



COMBATING HUMAN TRAFFICKING

UNITED ARAB EMIRATES

Annual Report

2007

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National Committee to Combat Human Trafficking

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Introduction

The United Arab Emirates (UAE) is a committed and responsible member of the international community and aims to take a lead in the global fight to combat human trafficking. The 2007 annual report “Combating Human Trafficking in the United Arab Emirates” has been produced by the National Committee to Combat Human Trafficking and aims to serve as an information tool about the UAE’s stand on the human trafficking issue, its efforts to combat it and the obstacles and challenges the UAE has encountered. The country’s resolve to fight trafficking at home and abroad in collaboration with international partners remains central to the UAE’s anti-trafficking strategy. The aim of the publication is to share the UAE’s efforts with our partners and promote dialogue, transparency and knowledge exchange in order to also learn from the experiences of other nations in combating this crime.

The term ‘trafficking’ was used as early as the end of the 19th century. Since then, there has been much debate on how to clearly define trafficking and what practices can actually be addressed in both national and international legislation. The UAE Federal Law 51 of 2006, the first law of its kind in the region, defines trafficking in Article One as *“recruiting, transporting, transferring, harboring, or receiving persons by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation, engaging others in prostitution, servitude, forced labour, enslavement, quasi-slavery practices, or the detachment of organs.”* This definition is closely aligned with the definition outlined in the Palermo Protocol and by other international legislation.

As part of its comprehensive national and international strategy to combat trafficking, the UAE has ratified the United Nations Convention against Transnational Organized Crime (2000). Furthermore, the Cabinet has also approved the ratification of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and



Children (Palermo Protocol), which is one of the two protocols attached to the Organized Crime Convention.

The UAE fully endorses that all measures against trafficking in persons, especially women and children, must be consistent with internationally recognized principles of non-discrimination and that they take into account the respect for the human rights and fundamental freedoms of victims. The UAE, along with the international community, strongly condemns “all work or services, which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” as defined by the International Organization (ILO) Forced Convention (No. 29), 1930, and enshrined in the UAE Federal Law 51, as well as the UAE Federal Labour Law.

Human trafficking is an issue that affects many countries and the UAE is no exception. It is a fact that several million workers are being subject to various types of abuse and exploitation around the world. The first international report on human trafficking by the United Nations Office on Drugs and Crime (UNODC) concluded in 2006 that “virtually no country is immune” to this phenomenon. The document identified 127 countries as sources of trafficking victims and 137 countries as destinations, including developed and developing countries.

The UAE firmly stands against both the exploitation of human beings for sexual purposes and the exploitation of workers through coercive, illegal and inhumane measures. Aside from the UAE’s commitment to international standards, the freedom of individuals from exploitation or coercion is enshrined in our Islamic heritage and cultural belief system. Trafficking is a problem that transcends national borders. It involves countries of origin, transit and final destination. This means that no country or region acting alone can eradicate this crime. To be truly effective, combating trafficking requires cross-border cooperation with the involvement of governments, international agencies, non-governmental organizations and the private sector. Policies can only be effective when the national legislation created to implement them addresses the actualities on the ground.



Separate, but inter-related

The UAE believes that the commercial impetus of trafficking in persons must be addressed in any national legislation and policy. Trafficking is a thriving global business that generates billions of dollars a year encouraging the trafficking of nearly a million people across international borders annually. The ILO estimates that it is linked to other organized crimes like human smuggling, drug trafficking, and money laundering. Approximately 80 percent of those trafficked are women and girls, and up to 50 percent are children. The majority of transnational victims are trafficked into commercial sexual exploitation and the rest into forced labour.

Migration, smuggling and trafficking are separate issues that raise different challenges for policy makers but are often misused or interchangeably used in the international debate on trafficking. The UAE, as a result of its recent economic boom, receives large numbers of temporary contractual workers every year. These workers are admitted into the country contingent on their possession of term-limited employment contracts and, while they do not hold immigrant status, they are nevertheless considered subject to the protection and measures of UAE labour law during their time of residence in the country.

Labour migration, increasingly referred to as labour mobility is a movement of workers from their country of origin to a country of destination for the purpose of engaging in gainful employment. When the transfer of workers is effected in accordance with duly established exit and entry controls in the country of origin and destination, respectively, migrant workers typically engage in freely elected employment. When, on the other hand, such transfer is effected outside due process, the migrant worker is typically assisted by smugglers who facilitate illegal entry into a country for a fee and disappear. Faced with the prospects of being penalized by the authorities of the country of destination, the illegal worker becomes vulnerable to exploitative and sometimes involuntary employment.

On the other hand, trafficking in persons is fundamentally different as it involves the movement of people for the intended purposes of extracting



involuntary or forced labour or otherwise exploiting their work or services. For the majority of trafficked persons it is only once they arrive in the country of destination that they realize that the work they were promised does not exist and they are forced instead to work in jobs or conditions to which they did not consent. The deceit begins from the time they leave their home countries. The importance of partnering with source and transit countries to combat this phenomenon is therefore paramount and central to the UAE's national strategy.

