an Emirati soldier who allegedly beat and raped a British woman in 2010 to six months in prison and a fine of 1,000 dirhams (approximately \$272).

### **Arrest Procedures and Treatment While in Detention**

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. The law prohibits arrest or search of citizens without probable cause; however, incidents occurred in practice. There were reports that security forces failed to obtain warrants in some cases. 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. The public prosecutor did not always meet the 24-hour time limit, although police usually adhered to the 48-hour deadline. Prosecutors are required to submit charges to a court within 14 days of the police report, at which point the detainee should be informed of the charges against him; however, this was not always the case in practice.

At the sole discretion of emirate-level prosecutors, foreign nationals had their passports taken during investigations. There were reported cases of foreign nationals who faced significant difficulties because of the seizure of their passports. Some also had travel bans placed on their names in immigration systems. Authorities did not lift travel bans until the completion of a case through the judicial system. In cases of technical and complex violations of the law, particularly in the investigation of financial crimes, travel bans had been in place for three years or more.

Public prosecutors may order detainees held as long as 21 days without charge, or longer in some cases with a court order. Judges may not grant an extension of more than 30 days of detention without charge; however, they 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 with terrorism, the Supreme Court may extend the detention 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, may be denied release in accordance with the law. Authorities released some prisoners detained on charges related to a person's death after the prisoners completed diya payments.

A defendant is entitled to an attorney after police have completed their investigation. Police sometimes questioned the accused for weeks without permitting access to an attorney. The government may provide counsel at its discretion to indigent defendants charged with felonies that are punishable by imprisonment of three to 15 years. The law requires the government to provide counsel in cases in which indigent defendants face punishments of life imprisonment or the death penalty. Authorities generally granted family members prompt access to those arrested on charges unrelated to state security; however, authorities held some persons incommunicado.

Arbitrary Arrest: The government committed arbitrary arrests, notably in cases that allegedly violated state security regulations.

The government held citizens both in incommunicado detention and under house arrest. Authorities initially placed two of the individuals detained for links to the Dawat Al Islah under house arrest. The government did not inform the majority of the detainees with alleged links to Dawat Al Islah of the specific charges against them within the specified legal time limit and reportedly held the detainees incommunicado (see section 1.e., Political Prisoners and Detainees).

In November and December authorities arbitrarily arrested additional individuals, potentially for comments posted online in support of those previously arrested. The government stated that those arrested had direct links to the Dawat Al Islah.

Authorities arrested Hasan Muhammed Al Hammadi, an active board member of the Teachers' Association, in February 2011, after he expressed support for demonstrators in Egypt during a mosque sermon in Sharjah. Although authorities released him later that month, no information was available as to whether they returned his confiscated passport or subjected him to further legal proceedings.

Pretrial Detention: According to reports, pretrial detention was in some cases arbitrarily lengthy (see section 1.e., Denial of Fair Public Trial).

Amnesty: While there were no known amnesties during the year, on religious and national holidays and after returning from long periods of convalescence overseas, rulers of each emirate regularly pardoned and paid the debts of many prisoners. According to press reports, rulers pardoned at least 3,901 prisoners and paid some prisoners' debts during the year.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary; however, court decisions remained subject to review by the political leadership and suffered from nepotism. There were reports that the State Security Department intervened in judicial affairs. The judiciary was composed largely of contracted foreign nationals subject to potential deportation, further compromising its independence from the government. There was no functional separation between the executive and judicial branches.

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 verdicts, 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 a noncitizen--led to lengthy delays prior to and following the judicial process and lengthened the time defendants served in prison. A diwan's decision in any court case was considered final. If a judge and a diwan disagreed, the diwan's decision prevailed.

#### **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. As in countries that follow civil rather than common law systems, 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, but this did not always happen in practice. Defense counsel has access to relevant government-held evidence, but this did not always occur, especially in state security matters. By law all court proceedings 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. The defense counsel often used a translator to communicate with the defendant. In cases involving foreign defendants, especially for crimes of moral turpitude, authorities sometimes deported the defendants immediately based solely on allegations.

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 murder cases, consent of the victim's family is required to commute a death sentence. The government normally negotiated with victims' families for the defendant to offer diya in exchange for forgiveness and a commuted death sentence. In cases that end in acquittals, 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.

The case of an American citizen incarcerated in 2008 on charges of financial crimes valued in millions of dirhams continued into its fifth year, without a conviction and with new charges filed in June. After the accused went on a hunger strike on May 14, he was released on bail (albeit much later in the process than his Emirati codefendant) on July 13, violated his bail agreement by leaving the country, was arrested in Yemen on August 18 and returned to the country and was incarcerated again on September 1. Foreigners charged with financial crimes are, in some cases, permitted to defend their cases under bail status at the judge's discretion.

### **Political Prisoners and Detainees**

During the year there were persons reportedly held incommunicado and without charge for unknown reasons (see section 1.d., Arbitrary Arrest or Detention).

In the aftermath of the Arab Spring, the government restricted the activities of organizations and individuals allegedly associated with Dawat Al Islah and individuals critical of the government. Between March and December authorities arrested more than 80 individuals allegedly affiliated with Dawat Al Islah and the Muslim Brotherhood, including at least 12 Egyptians residing in the country. Although some officials publicly indicated that those arrested had plotted to

overthrow the government, these accusations were not yet proven, and trials had not started by year's end. These individuals, who included prominent Emirati lawyers Mohammed Al Roken and Mohammed Al Mansoori, remained in custody under investigation. Those arrested also included Sheikh Sultan bin Kayed Al Qasimi, the head of Dawat Al Islah in Ras Al Khaimah emirate. Authorities placed Al Qasimi under house arrest on April 20 in the palace of his cousin (the ruler of Ras Al Khaimah) after he gave a speech critical of the authorities' decision to revoke the citizenship of seven members of Dawat Al Islah (see section 2.d.). The government also deported Bidoon blogger-activist Ahmed Abdul Khaleq (see section 1.c.).

