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UNITED ARAB EMIRATES

Joint Submission to the UN Universal Periodic Review 29th Session of the UPR Working Group

**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in
General Consultative Status with ECOSOC**

And

Gulf Centre for Human Rights

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1. Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we promote marginalised voices, especially from the Global South, and have members in more than 170 countries throughout the world.
- 1.2** The Gulf Centre for Human Rights (GCHR) is an independent, non-profit and nongovernmental organization that works to provide support and protection to human rights defenders in the Gulf region by promoting freedom of expression, association and peaceful assembly.
- 1.3** The International Service for Human Rights is an independent non-governmental organisation dedicated to promoting and protecting human rights. We achieve this by supporting human rights defenders, strengthening human rights systems, and leading and participating in coalitions for human rights change.
- 1.4** In this document, the above groups examine the Government of the United Arab Emirates' (UAE's) compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse the UAE's fulfillment of the rights to freedom of association, assembly, and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in January 2013. To this end, we assess the UAE's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.5** During the 2nd UPR cycle, the Government of the UAE received 17 recommendations relating to civic space. Of these recommendations, 8 were accepted and 9 were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of the UAE has not implemented any recommendations relating to civic space. While the government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, acute implementation gaps were found with regard to the rights to freedom of expression, association and peaceful assembly.
- 1.6** The authors are deeply concerned by the arbitrary arrests, torture, deportation and imprisonment of human rights defenders in the UAE.
- 1.7** The authors are further alarmed by the criminalisation of legitimate forms of expression online, resulting in the unwarranted detention of individuals who criticise the government or its policies on social media.

- Section 2 examines the UAE's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- In Section 3, we examine the UAE's implementation of UPR recommendations and compliance with international human rights standards related to the protection of human rights defenders, civil society activists and journalists.
- Section 4 examines the UAE's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression, independence of the media and access to information.
- In Section 5, we examine the UAE's implementation of UPR recommendations and compliance with international human rights standards related to freedom of assembly.
- Section 6 contains a number of recommendations states should make to the UAE during the third cycle of the UPR to address the concerns raised and to advance implementation of previously accepted recommendations.
- An annex of implementation of 2nd cycle UPR recommendations related to civic space can be found in section 7.

2. Freedom of association

2.1 During the UAE's examination under the 2nd UPR cycle, the government received three recommendations on the right to freedom of association and creating an enabling environment for civil society organisations. The government noted two and accepted one. The UAE committed to "allow individuals the right to associate freely and provide expeditious due process for all those accused of crimes" and noted the recommendation to "adjust existing laws governing non-governmental organisations to adapt them to international human rights laws and standards".¹ However, as evidenced below, the government has failed to take adequate measures to realise these recommendations. Of the three recommendations on freedom of association, the government has not implemented any.

2.2 The UAE constitution does not explicitly guarantee the right to freedom of association². Moreover, the UAE is not a state party to the International Covenant on Civil and Political Rights (ICCPR), which guarantees freedom of association under Article 22. However, various national laws regulate the operations of public benefit associations in the country.

¹ United Nations Human Rights Office of the High Commissioner, Country page, United Arab Emirates, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/AEIndex.aspx>

² Constitute Project, United Arab Emirates Constitution, https://www.constituteproject.org/constitution/United_Arab_Emirates_2004.pdf

- 2.3** Federal Law 6 of 1974 Concerning Public Utility Associations governs associations for public benefit. Article 15 endows the Ministry of Labour and Social Affairs with the discretion to oversee the direction and technical supervision of the programmes and activities of associations. Associations are required to provide the Ministry of Labour and Social Affairs with all material they disseminate in advance of their publication.³ Operating an association without registration attracts criminal liability.
- 2.4** The UAE authorities further maintain broad discretion to interfere and dictate the operations of associations in the country. Under Federal Law 6 of 1974 Concerning Public Utility Associations, the Ministry of Labour and Social Affairs reserves the right to send ministerial representatives to monitor meetings of associations. Associations are also mandated by a Ministerial Circular No 3 of 1999 to notify the Ministry of Labour and Social Affairs at least 20 days before it holds a meeting.⁴
- 2.5** In October 2016, the government passed an amendment to the country's criminal code, the Federal Law Decree 7/2016, further undermining the right to form and operate civil society organisations. The amendment states that anyone found guilty of establishing an organisation aimed at 'overthrowing the government' or 'fighting against constitutional principles' may face the death penalty or life imprisonment.⁵
- 2.6** Under the Labour Law, unionisation of workers is illegal.⁶ The ITUC reports that the UAE was among the top-ten worst countries for workers' rights in 2017.⁷ According to a UN Women report from May 2017, these restrictions on association, both in the workplace and beyond, have an outsized effect on migrant workers – who constitute 90% of the workforce. The report notes that factors that impede collective action and fuel mistrust include “fear of loss of current or future employment, particularly where there are insufficient legal frameworks to protect the rights of migrant workers to unionize; [and] fear of deportation...”⁸

³ International Centre for Not-for-Profit Law, Ministerial Circular 14 of 1994, <http://www.icnl.org/research/library/files/United%20Arab%20Emirates/14-1994.pdf>

⁴ International Centre for Not-for-Profit Law, Circular 3 of 1999, To all associations for public benefit <http://www.icnl.org/research/library/files/United%20Arab%20Emirates/3-1999.pdf>

⁵ CIVICUS Monitor, UAE passes laws to further restrict civic space, <https://monitor.civicus.org/newsfeed/2016/12/22/amendments-criminal-code-further-restrict-core-civic-space-freedoms-uae/>

⁶ Out-Law, How UAE employment law deals with strikes, <https://www.out-law.com/en/articles/2015/june/how-uae-employment-law-deals-with-strikes/>

⁷ International Trade Union Confederation, ITUC Global Rights Index 2017, <https://www.ituc-csi.org/ituc-global-rights-index-2017-18767>, http://www.ituc-csi.org/IMG/pdf/survey_ra_2017_eng-1.pdf.