Track record

The UAE believes that human trafficking is a despicable crime and it will continually strive to combat the practice of trafficking in any form. Although a young country, the UAE's laws on this issue strive to adhere to international standards. The UAE's efforts are not perfect, but they are a work in progress, as is the case in many developed and developing countries globally. The UAE is committed to do everything in its power to help stop human trafficking wherever it occurs and to aggressively interdict those who are responsible for it under the toughest possible penalties.

Perpetrators of human trafficking operate across national borders and significant international collaboration is required to combat this crime. The UAE is fully cooperating with all appropriate international and regional law enforcement officials to apprehend and punish anyone who violates the UAE's human trafficking laws. This cooperation also extends to ensuring the swift prosecution of human traffickers who may attempt to use the UAE as a conduit to violate the anti-trafficking laws of other countries. The UAE, like many other nations, acknowledges that it faces challenges in these efforts to fight human trafficking and that it has much work to do. While the anti-trafficking laws are stringent, the dynamic growth in the Gulf region has created pressure on available human resources to enforce these laws.

Parallel to the tough stand on anyone convicted of trafficking, the UAE is also deeply concerned about the victims of this crime and their physical and emotional well-being. We are committed to the development of ongoing



nationwide social support programs that protect and care for these victims, humanely, promptly, and justly. Identified victims are also being provided all possible financial and human resources to support, strengthen, and expand initiatives that seek to help them at every level.

Since a trafficking conviction is heavily reliant on victim testimony and victims of such a trauma are often too frightened to report the atrocities they have faced, the UAE is trying to facilitate access for any possible victim of trafficking to come forward to the authorities and social support networks in an environment that is secure and comfortable. The UAE endeavors to improve all aspects of this process including providing training for law enforcement officers in victim interviewing and identification.

Four-Pillar Action Plan

In tackling this global phenomenon, the UAE is proactively implementing a four-pillared action plan to combat human trafficking. Despite societal and cultural sensitivities associated with human trafficking, the issue is increasingly being addressed publicly in the UAE by both the government and media. The UAE is not ashamed to admit that the problem of trafficking afflicts this country as it does in many other countries. It would be wrong, however, if immediate action is not taken once the crime is recognized and the UAE is therefore pursuing an active and results-oriented strategy that aims to achieve immediate impact.

The new comprehensive action plan rests on the following four pillars:

- I. Legislation
- II. Enforcement
- III. Victim support
- IV. Bilateral agreements and international partnerships

Pillar I: Legislation

The UAE anti-human trafficking law – Federal Law 51 of November 2006 – is the first of its kind in the region. The law takes into account the existing federal laws on entry and residency of foreigners, labour, camel races and criminal procedures, as well as the penal code. It calls for strong punitive measures,



including maximum penalties of life imprisonment and covers all forms of human trafficking – not just overt enslavement but also sexual exploitation, child labour, and commerce in human organs. A life sentence is also imposed if the crime is committed through deceit, if it involves the use of force or threat of murder or bodily harm, or if it involves physical or psychological torture.

The 16-article law spells stiff penalties against traffickers ranging from one year to life in prison and fines of 100,000 dirhams and one million dirhams (US\$ 27,500 and US\$ 275,000).

Other salient features of Federal Law 51 include:

- ⇒ Article One of the law defines human trafficking as an act of exploitation and coercion
- ⇒ Exploitation is defined to include exploitation for sex, engaging others in prostitution, servitude, forced labour, enslavement, quasi-slavery practices, or detachment of organs
- ⇒ An organized criminal gang is defined as a group of three or more people who collaborate to carry out a premeditated act with the intent of committing a human trafficking crime for the sake of gaining, directly or indirectly, financial or any other material benefit
- ⇒ A crime is adjudged to be transnational if it is:
 - Committed in more than one country
 - Committed in one country but preparation, planning, direction and supervision were carried out from another country
 - Committed in one country but the perpetrators were an organized criminal gang involved in criminal activities in several countries
 - Committed in one country but its repercussions impact another country
- ⇒ Article Two sets an imprisonment term of at least five years for whoever commits a human trafficking crime
- ⇒ The penalty will be life imprisonment if:
 - The perpetrator has created, organized, run, assumed a leading role in, or solicited others to join, an organized criminal gang
 - The victim is a female, child (under 18 years), or handicapped
 - The crime is committed through deceit, involved the use of force or threat of murder or bodily harm, or involved physical or psychological torture

- The crime is committed by two or more people, or by an armed person
 - The perpetrator is a member of an organized criminal gang, or has consciously taken part in the activities of that gang
 - The perpetrator is the spouse, a relative, descendent, or guardian of the victim
 - The perpetrator is a public servant or commissioned with a public task
 - The crime is transnational
- ⇒ Article Three spells out a penalty of one to five years in prison and/or a fine of 5,000 dirhams to 20,000 dirhams (US\$ 1,400 to US\$ 5,500) for anyone who was aware of a plan to commit a human trafficking crime, but failed to inform the concerned authorities
- ⇒ The law stipulates various imprisonment and fines for a host of acts, including the use or threatened use of force or offering or promising a gift or advantage to prompt others to give false testimony or withhold information, and possessing, harboring or dispensing articles gained through a human-trafficking crime
- ⇒ Corporate entities will be liable to a fine ranging between 100,000 dirhams and one million dirhams (US\$ 27,500 and US\$ 275,000) if their representatives, managers, or agents committed a human trafficking crime
- ⇒ According to Article 12, the Council of Ministers shall set up a National Committee to Combat Human Trafficking.

