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April 2, 2014

His Excellency Sheikh Saif bin Zayed Al Nahyan  
Minister of Interior  
Ministry of Interior  
Abu Dhabi  
United Arab Emirates

Via fax: + [REDACTED] + [REDACTED]

Your Excellency:

Please accept my regards on behalf of Human Rights Watch, an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries worldwide.

I write to request information concerning female migrant domestic workers in the United Arab Emirates for an upcoming report. Human Rights Watch is committed to fair and accurate reporting, and is eager to understand the perspectives of the UAE government. We requested meetings with various ministries in January 2014. Since those requests have not yet been granted, we are writing to Your Excellency with the attached questions, requesting a written response in as complete a manner as possible. We are also writing to several other ministries, authorities and organizations with questions relevant to their domain.

We request Your Excellency's written response to this letter by April 30, 2014, so that we have adequate opportunity to reflect your relevant responses in our report and other materials. We would also welcome the opportunity to meet with you to discuss these matters in person.

My colleague Rothna Begum can be contacted at [REDACTED] or on + [REDACTED] to answer any questions and to receive responses to the attached questions.

Thank you for your attention to this matter.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Liesl Gerntholtz".

Liesl Gerntholtz  
Director  
Women's Rights Division

## REQUEST FOR INFORMATION

We respectfully request information from the UAE government concerning the following:

### 1. Demography

- a. How many foreign workers are in the UAE?
- b. How many UAE citizens are in the UAE?
- c. How many female migrant domestic workers have been in the UAE for each of the past five years? Could you please provide data by nationality?
- d. What would you estimate to be the number of undocumented domestic workers?

### 2. Laws and regulations on domestic workers

#### a. *Draft Law on Domestic Workers:*

We understand that there is a draft law on domestic workers. We would appreciate if you would confirm the status and content of the draft law, and provide a copy of the most recent draft.

#### b. *Draft standard contract for domestic workers*

News reports from March 2014 refer to a new draft standard contract for domestic workers.<sup>1</sup> We would appreciate if you would provide a copy, or confirm the following:

- i. What are the key terms and conditions in the draft contract?
- ii. Which court will administer breaches of the contract?
- iii. In what languages will this contract be made available?
- iv. What obligations will recruitment agencies have under the contract?
- v. Which parties are expected to sign such a contract?

#### c. *Current standard employment agreement*

If a new standard contract for domestic workers has not yet been adopted, please confirm the terms in the current standard contract, and provide a copy. Furthermore:

- i. What court administers breaches of such an agreement?
- ii. How many cases of breach of domestic worker contracts did this court handle in 2012-13?

#### d. *Hiring policies; visa and employment bans*

- i. What are the entry and exit rules for female migrant domestic workers?
- ii. What criteria does an Emirati or a foreign national have to fulfill to hire a domestic worker? What fees are required? How many domestic workers can one person hire?

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<sup>1</sup> "Standard contract for maids in the UAE", Gulf News, March 2, 2014 at <http://gulfnews.com/news/gulf/uae/employment/standard-contract-for-maids-in-the-uae-1.1297972>

- iii. If a domestic worker seeks to leave employment, what are the consequences for doing so? Could she be banned from returning or changing employers?
- iv. What are the rules around banning domestic workers from re-entry if they are deported? What is the process for imposing such bans and which agency has the power to do so?

### 3. Complaint-reporting mechanisms

- a. *The General Directorate for Foreign Residents and Naturalization*
  - i. Please clarify the official mandate of the General Directorate for Foreign Residents and Naturalization with regards to domestic workers, and provide us with a copy of the statutes regulating its authority. How many staff does the department employ, and approximately how many complaints by domestic workers are received each week?
  - ii. Does the directorate have the authority to receive complaints from individual domestic workers? If not, what is the reason for this policy?
  - iii. Can workers whose countries do not have an embassy in the UAE file a complaint with the Directorate?
  - iv. What official protocol, if any, do officials receiving complaints follow?
  - v. What legal standard of proof must a domestic worker meet in claims of unpaid wages or other breaches of contract?
  - vi. What training do officials hearing disputes receive? Are they judges or lawyers with particular experience in contractual disputes?
  - vii. Does the directorate have the authority to compel employers to participate in complaints resolution proceedings? If so, does it exercise this authority?
  - viii. If an employer refuses to participate in a proceeding, does the directorate have the authority to impose any penalty on the employer?
  - ix. Does the directorate have discretion to permit workers to transfer employers without sponsor consent? If so, how many such transfers were authorized in 2012 and 2013? If not, does any other governmental agency have such authority?

