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USDOS – US Department of State

Trafficking in Persons Report 2017 - Country Narratives - United Arab Emirates

UNITED ARAB EMIRATES: Tier 2

The Government of the United Arab Emirates (UAE) does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, the UAE remained on Tier 2. The government demonstrated increasing efforts by initiating the direct oversight of domestic laborers by the Ministry of Human Resources and Emiratization (MOHRE, formerly the Ministry of Labor) and implementing other labor reforms intended to prevent and reduce forced labor among foreign workers in the private sector. The government increased the number of labor trafficking prosecutions and overall trafficking convictions compared to the previous reporting period. The government also launched a five-year trafficking prevention plan targeting victims, witnesses, staff, and government authorities that included a program for trafficking survivors to educate vulnerable groups on the risks of trafficking. In addition, the government increased penalties for delayed salary payments and enhanced cooperation with source country governments in regulating labor recruitment. However, the government did not meet the minimum standards in several key areas. Officials did not strengthen the UAE's enforcement of a prohibition on withholding workers' passports by employers, which remained a problem throughout the country. Legal and regulatory protections for domestic workers remained weak, and criminal trafficking prosecutions focused predominantly on sex trafficking victims rather than labor trafficking.

RECOMMENDATIONS FOR THE UNITED ARAB EMIRATES

Finalize and implement comprehensive laws that conform with international standards and regulations to provide protections for domestic workers; strictly enforce prohibitions on withholding workers' passports; continue to expand usage of standard procedures for victim identification among foreign workers subjected to forced labor, particularly domestic workers who have fled their employers; provide protection services to all trafficking victims, including by increasing services for forced labor victims; increase efforts to investigate, prosecute, and punish trafficking offenses, especially labor trafficking involving domestic workers, and labor-related crimes such as fraud, restrictions on movement, or using force to compel labor; convict and punish labor traffickers, including exploitative recruitment agents and employers; allow labor

trafficking victims access to services at shelters; and, increase published data and access to information pertaining to labor practices, trafficking crimes, and anti-trafficking efforts.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. Federal law 51 prohibits all forms of trafficking and prescribes penalties ranging from one year to life in prison, as well as fines and deportation. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government prosecuted 106 alleged traffickers in 25 cases, of which nine cases were brought to final verdicts, while the remaining 16 were ongoing at the close of the reporting period. This is compared with 54 prosecutions in 17 cases, of which the government concluded three in the previous reporting period. In 2016, sentences ranged from one year plus a fine to life in prison. Of the 25 cases officially registered as human trafficking, 22 related to sex trafficking, while the remaining related to attempts to sell children. No labor violations were officially registered as human trafficking cases under anti-trafficking federal law 51; however, media reports indicated the government prosecuted more than 10 individuals for forced labor-related allegations, such as restrictions on movement or physical threats and abuse to compel labor. This compares with two labor-related trafficking cases in 2015. The government did not uniformly enforce a prohibition on employers withholding workers' passports, which remained a pervasive problem, especially for domestic workers. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking crimes.

The government continued its extensive monitoring and inspection program for private sector manual laborers, including automated electronic monitoring of salary payments for 95 percent of the private sector workforce via the Wage Protection System (WPS), identifying and settling delayed wage payments for tens of thousands of workers, and carrying out more than 200,000 labor-related inspections. However, labor law violations containing indicators of trafficking, such as delayed wage payments, unpaid overtime, or substandard housing, are rarely processed criminally but rather as regulatory violations, typically resulting in fines or the cancellation of business licenses; fines for trafficking in lieu of imprisonment are inadequate to deter the crime.

The government continued to train its officials on human trafficking in 2016. The national committee to combat human trafficking (NCCHT), Dubai police, and the Dubai judicial institute completed a first and began a second four-month, 95 classroom hour diploma program to train relevant government officials on trafficking issues, including investigations, victim protection, forced labor, and interagency and inter-emirate coordination. As of early 2017, more than 50 senior officials from police, judicial, social services, and other government ministries had enrolled in the diploma program. In addition, the Ministry of Interior (MOI) conducted 35 specialized anti-trafficking programs and lectures for judges, prosecutors, immigration officials, and workers, with total participation of more than 2,700 individuals. The MOI and Dubai police conducted

eight anti-trafficking workshops and training programs for more than 200 government and private sector personnel engaged in counter-trafficking initiatives, as well as eight anti-trafficking lectures with more than 1,000 participants.

