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2020 Trafficking in Persons Report: United Arab Emirates

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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 but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore the UAE remained on Tier 2. These efforts included increasing the number of sex trafficking prosecutions and doubling the number of sex trafficking convictions. Officials launched robust awareness campaigns in strategic locations, which reached a substantial number of vulnerable populations, expatriates, and government stakeholders. It piloted its wage protection system that included domestic workers' salaries for the first time and signed agreements with four prominent labor-sending countries to stringently regulate domestic worker recruitment. In addition, the government fully implemented regulations for the domestic worker law that expanded legal protections for this vulnerable population and adopted and enforced an associated bylaw during the reporting period. However, the government did not meet the minimum standards in several key areas. The government did not report convicting any labor traffickers during the reporting period or providing protective services for any labor trafficking victims. Despite some initial reforms, the sponsorship system continued to heighten some foreign workers' vulnerability to trafficking. The government did not routinely employ its proactive identification and referral mechanism, which resulted in the penalization of some potential victims and rendering others without care.

PRIORITIZED RECOMMENDATIONS:

employ standard procedures for victim identification among foreign workers, particularly women in commercial sex and domestic workers who have fled their employers, to ensure authorities do not penalize victims. • Develop and expand reforms to the sponsorship-based employment system, including wage protection system coverage to all employees, specifically domestic workers. • Report the number of trafficking investigations, and investigate forced labor indicators, such as passport retention, withholding of wages, labor violations, and complaints of abuse, as potential trafficking crimes. • Execute implementing regulations for and strengthen enforcement of the domestic worker law that expands legal protections for domestic workers. • Increase trainings for shelter staff on how to identify and care for labor trafficking victims. • Strictly enforce prohibitions on withholding workers' passports.

PROSECUTION

The government reported overall increased anti-trafficking law enforcement efforts, but efforts to address forced labor remained weak. Federal Law 51 of 2006 and its amendments in Federal Law No. 1 of 2015 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from five years to life in prison, as well as fines ranging from 50,000 to 99,100 UAE dirham (AED) (\$13,610 to \$26,980) and deportation for non-citizens. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Federal Law No. 10 of 2017 provided additional protections for domestic workers, as well regulations for recruitment agencies and employers of such workers, including those pertaining to hiring practices, working conditions, and employment contracts. Federal Law No. 10 protected workers' rights to retain their own identity documents, but did not stipulate penalties for employers who confiscated workers' passports.

The government historically had not reported statistics on investigations of suspected trafficking cases. However, according to media reports, during the reporting year the government prosecuted 38 sex trafficking cases across the seven emirates, compared with 30 cases (including one for forced labor) the year prior. Officials reported conviction of 67 sex traffickers (media reported conviction of 22 sex traffickers) and administered sentences ranging from six months to life imprisonment, with the vast majority of perpetrators receiving five years or more. Six cases remained ongoing at the close of the reporting period, and one forced labor case stemming from 2018 also remained pending. During the previous year, the government convicted 35 sex trafficking defendants under trafficking laws and handed down similar punishments. The government did not report convicting any labor traffickers during the reporting period, on trend with previous years. In one specific case during the year, after receiving a trafficking-related tip, the Dubai police set up an undercover operation at a local nightclub and discovered 18 young females forced to work as erotic dancers. Officials referred the underage girls to the government-run shelter for care and charged the nightclub owner and four other accomplices with trafficking. Media reported the defendants doctored the ages on the victims' passports and took them to Dubai with promises of well-paying jobs then subsequently subjected them to sex trafficking.