Please also provide statistical data on the following. If the government does not record information as requested below, please offer whatever pertinent data is collected on the following:

- x. The number of domestic workers who have made complaints against their employers at the General Directorate of Residency and Foreign Affairs in 2012 and 2013.
- xi. The breakdown of such cases by nationality of the domestic worker and types of abuses, such as physical abuse; sexual abuse; verbal abuse; non-payment of salaries, delayed/ underpaid salaries, salary deductions; food deprivation; deception concerning type of work, excessive workload, long working hours, lack of rest periods; passport

confiscation; forced confinement; inadequate living accommodation.  
Please include the breakdown of the nature of resolution in such cases in 2012 and 2013.

*b. Police response to complaints*

- i. What official procedure, if any, must police officers follow when receiving complaints of a criminal nature from foreign domestic workers, including sexual and physical assault, harassment or verbal abuse, forced confinement, forced labor or trafficking, or food deprivation? What procedure must they follow for complaints of a contractual nature, such as failure to pay agreed salaries, failure to grant weekly days off work, and making the domestic worker work for long hours each day? What steps must officers take when investigating severe injuries incurred by domestic workers fleeing abuse, including alleged “suicide attempts”?
- ii. What is the official procedure and mechanisms available for women who report sexual assault? For instance, are female officers present, what medical tests are carried out, is medical treatment provided?
- iii. What training is provided to police officers in dealing with sexual assault cases?
- iv. Do oversight mechanisms exist to ensure that all officers follow these procedures?
- v. If a domestic worker flees to her embassy instead of first approaching the police, would a later complaint she files with the police impact any absconding charges against her? What type of investigation would occur?
- vi. If employers of domestic workers happen to be police or other officials, what protocol is adopted to avert a conflict of interest?
- vii. Is an interpreter made available when a domestic worker wishes to put forth a complaint with the police against an employer?
- viii. Please describe training police receive concerning how to handle crimes against domestic workers, including identification of forced labor and trafficking cases.

**4. Passport Confiscation**

We understand that many employers confiscate domestic workers’ passports despite a ruling that this is unlawful by the Dubai Court of Cassation in 2001 and a decree issued by the Ministry of Interior in 2002.<sup>2</sup>

- a. Is this court ruling still in effect? Is the decree still in effect? Please provide a copy of the official decree. Does the UAE government investigate and prosecute employers for passport confiscation?

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<sup>2</sup> Dubai Court of Cassation, Case No. 268 (2001), October 27, 2001. The Ministry of Interior decree of 2002 stated: “[I]t will be considered as an illegal action to detain the passport in UAE except by the governmental parties ... In case of retaining passports there will be a suitable punishment by the law of UAE”. See “Bid to stamp out illegal retention of passports”, June 16, 2012 at <http://www.thenational.ae/news/uae-news/bid-to-stamp-out-illegal-retention-of-passports#ixzz2tuZPACdZ>

- b. It is unclear as to whether the decree provides a penalty for the confiscation of a passport. A news report referred to a penalty of up to 3 years imprisonment and/or a fine of Dh20,000.<sup>3</sup> Is there such a penalty? If so, where has it been codified? Has the government ever imposed a penalty on an employer for confiscating a passport? In how many cases?
- c. Is there a mechanism for a domestic worker to regain her passport from her employer?

#### 5. Shelters and Trafficking

- a. Can a domestic worker in distress directly seek emergency refuge at either the Dubai Foundation for Women and Children shelter or the Ewa'a Shelters for Women and Children when leaving an employer's home? In what circumstances can a migrant worker seek shelter at these locations? If there are indications that a migrant woman has been trafficked into forced domestic work, would she be eligible for entry into one of these shelters?
- b. How many domestic workers have these shelters directly admitted or received from the embassy, police, or other authority, since opening?
- c. How many women who have been given shelter came to the UAE expecting to undertake domestic work, but were forced into sex work?
- d. How many women who have been given shelter came to the UAE expecting to do a job other than domestic work, but were forced into domestic work?
- e. How many women and children can each of these shelters accommodate? Please confirm the number of shelters and locations.
- f. What other measures have the authorities taken to combat and prevent trafficking of victims into forced labor?
- g. Amendments were made to the Law on Combating Human Trafficking by the Federal National Council in June 2013, which were awaiting approval by President Sheikh Khalifa.<sup>4</sup> Have these amendments been given final approval? If so, please provide us with the final set of amendments to the law.
- h. How many people have been convicted and sentenced for trafficking victims into forced labor? Please provide a breakdown in particular for cases involving domestic workers by nationality of the offender and the victim, the charges and the sentence.