In addition to Federal Law 51, the UAE also issued Law No. 39 in 2006 on international judicial cooperation, which includes articles on the extradition of suspected or convicted criminals to judicial authorities to try them or execute the sentences given to them. It also provides for mutual judicial assistance in criminal cases, including human trafficking (Articles 6-37). Such cooperation was recorded in at least seven cases during 2007.

Furthermore, the UAE's commitments under international law include becoming a signatory to three of the United Nations Conventions on human rights, including: the International Convention on the Elimination of all forms of Racial Discrimination; the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child.



UAE National Committee to Combat Human Trafficking

A Cabinet order established the UAE National Committee to Combat Human Trafficking in April 2007 to give teeth to Federal Law 51 and to create a coordinating body for anti-human trafficking efforts at all levels in the seven emirates of the federation. The Committee has held eight meetings since its formation in addition to frequent activities, visits and organized events and workshops. It is headed by the Minister of State for Foreign Affairs and Federal National Council Affairs, Dr. Anwar Gargash. Its members include representatives from the federal ministries of Interior, Foreign Affairs, Labour, Health and Social Affairs, as well as from the State Security Authority and the UAE Red Crescent Authority. The responsibilities of the Committee include:

- ⇒ Developing the framework by which the new anti-human trafficking law is implemented – the Committee regularly assesses government implementation procedures and assists in the coordination of government ministries and departments tasked with combating human trafficking crimes; this coordinating role is important in a federal system and reflects an increased emphasis throughout the UAE on collaborative efforts by local and federal government authorities to monitor, track and penalize crimes of human trafficking
- ⇒ Studying and revising human trafficking legislation with the aim of bringing the UAE efforts in line with international standards and improving national legislation to address realities on the ground; the committee has been authorized to prepare reports on efforts taken by the UAE to fight human trafficking and to make recommendations to the Cabinet
- ⇒ Creating resources to increase public awareness of human trafficking issues
- ⇒ Developing victim sensitivity training for the relevant bodies and individuals dealing with victims of trafficking
- ⇒ Representing the UAE officially in handling international requests, enquiries, and delegations related to human trafficking issues.

It is expected that the Committee's activities will encourage additionally progressive and aggressive legislative efforts to assure country-wide compliance with international standards and implementation of the laws that are in place.

Pillar II: Enforcement

The UAE federal government and those of the seven individual emirates have emphasized and focused on an awareness-raising drive for the enforcement of anti-human trafficking laws. According to preliminary reports, at least 10 human trafficking-related cases were registered by the end of 2007 under the clauses of Federal Law 51, which came into effect in November 2006. Notably, there were also convictions in at least five cases during this period, with the convicted receiving jail terms ranging from 3 to 10 years for committing, aiding or abetting human trafficking.

With these initial results, the UAE is working harder to gather and deploy the necessary manpower to efficiently increase the number of anti-human trafficking prosecutions. As part of a comprehensive awareness campaign to enhance public and law enforcement knowledge about this crime and explore ways of limiting it, workshops are being conducted by the UAE National Committee to Combat Human Trafficking in cooperation with various law enforcement departments and ministries. These workshops are attended by the relevant departments of naturalization and residency, police and public prosecution.

- ⇒ A workshop on investigating human trafficking crimes was jointly organized by Dubai Police and a British security services firm in March 2007
- ⇒ Coinciding with the International Day for the Elimination of Violence against Women in 2007, the Committee announced a detailed schedule of law enforcement capacity building exercises. Two workshops were held in Abu Dhabi and Dubai during December in collaboration with the Ministry of Justice. One of them, a workshop on human trafficking laws, was conducted in cooperation with the Johns Hopkins University, United States, to improve legislation in the Gulf Cooperation Council countries and discuss joint efforts to combat the crime regionally
- ⇒ In collaboration with the Ministry of Interior, a lecture about the relationship between human trafficking and security was held in January 2008
- ⇒ A five-day training program on human rights and law enforcement was conducted in January 2008 for law enforcement officers
- ⇒ A training program on prevention and control of human trafficking took place in February 2008, and another on investigation methodology is scheduled to be held later this year

- ⇒ A data collection methodology has been finalized to establish a central database for UAE law enforcement officers
- ⇒ Several Emirati law graduates have been selected to undergo special training courses to gain insight into laws dealing with cyber and organized crimes, terrorist activities, human trafficking and human rights issues.

