



Foreign & Commonwealth Office

27 March 2015

Consular Directorate
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Website: <https://www.gov.uk>

Dear,

FREEDOM OF INFORMATION ACT 2000 REQUEST REF 0825-14

Thank you for your email of 21 August 2014 asking for information that the Foreign and Commonwealth Office (FCO) might hold under the Freedom of Information Act (FOIA).

Outcome of Search

Your request asked a number of questions (19 in total) principally about our involvement in human rights and domestic abuse allegations (in the United Arab Emirates (UAE)) made by British Nationals. You also asked for information relating to FCO officials.

I am writing to confirm that the FCO does have information relevant to your request. We do not hold the information in as much detail as you have requested but what we do have is set out below.

Information Released

Our response to your questions is detailed below (in the order raised).

Q1. During the period 2010 - 2014, how many British women sought advice/help from the British Embassy on the grounds of sexual or domestic violence?

From 1 Jan 2010 to 31 Jul 2014, 19 reports were made to the British Embassy UAE, which were recorded with the attribute 'rape and other sexual assault' or 'domestic violence'.

Q2. During the period 2010 -2014, were the British Embassy made aware of British women reporting incidents of sexual and domestic abuse to the Dubai police; if so how many?

We are aware of 11 allegations being by British nationals to Dubai police of 'rape and other sexual assault' and 'domestic abuse' between 1 Jan 2010 and 31 July 2014.

Q3. In relation to question 1 and 2 please disaggregate the data to distinguish between sexual and domestic abuse.

Please see the figures below, which is far as we are able to disaggregate.

Of those total number how many women were referred to the local police where cases subsequently proceeded to court?

- Cases reported to the FCO which proceeded to court (rape and other sexual assault): <=5
- Case reported to the FCO which proceeded to court (domestic violence): 0

Please note that where the number of reported cases is less than five, these are annotated as < 5, to avoid the risk of identifying the individuals concerned. To release this data would constitute a breach of Data Protection Act and we are therefore withholding this information under Section 40 of the FOIA.

Some of the withheld information is personal data relating to third parties. It is our view that disclosure of this information would breach the first data protection principle, which states that personal data. We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities which should be processed fairly.

Section 40(2) and (3) of the FOIA therefore apply. It is the fairness aspect of this principle which we think would be breached by disclosure in this case. In such circumstances, section 40 confers an absolute exemption on disclosure. We do not therefore have to apply the public interest test.

Of those total cases going to court, how many cases resulted in convictions for women and how many for the perpetrators.

Of cases reported to the FCO:

- Convictions of women: 0
- Convictions of perpetrators: rape and other sexual assault: <=5
- Convictions for domestic violence: 0

How many alleged perpetrators of the sexual and domestic violence on those reported cases were foreign nationals i.e. non Emirati.

Of cases reported to the FCO:

- Non-Emirati alleged perpetrators: 7

Q4. Is the British Embassy aware of any British women involved in domestic violence custody dispute being placed on Interpol notices by the Police.

The FCO does not hold this information.

Q5. Has the British Embassy advised or facilitated any British women facing criminal proceedings to seek pleas/royal pardons from the Local Rulers?

We are not aware of any cases such as these; to identify any such cases would require a manual search of our entire consular records which will exceed the cost limit under the FOIA (see Q14 response for full explanation of the cost limit exemption). If British nationals or family members wish to seek pleas and/or Royal pardons from the Local Rulers, we assist by forwarding these letters on their behalf.

Q6. The previous vice consul informed me that Personal Status laws relating to travel bans can be applied by BOTH TOURISTS AND RESIDENT STATUS. Personal status ACT 149 and Personal Status ACT 157 prohibit wives from leaving with their child. I understand that 'anyone entering on a tourist visa can easily submit an application to the Personal Status Court (ex-parte) and block the

wife and children from returning home. Please confirm is this is the case and how many cases of do you have of:-

- **British female tourists (wives) being blocked under these laws**
- **British women with residency status being blocked.**

Although individual staff will endeavour to assist and support British nationals, Embassy staff are not legally trained and are not able to offer legal advice. We do not hold this information.

Q7. Do you carry out any due diligence on your embassy list of lawyers? If not, what criteria do you use to select who goes on that list?

Law firms are included on the list at their own request but it is not an approved list. We confirm with the Legal Affairs Department that the law firms on the list are licensed and permitted to practice. The list is provided for the convenience of enquirers, and clearly states that neither HMG nor any official of the Embassy take any responsibility for the competence or probity of any firm/advocate on the list or for the consequence of any legal action initiated or advice given. We are not legally trained and therefore cannot offer a legal view.

Q8. Can you confirm that all of the 'approved' on your lawyers list are qualified lawyers, advocates, barristers?

The Legal Affairs Department has confirmed that all of the law firms and all practising lawyers are registered with the UAE authorities. However the list is not an approved one.

Q9. I note that Carol Alderson Associates is on the Embassy list and has been used for training embassy staff. Can you please confirm that Ms Alderson is a legal executive and not a lawyer? In a recent court hearing, she informed the judge that she was in fact a legal executive!!!!