The government did not routinely investigate as possible trafficking crimes violations of Emirati labor laws that exhibited trafficking indicators, such as passport confiscation, delayed or nonpayment of wages, physical abuse or fraud, and contract switching; the government treated these cases most often exclusively as regulatory violations, levying administrative fines or the cancellation of business licenses in lieu of criminal proceedings. Labor violations, including those involving forced labor, continued to be addressed by Ministry of Human Resources and Emiratization (MOHRE)-administered dispute resolution processes and labor courts instead of specific human trafficking laws. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking crimes during the reporting year. Relevant authorities held a series of lectures and training programs in workers' residences and in recruiting offices to raise awareness on the types of trafficking crimes and ways to communicate with law enforcement authorities and shelters. The Dubai Police Human Trafficking Crime Control Center (HTCCC), the Dubai Judicial Institute (DJI), and the National Committee to Combat Human Trafficking (NCCHT), in collaboration with an international organization, planned and hosted its sixth iteration of a five-week diploma program on ways to detect and prevent trafficking, protect victims, and raise societal awareness of the problem. This program reached 384 government officials from 22 different police agencies nationwide. Dubai police also facilitated a three-week "train the trainers" seminar for 18 graduates of the aforementioned diploma program. The public prosecutor's office facilitated a workshop on technical rules for investigating, handling, and preparing human trafficking files; the workshop also included an overview of the primary indicators of trafficking, as well as mechanisms for probing the crime effectively. Around 35 prosecutorial personnel participated in this workshop.

PROTECTION

The government maintained overall efforts to protect trafficking victims, which continued to focus exclusively on victims of sex trafficking. In 2019, the media reported the government identified and referred 19 victims (including three minors) to care, in addition to 13 victims the Dubai Foundation for Women and Children (DFWAC) reported assisting during the same year, for a total of 32 sex trafficking victims. This was compared with 51 and 25 (primarily sex trafficking) victims identified and referred to care during the previous two years, respectively. While the government had standard procedures for victim identification among foreign workers, officials did not regularly employ these procedures proactively and continued to rely predominantly on third-party referrals to identify victims, including from foreign embassies, religious institutions, or tips received through government hotlines, smartphone applications, and the internet. Authorities continued to implement a formal referral process to transfer suspected trafficking victims from detention centers, hospitals, houses of worship, or facilities run by source country embassies or consulates, to government shelters upon the completion of identification. At times, female or male police officers in plain clothes—intended to allay victims'

officials due to (real or perceived) fear of being sent to prison for immigration or other violations rather than being accepted into a shelter.

The shelters were largely funded through individual donations, notably from the ruling family of Abu Dhabi emirate, as well as contributions from public and private companies and religious institutions. The government maintained oversight and funding for shelters in four of the seven emirates (Dubai, Abu Dhabi, Ras Al Khaimah, and Sharjah), offering housing and assistance for all female and child sex trafficking and abuse victims across the country. The government operated one shelter for men in Abu Dhabi, but it did not serve any male victims during the year. Protective services included medical, psychological, legal, educational, rehabilitation and reintegration, vocational training and certificates, and voluntary repatriation that included prolonged follow-up care after the victim returned home. Children received services tailored to their needs, including separate living sections and supervisors, as well as teachers who provided age-appropriate educational and psycho-social support. All police departments had a special room for interviewing children and other vulnerable victims. The Philippines, Indian, and Sri Lankan embassies in Abu Dhabi and the Philippines, Indonesian, and Sri Lankan consulates in Dubai provided shelter and other protective services to an unspecified number of female nationals who had been subjected to trafficking during the reporting period. Other consulates used “foster families” of the same nationality to host victims until their cases were resolved. During the reporting year, officials allocated 207,500 AED (\$56,490) to the trafficking victims support fund, which financially supported repatriation or resettlement to prevent recidivism.

Shelter staff claimed that identified sex trafficking victims were not jailed, fined, or prosecuted for violations committed as a result of their being subjected to trafficking. However, other independent observers alleged authorities reportedly jailed some potential victims for prostitution offenses, consensual sex outside marriage, or absconding from their employers. Because the government did not routinely use victim identification procedures or screen for potential trafficking crimes among vulnerable populations, it may have prosecuted some unidentified victims during the year. In January 2020, local media reported on Ras Al Khaimah Criminal Court’s sentencing of four women to three years in jail for commercial sex however, the details of the cases and associated allegations remained unclear, although the media claimed traffickers exploited the women in sex trafficking. The government reported it exempted from fines forced labor victims who had overstayed their visas or sex trafficking victims but did not report the exact number of those who benefitted from this exemption during the reporting period. The government did not provide permanent or formal temporary residency status to victims; however, it permitted victims to stay in shelters 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. Interior officials amended the status of a few victims to assist them in seeking follow-on job opportunities in the UAE. Laborers whose employer had not paid them for 60 days were entitled legally remain in country and search for a new employer. The government reported funding repatriation

