

# UNITED ARAB EMIRATES

## 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, to leaders of the individual emirates, and to leaders of the federation. There are limited democratically elected institutions and no political parties. A limited, appointed electorate participates in periodic elections for the Federal National Council (FNC). Citizens can express their concerns directly to their leaders through traditional, consultative mechanisms such as the open "majlis" (forum). The FNC, a nonlegislative, consultative body, consists of 40 representatives allocated proportionally to each emirate based on population. The appointed electorate elected 20 on September 24, 2011 and the rulers of the individual emirates appointed another 20 in mid-November. Security forces reported to civilian authorities.

Three core human rights issues continue to be of concern: citizens' inability to change their government; limitations on citizens' civil liberties (including the freedoms of speech, press, assembly, and association); and lack of judicial independence. Although the government took steps to expand political participation, political parties are not permitted. The government continued to interfere with privacy and to restrict civil liberties, including usage of the Internet. Capacity and structural issues leave the judiciary susceptible to political influence.

In contrast with 2010, there were no reports of torture during the year, and there were no reports that flogging was employed as judicially sanctioned punishment. There were, however, reports of police and prison guard brutality during the year. Arbitrary and incommunicado detention remained a problem. Although there were limited reports of corruption, the government lacked transparency. Domestic abuse of women remained a problem; however, police and social workers addressed the issue in close coordination, with the

presence of social workers at police stations to communicate in private with victims of violence. Women and noncitizens faced legal and societal discrimination. Trafficking in persons continued, the government restricted the rights of foreign workers, and abuse of foreign domestic servants and other migrant workers remained a problem.

The government took steps to prosecute and punish officials who committed abuses. Police who committed wrongdoing were held accountable.

### **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 such practices, and there were no known reports that government officials employed torture; however, there were reports of police and prison guard brutality during the year.

In March Ajman police arrested a 14-year-old Arab girl on charges of adultery, subjected her to a virginity test, held her in solitary confinement, and later jailed her with adult women after receiving reports that she had met a 25-year-old man on her building's rooftop. No further information was available at year's end.

In May domestic media reported that 13 police officers allegedly beat and tortured three Pakistani prisoners, killing one and severely injuring the others.

Sharia (Islamic law) courts 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. There were no reports that punishments of this type were administered during the year.

On September 12, upon payment of 3.4 million dirhams (approximately \$925,000) in diya (blood money), the Sharjah Court of Appeal revoked the death sentences of 17 Indian nationals convicted of murder in March 2010. In September 2010 local media reported the convicts claimed their confessions were obtained after a severe beating by police in Dubai. The government deported four of the former prisoners in November, but 13 others remain in the Sharjah Central Jail due to a travel ban imposed because of other pending litigation against them.

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

Prison conditions varied widely among the emirates. There were reports of police and prison guards mistreating individuals, particularly at the Bur Dubai police precinct. On April 14, British and international media reported that a British tourist died in police custody after Dubai police severely beat him. A government investigation determined that he died of natural causes. There were reports that prisoners with HIV did not receive appropriate health care.

The government has not released statistics on prison demographics and capacity since 2006. There was at least one report of a girl held with female adults during the year. Some prisons were overcrowded, particularly in Abu Dhabi and Dubai. Prisoners had access to visitors, but it was unclear if they were permitted religious observance. Prisoners had access to potable water. Prisoners have a right to submit complaints to judicial authorities; however, details about investigations into complaints were not publicly available. Ombudsmen cannot serve on behalf of prisoners and detainees. 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 had access to observe prison conditions if requested. Charitable NGOs visited prisons during the year and were permitted to provide material support but were unable to determine the welfare of the prisoners. Members of the Emirates Human Rights Association (EHRA) met with federal Ministry of Interior

officials and prisoners during visits to several detention facilities during the year.

#### **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. Under this procedure, the detainee may contact an attorney but is not permitted to see friends and family.

In June local authorities refused for more than a month to confirm the detention of an American citizen being held by the State Security Department. From June 1, until his deportation on September 14, he was detained without charge and held incommunicado except for one consular visit.

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

The Ministry of Interior oversees police general directorates in all of the seven emirates; each emirate, under its corresponding police general directorate, maintains its own police force and supervises police stations. All emirate police forces are officially branches of the ministry; in practice they operated with considerable autonomy. The police forces are responsible for internal security and the federal armed forces are responsible for external security. Local police are semiautonomous.

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.