PROTECTION

The government maintained limited protection efforts. Its efforts to provide protective services focused almost entirely on sex trafficking victims, rather than labor trafficking. To identify victims, the government continued to rely predominantly on third-party referrals from foreign embassies; religious institutions; reactive police investigations; or tips received through hotlines, smartphone applications, and the internet; and to a lesser degree proactive screening mechanisms employed by officials, such as at border entry points. During the reporting year, the government identified 34 trafficking victims, an increase from 24 victims in the previous year. Of the total identified, 24 were transferred to protective services during the reporting year. Authorities continued to implement a system to move suspected trafficking victims from detention centers, or facilities run by home country embassies or consulates, to shelters, upon the completion of victim identification; however, some victims continued to express fear of being sent to prison for immigration or other violations rather than being accepted into a shelter. The government maintained funding for its shelters offering housing and assistance for female and child victims of sex trafficking and abuse in Abu Dhabi and Dubai; protective services included medical, psychological, legal, educational, rehabilitation and reintegration, and vocational assistance. During the reporting year, the government closed two additional shelters in the emirates of Sharjah and Ras al Khaimah because they were reportedly not being utilized. The government also continued to fund a shelter for male victims, but it was not used during the reporting period. According to a MOU between the MOI and the government-funded shelters, police were responsible for referring and escorting victims safely to shelters, though officials reported some victims voluntarily seek assistance at the shelters. Some foreign domestic workers, including potential trafficking victims, sought shelter assistance at their respective embassies and consulates in part due to fears of arrest and to a lack of government shelters for forced labor victims.

The government allocated 65,000 dirham (\$17,700) in 2016 to help with repatriation expenses such as housing, children’s education, medical expenses, and business start-up grants. The government exempted from fines trafficking victims who had overstayed their visas. It also offered trafficking victims shelter, vocational training, counseling, and immigration relief. The government did not provide permanent or formal temporary residency status to victims; however, it permitted their stay in shelters to recover and participate in court proceedings, and worked with international organizations to resettle in third countries victims who could not return to their countries of origin. Laborers were entitled to seek new employment in the country after 60 days of wage non-payment by their existing employer. The government trained labor inspectors and immigration officers at all UAE borders to screen for potential trafficking victims, and authorities provided educational materials in multiple languages to foreign workers at

points of entry. Dubai International Airport maintained billboards in its arrival halls warning against human trafficking and providing emergency contact information for victims who need assistance.

PREVENTION

The government sustained its robust efforts to prevent human trafficking. In 2016, the government began implementation of three labor decrees intended to reduce forced labor practices among private sector workers. Ministerial decree 764 requires employers to give potential employees a contract at the time an offer is made, which meets standard criteria and is in a language the individual understands, prior to the prospective employee applying for a work visa to enter the country. The contract must then be signed by the worker a second time within one week of entering the country, making it legally enforceable in the UAE and eliminating employers’ ability to alter the terms of the original job offer. Ministerial decree 765 makes it easier for employees, unilaterally or in mutual agreement with an employer, to terminate job contracts. Ministerial decree 766 ensures an employee may seek employment with a new employer as long as the old employment relationship was terminated as stipulated by the aforementioned decree. However, the three decrees, announced in 2015 and enacted in 2016, do not apply to domestic workers. A draft law protecting the rights of domestic workers was approved by the cabinet in January 2012, and revised in early 2017; however, it still awaits final approval and enactment for the fifth consecutive year. In December, the MOHRE commenced regulatory jurisdiction over domestic workers and opened 12 centers to review domestic worker contracts for legal compliance. In addition, MOHRE took over the full regulation of domestic workers in the emirate of Dubai. The government continued to investigate workers’ complaints of unpaid wages through a dispute resolution process and the WPS, intended to ensure workers are paid according to their contracts, and employers are punished with administrative and financial penalties for failing to comply. During the reporting period, the government tightened the timelines for enforcement from 30 days of delayed payments to 15 days, and helped recover overdue financial payments for tens of thousands of workers. Workers filed thousands of labor complaints through smartphone applications, telephone hotlines, websites, email, and formally with MOHRE offices and mobile units.

