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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Working Group on the issue of discrimination against women in law and in practice  
and the Special Rapporteur on violence against women, its causes and consequences**

REFERENCE: AL G/SO 214 (89-15)  
ARE 2/2014

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Excellency,

We have the honour to address you in our capacities as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 23/7 and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Ms. [REDACTED], a Norwegian national who was allegedly given a prison sentence by a court in the Emirate of Dubai in the United Arab Emirates (UAE) after initially reporting to the police that she was the victim of rape.

According to information received,

Late in the evening of 5 March and the early hours of 6 March 2013, Ms. [REDACTED] was reportedly raped by a colleague at the hotel where she was staying, while on a business trip to Dubai. At eight o'clock in the morning on 6 March 2013, she asked a hotel staff member to contact the police. It is reported that within 30 minutes of the call, between 10 and 15 male police officers arrived at the hotel and proceeded to question both her and the alleged perpetrator while they were both standing together in the lobby of the hotel.

Ms. [REDACTED] was reportedly later taken to Bur Dubai police station and was questioned in a room with an open door, which allegedly resulted in repeated interruptions by male police officers. Ms. [REDACTED] was allegedly not offered the opportunity of contacting either the Norwegian consulate or a lawyer. No formal translation was provided while she gave her statement, despite the officers only speaking in very simple and somewhat broken English. It is reported that, both at the hotel and at the police station, the police failed to provide a confidential, safe and secure environment in which to ask for Ms. [REDACTED] initial testimony, and to

adequately record it. It is also reported that Ms. [REDACTED] was not offered at any point to be interviewed by a female officer.

In addition, the questions posed to Ms. [REDACTED] did not focus on the alleged crime, but were rather imputed opinions or discriminatory remarks against her. Police officers asked what she was wearing, appearing to place the blame for the reported rape on the way she was dressed.

Ms. [REDACTED] was reportedly given a text in Arabic at the end of the questioning, which was presented to her as her account of the events. She was then requested to sign the document, which she did. It is reported that, without any guidance as to what would happen next, she was then transferred to a clinic where she was medically examined by a female doctor. The doctor was allegedly the only person in the whole process who explained what would happen and who calmly and gently talked her through what measures the doctor would take in the course of the examination, and how the information would be used.

Ms. [REDACTED] was allegedly then taken back to Bur Dubai police station where she was initially told that she would have to wait a few hours to be signed out. However, by the end of the evening, this did not happen and she was told to wait in the cells used for holding suspects. It is reported that a woman police officer told her that she had to leave the station but that she would return and follow up on her situation, yet this never happened. It is also reported that during a shift change late into the evening, Ms. [REDACTED] asked a woman police officer if she could make a phone call, yet it was refused. She reportedly also asked the police officer what was happening to her but was allegedly shouted back at and told "We know the kind of woman you are; you belong here. You had sex with your boyfriend". The police officer was reportedly very arrogant and abusive towards Ms. [REDACTED], and deeply distressed her.

Reportedly, Ms. [REDACTED] subsequently remained in detention for four days. For at least the first three days, Ms. [REDACTED] possessions were removed from her and she was given no explanation as to why she was being detained. She was also denied contact with her family, lawyer, or a consular representative. Ms. [REDACTED] was reportedly mostly held with dozens of female detainees, some with newborn babies, in an overcrowded communal cell with poor ventilation and sanitation facilities.

It is reported that, on 8 March, 2013, Ms. [REDACTED] managed to borrow a phone card from another inmate and use the payphone in the police station to contact her family. Ms. [REDACTED] family immediately called the Norwegian embassy in the UAE and a Norwegian Consul reportedly tried to visit her that same night, but was denied access.

On 9 March, a female police officer reportedly presented Ms. [REDACTED] a paper in Arabic, a language she does not understand. Another inmate at the station

translated the document for her and explained she had been charged with having “consensual sexual relations outside of marriage” and “illegal consumption of alcohol”. However, the legal basis of the charges was allegedly never made clear to her.

Ms. [REDACTED] was later released on 9 March 2013, yet she was not aware of what conditions were placed on her release save that the police retained her passport. It is reported that on 12 March 2013, in a meeting with the prosecution, Ms. [REDACTED] retracted her claim that she had been raped, as her employer advised her that this would close the matter and facilitate her speedy departure from the UAE. However, Ms. [REDACTED] did not understand what the implication of the withdrawal of her rape claim would be. On 13 March she was reportedly required again to sign a document in Arabic without knowing its content, which she later learned, was her indictment.