The UAE also utilizes its established travel and immigration monitoring system to identify potential human trafficking crimes. This system depends on:

- ⇒ Federal Law No. 6 of 1973 and its amendments, which pertain to the entry and residence of foreigners in the country
- ⇒ Procedures taken to control the country's points of entry include:
 - Not granting entry permits to children from some countries if their names are added on their parents' or relatives' passports because they are susceptible to abuse. The UAE insists on such children having separate passports and separate entry visas to ensure compliance with the regulations and to enable immigration officers to identify the children during entry and also ensure that they return home with their parents and relatives
 - Controlling the re-entry of deported individuals through the Iris Eye Scan technology
 - Limiting large numbers of visit visas to relatives and friends of expatriates residing in the country in order to ensure against possible misuse of such privileges.

Tackling Demand

The UAE National Committee to Combat Human Trafficking is engaged in planning a nation-wide public awareness strategy on the issue of demand in order to foster a partnership with both the public and the media. A number of cases are often brought to the attention of law enforcement agencies through the public and this avenue of partnership will be developed over the next two years. Furthermore, collaboration with foreign embassies and NGOs will aim to highlight the issue in labour-exporting countries in order to prevent trafficking at its source.

The UAE seeks to decrease the demand on the sex industry and clamp down on perpetrators of forced or exploitative labour. Article 34 of the UAE Constit-

tution, for example, states that no human being should be enslaved or forced to work against their will. This article has been the foundation of UAE penal law, which takes action against cases related to human exploitation. This intention is also in line with the Palermo Protocol, which is the first binding international instrument that mentions the need to tackle the demand for sexual and other forms of exploitative services. According to Article 9.5 of the protocol, all *“States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”*

In the UAE, police are keeping a vigil on tourist companies which bring women into the country. In fact, there are restrictions and re-checking on the entry into the country of single women less than 30 years old who are more likely to be victims of trafficking. The licenses of companies caught carrying out illegal activities are being cancelled. At least two nightclubs exploiting women were shut down during 2007 and several others are under constant surveillance for any trace of illegal activity. According to data from the Ministry of Interior, the total number of cases of those charged with prostitution in the UAE for 2006 totaled 307, a figure that increased slightly to 398 cases for 2007.

The UAE realizes that a proactive policy of improving standards and regulations overall, apart from being important in itself, will also have a positive impact on decreasing the scale of human trafficking and potentially exploitative incidents from occurring. As a result, the government has introduced a series of measures that are beginning to positively impact the country's labour climate. Stricter laws against human trafficking and unskilled worker-friendly regulations, which are crucial to discourage exploitation, are increasingly being implemented. Some of the recent worker-friendly measures include:

- ⇒ As of January 2008, salary payments to unskilled workers in the country are being paid electronically by their respective companies. The Electronic Wage Payment System will put an end to cash payment of salaries. This will ensure that monthly wages are paid to all employees without fail and on time, giving the government real time access to information regarding payments of salaries. Punitive action against companies exploiting workers and abusing their rights is expected to become easier and effective. There

are currently 250,000 construction workers benefiting from this system, and many more are likely to be positively impacted by this measure once it is comprehensively implemented

- ⇒ Improving working and living conditions – the UAE has prohibited work in open labour sites during the midday hours during summer. For each violation of this provision, companies are fined 30,000 dirhams (US\$ 8,000) and banned from receiving additional contracts for three months. Further, no group labour permits (for 25 or more workers) are processed until applicants demonstrate a tangible commitment to adequate housing for workers. Companies must produce evidence that they actually have plans and resources to provide facilities. Several camps housing migrant workers employed in the construction sector – which were found to fall short of minimum standards in building, health services, waste disposal, pest control, drinking water and other basic facilities – have been closed. The firms that own or run the camps have been given adequate time to provide replacement accommodation that meet international health and safety standards
- ⇒ A new unified contract to regulate the rights and duties of domestic workers was enforced in April 2007. Some of its features are:
 - Valid for two years
 - Three copies of contract in Arabic and English, with each party having one and a third with the Residency Department
 - A month's paid leave in two years and medical aid provision
 - Unit at Residency Department to arbitrate disputes
 - One-way ticket at end of contract – if the contract is ended by the sponsor before its expiry, a ticket and a month's salary shall be paid to the worker. If it is ended by the worker, he or she will be charged for the ticket
 - Employer to facilitate contact with their families back home
 - Disputes not settled within two weeks to be referred to courts
 - Worker's legal rights disregarded if he or she absconds
 - Fees charged by recruiting agencies to be checked through coordination with consulates of labour-exporting countries
 - In case of death of the domestic worker, employer responsible to repatriate the body of the deceased and personal belongings
 - Heavy fines of up to 50,000 dirhams (US\$14,000) for hiring illegal domestic maids
- ⇒ A new labour law to protect domestic workers has been drafted by a

taskforce as per a Cabinet decree in October 2007 and will be sent to the relevant government bodies for amendments and revisions before promulgation by the UAE President. Domestic workers are mostly comprised of women and vulnerable to exploitation, which is a key concern of the UAE as part of its obligations under the Convention on the Elimination of all forms of Discrimination against Women

- ⇒ Since January 2008, sponsors of housemaids in Dubai who abet maids in carrying out illegal work will be charged with the crime of human trafficking and face 10 years in jail or more. Previously, sponsors who released their housemaids for a fee to carry out jobs illegally were charged with the crime of selling visit/residence visas
- ⇒ Creating flexibility for workers to transfer sponsorships to create job mobility
- ⇒ Setting up of special labour courts for speedy resolution of cases. Together with the labour courts, the government has taken the initiative to establish a representative office located within the courts to act as a liaison point and facilitate the process of solving disputes
- ⇒ Direct government involvement in negotiations to increase salaries of workers in some sectors.