The government continued to carry out its national action plan to address human trafficking. The NCCHT hosted a website with information on its anti-trafficking strategy and produced an annual publication of the government’s efforts. In April 2016, labor officials launched the second phase of a multilingual “Know Your Rights” campaign that targeted manual laborers living in labor dormitories. The government also continued a two-year national awareness campaign—launched in October 2015—aimed at recruitment agencies for domestic labor. The campaign consisted of police visits to recruitment agencies to educate recruiters on their legal requirements and how to recognize signs of human trafficking. The campaign also included the distribution of literature to domestic workers arriving at airports warning them of recruiting scams and providing information on how to seek help. The Dubai police and representatives from the Dubai Foundation for Women and Children commenced a five-year anti-trafficking plan during the reporting period targeting victims, witnesses, staff, and government

authorities. The plan included a program for trafficking survivors to educate vulnerable groups on the risks of trafficking when they return to their respective home countries and communities. Radio stations frequently aired segments alerting the public to human trafficking risks, indicators, and options for reporting suspected trafficking activity or seeking help for trafficking crimes. To assess the effectiveness of its anti-trafficking awareness efforts, the government conducted surveys during the reporting period showing 94 percent of people polled had at least some awareness of human trafficking risks and the options for reporting suspected trafficking cases or seeking help. In August, the UAE began a joint program with India, the largest labor source country, to help oversee manual laborers. Under the program, Indian officials verify the terms of a contract offered to an Indian worker, and confirm the terms match those filed with, and approved by, the UAE before a worker is allowed to travel to the UAE, thus curtailing the ability of recruiters to provide workers fraudulent visa or job offers. The MOHRE continued an extensive labor inspection program, conducting tens of thousands of housing and work site inspections using a team of 380 full-time labor inspectors, in addition to seven dedicated anti-trafficking inspectors. The government did not take measures to reduce the demand for commercial sex acts in the UAE. The Ministry of Foreign Affairs and International Cooperation maintained provision of workshops and awareness programs on human trafficking for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, the UAE is a destination and transit country for men and women subjected to forced labor and sex trafficking. Foreign workers, recruited globally, comprise more than 95 percent of the UAE's private sector workforce. Low wage positions, including most manual labor and a significant portion of the service sector, are occupied almost entirely by migrant workers predominantly from South and Southeast Asia and the Middle East, with a small but growing percentage from East and West Africa. Some of these workers are subjected to practices indicative of trafficking, such as passport retention, abuse of the legal process, non-payment of wages, fraudulent employment promises, fraudulent documentation, substandard food and housing provisions, and physical abuse, and may be victims of forced labor. Women from some of these countries travel willingly to the UAE to work as domestic workers, massage therapists, beauticians, hotel cleaners, or elsewhere in the service sector, but some are subjected to forced labor or sex trafficking after arrival. Sponsorship laws contribute to vulnerability to trafficking, particularly for domestic employees, by restricting the ability of employees to leave or change employers, and giving employers the power to cancel residence permits, deny employees permission to leave the country, and threaten employees with abuse of legal processes. Although under UAE laws employers must cover the cost of recruitment, and the UAE government has taken steps to further regulate recruitment in both the corporate and domestic sectors, many source-country labor recruiters charge workers exorbitant fees, causing workers to enter service in the UAE owing debts in their respective countries of origin, increasing vulnerability to trafficking through debt bondage. Reports persisted in the domestic labor sector of deceitful employment promises, which were subsequently broken after individuals arrived in the country. Similar cases were reported among workers who circumvented labor protections by entering the country on tourist visas, with the

intention of later converting these to work visas. Some women, predominantly from Eastern Europe, Central Asia, South and Southeast Asia, East Africa, Iraq, Iran, and Morocco, are subjected to forced prostitution in the UAE.

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