new employment or sponsors on an ad hoc basis. The government encouraged victims to assist in the investigation and prosecution of traffickers and provided victim-witness protective services, including private interview rooms, free legal counseling, and safe transportation to court hearings. Police took counter-retaliation measures and prohibited communication between the victim and suspect. Police also enforced two governmental decrees aimed at ensuring the media adhered to victims' privacy and that shelters adequately protected victims. According to the NCCHT, victims were informed and assured of their rights when giving testimony. Both police and shelter representatives reported victims often chose immediate repatriation at the UAE's expense rather than remaining in country to testify against alleged traffickers or see a case through to final adjudication. Laborers were entitled to freely seek new employment in the country after 60 days of wage non-payment by their existing employer by going through the Ministry of Interior to arbitrate the process. During the reporting year, nearly 8 percent of the private sector workforce changed employers.

PREVENTION

The government increased efforts to prevent trafficking but did not demonstrate any new steps to dismantle the sponsorship system. Various government and quasi-government organizations held numerous training programs, organized lectures, and conducted workshops throughout the reporting period in an effort to raise awareness of trafficking among authorities and vulnerable populations. The government continued to carry out its national action plan to address trafficking, driven chiefly by the NCCHT. The plan focused on prevention, protection, prosecution, punishment, promotion of international cooperation, redress, rehabilitation, reintegration, and capacity building. During the year, a senior Emirati delegation participated in Bahrain's inaugural Middle East anti-trafficking forum, and committed to regionally specific efforts to include reformation of the notorious *kafala* system. The government amplified awareness on trafficking through increased informational notices at airports, training courses for high-risk groups, and the dissemination of publications in various languages directed at the most at-risk communities, effectively reaching tens of thousands of individuals during the year. The campaigns raised awareness of penalties for trafficking and publicized hotlines for more information or direct assistance. Airport banners specifically targeted terminals based on nationalities with high workforce numbers in the UAE. The government educated passengers at Dubai International Airport (DXB) about trafficking through clips, broadcasts, flyers, and tactically-situated massive banners in nine prominent languages. Dubai Police, NCCHT, and DXB, in partnership with an international organization, launched a two-year campaign in July 2019 entitled "Don't Turn a Blind Eye." The campaign aimed to raise awareness of airport employees and travelers on how to detect trafficking crimes, given DXB remained one of the busiest international hubs in the world. Government shelter staff maintained a partnership with art galleries for visual art exhibits that showcased art made by trafficking victims. ⁺ both increase awareness and raise funds for other victims. DFWAC partnered with government-c real estate developer Nakheel to run awareness campaigns at the developer's shopping centers,

media platforms and SMS functions. During the reporting year, local media ran a report on human trafficking, and presented numbers to call for help, including DFWAC and police in Abu Dhabi, Dubai, and Sharjah; the program also highlighted relevant UAE laws. Launched in April 2019 by Interior officials, the “Community Awareness” phone application promulgated information about a range of issues, including child protection, the duties of employers and employees, and trafficking in Arabic, Chinese, English, Filipino, Malay, and Urdu. Emirates Airlines, which is owned by the Dubai government, trained its cabin crewmembers and other airport ground staff on detecting instances of human trafficking at check-in and on flights. The government funded and ran a 24-hour toll-free hotline for reporting cases of trafficking, delayed wage payments, or other labor violations, which operated in Arabic, English, Hindi, Russian, Tagalog, and Urdu. Calls were categorized and automatically alerted police in suspected trafficking cases. In Dubai, authorities ran a separate line, and UAE-wide there remained a 24-hour toll-free number for migrant laborers to vocalize workplace complaints or general inquiries. Analogous to the year prior, the government did not report how many trafficking or trafficking-related calls any hotline received during the reporting year.