### **Civil Judicial Procedures and Remedies**

Citizens and noncitizens had access to the courts to seek damages for, or cessation of, human rights violations. However, in some cases courts delayed proceedings involving the pursuit of such remedies. The civil courts, like all courts in the country, lacked 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, but there were credible reports that security forces occasionally failed to obtain warrants. Officers' actions in searching premises were subject to review by the Ministry of Interior, and officers were liable to disciplinary action if their actions were judged irresponsible.

The constitution provides for freedom and confidentiality of correspondence by mail, telegram, and all other means of communication. However, there were reports that the government censored some incoming international mail, wiretapped telephones, and monitored outgoing mail and electronic forms of communication without legal process.

Local interpretation of Sharia prohibits Muslim women from marrying non-Muslims and Muslim men from marrying women not "of the book," meaning adherents of religions other than Islam, Christianity, and Judaism. The law provides for corporal punishment for sexual relations and pregnancy outside of marriage.

On August 8, authorities subjected a pregnant 15-year-old girl, who was charged with having premarital sex, to a virginity test. According to the authorities' medical report, the girl was still a virgin despite being 29 weeks pregnant at the time of the test. Authorities placed the girl and her 17-year-old boyfriend under the supervision of Dubai's judicial department. No further information was available at year's end. Judicial supervision typically included housing individuals to ensure their well-being, providing for family mediation and reconciliation, and preventing relatives from harming individuals or committing honor crimes.

## **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 law prohibits criticism of rulers and speech that may create or encourage social unrest, and the government restricted the freedom of speech and press in practice.

Freedom of Speech: After the onset of the Arab Spring in 2011, authorities severely restricted public criticism of the government and ministers. During the year the government continued to make arrests or impose other restrictions reportedly related to Islamist political activities and calls for democratic reforms (see section 1.d.).

On July 31, authorities notified a foreign professor of journalism at a local university, who also served as a columnist for a local newspaper, that his work/residency permit was cancelled. The government expelled him in late August. The professor believed that the government expelled him because of his outspoken criticism of the lack of press freedom in the country and his advocacy for its expansion. There were reports that authorities also expelled some persons who made comments on social media in support of the elections in Arab Spring countries.

Freedom of Press: Except for media outlets located in Dubai and Abu Dhabi's free trade zones and media targeted at foreign residents, most newspapers and television and radio stations were government-owned and conformed to unpublished government reporting guidelines. The government also influenced the privately owned media, particularly through the National Media Council (NMC), which directly oversaw all media content. Satellite receiving dishes were

widespread and provided access to international broadcasts without local censorship.

Censorship or Content Restrictions: By law the NMC, appointed by the president, licenses and censors all publications, including private association publications. The law authorizes censorship of domestic and foreign publications to remove criticism of the government, ruling families, or friendly governments; statements that “threaten social stability”; and material considered pornographic, excessively violent, derogatory to Islam, or supportive of certain Israeli government positions. According to the NMC 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 commonly practiced self-censorship regarding the issues they chose to cover due to fear of government retribution, particularly since most journalists were foreign nationals and could be deported. Some books perceived as critical of the government, Islam, and Emirati and tribal culture were not available for sale in the country.

In September a foreign journalist published a report highlighting his experiences working with the *Khaleej Times* in Dubai. The journalist reported that the newsroom knew the consequences for misusing a term or reporting on sensitive subjects included deportation. The journalist noted that one of his articles on Saudi Arabia’s grand mufti was rejected, discussions of territorial disputes with Iran were off-limits, and one coworker was put on leave without pay for allowing the term “Persian Gulf” to appear in an online article.

Libel Laws/National Security: The government used libel laws to suppress criticism of its leaders and institutions. While the government detained, indicted, and accused journalists, it has not imposed prison sentences for defamation since 2007. On December 15, authorities arrested three individuals, Saeed Alshamsi, Naji Alnuaimi, and Said Alshehhi, without providing a reason for their arrests. However, there were reports speculating that these individuals, who were included in the group of 80-plus detainees allegedly linked to Dawat Al Islah, were associated with a Twitter account that criticized the government, criticized the detention of individuals with reported ties to Dawat Al Islah, and advocated freedom and democracy.

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 (\$1.32 million) for disparaging senior officials or royal family members

and 500,000 dirhams (\$136,240) for misleading the public and harming the country's reputation, foreign relations, or economy.

### **Internet Freedom**

The government restricted access to some Web sites and monitored chat rooms, instant messaging services, and blogs. Self-censorship was apparent in many chat rooms and blogs, and there were reports that the Ministry of Interior monitored Internet use in cyber cafes. In August 2011 Dubai police announced that individuals could be imprisoned for the misuse of the Internet. Police continued to monitor Internet usage, specifically on social media networking sites. Police focused on usage that they believed incited criminal actions, was against the country's political culture and social morals, or contained defamatory or offensive language. On March 28, the Dubai Judicial Institute's director announced that people could face criminal penalties in cases of libel for defamatory or insulting language, citing procedures in Kuwait and the United Kingdom. On May 20, Dubai police announced that, since the beginning of the year, they had shut down 15 Facebook and Twitter accounts that they believed engaged in abusive or defamatory speech.

