



Human Rights Watch
UPR Submission

United Arab Emirates

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1. Summary

The United Arab Emirate's large migrant worker population is vulnerable to multiple forms of abuse. This abuse is facilitated by a legal ban on strikes, the lack of explicit protections for the rights of association and collective bargaining, restrictions on genuinely independent human rights organizations, and the failure of the government to enforce provisions in UAE law that aim to protect workers. Immigration sponsorship laws that grant employers extraordinary power over the lives of migrant workers exacerbate the problem.

The abuses include the employers' failure to pay the workers' travel and recruitment fees and to report workplace deaths and injuries, their withholding of workers' earnings, and the retention of workers' passports and travel documents. Abuses against migrant workers also include extended working hours without overtime compensation, unsafe workplaces, and squalid living conditions in labor camps. Authorities do not investigate or hold employers accountable even though many of these practices violate domestic law.

UAE labor law is silent on the right of workers to freedom of association and to bargain collectively. UAE law prohibits strikes. Migrant workers who strike may be suspended, fired, or even deported.

Migrant domestic workers also routinely suffer abuse such as forced confinement in the workplace, restricted communication with family and friends, no rest days, and restrictions on their ability to return to their home countries when they wish to do so. Human Rights Watch has found that physical, psychological, and sexual abuse and food deprivation of domestic workers occurs without abusers being held accountable. Like their counterparts in the construction industry, migrant domestic workers face the confiscation of their identity documents, nonpayment or less-than-full payment of wages, excessively long working hours, inadequate living conditions, and exploitation by labor agents. However, the country's labor laws, which protect construction workers, do not extend to domestic workers.

In addition to the lack of explicit protections for workers wishing to form unions, the UAE does not guarantee the freedom of association more generally. In at least two cases, the Ministry of Labor and Social Welfare has failed to process applications submitted by prominent activists seeking permits to establish human rights organizations.

The UAE government should ratify core labor conventions and amend its laws accordingly, enforce existing labor laws and hold employers accountable for any violations, bring domestic workers under the protection of labor laws, and allow independent human rights organizations to form and function freely.

2. Migrant Labor Situation

Roughly 85 percent of the UAE's population is made up of foreigners, and foreigners account for nearly 99 percent of the workforce in the private sector, including domestic workers. As of August 2007, according to the Ministry of Labor, there were 4.5 million foreigners in the country, compared to 800,000 Emirati citizens. Economic growth has attracted large domestic and foreign investments; the current construction boom is one of the largest in the world.

Over the course of 2007, the UAE made incremental improvements in the conditions of migrant workers. Most significantly, a substantial number of employers have upgraded workers' living quarters, including by improving sanitary conditions and easing overcrowding. The Ministry of Labor also claims to have shut down over one hundred companies that violated labor laws. However, it has not divulged the names of these companies, making it impossible to verify the claim.

On February 5, 2007, in a step toward transparency, the Ministry of Labor published online draft revisions to the labor law and invited public comment. The draft law falls far short of international standards in several critical areas. It contains no provisions on the right of workers to organize and to bargain collectively; it explicitly allows authorities to punish striking workers. It also excludes from its purview all domestic workers employed in private households. The new law has not yet been adopted.

Because of lax oversight by the authorities, women domestic workers are at particular risk of abuse, including food deprivation, forced confinement, and physical or sexual abuse by their employers. In April 2007, the UAE introduced a standard contract for domestic workers that provides some protections, but contains no ceiling on working hours per week, no provisions for a rest day or overtime pay, no workers' compensation, and only provides for unspecified "adequate breaks" and one month of paid vacation every two years. The standard contract does not serve as an adequate substitute for extending equal protection to domestic workers under the labor law.

The government failed in 2007 to put in place a minimum wage as required by the UAE Labor Law of 1980.

Despite the risks of losing their jobs and facing deportation, workers in the UAE have continued to participate in strikes, some of which have turned violent. While government officials have made public assurances that only instigators of violence would be prosecuted and deported, Human Rights Watch is concerned that non-violent participants in strikes may face punishment as well. The absence of unions or

genuinely independent human rights organizations complicates monitoring the fate of striking workers.

3. Recommendations

The UAE government should make a priority of addressing human rights violations against migrant laborers and take the following steps:

- Establish an independent commission to investigate and publicly report on the situation of migrant workers in the country.
- Prohibit companies from doing business with recruitment agencies in the UAE and abroad that violate UAE laws by charging workers fees for travel, visas, employment contracts, or anything else in connection with their employment.
- Aggressively prosecute and impose significant penalties for employers and recruiting agencies that abuse employees in violation of the law.
- Allow the establishment of genuine and independent human rights and workers' rights organizations that can bring abuses to light and help workers know and defend their rights.
- Ratify the International Labour Organization's Conventions No. 87 and No. 98 on freedom of association and collective bargaining, and amend UAE labor law to incorporate the conventions' protections.
- Extend equal protection of the UAE labor law to domestic workers