The UAE intends to do more as demonstrated in the successful launch of the “Abu Dhabi Dialogue on Temporary Contractual Labour” in January 2008. The conference brought together ministers from 22 countries, including the 11 nations which supply the flow of migratory labour, and the GCC countries that contract with this labour force. Also present were representatives from international organizations, such as the International Organization for Migration (IOM) which co-facilitated the effort with the UAE Ministry of Labour, the International Labour Organization (ILO), and a number of United Nations and regional labour groupings. By inviting representatives from affected countries of origin to face-to-face discussions, delegates were able to assess their “ground realities” and devise ways to eradicate the problem where it begins. Direct outreach to the workers themselves continues, with training resources to fully apprise them of their rights and means of recourse should they suspect those rights are being violated.

Pillar III: Victim Support

To ensure that these unequivocally resolute legislation and enforcement mechanisms have a human face, the UAE’s holistic approach includes signif-



ificant initiatives that determine how victims are treated by law enforcement officials, as well as expand the help and welfare programs available to them. The programs are designed to be prompt and just. The government firmly believes that those who are sexually exploited must be treated as victims, protected and supported through counseling and rehabilitation programs. At the same time, whoever drove the concerned person into prostitution or coerced labour will be punished according to UAE law.

The government has a healthy track record of providing assistance and protection to victims of sexual abuse. The police departments provide shelter for these victims and counseling. The government works with foreign governments and NGOs when cases are brought to its attention. Victims have been given protection and shelter while their paperwork is processed, and are then repatriated at the government's expense under the 'Crime Victim Assistance Program.'

Aside from government-headed initiatives, charitable and social networks are also active in the UAE. Some of the significant measures in this regard are:

- ⇒ **Foundation for the Protection of Women and Children:** This independent civil society institution in Dubai was established in 2007. The shelter is the first step towards institutionalizing victim support in line with international standards. The shelter is governed by an independent board and has linked up with other shelters in the EU for introducing best standards in shelter management and administration. The foundation plays a vital role in improving social services for victims by providing a refuge to overcome the psychological and physical effects of violence, oppression and neglect. The foundation has an in-house school, which can accommodate up to 300 students; lawns surrounding the complex, where children can play; indoor playroom; a well-equipped gymnasium, as well as football, basketball and volleyball facilities for adults; and an in-house restaurant. In about 10 months since the foundation was established, 115 women and children received assistance after being designated as victims of a number of crimes including human trafficking, domestic violence, family neglect, employer abuse and other social problems. Of these, 28 are suspected victims of trafficking – 24 have been identified as adults and

four have been identified as minors less than 18 years of age. In 2007, the foundation successfully rehabilitated and repatriated three victims with the coordination of the IOM in Uzbekistan. By March 2008, three more cases were successfully dealt with and repatriated with the assistance of various authorities and international partners. The foundation is currently sheltering 14 suspected trafficking victims from a variety of countries including Indonesia, Kazakhstan, Moldova, Uzbekistan, Bangladesh, India, and Nigeria.

- ⇒ **Social Support Center, Abu Dhabi:** Operated by the Abu Dhabi Police, this center assists victims of all crimes, including human trafficking. It provides victims – especially women, children and their families – psychological and social support in coordination with other foundations and organizations. The Center assisted with 2605 cases during 2007 – up from 1519 the previous year. The majority of victims were involved in family disputes and domestic violence cases.
- ⇒ **Human Rights Care Department, Dubai:** Providing social, legal and psychological support to the victims of human trafficking is a key mandate of the Human Rights Care Department, which was established by Dubai Police in 2007 as an extension of a program established in 2003. The investigation, legal assistance and preventive support divisions fulfill the mandate of the department. During 2007, 27 of the 36 people who were identified as human trafficking victims were assisted by this department with a variety of services, including provision of temporary shelter, temporary visas and plane tickets to return home.
- ⇒ **Abu Dhabi Shelter for Victims of Human Trafficking:** The government supported the establishment of a new shelter in the capital city of Abu Dhabi in January 2008. The shelter will be established in accordance with international standards and best practices. An executing committee, headed by the UAE Red Crescent Authority has been set up to oversee the establishment of the shelter in collaboration with the UAE National Committee to Combat Human Trafficking. The shelter will aim to provide rehabilitation and protection for women and children victims of trafficking through a complete social care program that provides assistance in medical treatment, psychological care and counselling, access to legal services, temporary secure accommodation, some basic education and training as well as safe repatriation with the help of a partner women's



shelter in the victim's home country. The shelter is in line with Abu Dhabi's 2007-2008 Policy Agenda, which identifies the key goals and government initiatives for achieving a secure and stable society, including eliminating "*completely any and all kinds of exploitative or coercive labour practices, with particular focus on the protection of women and minors, as well as the complete eradication of any form of trafficking in persons.*"