Following the trial against her and the alleged perpetrator, which took place through a number of sessions between 28 April and 16 July, on 16 July 2013 a Misdemeanour Court in Dubai convicted and sentenced Ms. [REDACTED] to a total of 16 months’ imprisonment: 12 months for having engaging in “consensual sexual relations outside of marriage”; one month for “illegal consumption of alcohol”; and three months for “making a false statement” to the police. The latter charge was reportedly brought after the rape allegation was recanted.

Ms. [REDACTED] was subsequently barred from leaving the country until the appeal date, which was set for 5 September 2013.

It is reported that on 22 July, following intensive international attention and the intervention of the Norwegian authorities, Vice President and Ruler of Dubai, Sheikh Mohammed bin Rashid, issued a pardon for Ms. [REDACTED], yet a copy of this pardon was expressly denied to her lawyer.

Reportedly, the alleged perpetrator was also pardoned after being initially sentenced to a total of 13 months imprisonment following convictions for “consensual sexual relations outside of marriage” and “illegal consumption of alcohol”.

Ms. [REDACTED] reportedly returned to Norway on 24 July 2013, following the pardon.

Without prejudging the accuracy of these allegations, we would like to express our grave concern at the allegation of rape and detention of Ms. [REDACTED]; lack of access to her Consulate, lawyer and translator so as she could fully understand all documentation presented before her, as well as the failure of the police to respond effectively once the incident was reported, including providing a female police officer for Ms. [REDACTED] and confidential and secure surroundings during questioning.

Concern is also expressed that, due to current discriminatory laws and practices in the United Arab Emirates, women victims of sexual violence remain at risk of abuse and prosecution, and that cases such as Ms. [REDACTED] are a deterrent for victims who would fear being prosecuted for sexual relations outside marriage rather than being treated as victims of a crime needing the protection of the law.

In connection to the above, we would like to bring to the attention of your Excellency's Government the relevant international standards related to women's rights and in particular article 4 (c & d)) of the United Nations Declaration on the Elimination of Violence against Women, which, amongst others, notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. (adopted by General Assembly resolution 48/104 on 20 December 1993).

We would also like to recall the relevant provisions of the Convention on All Forms of Discrimination against Women (hereinafter "CEDAW"), acceded by the United Arab Emirates on 6 October 2004. These include article 2, which condemns all forms of discrimination against women; article 5, which requests the modification of social and cultural patterns of conduct in order to eliminate the prejudices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women; and; article 15, which provides for women equality with men before the law.

General recommendation No. 19 (1992) of the Committee on the Elimination of Discrimination against Women (hereinafter "CEDAW Committee") is also relevant in this case as it defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women (acceded by the United Arab Emirates on 6 October 2004), whether perpetrated by a State official or a private citizen, in public or private life.

Also, in relation to the above, we wish to recall paragraph 24 of the 2010 Concluding Observations of the CEDAW Committee on the United Arab Emirates (CEDAW /C/ARE/CO/1), where the Committee has expressed its concerns at "the State party's socially defined roles for women and men based on patriarchy", "the absence of a specific law on violence against women, especially domestic violence, providing for remedies" and that "women victims are generally reluctant to report cases of violence" (para. 26). The Committee urged the United Arab Emirates "to give high priority to comprehensive measures to address all forms of violence against women and girls. It calls upon the State party to enact legislation on violence against women, including domestic violence, to ensure that it is a criminal offence." It recommended that the State "also strengthen recourse procedures so that all women and girls ... who are victims of violence have access to immediate means of redress; provide shelter and rehabilitation to victims; ensure that perpetrators are prosecuted and adequately punished; and undertake nationwide educational and awareness-raising measures" (para. 27).

Echoing the recommendation from the CEDAW Committee in paragraph 54 of the aforementioned concluding observations, we encourage the United Arab Emirates to sign and ratify the Optional Protocol to the CEDAW Convention.

Finally, in relation to the right to be assisted by a lawyer, we would like to recall the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, in particular principle 1, 5, 7 and 8.

Moreover, as it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Please provide detailed information on the legal grounds for the arrest of Ms. [REDACTED], including the judicial proceedings undertaken against her, and explain how her arrest, detention and prosecution comply with international human rights standards, including the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the UN Basic Principles on the Role of Lawyers.
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken; Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrator?
5. Please indicate whether compensation has been provided to the victim.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Frances Raday  
Chairperson-Rapporteur of the Working Group on the issue of  
discrimination against women in law and in practice

Rashida Manjoo  
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