The country's only two Internet service providers used a proxy server to block material deemed inconsistent with the country's values, as defined by the Ministry of Interior. Blocked material included pornographic Web sites and a wide variety of other sites deemed indecent, including those that dealt with dating and matrimony; LGBT issues; Bahais, Judaism, and atheism; negative critiques of Islam; testimonies of former Muslims who converted to Christianity; those that explained how to circumvent the proxy servers; and some that originated in Israel. The proxy servers occasionally blocked broad categories of Web sites. The service providers populated their list of blocked sites primarily from lists purchased from private companies, although individuals could also report offensive ones to be blocked. Social and politically oriented sites remained either blocked or modified during the year. International media sites accessed using UAE Internet providers contained filtered content. The government also blocked some sites that contained content critical of ruling families. The NMC was responsible for creating lists of blocked sites. Service providers did not have the authority to remove sites from block lists without government approval. The government also at least partially blocked voice over Internet Protocol Web sites, such as Skype and Facetime, by restricting downloads of the program and preventing Skype-to-telephone calls and Facetime computer-to-computer calls.

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. The law also criminalizes acts commonly associated with “cybercrimes,” such as hacking, “phishing,” and other forms of financial fraud. The law 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 contravene “family values” by publishing news or photographs pertaining to a person’s private life or family.

The government issued a new decree on November 13 regarding speech on the Internet. The decree included provisions clarifying that existing limitations on freedom of speech extended to online communication, including social media. Prohibitions on expression included criticism or defamation of the government, its officials, and religion, as well as insulting neighboring countries or calling for protests and demonstrations. The decree also increased punishments for violations.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom, including speech both inside and outside the classroom by educators (see section 2.a.) and censored academic materials for schools. Official permission was required for conferences that discussed political issues, and organizations found it difficult to secure meeting space for public events that dealt with contentious issues.

Cultural institutions typically avoided displaying artwork that critiqued the ruling regime or religion. Cultural and other institutions commonly used self-censorship for content presented to the public. For example, representatives annually reviewed and provided suggestions on the Art Dubai art fair’s content prior to its opening, to identify pieces that might “not be in keeping with the social and cultural values of the country.” On March 20, authorities removed two paintings related to the Arab Awakening from the art fair. The managing director reported that plainclothes officers and security personnel removed paintings by Libyan artist Shadi Alzaqaouq and Moroccan artist Zakaria Rahmani. The authorities then informed the director not to display them again.

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

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

## **Freedom of Assembly**

The law requires a government-issued permit for organized public gatherings. During the year authorities dispersed impromptu, unpermitted gatherings or protests and at times arrested participants. While there was no uniform standard for the number of people that could gather, civil society representatives reported that groups of four or more could be asked to disperse if they did not have a permit. The government did not interfere routinely with informal, nonpolitical gatherings held without a government permit in public places unless there were complaints. The government generally permitted political gatherings that aligned with its policies.

On November 8, approximately 100 relatives of the 80 plus detainees arrested for alleged links to Dawat Al Islah gathered outside the Supreme Court in Abu Dhabi to call for the detainees' immediate release and right to a fair trial. According to reports on Twitter, security services allegedly blocked 100 bank accounts belonging to the detainees' relatives and family members following their participation in the sit-in. On November 12, EHRA officials reported that only two family members who had participated in the sit-in had contacted them regarding the freezing of their bank accounts. EHRA officials claimed that the Twitter reports were inaccurate and unconfirmed and that the freezing of bank accounts was potentially unrelated.

On February 10, the government disbanded a demonstration of more than 2,000 protesters in front of the Syrian consulate in Dubai, after having allowed a smaller protest at the same location on February 4. Authorities disbanded the demonstration because the participants were protesting without a permit. Subsequently, the government cancelled the residency permits of dozens of demonstrators involved in the protest against the Syrian government, although there were no reports of actual deportations.

## **Freedom of Association**

Political organizations, political parties, and trade unions are illegal, including Dawat Al Islah. All associations and NGOs are required to register with the Ministry of Social Affairs, and many received government subsidies. Registration rules require that all voting organizational members, as well as boards of directors, must be Emirati; this excluded almost 90 percent of the population from fully participating in such organizations. There were approximately 130 domestic

NGOs--mostly citizens' associations for economic, religious, social, cultural, athletic, and other purposes--registered with the ministry. However, the EHRA noted that most of these organizations were inactive. There were approximately 25 unregistered local NGOs that focused on nonpolitical topics and operated with little to no government interference. Associations must follow the government's censorship guidelines and receive prior government approval before publishing any material.

During the year the government announced the closure of several foreign-funded NGOs with offices in the country, including the National Democratic Institute (NDI), the Konrad Adenauer Stiftung (a foundation), the Abu Dhabi Gallup Center, and RAND Corporation (Research And Development) (see section 5). These closures followed the government's 2011 decision to dissolve the boards of directors of two Emirati professional organizations.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **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; 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. The lack of passports or other identity documents restricted the movement of stateless persons, both within the country and internationally.

Foreign Travel: Male citizens involved in legal disputes under adjudication and noncitizens under investigation generally were not permitted to travel abroad. 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. Without passports, Bidoon could not travel internationally.

Citizenship: The government may revoke naturalized citizens' passports and citizenship status for criminal or politically provocative actions. In December

2011 government authorities revoked the citizenship of six members of the organization Dawat Al Islah for signing a petition calling for an elected parliament with executive powers. On April 9, authorities arrested these six persons, reportedly in part for refusing to acquire the citizenship of another country, and on March 25, arrested another politically active person allegedly tied to Dawat Al Islah whose citizenship they had revoked in March 2011. These seven individuals pursued legal recourse to appeal the revocation of their citizenship, but the federal courts delayed the hearing of their case numerous times throughout the year. On November 12, the Abu Dhabi Federal Court of Appeals upheld the revocation of citizenship by the Federal Court of First Instance and rejected the petitioners' appeal against the Ministry of Interior. They remained in detention at year's end.

### **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, nor is there a codified system for providing protection to refugees. However, in practice and in close coordination with UNHCR representatives working in the country, the government provided protection in some cases 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.

Refugee Abuse: The government continued to detain some persons seeking refugee status while they awaited resettlement in other countries.