On October 17, local press reported the prosecution of a 26-year-old Dubai police officer charged with kidnapping and raping a Moroccan woman in the Dubai Criminal Court of First Instance. The trial continued at year's end.

No information was available on the outcome of a August 2010 Dubai court case involving a British woman allegedly raped and beaten by an Emirati soldier.

## **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. In practice, the public prosecutor did not always meet the 24-hour time limit, although police usually adhered to their 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; it was unknown whether this was true in practice. Public prosecutors may order detainees held as long as 21 days without charge, or longer in some cases with a court order. Courts may not grant an extension of more than 30 days of detention without charge; however, judges may renew 30-day extensions indefinitely. Public prosecutors may hold suspects in terrorism-related cases without charge for six months. Once a suspect is charged 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. Some prisoners, detained on charges related to a person's death, were released after making a monetary payment (diya).

A defendant is entitled to an attorney after police have completed their investigation. Police sometimes questioned the accused for weeks without 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. Generally authorities granted family members prompt access to those arrested on charges unrelated to state security; however, some persons were held incommunicado.

Arbitrary Arrest: The government committed arbitrary arrests, notably in cases that allegedly violated state security regulations. On February 4, the State Security Department arrested Hasan Muhammed Al Hammadi, an active board member of the Teachers' Association, after he expressed support for demonstrators in Egypt during a mosque sermon in Sharjah. The government held him in incommunicado detention in Khorfakkan and later transferred him to Abu Dhabi. The government released him on February 17 after he turned over his passport to authorities. Arabic press reported that he may be charged under Article 182 of Federal Law No. 3 of 1987 for using religion to incite sedition or acts threatening internal security, but no further information was available about his case at year's end. The government later dissolved the elected board of the Teachers' Association (see section 5, Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights). Arbitrary arrest also occurred during the detention of Ahmed Mansoor, (see section 1.e., Political Prisoners and Detainees).

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 pardon and pay the debts of many prisoners. According to press reports, rulers pardoned at least 4,192 prisoners and paid their debts during the year.

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

The constitution provides for an independent judiciary; however, in practice court decisions remained subject to review by the political leadership 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 verdict, and approved the

release of every prisoner who had completed a sentence. The diwans' involvement--usually in cases between two citizens or between a citizen and noncitizen--led to lengthy delays prior to and following the judicial process and lengthened the time defendants served in prison. The diwan's decision in any court case is considered final and, when a judge and diwan disagree, the diwan's decision prevails.

### **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 with civil 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. 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 charged with financial crimes valued in millions of dirhams continued at year's end, marking the fourth year of incarceration without a conviction for the accused. The courts and prosecutor's office continued to raise additional claims against the defendant that required new rulings from the judge. The courts granted bail to the Emirati codefendant but continued to deny bail for the American citizen despite two earlier rulings that approved the bail requests. These practices have kept the accused incarcerated since 2008 without conviction while Emirati defendants in similar cases were allowed to defend their cases outside incarceration in bail status. The case remains ongoing. 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 April security forces arrested Ahmed Mansoor, Nasser Bin Ghaith, Fahad Dalk Al-Shihhi, Hassan Ali Al Khamis, and Ahmed Abdulhaleq Ahmed for publicly insulting the country's rulers through postings on an online discussion forum. Several of the men had earlier signed a public petition to President Sheikh Khalifa calling for universal suffrage in the FNC elections and requesting full legislative authority for the FNC. The government also charged Mansoor with perpetrating acts that endanger state security and undermine the public order. In the group trial, the three-judge panel of the Federal Supreme Court consisted of noncitizen judges from Egypt and Syria who, according to defense attorneys, did not appear at times to understand the Emirati Arabic dialect. There were reports that the prosecution did not specify the explicit acts of defamation that were used against the defendants, and that the government did not provide an opportunity to the defense to cross-examine some prosecution witnesses. Government officials reportedly reviewed all written communication between the defendants and their attorneys and monitored all conversations during jail visits. On November 27, the court sentenced Mansoor to three years in prison and his co-defendants to two years. The government pardoned all five on November 28.

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



Citizens and noncitizens had access to the courts to seek damages for, or cessation of, human rights violations. The civil courts, like all courts in the country, lacked 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, tapped 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.

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

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

##### **Status of 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, authorities severely restricted public criticism of the government and ministers. The government made several arrests reportedly related to a petition for democratic reforms

(see section 1.d., Arbitrary Arrests and section 1.e., Political Prisoners and Detainees).

