

Universal Periodic Review of UAE, 4th Cycle
Submission by the United Nations Country Team¹

11 October 2022

[Note: text, excluding annex and footnotes, must not exceed 5600 words]

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¹ The present submission was prepared by members of the UNCT in UAE. The report was drafted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for the Middle and North Africa (ROMENA), with substantive input from some UNCT members.

PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Engagement with international human rights mechanisms

Ratification of, and reservations to international treaties and conventions²

1. Since the last UPR review, in which it noted 38 recommendations related to **Acceptance of international norms** and 6 related to **Reservations**, UAE did not ratify any of the core international human rights treaties to which is yet to become a party.³
2. Recommendations:
 - Sign and ratify core international human rights treaties⁴
 - Withdraw its reservations to CEDAW, CAT and CRC.
 - Issue a standing invitation to the Special Procedures of the Human Rights Council.

Cooperation with treaty bodies⁵ and Special Procedures

3. Over the reporting period, the Government of UAE only submitted an overdue initial report under CAT in June 2018, and a regular report under CEDAW in July 2020. There are reports pending submission⁶.
4. The UAE Government supported recommendation 141.58⁷ to cooperate with United Nations human rights mechanisms, including to responding positively to visit requests from Special Procedure mandate holders.

² Recommendations 141.1 to 141.9; 141.11 – 141.18; 141.20-141.40 (A 12 Acceptance of International Norms), 141.42 – 141.47 (A 13 Reservations)

³ The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

⁴ ICCPR, ICESCR, and the Optional Protocols thereto, ICRMW, ICPPED, OP-CAT, OP-CRC-AC, OP-CRC-IC, OP-CEDAW, OP-CRPD, the Rome Statute of the International Criminal Court, ILO Convention No. 87 concerning Freedom of Association and Protection of the Rights to Organise, ILO Convention No. 98, ILO Convention No. 189 concerning Domestic Workers, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 and 1961 statelessness conventions, and the Convention against Discrimination in Education.

⁵ Recommendations 141.48, 141.50, 141.51 (A 22 Cooperation with Treaty Bodies)

⁶ CRC (due August 2020), CERD (due July 2021) and CRPD (due April 2020)

⁷ A/HRC/38/14/Add.1 - Para. 5

5. Only one Special Procedure mandate holder was invited to visit during the reporting period.⁸
6. From the 2018 UPR review until 30 September 2022, UAE received 21 communications (letters of allegation and urgent appeals) from Special Procedures mandates of the UN Human Rights Council and responded to 14 of them.
7. Since the 2018 UPR review, UAE was reviewed by CEDAW in June 2022 and by CAT⁹ in July 2022.
8. Recommendations:
 - Ensure submission of reports due in 2020 (CRPD) and 2021 (CERD),
 - Strengthen cooperation with the Special Procedures by accepting visit requests and consider issuing a standing invitation for such visits.

B. Institution-building for national human rights mechanisms

National Human Rights Institution

9. UAE supported 18 recommendations¹⁰ related to establishing a National Human Rights Institution (NHRI) in line with Paris Principles. UAE Federal Law No. 12/2021 was issued on the establishment of the NHRI, entering into force in September 2021, and in December 2021, the UAE President appointed the head and members of the NHRI.
10. The NHRI is the first independent authority in the UAE mandated to promote and protect human rights. Its mandate is clear and sufficiently broad, though the NHRI has not been designated as, or as a part of, a national preventive or monitoring mechanism, and it does not have a quasi-judicial competence. The NHRI enjoys institutional, functional, and financial independence. Authorities are obliged to cooperate with the Institution, to provide requested information and documents, and to respond to the NHRI's observations and recommendations.
11. There are serious flaws in the Law that run strongly against the Paris Principles, and which may affect the operations, credibility, and efficiency of the Institution. The most important are: a) the Law leaves it to the UAE President to decide the mechanism for selecting the NHRI Board members and to appoint them, without prescribing the relevant procedure and securing transparency and pluralism, b) the NHRI Board members do not enjoy any

⁸ Since the 2018 UPR review, the Special Rapporteur on education was invited (May 2018). Visit requests were set by the Special Rapporteur on environment (May 2019), Special Rapporteur on freedom of religion (November 2021), and IE on foreign debt (September 2021). Reminders were set by the Special Rapporteur on torture (November 2019, January 2021), WG on disappearance (November 2019, January 2022), Special Rapporteur on slavery (February 2022), and Special Rapporteur on human rights and counter terrorism (January 2021). 2017). See Special Procedures country visits: <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=ARE&Lang=en>