- ⇒ **Country-wide shelters program:** The UAE Red Crescent Authority will supervise efforts to set up shelters across the country for women and children, who are victims of human trafficking using the Abu Dhabi model as a prototype. The comprehensive homes will provide them a haven with healthcare, as well as psychological and social support. The National Committee to Combat Human Trafficking aims to learn from the case profiles in the shelter in order to further improve and enhance the UAE's policies and legislation.
- ⇒ **Support for former child jockeys:** The UAE's most high-profile effort to address human trafficking occurred a few years ago in response to recruitment practices taking place in the traditional sport of camel racing. Unfortunately, this sport became associated with child exploitation, and once aware of this, the UAE government immediately stepped in to regulate the sport and requested technical expertise from UNICEF to help protect and rehabilitate child victims. During the period beginning in May 2005, the UAE and the UNICEF intensified their efforts to eradicate this problem. This resulted in a multinational progress review in September 2006, where all 1,077 child camel jockeys were successfully and safely returned to their home countries in Asia and Africa. Child protection experts and government representatives from the UAE, Bangladesh, Mauritania, Pakistan and Sudan, as well as UNICEF officials participated in the review process and evaluated both results and gaps to support and reintegrate children involved in camel racing. A rehabilitation centre for young former camel jockeys was established in Abu Dhabi, the first of its kind in the world and provided shelter and rehabilitation programs. The repatriation and rehabilitation program included establishment of transit centers providing medical assistance and other services to affected children, a family tracing system, social care of children, educational campaigns and establishment of community care committees.
- ⇒ The repatriation and rehabilitation program was then estimated at 10 million dirhams (US\$ 2.75 million), funded entirely by the UAE. It was managed



- by the UAE authorities in association with the Ansar Burney Welfare Trust International in Pakistan and UNICEF.
- ⇒ One year after the rehabilitation program began, several cooperation initiatives were acknowledged in a review meeting in September 2006, including:
 - 1) Awareness campaigns with camel owners in the UAE
 - 2) Establishment of transit centers providing medical assistance and other services to affected children in Sudan
 - 3) Family tracing system verified by justice authorities in Mauritania
 - 4) Social care of children and back-to-school campaigns in Pakistan
 - 5) Establishment of community care committees in Bangladesh
 - 6) Maintaining follow-up mechanisms empowering NGOs and local institutions to oversee the payment of outstanding salaries to child beneficiaries
 - ⇒ While efforts are underway to strengthen comprehensive reintegration procedures, the UAE and UNICEF agreed in April 2007 to establish a second and expanded phase of their program, which will now continue until May 2009. As a follow-up measure, the UAE has committed 29 million dirhams (US\$ eight million), which will help in country-based interventions to tackle trafficking by focusing on the establishment of monitoring mechanisms that would prevent children formerly involved in camel racing from re-entering hazardous or exploitative labour
 - ⇒ Claims facilities in Pakistan, Sudan, Mauritania and Bangladesh have been established to provide further compensation to former jockeys in addition to the compensation previously given.

Pillar IV: Bilateral and International Cooperation

Human trafficking in the UAE has its point of origin in the home countries of guest workers. Recognizing the need to coordinate anti-human trafficking efforts with labour-exporting countries, the UAE has signed agreements with several labour-exporting countries – including India, Pakistan, Nepal, Sri Lanka, Bangladesh, China, Thailand and Philippines – during the last two years to regulate the flow of the labour workforce. In order to deny unscrupulous private recruitment agencies from cheating and trafficking workers, all labour contract transactions will be processed by labour ministries or offices in the supplying countries.

Further, cooperation with the Philippines and India, for example, has resulted in these two countries announcing their refusal to grant emigration clearance to

women under 25 and 30 years of age respectively who wish to work in the region in order to protect younger women from possible abuse. A wage standard has been introduced by some of these countries including Philippines, Indonesia, India and Sri Lanka. Other bilateral and international agreements include:

- ⇒ Collaboration with the United Nations Office on Drugs and Crime to help recreate the UAE police administration into a “centre of excellence” for region-wide information distribution and law enforcement, which will greatly benefit human trafficking issues.
- ⇒ Promoting partnerships with non-government organizations and institutes to exchange knowledge and expertise in the field of human trafficking. The UAE aims to increase the number of such cooperation agreements as part of an effective anti-human trafficking strategy. At present, the National Committee to Combat Human Trafficking is engaged in promoting a strategy of forging links at the government-to-government level and ensuring that these links cascade down to the government department level, organizations and even individual networks and links. The NGOs and social support organizations are being actively encouraged to collaborate and partner with similar organizations around the world. The Dubai Foundation for Women and Children, for example, is closely coordinating with the IOM offices in different countries for the repatriation of victims. The Abu Dhabi Shelter for Victims of Human Trafficking, although in its nascent stages, is planning regular visits and exchanges with a number of shelters and trafficking experts around the world in order to introduce international benchmarks in the operational management of the shelter. The police authorities and human rights divisions within those authorities are building solid partnerships with other law enforcement agencies from a variety of countries in order to acquire expertise and in-country capacity to help bring traffickers to justice.
- ⇒ *UN.GIFT (United Nations Global Initiative to Fight Trafficking)* – As part of the UAE’s commitment to tackle this crime globally and take a lead in this fight, the Crown Prince of Abu Dhabi, His Highness Sheikh Mohammed bin Zayed Al Nahyan, committed 55 million dirhams (US\$ 15 million) to support the UN.GIFT, which is coordinated by the United Nations Office on Drugs and Crime. This included sponsoring the United Nations Conference on Trafficking in Persons in Vienna in February 2008, in which the UAE participated proactively, both to disseminate information about its

experience and learn from the experts of other participating countries from around the world in terms of data-gathering capabilities and investigative techniques. The Crown Prince's donation was made out of the belief that the creation of a forum for other countries, multiple UN agencies, intergovernmental entities and the non-governmental sector, all working together under a single banner would lead to unprecedented cooperation by the international community. The Vienna Forum on human trafficking was the first global forum of its kind to be held on such an international scale. Bringing together over 130 countries and 1,600 experts and NGOs working on this issue, the conference was hailed as a great success by the steering committee of the UN.GIFT, as well as many of the delegates who attended the forum. The UAE continues to hold a seat on the steering committee and will proactively support the committee to ensure that the momentum created by the Vienna Forum is followed up with further actions and their implementation.

Conclusion

The UAE is acting on every front: Legislation, Enforcement, Victim Support, Bilateral Agreements and International Cooperation. It will continue to demonstrate resolve, and acknowledge where it stills need to improve. Simultaneously, the UAE will continue to cooperate with all appropriate regional and international law enforcement officials to apprehend, prosecute and punish those violating the UAE's human trafficking law and those attempting to use the country as a channel to violate anti-trafficking laws of other countries.

The UAE has achieved much in a short period of time, but realizes that much more needs to be done to combat the challenge. The country is committed to serving as an active member of the international community, as well as a model for change in the region and takes these responsibilities seriously. The UAE will continue to acknowledge its shortcomings and demonstrate resolve by vigorously improving its four-pillared action plan. At the same time, we will continue to welcome direct discussion and collaboration with other governments, public or private sector groups, or international organizations that will help stem the tide of human trafficking.

Addendum

* The Arabic text of Federal Law No. (51) of 2006 is a reproduction of the law published by the United Arab Emirates. The English text has been translated by the National Committee to Combat Human Trafficking and is not an official publication of the law.



Federal Law No. (51) of 2006 on Combating Human Trafficking Crimes

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates, after perusal of the Constitution; and

The **Federal Law No. (1) of 1972** on the functions of ministries and the powers of ministers, and the laws amending it; and

The **Federal Law No. (6) of 1973** on entry and residence of foreigners, and the laws amending it; and

The **Federal Law No. (8) of 1980** on regulation of labor relations, and the laws amending it; and

The Penal Code issued as per the **Federal Law No. (3) of 1987**, and the laws amending it; and

The Penal Procedures Code issued as per the **Federal Law No. (35) of 1992**, and the laws amending it; and

The **Federal Law No. (15) of 2005** on regulation of participations in camel races; and

According to the proposal of the Minister of Justice, the approval of the Cabinet and the ratification of the Supreme Council of the Federation, have issued the following law:

Article (1)

Definitions: For the purpose of this law, the following terms and expressions shall have the meanings herein assigned to them, unless the context requires otherwise:

Human trafficking: recruiting, transporting, transferring, harboring, or receiving persons by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking



advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation includes all forms of sexual exploitation, engaging others in prostitution, servitude, forced labor, enslavement, quasi-slavery practices, or detachment of organs.

Organized criminal gang: a group of three or more people who collaborate to carry out a premeditated act with the intent of committing a human trafficking crime for the sake of gaining directly or indirectly a financial or any other material benefit.

A transnational crime: A crime is adjudged to be transnational if it is:

1. Committed in more than one country,
2. Committed in one country but preparation, planning, direction and supervision were carried out from another country,
3. Committed in one country but the perpetrators were an organized criminal gang involved in criminal activities in several countries, or
4. Committed in one country but its repercussions radiated into another country.

Child: Any person who is under 18 years old.

Article (2)

Penalties: Whoever commits any of the human trafficking crimes provided for in Article (1) of this law shall be punished by temporary imprisonment for a term of not less than five years. The penalty shall be life imprisonment if any one of the following conditions is met:

1. The perpetrator of the crime has created, organized, assumed a leading role in, or solicited others to join an organized criminal gang.
2. The victim was a female, child, or handicapped person.
3. The crime is committed through deceit, involved the use of force or threat of murder or bodily harm or involved physical or psychological torture.
4. The crime is committed by two or more people, or by an armed person.
5. The perpetrator is a member of an organized criminal gang, or has consciously taken part in the activities of that gang.