In January 2010 authorities dismissed a government employee and advisor to the Ras al Khaimah crown prince after the employee criticized the lack of press freedom in the country. Authorities confiscated the individual's passport in 2010 and did not return it.

Freedom of Press: The government owned several of the country's newspapers and heavily influenced the privately owned media, particularly through government subsidies. Except for media located in Dubai and Abu Dhabi's special free trade zones and foreign language media targeted to foreign residents, most television and radio stations were government-owned and conformed to unpublished government reporting guidelines. Satellite-receiving dishes were widespread and provided access to international broadcasts without local censorship.

Censorship or Content Restrictions: By law the National Media Council (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. In April authorities removed an unflattering feature on Dubai from newsstand copies of the international magazine *Vanity Fair*. 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 practiced extensive self-censorship regarding the issues they chose to cover for fear of government retribution, particularly since most journalists were foreign nationals and could be deported. Some books perceived as critical of the government were not available for sale in the country.

Libel Laws/National Security: The government used libel laws to suppress criticism of its leaders and institutions. No journalists have received prison sentences for defamation since 2007. 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 (approximately \$1.4 million) for disparaging senior officials or royal family members and 500,000

dirhams (approximately \$140,000) for misleading the public and harming the country's reputation, foreign relations, or economy.

On May 30, the Dubai Court of Misdemeanors acquitted British journalist Mark Townsend in the August 2010 case in which he had been charged with defamation for allegedly criticizing his employer, *Khaleej Times*.

### **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 local media reported that the Ministry of Interior monitored Internet use in cybercafes. In August Dubai police announced that individuals could be imprisoned for forwarding or spreading information that insulted the country's reputation or that were viewed as being capable of inciting violence through instant messaging services or social media.

The country's only two 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 and other sites deemed indecent; dating and matrimonial sites; gay and lesbian sites; sites concerning the Bahai faith; some sites originating in Israel; and sites explaining how to circumvent the proxy servers. The proxy servers occasionally blocked broad categories of sites. The service providers populated their list of blocked sites primarily from lists purchased from private companies, although individuals could also report offensive sites to be blocked. Social and politically oriented Web 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 do not have the authority to remove Web sites from block lists without government approval. In February Facebook pages related to organizing antigovernment protests were blocked. The government also blocked Voice Over IP Web sites like Skype.

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 photos pertaining to a person’s private life or family.

During the year the government prosecuted online activist Ahmed Mansoor and others for their online activities (see section 1.e., Political Prisoners and Detainees).

In August a British national was fined 3,000 dirhams (approximately \$800) for insulting her coworker and the holy Islamic month of Ramadan on her personal Facebook page.

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

The government restricted academic freedom 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 showcasing artwork that critiqued the ruling regime or religion. In April Sharjah officials fired the American director of the Sharjah Biennial art fair after certain art pieces were deemed to be critical of Islam.

In November the International Bar Association held its annual global meeting in Dubai. A few participants reported that authorities almost cancelled the conference, only allowing it to proceed after organizers removed certain programs from the conference agenda, such as a panel on women and Islam.

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

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

#### **Freedom of Assembly**

The law requires a government-issued permit for organized public gatherings. During the year authorities dispersed impromptu, unpermitted gatherings or

protests, at times arresting participants. While there is no uniform standard for the number of people that can gather, civil society representatives reported that groups of four or more could be asked to disperse without a permit. In practice 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 were aligned with the government's policies.

### **Freedom of Association**

Political organizations, political parties, and trade unions are illegal. All associations and NGOs were 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 citizens; this excludes almost 89 percent of the population from fully participating in such organizations. Approximately 140 domestic NGOs--mostly citizens' associations for economic, religious, social, cultural, athletic, and other purposes--were registered with the ministry. More than 30 unregistered local NGOs that focused on nonpolitical topics operated with little to no government interference. Associations must follow the government's censorship guidelines and receive prior government approval before publishing any material.

During the year the government dissolved the boards of directors of two professional organizations (see section 5, Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights).

### **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 in practice; however, the government imposed legal restrictions on foreign travel. The government cooperated with the Office of the UN High Commissioner for

Refugees (UNHCR) and other humanitarian organizations on a humanitarian basis, but it did not grant refugee status or asylum. 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 were generally not permitted to travel outside the UAE. 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.