Access to Basic Services: As access to employment, education, and other public services is based on an individual's status as a legal resident, persons with a claim to refugee status were not eligible for such benefits unless they acquired legal residency, which the government granted in some cases, notably upon the intervention of UNHCR representatives.

### **Stateless Persons**

Estimates suggested that an unverified range of 20,000 to 100,000 persons without any citizenship or proof of citizenship (known as Bidoon) resided in the country. 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. Citizenship is derived generally from one's father; thus, Bidoon children born within the country's territory remained stateless. The government has a naturalization

process, and individuals can apply for citizenship. For example, children of female citizens married to noncitizens do not acquire citizenship automatically at birth, but their mothers can obtain citizenship for the children after submitting an application, which the government generally accepts. 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.

Following President Khalifa Bin Zayed's November 2011 announcement celebrating the country's 40th National Day that children of Emirati mothers married to foreigners would have the right to apply for citizenship; the government established a committee to review such applications and granted citizenship to 2,047 children. On July 28, the government expanded the same committee's mandate to review the applications of those Bidoon who could satisfy certain legal conditions to be eligible for naturalization and subsequently could gain access to education, health care, and other public services. However, there were no reports of stateless persons receiving citizenship during the year. There were reports of stateless persons being forced to accept another country's citizenship, namely from the Republic of Comoros, as a means to gain a passport and legal identification. If they were deported, the Republic of Comoros would not accept these persons, who would have to find refuge in another country.

Bidoon reportedly faced harassment by governing officials and were vulnerable because of their lack of legal status. They faced discrimination in employment and had restricted access to medical care and education. Without passports or other forms of identification, 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. 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 selects 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 rulers of the emirates.

Citizens can express their concerns directly to their leaders through traditional, consultative mechanisms such as the open "majlis" (forum). Women attended

some majlises, but male proxies reportedly voiced concerns of women in majlises that were closed to them. There were also reports that women-only majlises were occasionally held.

### **Elections and Political Participation**

Recent Elections: While there were no democratic general elections, in September 2011 an appointed electorate of nearly 130,000 members, elected 20 members of the FNC, a 40-member consultative body with minimal legislative authority. Seats in the FNC are apportioned to each emirate based on population. Each emirate's ruler appoints that emirate's portion of the other 20 FNC members. The electorate appointment process lacked transparency. Approximately 28 percent of eligible voters participated, electing one woman among the 20 FNC members, with another six appointed by their respective rulers. There were more than 460 candidates, some of whom publicly lobbied for greater legislative authority without retaliation from the government.

Political Parties: Citizens did not have the right to form political parties. On August 1, several citizens led by Ahmed Al Dakki responded to the arrests of alleged Islamists (see section 1.e.) by announcing the formation of the country's first political party called "Al Umma." Minister of State for Foreign Affairs and FNC Affairs Anwar Gargash, speaking on behalf of the government, immediately criticized the party's formation on his Twitter account. He subsequently stated in an August 26 editorial that the country did not aspire to a multiparty system and that well-organized political Islamists were co-opting political parties and threatening the country's open and tolerant society.

Participation of Women and Minorities: Although some traditional practices discouraged women from engaging in political participation, the government prioritized women's participation in the September 2011 FNC elections and in other areas. Women constituted 46 percent of the electoral pool, appointed by the emirates' rulers, and 18 percent of FNC candidates. There were four women in the 22-member cabinet, two of whom held ministerial portfolios, and seven women, one of whom was elected, served in the FNC.

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

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. There were some reports of government corruption at the administrative level. According to additional reports, individuals connected to the ruling families went unpunished for corruption due to the lack of an independent judiciary. Nepotism and corrupt financial and legal practices existed. There were no financial disclosure laws for public officials. The Ministries of Interior and Justice and the State Audit Institution were responsible for combating government corruption.

On September 9, local press reported that authorities arrested a foreign government official working for the Abu Dhabi Distribution Company for taking bribes of 10,000 dirhams (\$2,725) from contractors in exchange for power services. No further information was available on this case at year's end.

There is no law requiring officials to disclose their income and assets. The law provides for public access to government information, but the government followed this provision selectively. Requests for access usually went unanswered. There were no reports of public outreach activities or training for public officials to encourage the effective use of the law to access public information.

### **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 at the beginning of the year: the 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 received limited government funding, and other EHRA members worked at lower levels of the local and federal government. The EHRA viewed itself as operating independently and with neutrality without government interference, apart from the requirements that apply to all associations in the country.

In April 2011 the Ministry of Social Affairs dissolved the boards of directors of the Jurists' and Teachers' Associations after representatives signed an online petition calling for greater political reforms. The ministry stated that both groups had violated laws forbidding organizational interference in politics or matters of state

security. The government directed and subsidized participation by NGO members in events outside the country. All participants had to obtain government permission before attending such events, even if they were not speakers, and the government could restrict representatives of NGOs from traveling to conferences abroad.

UN and Other International Bodies: 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.

On January 25, Human Rights Watch held a press conference in Dubai at which it released its World Report 2012, highlighting documented human rights abuses in the country. Toward the end of the press conference, a group of Emirati men dressed in traditional clothing, who stated that they were from the Dubai Department of Economic Development, abruptly entered the meeting room, requested to see a permit for the event, and, when no permit was produced, asked the gathering to disperse immediately.

In March authorities shuttered three foreign-funded NGOs: the Abu Dhabi Gallup Center, the Konrad Adenauer Stiftung, and the National Democratic Institute (NDI). Authorities accused two of the three foreign organizations of operating illegally without, or allegedly misusing, a business license. Although these organizations did not exclusively focus on human rights issues, their programming topics included political participation, media rights, women's empowerment, and the evolution of political institutions. The NDI did not implement any programs in the country. In November authorities also closed the Abu Dhabi office of the RAND Corporation, which conducted research and reporting on topics considered sensitive by the government.