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6. The perpetrator is the spouse, a relative, descendent, or guardian of the victim.
 7. The perpetrator is a public servant or commissioned with a public task.
 8. The crime is transnational.

Article (3)

Any person who was aware of a plan to commit any of the crimes provided for herein, but failed to inform the concerned authorities shall be punished by imprisonment for a period of not less than one and not more than five years and/or a fine of not less than five thousand dirhams and not more than twenty thousand dirhams.

This penalty can be waived if the person who failed to inform the authorities was the perpetrator's spouse, close relative, descendent, guardian, brother, or sister.

Article (4)

Any person who uses force or threat of force, or offers or promises a gift or advantage of any kind for prompting another person to give false testimony or withhold true information before any judicial body on proceedings related to committing any of the crimes provided for herein, shall be punished by imprisonment for a period of not less than five years.

Article (5)

Any person who possesses, harbors, or dispenses articles gained through any of the crimes provided for herein, or knowingly hides a person or more of those who have taken part in it, with the intention of helping him/her to escape justice, or participates in concealment of the crime shall be punished by imprisonment.

Article (6)

Any person who assaults, resists by force, or threatened to use force against any law enforcement officers, whether during, or as a result of the law enforcement officers performing their duties shall be punished by imprisonment for a term of not less than five years.

Article (7)

A corporate entity shall be punished by a fine of not less than one hundred thousand dirhams, and not more than one million dirhams, if its representatives, directors or agents commit, in its name or for its account, one of the human trafficking crimes enumerated herein; and that is without prejudice to the responsibility and punishment of its dependent natural person. In addition to that penalty, a court may order temporary dissolution, or total closure of the corporate entity or closure of one of its branches.

Article (8)

1. Any person who attempts to commit one of the crimes enumerated herein shall be punished by the penalty for a complete crime.
2. Any person who collaborates in committing one of the crimes provided for in Articles 2, 4, 5 and 6 of this law, as a direct participant, accomplice, or who knowingly takes part in transporting or harboring victims of any human trafficking crimes enumerated herein, or holding their documents for coercion, shall be deemed a perpetrator of the crime for purposes of the criminal sanction specified in this law.

Article (9)

Without prejudice to the bona fide rights of others, any funds, properties or instruments used in committing any of the crimes provided for in this law shall, in all cases, be confiscated.

Article (10)

Crimes provided for in this law shall be punished by the penalties stated herein, without prejudice to any more severe penalty provided for in any other law.

Article (11)

Any of the perpetrators of a crime, who proceeds to inform judicial or administrative authorities of what he/she knows about the crime before its commission, which results in discovering the crime before its occurrence, or in the arrest of its perpetrator or preventing its commission, shall be exempted from penalties provided for in this law.

If an individual informs of a crime after its discovery, that individual may be exempted from the penalty or it may be reduced, in the event that he/she has assisted the investigation and enabled the concerned authorities to apprehend the other perpetrators of the crime.

Article (12)

The National Committee for Combating Human Trafficking

In accordance with this law, a committee shall be established and called “The National Committee to Combat Human Trafficking” as per a Cabinet decision forming it and determining its chairmanship. The committee shall be comprised of at least one representative which shall be nominated by and be from the following bodies: Ministry of Foreign Affairs, Ministry of Interior, Ministry of Justice, Ministry of Labor, Ministry of Social Affairs, Ministry of Health, State Security and The UAE Red Crescent Society. Any other body shall join the committee as per a Cabinet decision.

Article (13)

The committee provided for in Article (12) of this law shall be tasked with the following:

1. Studying and revising human trafficking legislation with a view to enhancing and securing the necessary protections in accordance with international standards.
2. To prepare reports on efforts taken by the UAE to fight human trafficking, in coordination with other authorities and bodies concerned in the UAE.
3. Studying reports related to human trafficking and taking the relevant necessary action toward achieving their recommendations.
4. Coordinating among the State’s authorities concerned with the issue of human trafficking such as ministries, departments, corporations and organizations and coordination of follow up actions taken to achieve these objectives.
5. Promoting public awareness of matters related to human trafficking through conferences, seminars, brochures, training and other means in order to achieve the goals of the committee.
6. Participating, with the state’s concerned bodies, in international conferences and forums related to combating human trafficking, and explaining the state’s position in such international forums.
7. Performing any other duties assigned to the committee in this field.

Article (14)

General and final provisions

The authorities concerned with application of the provisions of this law shall be obliged to observe confidentiality and secrecy with respect to information obtained with the purpose of executing its provisions, except whenever deemed necessary.

Article (15)

Any provision which contradicts or opposes to the provisions of this Law shall be repealed.

Article (16)

This Law shall be published in the Official Gazette and shall become effective one month after date of its publication.

Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace, Abu Dhabi,
on 18th Shawal 1427, corresponding to 9th November 2006.



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