⁹ CAT Concluding Observations, July 2022, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2fCO%2fARE%2fCO%2f1&Lang=en

¹⁰ Nos. 141.65 to 141.82

protection from criminal and civil liability for official actions and decisions undertaken in good faith, hence might be processed under the cybercrime and other laws restricting the freedom of expression in the UAE, and c) while the UAE is not a party to major human rights instruments, i.e. ICCPR and ICESCR, the NHRI does not have the mandate to encourage ratification of, or accession to international human rights instruments.

12. The Committee Against Torture (CAT, the Committee) in its July 2022 Concluding Observations¹¹, urged the State party to provide all technical, financial and human resources necessary to the national human rights institution and ensure its political and financial independence with a view to its accreditation in line with the Paris Principles.

13. Recommendations:

- Consider amending the NHRI Law to bring it in line with the Paris Principles, in particular by stipulating the mechanism for selecting board members, and grant them functional immunity, either through the amendment of the NHRI Law or a president's decision.
- Implement recommendations of the CAT on NHRI.

- National Human Rights Action Plan

14. The UAE supported two UPR recommendations¹² calling it to adopt National Human Rights Action Plan, with developments in this regard.

15. Recommendations:

- Take steps towards the adoption of National Human Rights Action Plan.

C. Civil and Political Rights

Human rights and counterterrorism

16. UAE supported one recommendation related to human rights and counter-terrorism¹³.

17. On 13 November 2020 a group of Special Procedures mandate holders¹⁴ (Mandate Holders) issued the comments and suggestions on the 2014 Law No. 7 On Combatting Terrorism Offences (Law No. 7) which abrogated the Federal Decree-Law no. 1/2004.¹⁵ The Mandate

¹¹ CAT Concluding Observations, July 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fARE%2fCO%2f1&Lang=en

¹² 141.83 and 141.84

¹³ 141.124- Guarantee that the application of the anti-terrorism law and the cybercrime law is not an obstacle to the legitimate activities of citizens, human rights defenders and the media.

¹⁴ Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

¹⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25663>

Holders stressed their concerns related to the compatibility of Law No. 7 with international human rights law with regard to several important issues (Definitions of terrorism, “terrorist organization” and a “terrorist”, Freedom of Expression, Freedom of Peaceful Assembly, Munasaha Centres¹⁶, Deprivation of Nationality and Other administrative measures). The CAT also reflected on the Law 7 in its July 2022 Concluding Observations.

18. Mandate Holders and the CAT considered that Law 7 uses ambiguous terms providing for a space for dangerously subjective interpretation, contrary to the principle of legal certainty under article 11 of the UDHR.
19. Law 7 may be establishing a legislative framework where certain forms of criticism or dissent can be interpreted and prosecuted as domestic terrorism, seemingly at the subjective discretion of the relevant authorities. The persistent ambiguity of this Law may lead to a systematic failure to distinguish between threats that are genuinely terrorist in nature and those which are not, and seriously affect the enjoyment of human rights and fundamental freedoms in the UAE.
20. The law is particularly worrying because of the impact it could have on civic spaces, as it provides for potentially severe penalties for ambiguously defined crimes such as "opposing the country" (articles 1 and 15), "non-allegiance to its leadership" (article 15), or "prejudicing national unity" (article 14). This lack of clarity makes it difficult for any person or organisation to regulate their conduct accordingly as the Law itself is not always clear about the exact conduct it is criminalising.
21. Recommendations:
 - Subject Law 7 to urgent review of the relevant provisions, and bring them into line with international standards, particularly in relation to the rights to freedoms of expression and opinion, peaceful assembly and association, and the prohibition of arbitrary detention.

Death penalty

22. UAE noted 16 recommendations¹⁷ to restrict the use of the death penalty to crimes that meet the threshold of “most serious crimes” under international law, to establish a moratorium on the death penalty and to abolish the death penalty for all crimes, and commute all existing death sentences.
23. Under UAE laws, the death penalty might be imposed under the 2022 Penal Code and Law 7. Under the former, several crimes, if fatal for a victim, are punishable by death, without an alternative sanction as an option. Article 14 of Law 7 imposes a sanction of death for several terrorism-related crimes that may or may not involve killing, that are vaguely worded, with

¹⁶ Law No. 7 defines the Munasaha Centres as “administrative units aiming at the enlightenment and reform of persons deemed to pose terrorist threat or those convicted of terrorist offences.”, and that “if a person appears to pose (a) terrorist threat, he/she shall be sent to Munasaha centres, by virtue of a judgment issued by a (court having jurisdiction over state security offences”).