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

The constitution provides for equality for citizens without regard to race or social status, and the law prohibits discrimination based on disability; however, legal and cultural discrimination existed and went unpunished. The constitution does not prohibit discrimination based on gender, sexual orientation, or gender identity. It does not prohibit discrimination for language, nor does it provide for equality for noncitizens.

### **Women**

Rape and Domestic Violence: The law criminalizes rape and it is punishable by death under the penal code. The penal code does not address spousal rape. The penal code allows men to use physical means, including violence, at their discretion against female and minor family members. Domestic abuse cases were sometimes 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.

In general the government did not enforce such laws effectively. Domestic abuse against women, including spousal abuse, remained a problem. There were reports that employers raped or sexually assaulted foreign domestic workers. These cases rarely made it to court, and those that did had a low conviction rate. In courts that applied Sharia, the extremely high burden of proof for a rape case contributed to a low conviction rate. In addition female victims of rape or sexual crimes faced the possibility of prosecution instead of assistance from government authorities. 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. However, women often were reluctant to file formal charges of abuse for social, cultural, and economic reasons. In April authorities in Sharjah constructed a domestic abuse center, joining Dubai and Abu Dhabi as the only emirates with operating centers.

The government, in coordination with social organizations, undertook efforts to increase awareness about domestic violence throughout the year, conducting seminars, educational programs, symposiums, and conferences. Notably, the Ministry of Social Affairs cooperated with the Dubai Foundation for Women and Children and Shelters to hold Ramadan majlises (meetings) in Dubai, Ras Al Khaimah, Fujairah, and Umm Al Quwain on combating domestic violence. On July 15, the Ministry of Interior held a conference on challenges facing the modern family, specifically highlighting efforts to counter domestic violence.

Sexual Harassment: The government prosecutes harassment via the penal code. “Disgracing or dishonoring” a person in public is punishable by a minimum of one year in prison and up to 15 years if the victim is under the age of 14. “Infamous” acts against the rules of decency are punishable by a penalty of six months in prison and “dishonoring a woman by word or deed on a public roadway” can be punished by up to one year in prison and a fine of up to 10,000 dirhams (\$2,725). The government did not enforce the law consistently.

Reproductive Rights: Married couples have the right to decide freely the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There was no information on whether men and women were treated and diagnosed equally for sexually transmitted infections, including HIV. According to the UN Population Fund's 2011 overview on the country, nearly 100 percent of all births occurred in hospitals.

Discrimination: Women faced legal and economic discrimination. The government's interpretation of Sharia applied in personal status cases and family law. The law forbade Muslim women to marry non-Muslims. Unlike men, female citizens married to noncitizens did not automatically pass citizenship to their children; however, this changed slightly in November 2011 (see section 2.d., Stateless Persons). The law permits a man to have as many as four wives. Women normally inherited less than men under the government's interpretation of Sharia. For example, a son may inherit double what a daughter inherits when their parent dies.

For a woman to obtain a divorce with a financial settlement, 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. Sharia no longer applies to child custody cases because courts have applied "the best interests of the child" standard since 2010.

Fornication outside of marriage is a crime, and the government may imprison and deport noncitizen women if they bear children out of wedlock. Paternity denial was an emerging phenomenon in the courts. In several instances, 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, for which the punishment can be lashing. However, there were no reports of such lashings during the year.

No law prohibits women from working or owning businesses, and a man has no right under the government's interpretation of Sharia to ban his wife from working if she was employed at the time of their marriage; however, anecdotal reports suggest that some husbands did so. Women who worked in the private sector regularly did not receive equal benefits and reportedly faced discrimination in promotions and equal wages. While foreign men working in the country could

obtain residency permits for their families for three years, foreign women could obtain permits only for a renewable one-year period.

Women constituted more than 75 percent of university students. Federal law prohibits coeducation in public schools and universities except in the United Arab Emirates University's Executive MBA program, and in certain graduate programs at Zayed University. A large number of private schools, private universities, and institutions were coeducational.

Women often were excluded from certain social benefits including land grants for building houses because tribal family law often designates men as the heads of families.

## **Children**

Birth Registration: Citizenship is derived generally from one's parents. However, the children of Emirati mothers married to foreigners did not receive citizenship automatically (see section 2.d., Stateless Persons). The government registered births of stateless persons (Bidoon), but it did not automatically grant citizenship to them (see section 2.d., Stateless Persons).

Education: Education is compulsory through the ninth grade; however, compulsory education was not enforced, and some children did not attend school, especially children of noncitizens. Noncitizen children could enroll in public schools only if they scored more than 90 percent on entrance examinations administered only in Arabic. The government provided primary education free to citizens but not to noncitizens. Public schools were not coeducational after kindergarten. Girls and women were generally more likely to continue to higher levels of education than their male peers.

Child Abuse: The law prohibits child abuse. It was reportedly not prevalent, but there was some evidence that societal influences prevented cases from being reported. When reported, however, the government took swift action, for example, sentencing and deporting an individual promptly after he was convicted on June 26. The government provided some shelter and help for child victims of abuse or sexual exploitation. The government hosted a December 11-13 meeting of the Virtual Global Task Force, composed of law enforcement agencies from around the world cooperating to protect children from online child abuse and sexual exploitation. Newspapers frequently advertised the Ministry of Interior's child abuse reporting hotline. In June the Dubai Foundation for Women and Children

completed a study on child abuse in the country, from 2009 to 2011. However, final statistics were not available. The government undertook two significant initiatives to combat the abuse and neglect of children. First, in June the Ministry of Social Affairs implemented stricter punitive measures against child abuse. Second, on June 26, the government enacted law No. 1 of 2012. The law aims to organize a foster care system and thereby provide health, psychological, social, recreational, and educational care for abandoned children (or children of unknown parentage).