#### 6. Coordination with sending countries

<sup>3</sup> "Retaining passports is 'forcible labour'", Gulf News, June 13, 2006 at <http://gulfnews.com/news/gulf/uae/employment/retaining-passports-is-forcible-labour-1.240660>

<sup>4</sup> "UAE victims of human-trafficking assured of legal rights", The National, June 5, 2013 at <http://www.thenational.ae/news/uae-news/uae-victims-of-human-trafficking-assured-of-legal-rights> and also Dr. Saeed Al Ghafli of the National Committee on Combating Human Trafficking in the UAE stated in February 2014 to a news site Al Roeya that the amendments were still awaiting final approval from President Sheikh Khalifa see "Amending the Law on Combating Human Trafficking", al-Roeya, February 20, 2014 [in Arabic] at <http://alroeya.ae/2014/02/20/129722>

- a. With which countries does the UAE have a memorandum of understanding? What are the terms and conditions?
- b. Is a standard contract in a sending country enforceable in UAE courts?
- c. What is the government's official policy regarding shelters maintained by sending-country embassies?
- d. Which embassies and/or consulates in the UAE provide shelters for domestic workers in distress?
- e. How do the UAE authorities coordinate with embassies and/or consulates when a domestic worker complains of abuse?
- f. How can workers from countries that do not maintain embassies or consulates in the UAE access shelter? Where should these workers seek assistance and emergency shelter if leaving an abusive workplace?

**7. Legal redress**

- a. How many complaints by domestic workers did UAE *civil* courts receive in 2012 and 2013 about labor disputes? Please provide data on the judicial resolution of these cases, such as the nature of the complaints, the outcomes, damages awarded, and enforcement of damage awards.
- b. How many complaints by domestic workers did UAE *criminal* courts receive in 2012 and 2013 about abuses against them? Please provide data on the judicial resolution of these cases (nature of charges, prosecution, conviction, sentencing, enforcement of fines or compensation to victims, etc.)
- c. How long, on average, do expatriate domestic workers' civil claims take to resolve? Does the government offer expedited processes to workers who have faced abuse and need to return home quickly?
- d. Please describe interpretation services in court proceedings.
- e. Is there a specialized court for domestic workers' cases, as mentioned in a news report?<sup>5</sup> Is this a criminal or civil court? Where is it located? How does it differ from other courts? Has there been public outreach to inform workers of this court? How many complaints has it received, and how have cases been resolved?

**8. Other measures on employers and compensation for domestic workers**

- a. Do the UAE authorities take any other measures to prevent or deter abuses?
- b. Does the UAE government provide money to pay for domestic workers' flights home? If so, in what cases?
- c. Has the UAE ever provided for compensation or other financial settlements to female domestic workers who have suffered abuse? If so, in how many cases and how much compensation was provided?
- d. Are abusive sponsors ever prevented from hiring new domestic workers (blacklisted)?

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<sup>5</sup> "New court to protect domestic workers", Emirates 24/7, March 18, 2012 at <http://www.emirates247.com/crime/local/new-court-to-protect-domestic-workers-2012-03-18-1.448970>

- e. How many employers who were found to be abusive have been forced to pay unpaid salaries, the cost of flights home, or other compensation?

**9. Regulation of Recruitment Agencies**

- a. How many labor recruitment agencies faced fines or other penalties in 2012 and 2013? Did the government force any to close due to violations?
- b. Does the government provide information to labor recruitment agencies about the rights of domestic workers and procedures to follow if workers report abuse to their agents?
- c. Has the government conducted any investigation into complaints by domestic workers of abuses by the recruitment agencies? If so, how many investigations have been conducted in 2012 and 2013? What were the results of such investigations?