¹⁷ Recommendations 141.13 to 141.15 and 141.96 to 141.108

no relevant definitions contained in the Law.

24. While there is no moratorium on the executions, there were no executions in the relevant period. As of June 2022, there are ten individuals under the final sanction of death penalty.
25. The Committee expressed regrets that the death penalty is still provided for in law and that death sentences continue to be handed down.
26. Recommendations:

- **Declare an official moratorium on the use of the death penalty with a view to its abolition and commute the sentences of prisoners already sentenced to death.**

Prohibition of torture and cruel, inhuman or degrading treatment

27. UAE noted three UPR recommendations on torture¹⁸, including to stop and investigate all acts of torture and cruel treatment, and prosecute those responsible for its order and perpetration.
28. During the relevant period, UAE received 11 communications from Special Procedures invoking *inter alia* alleged ill-treatment and responded to 8 of them.
29. The Committee expressed regrets that the State party has not yet established a definition of the offence of torture in national legislation that is in conformity with article 1 of the Convention. Moreover, regarding the national legal framework criminalizing torture, the Committee noted several gaps and shortcomings.
30. In June 2021, approximately 800 migrant workers of African origin were summarily deported after being arrested and detained by the UAE police. Several deportees claimed ill-treatment and abuse by the police due to their African origin during the arrest and detention. There is a continuous flow of consistent reports and allegations by the human rights groups and activists indicating a pattern of ill-treatment of detainees, in particular human rights defenders, and activists exercising their freedom of expression and subsequently charged under Law 7.

31. Recommendations

- **Take effective steps to prevent torture and ill-treatment, including by ratifying the Optional Protocol of the Convention against Torture, establishing a National Preventive Mechanism against torture, and ensuring that alleged cases are promptly, independently, and thoroughly investigated.**
- **Implement relevant recommendations of the CAT regarding the legislation, policy and practices aiming at the effective preventing, sanctioning and remedying incidents of torture and ill-treatment.**

¹⁸ Recommendations 141.109 to 141.111

Detention

32. Four recommendations were noted regarding detention¹⁹ including recommendations to eliminate practices of arbitrary, secret and incommunicado detentions.
33. 10 communications from Special Procedures involving arbitrary detention were received, out of which 5 received a response.
34. The UN has urged Emirati authorities to investigate and reform detention conditions that amount to torture or cruel, inhuman or degrading treatment or punishment.²⁰ The urgent call followed convict's allegations over degrading conditions in the Al-Wathba prison in Abu Dhabi.
35. The CAT expressed its concern over reports of conditions of detention that may amount to cruel, inhuman, or degrading treatment or punishment. The Committee called upon the State party to intensify its efforts to bring conditions of detention in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and to investigate, prosecute and punish all acts of cruel, inhuman or degrading treatment or punishment.
36. The use of Munasaha Centres is of particular concern and raises serious issues regarding potential practices of arbitrary detention. There are consistent reports alleging that persons who served sentences imposed for expressing their criticism or dissent, and having no links to terrorism whatsoever, were subjected, by default, to further deprivation of liberty in Munasaha Centres, with no specified end to this measure.
37. Recommendations
 - Fully implement the Mandela Rules regarding the administration and conditions in detention and prison facilities.
 - Within the review of the Law No. 7, abolish provisions on Munasaha Centres.

Prohibition of slavery, trafficking

38. The government made efforts to prevent forced labor primarily through labor regulatory and monitoring mechanisms, including inspection programs that incorporated routine and unannounced inspections of company housing and work sites. Companies found in violation of the labor law incurred fines and were curtailed of their ability to operate or hire additional workers.
39. The government continued informational campaigns and awareness raising efforts at different levels, including anti-trafficking notices at airports, implement training courses for high-risk groups, and disseminate publications in various languages directed at the most at-risk communities, reaching almost two million individuals during the year.