Child Marriage: The legal age of marriage for both men and women is 18. Some reports indicated that marriages occurred before the legally permissible age. There were press reports of Emirati men traveling abroad, especially to other Arab countries, to seek underage girls for marriage.

Harmful Traditional Practices: The law does not address female genital mutilation/cutting (FGM/C), which some Somali, Omani, and Sudanese foreign residents practiced. Overall, the practice was rare. The Ministry of Health prohibits hospitals and clinics from performing FGM/C.

Sexual Exploitation of Children: The law criminalizes the sexual exploitation of children, with a minimum penalty of 10 years in prison. Consensual sex is illegal outside of marriage, carrying a minimum penalty of one year in prison. The penalty for sex with children under the age of 14 is life imprisonment. Distribution and consumption of child pornography is illegal.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There were no synagogues for the small foreign Jewish population in residence. Some news articles and editorials contained anti-Semitic remarks. These expressions occurred primarily in daily newspapers.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons who have physical and mental disabilities; however, the government was slow to implement and enforce the law.

The Ministry of Social Affairs is the central body dealing with the rights of persons with disabilities and raising awareness at the federal and local level.

Most public buildings provided some form of access for persons with disabilities in accordance with the law.

Health care provided in the Ministry of Social Affairs' five federal rehabilitation centers, as well as in private centers, reportedly was inadequate; the rehabilitation centers lacked a sufficient number of qualified individuals who specialized in physical and other medical therapies. Rehabilitation centers focused almost exclusively on medical rehabilitation for persons with disabilities and failed to address adequately the need for vocational rehabilitation. Rehabilitation centers considered persons with disabilities as subjects of medical care and medical "cures," which impeded social and economic integration and the recognition of the individuals' human rights and human dignity.

Various departments within the Ministries of Labor, Education, and Social Affairs were responsible for protecting the rights of persons with disabilities, and the government enforced these rights in areas related to employment, housing, and other entitlement programs. While enforcement was effective for jobs in the public sector, the government has not sufficiently encouraged hiring in the private sector. However, during the year, the Ministry of Social Affairs began developing public-private partnerships for the hiring of persons with mental disabilities, and for the hiring of deaf individuals, for example, with telecommunications companies. The emirate of Abu Dhabi reserved 2 percent of government jobs for citizens with disabilities, and other emirates and the federal government included statements in their human resources regulations emphasizing that priority should be given to hire citizens with disabilities in the public sector. Public sector employers provided reasonable accommodations, defined broadly, for employees with disabilities. The employment of persons with disabilities in the private sector remained a significant challenge due to a lack of training and opportunities, a lack of public awareness, and prevalent societal discrimination.

To combat societal discrimination, one of the primary objectives of General Authority of Sports and Youth Welfare was to promote the inclusion of persons with disabilities in their sports programs. In April the country hosted the fourth

Fazza International Wheelchair Basketball Championships. There was also a country-wide disabled sports federation.

The Community Development Authority of Dubai, among other government agencies, carried out public awareness campaigns during the year to improve understanding of sexual and psychological harassment faced by children with physical and mental disabilities.

Officials overseeing the September 2011 FNC election assisted voters with disabilities, and polling stations had wheelchair ramps at both the men's and women's entrances, as well as specific voting machines dedicated to persons with disabilities. Moreover, a blind candidate from Sharjah ran in the FNC election.

### **National/Racial/Ethnic Minorities**

Approximately 89 percent of the country's residents 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.

The law criminalizes commercial disputes and bankruptcy, which led to discrimination against foreigners. These laws were enforced selectively and allowed Emiratis to threaten expatriate business persons and foreign workers with harsh prison sentences to assure a favorable outcome in commercial disputes.

On April 24, a press article noted that 20 jailed foreign businessmen started a hunger strike in a Dubai prison to protest against lengthy sentences for writing checks that bounced. The article noted that 12 of the prisoners faced sentences of 20 years or more and that a single bounced check can result in a three-year prison sentence.

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

Both civil law and Sharia criminalize consensual same-sex sexual activity. Under Sharia the death penalty is the punishment for individuals who engage in consensual same-sex sexual conduct. There were prosecutions for consensual same-sex activity during the year. At times the government subjected persons against their will to psychological treatment and counseling for consensual same-sex activity.

On June 6, a press report indicated that authorities sentenced a Belgian man to one year in prison and deportation for a consensual same-sex sexual relationship with a Filipino. On August 28, the Dubai Court of Appeal reduced the sentence to six months. The couple's relationship came to light in September 2011 after pedestrians found the Filipino on a sidewalk. The man claimed his Belgian partner threw him from the window of their apartment after an argument. The Belgian told police the Filipino defenestrated himself. The Filipino man later died. Authorities did not carry out investigations of a possible murder and instead referred the case to the Dubai Misdemeanor Court to investigate the Belgian for having a same-sex sexual relationship.

Cross-dressing is a punishable offense. The government deported cross-dressing foreign residents and referred citizens to public prosecutors. Due to social conventions and potential persecution, LGBT organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held. Information was not available on official or private discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation and gender identity. There were no government efforts to address potential discrimination.

By year's end authorities had not announced any arrests or prosecutions for violence against LGBT individuals. An October 19 *Foreign Policy* article highlighted the treatment of Mya, a transgender sex worker who was beaten, tortured, and repeatedly raped at Al Awir Prison. In addition, the report noted that transgender individuals caught with documents identifying them as members of the opposite sex were immediately detained and deported.

On November 20, a local NGO, LGBT Rights UAE, published a video online called "The Time is Now – Let's Talk UAE." The video featured three individuals who shared stories on their sexuality through written signs due to fear over discrimination and retribution.

