

PUBLIC

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Flogging

UNITED ARAB EMIRATES (UAE) Female domestic worker, name not known

A female domestic worker has reportedly been sentenced to 150 lashes for becoming pregnant outside marriage, by a *Shari'a* (Islamic) court in the Emirate of Ras al-Khaimah.

According to a local newspaper of 5 October, the woman was ordered to take a pregnancy test after her sponsor (which means either her employer or her employment agency) reported to the police that she was pregnant. After the test confirmed that she was pregnant, the public prosecutor referred the case to the *Shari'a* court.

Under *Shari'a*, the flogging of pregnant or nursing women is prohibited. A court-appointed medical officer is required to confirm when she will be able to receive the sentence, which will be after she has given birth and her child has been weaned.

BACKGROUND INFORMATION

The UAE became a state party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, or the Women's Convention) in October 2004. The CEDAW Committee made clear in paragraph 7 of its 1992 General Recommendation that article 1 of the Convention, which defines discrimination against women, includes gender-based violence. Gender-based violence "impairs or nullifies the enjoyment by women of human rights," including "the freedom from torture and cruel, inhuman or degrading treatment or punishment."

Amnesty International opposes laws that criminalise adult consensual sexual relations in private. Treating adultery and fornication as criminal offences is not consistent with international human rights standards. The UN Human Rights Committee has stated explicitly that "it is undisputed that adult consensual sexual activity in private is covered by the concept of "privacy". Criminalising such "offences" affects women more than men.

Amnesty International opposes the death penalty and judicial punishments that amount to torture or cruel, inhuman or degrading punishment, regardless of the crime for which they are imposed, or the nature of the legal code that sanctions such punishments.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern at reports that a female domestic worker in Ras al-Khaimah has been sentenced to 150 lashes;
- welcoming the UAE's October 2004 accession to the Convention on the Elimination of All Forms of Discrimination against Women, and reminding the authorities that the Convention obliges them to uphold the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- urging the judicial authorities to implement a moratorium on the use of flogging, which is a cruel, inhuman and degrading punishment, with a view to its eventual abolition.

APPEALS TO:

Minister of Justice

His Excellency Muhammad Nakhira Al-Dhahiri
Minister of Justice, Awqaf and Islamic Affairs
Ministry of Justice
POB 753, Abu Dhabi
United Arab Emirates

Email: moj@uae.gov.ae

Fax: +971 2 681 5155

Salutation: Your Excellency

Minister of Labour and Social Affairs

His Excellency Dr. Ali bin Abdullah Al Ka'abi
POB: 809, Abu Dhabi
United Arab Emirates
Fax: 971 2 6665889

Salutation: Your Excellency

COPIES TO:

Dr Ahmed al Jerman
Legal Department
Ministry of Foreign Affairs
POB 1
Abu Dhabi
United Arab Emirates

Fax : +971 2 4494994 (please mark 'for the attention of Dr Ahmed al Jerman')

and to diplomatic representatives of the UAE accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 November 2005.