¹⁹ 141.110, 141.126, 141.142, 141.143

²⁰ <https://www.ohchr.org/en/press-releases/2020/03/united-arab-emirates-un-human-rights-experts-call-urgent-reforms-degrading>

46. The Federal Decree Law No. 34 of 2021 on Combatting Rumors and Cybercrimes to combat rumors and fraud through electronic communication²⁵, went into effect in January 2022, replacing Federal Law No.5 of 2012 on Combatting Cybercrime. It regulates the use of information technology and criminalizes the use of the internet to commit offenses as outlined in the law. The new law criminalizes fake news and rumors²⁶.
47. There is no law guaranteeing freedom of information as a basic right.
48. Recommendations:
- Amend Law 7, Federal Decree Law No. 34 and provisions of the Penal Code restricting freedom of expression, to bring them into conformity with international standards,
 - Guarantee the right to freedom of expression, both online and offline, subject only to the restrictions permitted by international human rights law, and the absolute nature of the right to freedom of opinion,
 - Ensure protection against reprisals against human rights defenders.
 - Decriminalize defamation and place it within a civil code that is in accordance with international standards.
 - Consider strengthening the independence of broadcast licensing in line with international standards.

Freedom of Peaceful Assembly

49. Mandate Holders noted with concern that article 26(1) of Law 7 states that “no meeting or gathering may be held, in any place in the State, by any terrorist organisation or terrorist person for a terrorist purpose”, and that the “public authority may dissolve the meeting or the gathering by the use of force when necessary.”
50. Given the overly broad nature of the acts already defined as “terrorism” throughout this law, there are concerns about the manner that this article may be interpreted and applied, as it appears to provide the authorities with broad and advance permission to use force against any form of meeting or gathering, potentially including peaceful assemblies or other public demonstrations.
51. Recommendation:
- Guarantee the right to peaceful assembly in accordance with the applicable international standards and ensure that all peaceful gatherings are protected and facilitated and any use of force by law enforcement agents, including in the context of public assemblies, strictly meets necessity and proportionality requirements

D. Economic, Social and Cultural Rights

²⁵ <https://www.legal500.com/developments/thought-leadership/uaes-new-federal-law-on-counteracting-rumors-and-cybercrimes-key-amendments/>

²⁶ <https://wam.ae/ar/details/1395303032205>

Adequate standard of living including housing

52. Relevant to migrant workers, the Ministry of Human Resources and Emiratization (MOHRE), as a measure to enhance compliance with health and safety guidelines of accommodation, launched in 2022 the Labour Accommodation System²⁷, whereby landlords register on the platform and provide responses to safety and health guidelines. This system can be accessed by employers looking for accommodation.
53. Relevant to migrant workers, Ministerial Resolution (44) of 2022 has one article that notes establishments with 50 or more workers where each worker earns less than AED1500 a month, must provide accommodation for its workers.

Education

54. Enrolment in pre-primary schooling is close to universal. Robust qualification requirements for Early Childhood Education (ECE) teachers, as well as high levels of investment in infrastructure reflect strong commitment to ensuring quality provision. However, information on the status of early learning and development opportunities for younger children aged between two to four years is limited. Anecdotal evidence and academic literature²⁸ suggest that care for children in this age range is provided extensively by domestic workers, with limited information on whether they are receiving the nurturing, responsive care that is required for a healthy start and smooth transition to formal education.
55. Provision of education services is largely operated via private entities, which presents challenges related to regulation. A key issue is migrants' children and their inability to access education services unless families meet a certain income threshold. Some groups of children are likely to 'drop through the net' of services and are unlikely to be detectable via public databases. The lack of free public education for all children in the country leads to hundreds of thousands of children being separated from their parents and caregivers. It is a common practice among migrants to have their children with them during early years, and then relocate the family to their countries of origin, when children reach school-going age.

Health

56. An issue of concern is the lack of access of the migrant population to universal health care, including mental health. Private health care provision, does not tend to provide for the diagnosis and treatment of mental health conditions, leaving migrant families with the financial burden of having to pay for treatment of general health and mental health conditions. Financial pressures on families may result in children and adolescents not being able to access treatment.

²⁷ <https://eservices.mohre.gov.ae/labourcamp/pages/index.aspx?Lang=Eng>

²⁸ Sabban, 2019

57. Given the focus on well-being that is reflected in several current national policies and agendas, including the UAE Centennial Plan 2071²⁹, strategies for introducing open and widespread community discussions around mental health would seem to be important and timely.
58. The data for children in middle childhood and adolescence points to growing evidence of potentially risky dietary habits. Prevalence of eating disorders among male and female adolescents³⁰, increased use of tobacco, rates of obesity and physical activity also present some cause for concern. These findings provide further evidence of the need for community-based programmes that tackle both physical and mental well-being.