Citizenship: The government may revoke naturalized citizens' passports and citizenship status for criminal or politically provocative actions. On December 4, government authorities revoked the citizenship of six members of the organization Dawat Al-Islah, some of whom had signed a petition earlier in the year calling for an elected parliament with executive powers.

### **Protection of Refugees**

Access to Asylum: The country's laws do not provide for the granting of asylum or refugee status nor is there 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 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, particularly Palestinians and non-Arabs, while they awaited resettlement in third countries.

Access to Employment and Basic Services: As access to employment, education, and other public services is based on an individual's status as a legal resident, refugees were not eligible for such benefits.

### **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 parents; thus, Bidoon children born within the country's territory remained stateless. 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. However, on November 30, in the context of celebrating the UAE's 40<sup>th</sup> National Day, President Khalifa announced that children of Emirati mothers married to foreigners would have the right to apply for Emirati citizenship. 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.

The government has a naturalization process, and individuals can apply for citizenship; however, there were no reports of stateless persons receiving citizenship during the year. There were reports of stateless persons being forced to accept third-country citizenship as a means to gain a passport.

The 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 identity documents, their movement was restricted, both within the country and internationally.

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

The law does not provide citizens the right to peacefully 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 emirate rulers.

#### **Elections and Political Participation**

Recent Elections: While there were no democratic general elections, on September 24, a 130,000-member appointed electorate elected 20 members of the FNC, a 40-member consultative body with no legislative authority. Seats in the FNC were apportioned to each emirate based on population size. Each

emirate appoints a portion of the other 20 FNC members. Authorities expanded the electorate from the 2006 election, in which they appointed only 6,689 Emiratis. The electorate appointment process lacked transparency. Approximately 28 percent of eligible voters participated, electing one woman among the 20 FNC members. 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.

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 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 cabinet; seven women, one of whom was elected, served in the FNC; and several women served as public prosecutors or judges. In Sharjah six women served on the 40-seat Consultative Council, reportedly one of the most active local consultative bodies on women's issues, and women also served as directors of local departments. A few women held nonfederal senior government positions in the other emirates.

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. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. Government corruption reportedly occurred at the administrative level. According to some 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 January 31, local press reported the prosecution of the Abu Dhabi Electricity and Water Authority's (ADWEA) Insurance Section head, along with four other officials, by the Abu Dhabi Criminal Court, for accepting



bribes worth 297 million dirhams (approximately \$82 million). On November 15, local press reported that the Abu Dhabi Criminal Court of First Instance sentenced the former ADWEA insurance head to three years' imprisonment and reparations of the 297 million dirhams along with a fine of an additional 297 million dirhams (totaling approximately \$164 million). The court sentenced three officials to six months' imprisonment and one official to three months' imprisonment. All four were ordered deported as they are noncitizens.

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

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

The government generally did not permit organizations to focus on political issues. Two recognized local human rights organizations existed at the beginning of the year: 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 a government prosecutor headed the EHRA, it generally operated without government interference, apart from the requirements that apply to all associations in the country.

During the Arab Spring, after representatives from the Jurists' Association and the Teachers' Association signed an online petition calling for greater political reforms, the Ministry of Social Affairs dissolved the boards of directors of both organizations and reconstituted them with state appointees, stating 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 must obtain government permission before attending such events, even if they are not speakers, and the government could restrict representatives of NGOs from traveling to conferences abroad.

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.

## **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 or 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 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.

In general the government did not enforce such laws effectively. Although domestic abuse against women, including spousal abuse, remained a problem, and there were widespread and frequent reports that employers raped or sexually assaulted foreign domestic workers, such cases rarely made it to court. Furthermore, in Sharia courts 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. Only Dubai had a domestic abuse center.

Sexual Harassment: The government can prosecute harassment via the penal code prohibition for the following: “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 under the age of 14 years; “infamous” acts against the rules of decency, which carry a penalty of six months in prison; or “dishonoring a

woman by word or deed on a public roadway,” which could result in up to one year in prison and a 10,000 dirham (approximately \$2,725) fine. The government did not enforce the law effectively.

Reproductive Rights: Married couples had the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. Fornication outside of marriage is a crime. There was no information on whether men and women were treated and diagnosed equally for sexually transmitted infections, including HIV.

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 on the UAE’s 40<sup>th</sup> National Day (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.

In order 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 law no longer applies to child custody cases. In August 2010 the Federal Supreme Court adopted the “best interests of the child” standard to determine which parent should receive custody, regardless of Sharia law’s prescription based on the child’s age.