The government implemented Federal Law No.10 of 2017 to improve the work conditions and welfare of domestic employees and adopted Cabinet Resolution No. 22 of 2019, which grants domestic workers the right to terminate their employment if an employer fails to meet contractual obligations or if the employee is subject to sexual harassment or physical or verbal abuse by the employer. However, the government did not strengthen regulatory enforcement of in-home inspections and workplace grievance resolution. In addition, sociocultural and legal barriers against government interference with private households continued to hamper monitoring and enforcement efforts of its domestic worker law. This law included the right for employees to retain personal documents, sign standardized contracts with unequivocally designated working conditions, access specialized tribunals for settling workplace grievances, and observe mandatory time off. It also stipulated in-home inspections on the basis of complaints or reasonable evidence of law violations. Under the law’s provisions, a recruitment agency or person who hindered law enforcement, anyone who disclosed information unveiled in an investigation, or anyone who facilitated the abandonment of a domestic worker may be jailed for a minimum of six months and ordered to pay a 10,000 to 100,000 AED (\$2,720 to \$27,230) fine.

MOHRE primarily oversaw, regulated, and enforced labor-related complaints. Efforts by MOHRE to combat forced labor across the UAE included an extensive labor inspection program that incorporated routine and unannounced inspections of housing and work sites by a team of full-time labor inspectors, in addition to seven dedicated anti-trafficking inspectors. Authorities usually dealt with labor law violations administratively and did not report investigating such cases for trafficking indicators or referring any for criminal prosecution. The government continued its monitoring and inspection program for regulation of private sector laborers, including through the wage protection system which electronically monitored salary payments via vetted banks, currency exchanges, and financial

payments that were less than contractually agreed upon, and after a designated period, authorities administered fines and other enforcement actions, including criminal proceedings after an unknown number of labor-related inspections. However, a local news investigation in the previous reporting period estimated that almost 50 percent of all small private construction and transport companies circumvented the WPS to pay workers only 60 percent of their contractual salaries. Media and diplomatic sources reported some companies retained workers' bank cards or accompanied workers to withdraw cash, coercively shortchanging the employees even though the WPS showed the proper amount paid. Such cases were difficult to prove in labor courts, given the WPS documented accurate payments via designated bank accounts. On trend with previous years, the government did not report the number of complaints of unpaid wages it investigated as a result of its dispute resolution process or the WPS, which were intended to ensure workers were paid according to their contracts and not subjected to forced labor. If employers were punished with administrative and financial penalties for compliance failure, it also did not report investigating such cases for trafficking indicators or referring any for criminal prosecution. Workplace grievances routinely resulted in fines, suspended permits to hire new workers, or the cancellation of business licenses, though the official number of these punishments was unknown. Domestic worker salaries were not required to be paid via the WPS and, coupled with cultural norms and the lack of legal provisions requiring inspections of domestic worker accommodations, wage payment, and work hour abuses, among other acts indicative of forced labor, rendered domestic workers vulnerable to exploitation. However, during the reporting period, officials successfully rolled out a trial phase of the WPS that included domestic worker salaries.

Officials continued to employ public-private partnership recruitment centers for domestic workers, known as "Tadbeer Centers," mandated to regulate the recruitment and training of domestic workers, educate them on their legal rights, resolve employer-employee disputes, and verify worker accommodations for compliance with domestic worker law minimum standards. Each center was equipped with a room solely for grievance mediation, with a video connection to MOHRE for official oversight. In practice, however, these centers were inhibited as they were not generally able to enter or inspect private homes. There were 23 operational Tadbeer Centers across the UAE as of the end of the reporting period. The centers were integral to the movement of domestic worker recruitment from the Ministry of Interior to MOHRE, a change aimed at improving recruitment regulation and standards. In September 2019, the UAE and Government of the Philippines signed a trafficking-specific memorandum of understanding (MOU), which adopted procedures and created a joint taskforce to combat the crime as well as share best practices, exchange information, promote human rights, and provide assistance in the protection, repatriation, recovery, and rehabilitation of trafficking victims in accordance with domestic laws. In June 2019, the government signed several MOUs with labor sending countries to regulate recruitment mechanisms. The agreements with The Gambia, Nepal, and Pakistan outlined recruitment mechanism that required designated ministries in said countries to review and approve worker's job offer before submission to the MOHRE, where an electronic copy was filed to prevent

