

AMNESTY INTERNATIONAL

Public Statement

AI index: MDE 25/004/2009
4 June 2009

United Arab Emirates: End imprisonment for consensual sexual relations

Amnesty International calls upon the United Arab Emirates (UAE) authorities to amend or repeal laws that criminalize consensual sexual relations and to halt the imprisonment of those convicted of adultery.

Following an increasing number of convictions, the organization appeals to the UAE authorities to immediately and unconditionally release those who have been arrested, charged and imprisoned for adultery or consensual sexual relations outside marriage and received prison sentences of up to six months. In international law, the criminalization of consensual sexual relations amounts to unlawful interference with the right to privacy, as enshrined in Article 12 of the Universal Declaration of Human Rights, which states “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.” The organization considers that those detained on such grounds are prisoners of conscience, imprisoned for non-violent acts that relate to the legitimate exercise of their rights.

In two recent cases, an Emirati man, whose identity has not been disclosed, and a South African woman, Roxanne Hillier, aged 22, received six-month and three-month jail sentences respectively on 1 June 2009 by a court in Khor Fakkan in the Emirate of Sharjah, for engaging in sexual relations outside marriage. Both denied the charges and have appealed the sentences. On 2 June Sally Antia, a married woman aged 44, and Mark Hawkins, aged 43, both British nationals, were sentenced to two months in jail followed by deportation by a court in Dubai. Sally Antia reportedly pleaded guilty while Mark Hawkins denied the charges. The two had been arrested at a Dubai hotel on 2 May after Sally Antia’s husband contacted the police. Both are detained at al-Aweer prison in Dubai. On 3 June a French woman was released on bail in Dubai after her husband filed adultery charges against her. Sally Antia and her husband, whose divorce is pending, have two daughters aged 11 and 13 and whose custody will be decided by courts.

In a previous case, Marnie Pearce, a British woman, was sentenced to six months in jail on adultery charges brought against her by her husband. She denies the accusation, which she maintains was made to deny her custody of her young children. The sentence was reduced to three months on appeal. She was released after completing two months of her sentence and allowed to challenge the decision to deny her custody of her children.

Amnesty International fears that the UAE law criminalizing consensual sexual relations might be used by **husbands bringing complaints for adultery against their wives in order to secure custody of children and stresses that** when children are involved any decision on custody must be based on the children’s best interests, and any conviction of adultery by a parent should not automatically debar them from having custody of their children. As a state party to the Convention on the Rights of the Child, the UAE are under the obligation to uphold Article 3.1 of the treaty which states that: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts

of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

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