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 Emirate University's Executive MBA program, and certain graduate programs at Zayed University. Several private schools, private universities, and institutions were coeducational.

## **Children**

Birth Registration: Citizenship is derived generally from one's parents. 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, which were given 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 generally continued 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. The government provides some shelter and help for child victims of abuse or sexual exploitation. In April the government hosted a three-day 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 July Minister of Interior Sheikh Saif Bin Zayed Al Nahyan announced the establishment of the Center for Child Protection within the ministry to develop

policies and strategic plans for family and child protection. At year's end, the Dubai Foundation for Women and Children was working on the first nationwide comprehensive study of child abuse.

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

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 (see section 6, Child Abuse).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html), as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

### **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 without government response.

### **Trafficking in Persons**

For information on trafficking in persons, please see the Department of State's annual *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.

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 those in private centers, reportedly was inadequate; the rehabilitation centers lacked qualified individuals who specialized in physical and other medical therapies. Rehabilitation centers focused almost exclusively on medical rehabilitation for people with disabilities and failed to address the need for vocational rehabilitation. Rehabilitation centers considered individuals 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 effectively enforced these rights in areas related to employment, housing and other entitlement programs. 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. 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.

The Community Development Authority of Dubai, among other government agencies, carried out some 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 24 FNC election assisted voters with disabilities, and polling stations had wheelchair ramps at both the men and women's entrances. 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. In practice, these laws were selectively enforced and allowed local Emiratis to threaten expatriate business people and foreign workers with harsh prison sentences to assure a favorable outcome in commercial disputes.

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

Both civil law and Sharia criminalize homosexual activity. Under Sharia the death penalty is the punishment for individuals who engage in consensual homosexual activity. There were no prosecutions for homosexual activity during the year. At times the government subjected persons to psychological treatment and counseling for homosexual activity.

Cross-dressing is a punishable offense. The government deported cross-dressing foreign residents and referred citizens to public prosecutors.

## **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 types B and C, tuberculosis, and leprosy were denied all health benefits, quarantined, and deported.

## **Section 7. Worker Rights**

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

The law does not permit workers to form or join unions. The law does not prohibit strikes in the private sector, but it allows an employer to suspend an employee for striking. The labor code forbids strikes by public sector employees, security guards, and migrant workers. There is no right to collective bargaining. In the private sector, individual employment contracts must be approved by and registered with the Ministry of Labor. The labor code does not apply to public servants or domestic and agricultural workers.

At the request of an employer, the government may 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.

No unions existed in the country. The government granted some professional associations with majority citizen membership a limited ability to raise work-related issues, to petition the government for redress, and to file grievances with the government. These organizations 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.

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 file unresolved disputes with the labor court system, which are in turn forwarded to the conciliation council. In practice most cases were resolved through direct negotiation. All foreign workers have the right to lodge labor-related grievances with the Ministry of Labor. The ministry sometimes intervened in disputes and helped negotiate a private settlement.

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.

Protests and strikes took place, most of them illegal. Most worker protests were related to unpaid wages and hazardous or abusive working conditions. The government generally did not punish workers for nonviolent protests or strikes, but it did disperse such protests during the year. On January 26, police detained 74 workers in Dubai during a strike by more than 3,000 employees demanding wage increases from Arabtec, a construction company. The



company agreed to a wage increase and improved benefits for thousands of workers, but the government deported the 74 detained workers.

On May 2, the government dissolved the board of the Teachers' Association, an organization that represents and defends the rights of teachers in the country (see section 5).

### **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, and such practices occurred, predominantly involving migrant workers from South and East Asia employed in construction or domestic work.

Migrant workers were subject to forced labor. Employers routinely held employees' passports, thus restricting their freedom of movement. While employer passport retention is illegal, few laborers filed complaints. Migrant workers also were subject to nonpayment of wages, threats, and physical or sexual abuse. Upon arrival to the country, some foreign workers signed contracts that had lower salaries or involved a different type of work than what was stated in contracts signed in their country of origin, a practice known as "contract switching." There were reports that some female migrant workers were forced into prostitution.