Social Protection

59. The UAE noted one recommendation (141.217) on social protection measures for all workers, including migrant workers and women migrant workers.
60. Only UAE nationals are eligible for social assistance, and each Emirate offers additional welfare services for citizens under their respective jurisdiction. This leaves most of the population in the country at the mercy of the market forces, hence migrant inclusive social protection is key for child-sensitive social protection in the country.
61. The social protection measures provided as part of the COVID response were timely, including water and electricity subsidies, resources needed to participate in remote learning within two weeks of school closures, and food parcels for vulnerable families. These initiatives and the extended health insurance for COVID-testing and medical treatment during quarantine were extended to both citizens and migrants living in UAE. There were, however, no increases in direct transfers of cash to vulnerable families, Emirati or non-Emirati, as part of a comprehensive social protection system.

E. Groups at Risk

Women and Girls

a. National legislation developments

62. The UAE was ranked 26th globally and 1st regionally in the Gender Inequality Index (GII) of UNDP's Human Development Report 2021/22³¹. The government continues to provide

²⁹ <https://u.ae/en/about-the-uae/strategies-initiatives-and-awards/federal-governments-strategies-and-plans/uae-centennial-2071>

³⁰ Karavetian, et al., 2017; Musaiger, Al-Mannai & Al-Lalla, 2014

³¹ https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index?utm_source=EN&utm_medium=GSR&utm_content=US_UNDP_PaidSearch_Brand_English&utm_campaign=CENTRAL&c_src=CENTRAL&c_src2=GSR&gclid=Cj0KCCQjwyt-ZBhCNARIsAKH1175HLdJwoE-rg-Mp0KoLby8L5zjomiUHSwaMtJ4XPGge2xfKTOP7nJgaAjpWEALw_wcB#/indicies/GII

quality health care and the maternal mortality ratio is 3 (deaths per 100,000 live births).³²

63. In 2020, the UAE removed the defence of honour crimes, which are now treated as murder, to protect women's rights and promoting the principles of the rule of law.³³

64. Article 6 of the NHRI law states that the mechanism for selecting members for the institution shall consider the appropriate representation of women³⁴.

65. The UAE's President's 2019 directive that there must be 20 seats for males and 20 seats for women in the Federal National Council (Parliament) is also notable.³⁵

66. Article 4 of the Federal Decree-Law No (33) of 2021 on the Regulation of Employment Relationship provides that the female worker shall be granted a wage equal to that as the man is earning if she were performing the same work.³⁶ Article 30 also ensures the rights of pregnant women to maternity leave.

67. Recommendations

- Include representatives from vulnerable groups, such as the elderly and disabled, in legislative and human rights committees when making decisions that pertain to or have an impact on their lives.
- Take policy measures to advance acceptance and non-discrimination based on sexual orientation (LGBTQI).
- Establish the Essential Service Package (ESP), a guidance tool identifying the essential services to be provided to women and girls who have experienced GBV (including domestic workers and migrants), outlining services that should be provided by the health, social services, police, and justice sectors.

b. Gender-based violence, discrimination and participation

68. The Family Protection Policy of 2019 caters to women, children, the elderly, and people with disabilities to protect them from any type of violence and abuse. It regulates the procedures and mechanisms of work in the institutions specialising in the field of handling people who survived domestic violence. Legislative changes include Federal Decree Law No. 10 of 2019 on protection from domestic violence and the amended Federal Decree Law No. 2 of 2015 on combating discrimination and hatred to include creed and gender.³⁷ New jail terms and restraining orders were introduced.

69. A husband is still entitled to punish his wife or children to a certain extent in accordance with Sharia Law under Article 53 of the UAE Criminal Law. The wife is required to comply

³² <https://www.unfpa.org/data/world-population-dashboard>

³³ <https://www.mofaic.gov.ae/en/mediahub/news/2021/10/28/28-10-2021-uae-statement>

³⁴ <https://nhriuae.com/en/law-12>

³⁵ https://www.gbc.gov.ae/assets/uploads/gbc_women_in_parliament_2019.pdf

³⁶ <https://www.mohre.gov.ae/en/laws-and-regulations/laws.aspx>

³⁷ <https://u.ae/en/about-the-uae/strategies-initiatives-and-awards/federal-governments-strategies-and-plans/family-protection-policy>

with her husband's instructions under Article 56 of the UAE Personal Status Law.