Ms Alderson is not on the current Embassy list of law firms and was last on the list in 2010.

Q10. Can you confirm the number of times, the British Ambassador Ed Hobart has raised any issues or concerns of Human Rights or Domestic Violence in relation to British citizens with his UAE counterpart over the period: 2010-2014.

Our relationship with the UAE allows us to discuss important issues such as human rights, or domestic/sexual crimes. Where there are cases of concern, we raise these frankly and directly with the UAE Government at official and Ministerial level. There are records of meetings where we raise human rights etc. but we do not maintain a record of how many times we do and therefore cannot provide that information without a manual search (which would exceed the FOIA cost limit see Q14).

Q11. Can you confirm the number of times, the British Ambassador, Ed Hobart discussed my case with his UAE counterpart?

Consular Staff raised your case with the UAE police and the UAE judiciary; however your case was not discussed with UAE counterparts by the Ambassador in the Abu Dhabi or by the Consul General in Dubai, Edward Hobart.

12. Can you confirm if the British Embassy has intervened in any case to have 'arrest warrants' cancelled on behalf of British citizens; If so, how many times?

If there are concerns in relation to due process that is not being followed and evidence provided to demonstrate this, we would raise the matter with the UAE authorities following advice from FCO legal advisers. We can and do intervene in cases in these circumstances. We do not maintain records of the number of times we have intervened.

Q13. Can you please explain the legal reason as to why the British Embassy in Dubai will not issue passports and emergency travel documents to British babies without the husband's consent? Is this ruling based on international legal grounds, British law or local laws?

Emergency Travel documents are issued overseas by consular staff at the discretion of the Secretary of State in exercise of the Royal Prerogative, which is an executive power that does not require legislation. Legislation and case law in the UK confirm that generally decisions on behalf of children should be made by those who have parental responsibility for them.

It is our worldwide policy and practice that unless exceptional circumstances apply, we require the consent of all of those with parental responsibility before an ETD can be issued. However, if court orders exist directing us to consider an application without further recourse to others with parental responsibility we can issue a travel document if it is deemed to be in best interests of the child.

Q14. As far as you are aware, please provide information as to the number of British women and children who are currently blocked from leaving the UAE either because they have travel bans on them or their children or they do not have the passport physically in their possession.

Section 12 of the FOIA makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. The limit has been specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For central government the appropriate limit is set at £600. This represents the estimated cost of one or more persons spending 3 ½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it.

We estimate that the time needed to answer this question would breach Section 12 of the FOIA. We do not record this as an attribute in our central statistical data base and we would have to manually search through all our UAE case files (approximately 1,800 and 80,000 case notes). A sample search (30 minutes) allowed us to review 50 case notes and on that basis a search of all files would take approximately 120 working days which is in excess of the time limit provision within the FOIA.

In these circumstances we are not obliged under the Act to comply with your request.

Q15. What proportion of the Embassy's budget is spent on trade/investment and the financial value of this?

The Embassy receives funding from different sources for different activities which are carried out at post. There is not a single Embassy budget. We therefore do not hold the information requested regarding the full cost of UK Trade and Investment activity. UKTI manage this budget and you can contact them at:

foi.requests@bis.gsi.gov.uk

Q16. What proportion and value of the budget is spent on helping Britons who are embroiled in civil/criminal difficulties?

Every consular case is different; we will provide support which is appropriate to the individual circumstances of the case. We do not have activity recording (i.e. how much we have devoted to a certain consular activity) that covers the specific category of 'civil / criminal difficulties'.

To answer the second question (regarding value), we would first need to identify cases that fall into this category by manually searching consular case files covering arrest cases within our entire global representation over a long period of time. We estimate that the time needed to identify these cases would breach Section 12 of the FOIA. Searching UAE files alone would take approximately 120 working days as detailed above at Q14.

Q17. What is the current salary of the UK Ambassador Ed Hobart and the salary of Ambassador Philip Parham?

We publish salaries for Senior Management Structure (SMS) 2 and above, as part of the transparency agenda but only in bands of £5K. Philip Parham is an SMS2 and his salary is within the £85,000 – 89,999 range.

Salaries are listed in the public domain at:

<https://www.gov.uk/government/publications/foreign-office-staff-and-salary-data>

The current listing is due to be updated. As Ed Hobart is an SMS1 we withhold the level of his salary (and the actual salary of Philip Parham) under Section 40. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle, which, in our view, would be breached by disclosure. In such circumstances, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

Q18. Can you please confirm if Mr Ed Hobart and Mr Philip Parham hold any other advisory positions (either in paid or unpaid capacity) in any UAE/GCC institution or British institution?

- Philip Parham has an Honorary Fellowship of Harris Manchester College, Oxford and he is a Patron of the British School Al Khubairat in Abu Dhabi.
- Ed Hobart does not hold any advisory positions.

Q.19 If you have some sort of pie chart or can refer to any statistics/reports on the Dubai Embassy's annual spend -that would be great.

The total annual spend by the FCO for the Embassy in Dubai for financial year 2013-2014 is £3,307,030

Yours sincerely,
FOI/DPA Team
Consular Directorate



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.