Some noncitizen domestic and agricultural workers were subject to unpaid labor to repay their employers for hiring expenses, often in the form of forced labor. In most of these cases, workers paid 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" expenses incurred by employers to sponsor the worker; 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 destination countries and spent most or all of their salaries trying to pay either the labor recruiters or loan sharks back, at times 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 years and has special provisions for employing persons between 15 and 18 years. There were separate provisions regarding foreign resident children 16 or older. The Ministry of Labor is responsible for enforcing these regulations and generally enforced them effectively. Unlike in previous years, there were no reports of foreign children who came to the country under their parents' work permits and subsequently pressured to work. The traditional practice of using Emirati children as camel jockeys continued in some privately held races.

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

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

There is no established minimum wage. 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 (approximately \$164) per month for construction workers.

According to the labor law, the workday is eight hours and the work week six days. In practice, some service sector businesses did not provide employees paid annual holidays. Legal provisions requiring overtime pay and prohibition on excessive compulsory overtime exist. However, these provisions only apply to employees under the auspices of the Ministry of Labor and are not enforced. These provisions do not cover workers in domestic services, agriculture and other categories administered by the Ministry of Interior.

Domestic workers fall under the jurisdiction of the Ministry of Interior and labor laws do not apply to them. The unregulated conditions of domestic workers left them vulnerable to long hours and underpayment.

The law requires employers to provide employees with a safe work and living environment; however, the government did not uniformly enforce health and safety standards during the year, although it did increase monitoring and enforcement of labor laws and regulations. Workers' jobs were not protected if they removed themselves from what they considered to be unsafe working conditions. In 2010 the Ministry of Labor employed 450 labor inspectors. Inspections of workplaces--primarily construction sites--took place throughout the year, resulting in fines for employers who violated workplace safety or

midday break rules. The ministry also employed language interpreters to assist foreign workers in understanding employment guidelines.

The law and regulations provide for minimum rest periods and limits hours worked depending on the nature of the work. The law mandates a 2.5-hour midday work break for most outdoor laborers between June 15 and September 15. The government routinely fined employers for violating the midday break rule and published compliance statistics. However, during July and August, the hottest months of the year, the government exempted oil, asphalt, and cement companies from following the law. In July local press reported that labor inspectors had visited 9,533 firms and had fined 34 firms for violations, reporting 99.7 percent compliance. In addition to being fined between 10,000 and 20,000 dirhams (approximately \$2,725-5,450), offenders are barred from obtaining additional work permits for between six months and a year.

During the year the government began implementing changes to the labor code announced in December 2010 that eliminated the requirement that foreign workers who wanted to switch jobs obtain a letter of no objection from their employer. However, the change in regulation did not apply to day laborers, construction workers, or domestic servants.

In January the government amended the labor law to allow employees the option to work without an employment contract or, in cases in which a contract was in force, to change employer sponsors after a maximum of two years (and even within two years in certain cases) in certain employment categories for improved job mobility.

Foreign workers frequently did not receive their wages from employers on time, sometimes for extended periods. However, the government's implementation of the Wages Protection System (an electronic salary verification system) and fines discouraged employers from not paying salaries to foreign workers under the auspices of the Ministry of Labor. According to a January 9 press report, at least 3.3 million workers received their wages via direct deposit through the Wages Protection System. The estimated 700,000 workers and 40 percent of companies not yet enrolled were reportedly small businesses. The Wages Protection System did not apply for foreign workers under the authority of the Ministry of Interior, including domestic and agricultural workers.

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.

Despite the Ministry of Labor's efforts to improve housing facilities, some low-skilled and foreign employees continued to face substandard living conditions, including overcrowded apartments or lodging in unsafe and unhygienic "labor camps," which sometimes lacked electricity, potable water, and adequate cooking and bathing facilities. Construction of newer worker accommodations was ongoing. Individual emirates enforced their own standards for minimum conditions for labor accommodations.

Reports of migrant worker suicides continued, with reports linking the deaths to poor working conditions, abusive employers, and heavy debts caused by exploitative labor recruitment agencies, as well as by low wages relative to the high cost of living.

During the year the press reported a number of cases 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, although there was at least one case of a significant court-ordered fine imposed for negligence.

In Abu Dhabi, stricter enforcement of labor safety standards, particularly in the construction industry, appeared to be having an effect on the number of safety violations.

Domestic workers routinely were subject to physical, sexual, and emotional abuse. There were reports that employers withheld the passports of their domestic workers; in some cases, they prevented workers from leaving the country. For example, on September 17, local press reported a Filipina housemaid fled her employers' residence in Umm Al Quwain after she was beaten regularly, burned with a hot iron, and forced to work seven days a week without pay for three years.