In June 2011 authorities initiated a campaign to highlight the illegality of boyat (translated as tomboys), cross-dressing women, and transsexuals. The director of the criminal awareness department in Dubai stated that warnings needed to be set for such activities with clear punishments put in place.

### **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, and that HIV-positive prisoners did not have access to appropriate health care in detention. Noncitizen residents infected with HIV, hepatitis B and C, tuberculosis, and leprosy were denied all health benefits, quarantined, and deported.

There were also reports that authorities cancelled the residency permits of some Shia and deported them and that authorities closely scrutinized, and sometimes refused, the granting of entry permits to individuals of Lebanese, Syrian, Egyptian, and Libyan origin, or to those from other countries the government perceived as politically unstable.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law does not protect the right to organize, strike, or bargain collectively. The law does not permit workers to form or join unions. The labor law forbids strikes by public sector employees, security guards, and migrant workers. The law does not entirely prohibit strikes in the private sector, but allows an employer to suspend an employee for striking. In the private sector, individual employment contracts must be approved by and registered with the Ministry of Labor. The labor law does not apply to public servants, domestic and agricultural workers, or most workers in export processing zones.

Private sector employees may file collective employment dispute complaints with the Ministry of Labor, which acts as mediator between the parties under the labor law. Employees may then file unresolved disputes with the labor court system, which are in turn forwarded to a conciliation council. Of the 74,038 complaints workers filed at labor relations offices in the UAE, 74 percent were settled by the labor relations offices, 24 percent were moved to judicial authorities, and 2 percent were still under review. In practice most cases were resolved through direct negotiation. Public sector employees may file an administrative grievance or a case in the civil courts to address a labor-related dispute or complaint. There was no publicly available information on cases filed.

All foreign workers have the right to file labor-related grievances with the Ministry of Labor. The ministry sometimes intervened in foreign workers' disputes with employers and helped negotiate a private settlement. However, the law allows employers to request the government to cancel the work permit of and deport for up to one year any foreign worker for unexcused absences over seven days or for participating in a strike.

The government generally enforced relevant laws, but freedom of association was not respected in practice. The government granted some professional associations with majority citizen membership a limited ability to raise work-related issues, petition the government for redress, and file grievances with the government. Professional associations were not independent, and the Ministry of Labor had broad powers to interfere in their activities. For example, professional associations had to be licensed and approved by the Ministry of Labor, and were required to receive government approval for international affiliations and travel.

Foreign workers may belong to these professional associations; however, they do not have voting rights and cannot serve on the organizations' boards. Apart from these professional associations, in a few instances some foreign workers came together to negotiate with their employers on issues such as housing conditions, nonpayment of wages, and conditions of work.

Protests and strikes took place, most of them illegal. The government did not always punish workers for nonviolent protests or strikes, but it did disperse such protests during the year, sometimes deporting the demonstrators involved. For example, on March 13, authorities deported 25 foreign construction workers from Dubai after they went on strike to protest the poor quality of their living conditions and low wages, which ranged from 346.75 dirhams to 543.85 dirhams (\$95 to \$149) per month. Most worker protests were related to unpaid wages and hazardous or abusive working conditions. The threat of deportation discouraged noncitizens from voicing work-related grievances.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor; however, the government did not effectively enforce the law.

The government took some steps to prevent and eliminate forced labor during the year through the Wages Protection System (WPS) (see also Section 7.d.). During the year the government passed amendments to the 2010 Cabinet Decision Number 27, which set out administrative fines for employers. The new amendments included fines for employers who entered incorrect information into the WPS; didn't pay workers for over 60 days; made workers sign documents falsely attesting to benefits; and made workers pay recruitment fees issued by the Ministry of Labor or recruitment agencies without legal documentation.

It was relatively common for migrant workers, predominantly from South and East Asia and employed in construction and domestic work, to be subject to conditions indicative of forced labor, such as nonpayment of wages, threats, and physical or sexual abuse.

Domestic workers were routinely subjected to physical, sexual, and emotional abuse; in a few cases, such abuse led to death. On June 19, a Dubai criminal court convicted an Emirati woman of killing her Indonesian housemaid by beating her to death with a frying pan and sentenced her to 16 years in prison and 200,000 dirhams (\$54,500) in blood money. In November an Emirati woman went on trial for the death of her Ethiopian housemaid, whose death she allegedly caused with beatings and burning with boiling water.

In violation of the law, employers routinely held employees' passports, thus restricting their freedom of movement. In some cases, employers of domestic workers reportedly prevented workers from leaving the country by withholding their passports. Upon arrival in the country, some foreign workers were required to sign contracts that had lower salaries or involved a different type of work than was stated in the original contracts signed in their country of origin, a practice known as "contract switching."

Some noncitizen domestic and agricultural workers were subjected to unpaid labor to repay their employers for hiring expenses. In most of these cases, workers borrowed to pay recruitment fees in their country of origin and were responsible for repaying them once beginning work. In some cases employers withheld payment while workers "repaid" visa and other expenses that were legally the responsibility of the employer, sometimes in violation of the law. Some employers did not pay workers even after these debts were repaid. In other cases workers who had taken out a loan to pay labor recruiting fees in their home countries arrived in the country and spent most or all of their

salaries trying to pay back either the labor recruiters or loan sharks, and at times they were trapped in unpleasant or exploitative work environments because of the incumbent debt.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. 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 between the ages of 15 and 18. However, the law excludes domestic and agricultural work, leaving underage workers in these occupations unprotected. There are separate provisions regarding foreign resident children 16 or older. The Ministry of Labor is responsible for enforcing the regulations and generally did so effectively. The traditional practice of using Emirati children as camel jockeys continued in some privately held races.