70. Anyone who violates the Federal Decree No. 10 of 2019's Article 9, Clause 1 on domestic abuse faces charges punishment of six months in prison, a maximum fine of 5,000 dirhams, or either of these penalties.
71. Quality national data on several indicators is not available. The UAE does not regularly publish crime statistics, including for domestic violence, making it difficult to assess the scale of the issue. The law recognises the 'physical, emotional and sexual' abuse of a relative in a domestic context, along with 'economic abuse'.
72. Recommendations
- Ensure data collection on GBV, including quantifying the number of domestic violence cases, to formulate evidence-based policies, detect progress in reporting, servicing, and judicial mechanisms.
 - Ensure access for all youth, especially girls, to comprehensive and age-responsive information to make free and informed decisions and choices about their sexuality and reproductive lives according to the ICPD POA.
 - Take actions to repeal the right of husband and the rights of parents to punish their minor children³⁸ including the recognition of domestic violence as an offence.

Children

a. Violence against children

73. The majority of Emirati youth benefit from robust education and health provision and express overall satisfaction with life. It is different when it comes to more complex issues such as violence against children, including at home, for which there is no data. The issues are also not openly discussed, making it difficult to find lasting solutions.
74. Political will exists to strengthen child protection supports, as reflected in the UAE's participation as a Pathfinding Country in the Global Partnership's Ending Violence Against Children (EVAC) initiative. There are strong legislative frameworks for supporting child protection mechanism and good will is evident, e.g. the recent commitments to ban corporal punishment across all childhood and adolescent settings including homes.
75. There is some evidence that, while reporting mechanisms have expanded and telephone hotlines are publicized, responding to and addressing reported cases of abuse may be hampered by bottlenecks in systems of treatment and evidence collection. It is important that the priority in responding to cases of abuse is to ensure that victims are protected from harm as quickly as possible. Addressing this issue could constitute one of the priorities for the UAE EVAC commitment. There is also the possibility that cases may not be reported due to stigma or fear of reprisal. Addressing community views towards violence via parent / caregiver support programmers and Community-Based work is therefore crucial for

³⁸ <https://gulfnews.com/uae/husband-has-right-to-beat-wife-rules-court-of-cassation-1.382737>

protecting children and ending violence against children.

76. Recommendations

- Undertake legal and policy level reforms to ensure that all children in the country have access to free education, health and social protection.
- Harmonize child protection prevention and response mechanisms in the country to ensure coordinated responses for children in the country affected different forms of violence.
- Undertake a mapping of social work force, their licensing and accreditation and put in motion a plan for enhancement of the social work sector, including increased number of social workers and their capacity building.
- Enhance specialized services for children affected by violence.
- Address the issue of statelessness by amending the relevant family and criminal laws in the country.
- Address conditions of employment, wages, and visa restrictions to ensure that families are not separated, and children are left without adequate parental care.

b. Migration and children

77. The kafalah system's rules inherently deny low-skilled migrants the same rights as high-skilled migrant, particularly in relation to family life and family unity as recognized by the CRC, the GCM and the UDHR, due to conditions of employment and low income, which would preclude the payment of school fees. The restrictions on low-skilled workforce leads to marginalization and family separation that inherently affects their family structures in the origin country. The skilled 'expat' can fulfil these rights as they meet the financial conditions. This dichotomy can contribute to social segregation and discrimination.

78. It is likely that these conditions render migrants and their children to vulnerable to trafficking to accompany their parents/ caregivers and make them prone to irregular migration and the issues attached with it.

79. Discrimination in the country's family law and criminal law coupled with nationality and birth registration create risks of statelessness. If a child cannot establish legal connection to the father by verifying paternity, but nationality is conveyed through the father, the child is at a severe risk of statelessness. It is a similar situation if the parent's country does not recognize the parents' marriage. Criminal prohibitions against non-marital sexual conduct lead to accounts of migrant workers accessing healthcare, top then give birth in the country and face difficulties in obtaining birth certificates for the children, rendering them stateless or even abandoned.

c. Child labor

80. The laws in the country prohibits employment of persons younger than 15 and includes special provisions regarding those aged 15 to 18. The law, however, excludes agricultural work, leaving underage workers in these sectors unprotected. Under the law governing domestic workers, 18 is the minimum age for legal work.