**10. Criminal cases**

*a. Criminal proceedings against domestic workers*

- i. How many female migrant domestic workers were charged with crimes in 2012 and 2013? What were the charges (e.g., theft, illicit relations, assault, sorcery, etc.)? In how many cases did employers file complaints?
- ii. How many of these women were detained pending trial? At what prisons or detention facilities?
- iii. Have any domestic workers been convicted of *zina* crimes and sentenced beyond the penalty of one year's imprisonment under Article 356, for instance, flogging? If so, how many people? If so, were any such flogging sentences implemented?<sup>6</sup>
- iv. How many female migrant domestic workers were convicted and sentenced to prison in 2012-13? For what crimes? Please provide data on sentence lengths.
- v. Are domestic workers provided lawyers at time of interrogation? Are they free of cost?
- vi. Are domestic workers provided with interpreters at time of interrogation?

*b. Charge of "absconding"*

We understand that according to the Ministerial Decree No. 1186 (2010), migrant workers would be considered to be "absconding" if they leave an employer before their two-year contract term expires, and would be deported and subject to a 12-month ban. Under the new amendments to the Entry and Residence of Foreigners Law, sponsors who do not report their domestic

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<sup>6</sup> According to an article in 7 days, a domestic worker was sentenced by a court in Fujairah to 100 lashes for being pregnant outside of marriage see "Pregnant maid to get 100 lashes after being found guilty of illegal affair", 7 days, November 9, 2013 at <http://7daysindubai.com/news-14918/>

workers to have “absconded” and they are found working elsewhere outside of legal requirements are subject to a fine of DH50,000.<sup>7</sup>

- i. Does Ministerial Decree No. 1186 (2010) apply to domestic workers?
- ii. Who can file for a charge of absconding?
- iii. Which department or ministry handles such charges?
- iv. Please describe the process for filing an absconding case and the government’s system for handling them. Is there a process for interrogation, charge, and trial for domestic workers accused of absconding? Can workers contest the charges on the basis of employers breaching the employment contract?
- v. If a domestic worker is found whose employer has filed an absconding charge, is she subject to arrest?
- vi. How many absconding cases were filed against domestic workers in 2012-13? How were they resolved?
- vii. Is deportation of migrant domestic workers who abscond automatic? Can any agency grant grace periods of valid residency for the worker to seek a new sponsor or pursue legal complaints? How many such grace periods were issued in 2012-13?
- viii. Where a case of abuse has been alleged, and found to be true, can a transfer be made to a new employer even if a worker is facing absconding charges? How many transfers were approved in 2012-13?

c. *Suicides/attempted suicides*

According to the UAE Penal Code article 335, attempted suicide can result in fines or imprisonment.

- i. How many charges of attempted suicide have been filed against domestic workers in 2012-13? Do you have data on the number of domestic workers who committed suicide?
- ii. How many domestic workers have been tried and prosecuted for such a charge? Please provide data on convictions and sentencing.
- iii. If a domestic worker who attempted to commit suicide claims she was being abused by her employers, what is the protocol for such cases? Is she still charged with an offence?

**11. Deportation, repatriation, and bans**

- a. How many female domestic workers have been held at the deportation shelter in 2012 and 2013?
- b. How many female domestic workers were repatriated in 2012 and 2013 at their request?

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<sup>7</sup> According to the new article 34 (1) Federal Law by Decree No. 7 of 2007 amended Federal Law No. 13 of 1996 for the Entry and Residence of Foreigners, amended Federal Law No.6 of 1973 in respect of Immigration and Residence. “What to do when: Your housemaid in Dubai has absconded”, Emirates 24/7, November 13, 2012 at <http://www.emirates247.com/crime/local/what-to-do-when-your-housemaid-in-dubai-has-absconded-2012-11-13-1.482614>



- c. How many female domestic workers were deported on a monthly basis in 2012 and 2013?
- d. How many exited through administrative versus judicial deportation?
- e. How much time must pass before a deported domestic worker can legally return to the UAE?
- f. How many female domestic workers were subject to a visa ban following their deportation in 2012 and 2013, and for what amount of time (e.g. number of women banned for six months, one year, or lifetime)? What were the reasons for these visa bans?
- g. What measures does the Interior Ministry take to ensure that workers deported from UAE receive just resolution to claims of unpaid wages and abuse? Please provide data from 2012 and 2013 on claims filed by workers either prior to, or while they were in, deportation proceedings, and how these claims were resolved.
- h. Must workers accused of crimes who have been cleared of all charges filed against them exit the UAE through deportation proceedings, or do alternate exit procedures exist?