Malawi. The government did not enforce a prohibition on employers withholding workers' passports, which remained a pervasive problem. The government did not take measures to reduce the demand for commercial sex acts in the UAE. The Ministry of Foreign Affairs maintained provision of workshops and awareness programs on human trafficking for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in the UAE. Foreign workers comprise nearly 90 percent of the UAE's population and are recruited globally. Lower wage labor, including most manual labor and a significant portion of the service sector, is provided almost entirely by migrant workers predominantly from South and Southeast Asia and the Middle East, with a growing percentage from East and West Africa. It is not uncommon for employers to subject some of these workers to conditions indicative of forced labor, such as passport retention, non-payment of wages and unpaid overtime, restrictions on movement, contract switching, fraudulent employment promises, substandard food and housing provisions, or a failure to meet other contractual agreements. Women and men from some of these countries travel willingly to the UAE to work as domestic workers, security guards, drivers, gardeners, massage therapists, beauticians, hotel cleaners, or elsewhere in the service sector, but traffickers subject some of them to forced labor or sex trafficking after arrival. Reports indicate the UAE serves as a trafficking hub where recruiters sell migrants to families who subsequently illegally transport them to other countries in the Gulf. The UAE has in recent years become a primary destination for Ugandans seeking employment as domestic workers and security guards. Many Pakistanis are reportedly hired on promises they will receive handsome salaries, medical benefits, and accommodations, but after reaching the UAE the promises go unfulfilled, with some Pakistanis discovering that the companies that hired them are fraudulent. For expatriate workers and domestic workers especially, the *kafala* or sponsorship system in the UAE restricts their ability to leave a position without prior notice. Despite legal measures allowing workers to change sponsors or terminate their employment, some employers continue to exercise unilateral power over foreign workers' movements, deny laborers working illegally the ability to change employers, restrict permission for them to leave the country, and threaten employees with abuse of legal processes, which heightens their vulnerability to trafficking. Traffickers subject some women, predominantly from Central Asia, South and Southeast Asia, East Africa, Eastern Europe, Iraq, Iran, and Morocco, to sex trafficking in the UAE, and most trafficking cases registered in the UAE are classified as sexual exploitation despite significant labor trafficking concerns. Per media sources, some cases of child sex trafficking involve traffickers forging ages on passports to facilitate undetected entry into the UAE. Other reporting claims recruiters in some source countries work as individual agents rather than for regulated companies, complicating law enforcement and monitoring efforts.

ONE owing debts in their respective countries of origin, increasing their vulnerability to trafficking through debt-based coercion. Despite new laws to prevent the practice, reports of employers engaging in the practice of contract-swapping persist, leading to less desirable and lower paying jobs for laborers post-arrival in the UAE. Traffickers often recruit victims from the large foreign population already in the country; they may deceive or compel a migrant worker in the UAE, willingly on a tourist or work visa, into forced labor or sex trafficking. Additionally, some laborers enter the UAE on tourist visas and start working for an employer who subsequently opts to not change the tourist visa to a work one in order to grant legal residency, a common method of exploitation. According to UAE shelter staff, migrant workers will sometimes start with one employer and for various reasons, including abuse or exploitation, low salary, or simple dissatisfaction with the job, will follow alternate employment opportunities that ultimately prove fictitious, as traffickers in the UAE are adept at using manipulation to entice laborers with “higher salaries.” North Koreans working in the UAE may have been forced to work by the North Korean government. In October 2017, the UAE pledged to stop issuing new visas and company licenses to North Korean workers and, in late 2019, closed the last DPRK businesses in the UAE. According to the UAE’s assessment in 2020, the number of DPRK workers in the UAE has been reduced to seven from approximately 500.

During the previous reporting period, an international organization alleged the government, a member of a multi-nation coalition that commenced military operations against Houthi rebel forces in Yemen in 2015, provided training and coordinated operations with the Security Belt Forces, Hadhrami Elite Forces, and Shabwani Elite Forces—proxy militias fighting Houthi forces and terrorists in Yemen that allegedly recruited and used children as soldiers. Media also previously reported officers associated with Sudan’s Rapid Support Force took bribes from families to permit minors to serve as combatants in Yemen during that reporting year. Emirati officers supposedly trained and commanded some Sudanese combatants during the previous reporting period. While the UAE did not directly commission those forces, there were Sudanese units under the Saudi-led Coalition fighting with Emirati and Yemeni Government forces during those years. However, during the current reporting year, there were no allegations the UAE recruited, used, or detained any child soldiers, and in September 2019, the UAE reportedly ceased providing direct support to Security Belt Forces after the signing of the Riyadh Agreement.

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