81. The age criteria for migrant workers entering the country means that some underage workers enter the country on travel documents with falsified birth dates, increasing vulnerability to trafficking³⁹. It is noted that child trafficking victims and dependents of trafficking victims received services tailored to their needs, including separate living sections and supervisors, as well as teachers who provided age-appropriate educational and psychosocial support

Persons with disabilities

82. **Children with disabilities and the government response during COVID-19 pandemic.** The UAE implemented online learning for PWDs and made at-home COVID-19 tests available⁴⁰. The nation-wide campaign 'Rest Assured' supported PWDs, their caretakers and their parents, by providing psychological aid at home, and training social workers on how to deal with mental stress resulting from the pandemic⁴¹. The government also implemented 'Rest Assured 2' supporting children with disabilities with the transition and return to school⁴². Despite these initiatives, the UAE was one of the only GCC countries not to increase social assistance benefits to families with children with disabilities during the pandemic.

Migrant workers

83. The UAE noted seven⁴³ relevant recommendations to rights of migrant workers.

84. Despite recent efforts to reform the kafalah system, including the wage protection system (WPS)⁴⁴, challenges remain. Migrant workers, and women migrant domestic workers in particular, remain vulnerable to abuse and exploitation, including, passport confiscation, false imprisonment, poor working conditions, sub-standard and overcrowded living conditions, non-payment of wages and gender-based violence. There's been an increase in the incorporation of domestic workers in the WPS, which will go some way to reducing vulnerability to exploitation.

85. A challenge remains with the entry of migrants on visit visas with the intent of engaging in informal contracts, leaving the migrant vulnerable to exploitation and abuse, increasing risks of trafficking. Employment brokers repeatedly exploit individuals who have become irregular, through a cycle of extorting money for opportunities and then providing none. Government overstay fees become a significant barrier for such individuals.

³⁹ <https://www.state.gov/reports/2021-trafficking-in-persons-report/united-arab-emirates/>

⁴⁰ ESCWA 2020

⁴¹ UAE Government Portal 2021

⁴² (Yassine 2021)

⁴³ Recommendations 141.16, 141.22, 141.25, 141.26, 141.28, 141.29, 141.205

⁴⁴ <https://u.ae/en/information-and-services/jobs/payment-of-wages>

86. Federal Law No. (33) of 2021⁴⁵ on the Regulation of Employment Relationships and the Cabinet Resolution No. (1) of 2022 on the Implementation of Federal Decree-Law No. (33) of 2021, both highlight significant developments that could impact labour migration management reform. These include, but are not limited to, different work permits/models that would reduce the dependency of migrant workers on their employers, grievance/disciplinary policies and termination. However, domestic workers are excluded from this law, increasing their vulnerability.
87. The existing framework of absconding places undue power in the hands of employers, potentially allowing them to abuse the system by exploiting workers, demanding bribes, or absolving themselves of their salary and entitlement obligations by filing an absconding charge. The system is opaque and workers have difficulty countering false claims. According to Ministerial Resolution No. 47/2022, Article 7, MOHRE may cancel the 'unexpected work abandonment complaint' if the employment relationship had been terminated; 'if there is a legitimate reason for not reporting to work or any other reason in which the complaint is proven to be invalid.
88. Significant gaps in social protection remain across all areas, including child and family benefits, maternity protection, unemployment support, employment injury benefits, sickness benefits, health protection (medical care), old-age benefits, invalidity/disability benefits, and survivors' benefits.

Refugees, asylum seekers and displaced persons

89. The UAE is not a State Party to the 1951 Convention or the 1967 Protocol, and the country has no national legal framework governing asylum. The presence of Persons of Concern in UAE is governed by the residency regulations which remain contingent on valid work permits and linked to the right to access basic services.
90. Despite the absence of a national framework regulating issues related to asylum, the UAE continues to respect international refugee protection standards. This includes the principle of non-refoulement for persons registered with UNHCR until a durable solution is found, through resettlement to a third country. Over the last 3 years, UNHCR in coordination with MOFAIC, has successfully resettled a total number of 187 individuals to third countries.

⁴⁵ <https://u.ae/-/media/Documents-2022/Federal-DecreeLaw-No-33-of-2021.ashx#:~:text=Sexual%20harassment%2C%20bullying%20or%20any,work%20with%20him%2C%20are%20prohibited.>