### **d. Acceptable Conditions of Work**

There is no minimum wage. Average salaries, which depended on the occupation and employer, were estimated at around 400 dirhams (approximately \$110) per month for domestic or agricultural workers and 600 dirhams (\$164) per month for construction workers. There was little information on public sector salaries.

The law prescribes a 48 hour workweek and paid annual holidays. There are legal provisions requiring overtime pay, and excessive compulsory overtime is prohibited.

The government sets occupational health and safety standards. The law requires employers to provide employees with a safe work and living environment. The law also provides for minimum rest periods and limits the number of hours worked, depending on the nature of the work. For example, the law mandates a two-and-a-half-hour midday work break for most outdoor laborers between June 15 and September 15.

Wage and hour, overtime, and other protections with regard to working conditions do not apply to workers in domestic services, agriculture, and other

categories administered by the Ministry of Interior. These workers were more vulnerable to unacceptable conditions of work.

The Ministry of Labor was responsible for enforcing laws governing acceptable conditions of work for workers in semiskilled and professional job categories but did not do so effectively in all sectors, including the informal sector. No data was available on the total number of labor inspectors.

The Ministry of Labor conducted inspections of workplaces--primarily construction sites--throughout the year. According to the local press, the Supreme Committee for Labor Crises Management conducted 5,015 labor inspections during the first five months of the year. The government routinely fined employers for violating the midday break rule and published compliance statistics. In at least one case, the government imposed a significant fine for negligence after a worker was permanently injured at his workplace. However, during July and August--the hottest months of the year--the government exempted oil, asphalt, and cement companies from following the law, and construction workers were at risk of heat stroke and subsequent death due to extreme heat conditions. On September 3, the local press reported that, according to Ministry of Labor statistics, 99.81 percent of 53,983 companies in the country complied with the midday break rule and only 102 companies failed to do so.

The government took action during the year to address wage payment issues. The government's vigorous implementation of the WPS and fines for noncompliance discouraged some employers from not paying salaries to foreign workers under the jurisdiction of the Ministry of Labor. The WPS, an electronic salary transfer system that allowed institutions to pay workers via approved banks, exchange bureaus, and financial institutions, was intended to ensure timely and full payment of agreed wages. More than 300,000 smart pay cards were in use with an additional 8,000-10,000 new cards issued and used each month. Pursuant to some bilateral agreements with foreign countries, the government continued to develop the structure of a pilot electronic verification system introduced in 2011 to verify and validate contracts with some labor source countries to protect workers from contract substitution and other fraudulent activities. New penalties for companies implemented by the Ministry of Labor included a 5,000 dirhams (\$1,362) fine per worker for wages delayed 60 days. Companies that did not pay multiple workers their wages within 60 days were subject to a maximum fine of 50,000 dirhams (\$13, 623). As of December there were 234,459 private sector

companies registered with WPS and a total of 3,476,691 workers enrolled in the program. However, the WPS did not apply to foreign workers under the authority of the Ministry of Interior, including domestic and agricultural workers.

The government increased its efforts to provide adequate health standards and facilities in the labor camps, including food safety. The Ministry of Labor conducted regular inspections of health and living conditions at labor camps. According to the ministry, camps were provided written documentation on the issues that were to be addressed, on which the ministry followed up in subsequent inspections. The ministry employed interpreters to assist foreign workers in understanding employment guidelines and during some inspections of labor camps. The Ministry of Labor operated a toll-free hotline in Arabic, English, and Urdu through which workers were able to report companies that violated break rules or delayed wage payments.

Since 2010 the government has allowed foreign workers to switch jobs without a letter of permission from their employer. According to labor regulations announced in January 2011, foreign employees had the option to work without an employment contract or, in cases in which a contract was in force, to change employer sponsors after two years as well as within the first two years in certain cases. This regulation was designed to improve job mobility and reduce the vulnerability of foreign workers to abuse. However, the regulation did not apply to day laborers, construction workers, or domestic servants.

Violations of wage, overtime, and other labor regulations were common in sectors employing migrant workers, such as construction. Foreign workers frequently did not receive their wages from employers on time, and sometimes for extended periods. The absence of protections for domestic and agricultural workers left them vulnerable to long work hours, non- or underpayment of wages, and otherwise abusive or exploitative work conditions.

Each emirate enforced its own standards for housing accommodations. On May 3, the Dubai municipality announced that construction companies and industrial firms would be required to appoint safety officers accredited by authorized entities to promote greater site safety. Some low-skilled and foreign workers faced substandard living conditions, including overcrowded apartments or unsafe and unhygienic lodging in labor camps, some of which

lacked electricity, potable water, and adequate cooking and bathing facilities. At year's end newer worker accommodations were being constructed.

Occupational health and safety conditions remained inadequate for many workers, particularly migrants. A September audit by PriceWaterhouseCooper, contracted by the Tourism Development and Investment Company (TDIC) to report on conditions at Saadiyat Island, found that the government-owned entity faced "significant challenges to carry out agreed-upon minimum labor standards." While the report noted a significant reduction in employer retention of workers' passports, it also identified widespread illegal deductions from worker salaries, substandard living conditions in employer-provided accommodations, illegal recruitment practices abroad, and other problems. TDIC developed a revised employment practices policy that includes penalties for noncompliance.

There were several cases during the year in which workers were injured or killed on job sites due to inadequate safety measures. Although the law requires the government to monitor job-related injuries and deaths, in practice the government registered the cases but did not consistently follow-up on them. In at least one case, the government imposed a significant fine for negligence after a worker was permanently injured at his workplace.

Reports of migrant worker suicides or attempted suicides continued and were frequently linked to poor working conditions, fear of abusive employers, heavy debts caused by exploitative labor recruitment agencies, and low wages relative to high living costs. The Dubai Foundation for Women and Children, a quasi-governmental organization, conducted vocational training programs with some elements aimed at decreasing suicidal behavior.