⁸ UN Women, 2016 Research paper: Women migrant workers journey through the margins, <http://imrc.ca/wp-content/uploads/2017/05/women-migrant-workers-journey.pdf>

- 2.7** Participation in CSOs is limited to Emirati citizens as prescribed by Article 2 of the Federal Law 6 of 1974 Concerning Public Utility Associations. All founding and active members of CSOs should be holders of the nationality of the United Arab Emirates.⁹ In 2015, the *Gulf Times* reported that expat “voluntary groups” and hometown-style associations working to support migrants’ rights were unable to meet stringent registration criteria set out by the authorities¹⁰.
- 2.8** On 17 March 2014, human rights defender Osama Al-Naijar was arrested by state security forces.¹¹ His father is one of the “UAE94” – a group serving heavy sentences handed down in 2013 on spurious charges of attempting to overthrow the government. The details of Osama’s arrest were not disclosed and for four days he was tortured and kept in solitary confinement. He was held for six months in detention and was charged with being a member of Al-Islah (Reform and Social Guidance Association), a group banned in the UAE for alleged links to the Muslim Brotherhood in Egypt. He was due to be released in March 2017 after serving a three-year sentence, but is still in detention¹²
- 2.9** In January 2014, international NGO, Human Rights Watch, was forced to cancel a briefing in the UAE to discuss its annual human rights report.¹³ While the authorities said a permit was needed to hold the event, by law, such events do not require permits.¹⁴
- 2.10** In 2013, Dr Mahmoud al-Jaidah a Qatari national, was arrested and accused of providing 100 000 UAE dirhams (US\$27 225) to members of al-Islah (the Reform and Social Guidance Association), a UAE-based association legally established in 1974 which has centres throughout the UAE, where it has been engaged in peaceful social and political debate. He was sentenced to seven years but was pardoned in 2014 and deported to Qatar.¹⁵ During his trial, his son, Abdulrahman al-Jaidah, was also arrested and questioned about his public campaigning for the release of his

⁹ International Centre for Not-for-Profit Law, Federal Law Number (20) of the year 1981 amending some of the provisions of federal law number (6) of the year 1974 concerning public utility associations, <http://www.icnl.org/research/library/files/United%20Arab%20Emirates/uae2081-en.pdf>

¹⁰ Gulf News, Expat NGOs hit by tough registration criteria, <http://gulfnews.com/news/uae/general/expat-ngos-hit-by-tough-registration-criteria-1.1363104>

¹¹ Gulf Centre for Human Rights, Update: UAE: Trial of human rights defender Osama Al-Najjar continues <http://www.gc4hr.org/news/view/777>

¹² Gulf Centre for Human Rights, UAE: Call for the immediate release of human rights defender Osama-Al-Najjar as his sentence expires, <http://www.gc4hr.org/news/view/1519>

¹³ Human Rights Watch, UAE: Human Rights Watch forced to cancel news conference, <https://www.hrw.org/news/2014/01/22/uae-human-rights-watch-forced-cancel-news-conference>

¹⁴ Human Rights Watch, UAE: Human Rights Watch official refused entry, <https://www.hrw.org/news/2014/01/24/uae-human-rights-watch-official-refused-entry>

¹⁵ Al Jazeera, Qatari physician gets seven years in jail, <http://www.aljazeera.com/news/middleeast/2014/03/qatari-doctor-gets-seven-year-uae-jail-20143319240990586.html>

father. He was forced to sign an apology to the UAE and was deported after a month.¹⁶

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under the UAE's previous UPR examination, the government received three recommendations on the protection of human rights defenders, journalists and civil society representatives. Of the recommendations received, two were accepted and one was noted. The government committed to two recommendations including to, "take steps to protect human rights defenders, journalists and religious minorities from discrimination, harassment or intimidation, including the arbitrary deprivation of nationality" and "respect the right to freedom of expression and association, and make the minimum use of criminal proceedings against persons availing themselves of those rights ". However, as examined in this section, the government has not implemented these recommendations.

3.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection for human rights defenders. However, in spite of these guarantees, human rights defenders are routinely targeted by the state through arbitrary arrests, torture, harassment and travel bans among other unwarranted restrictions. While article 26 of the UAE Constitution¹⁷ explicitly prohibits torture, it is routinely used by the state against human rights activists.

3.3 Federal Law 7 on Combating Terrorism Crimes was put into force in 2014. The law prescribes severe penalties, including death, for people convicted of terrorism, which is broadly defined to include any act resulting in a "terrorist outcome," such as publicly declaring "non-allegiance" to the country's leadership. Such vague and overly broad definitions, which equate a wide range of legitimate forms of expression, including those protected by international human rights standards, as terrorism, is used to persecute human rights defenders or critics of the government.¹⁸

3.4 Due to the widespread use of incommunicado detention, the exact number of imprisoned human rights defenders cannot be verified.¹⁹ However, the cases

¹⁶ Amnesty International, Son of detained man abducted outside court, <https://www.amnesty.org/en/documents/mde25/013/2013/en/>

¹⁷ Constitute Project, UAE Constitution, https://www.constituteproject.org/constitution/United_Arab_Emirates_2004.pdf

¹⁸ Human Rights Watch, UAE: Terrorism law threatens liberty , <https://www.hrw.org/news/2014/12/03/uae-terrorism-law-threatens-lives-liberty>

¹⁹ CIVICUS Monitor, United Arab Emirates overview, <https://monitor.civicus.org/newsfeed/2016/06/01/uae-overview/>

examined below are illustrative of the systematic harassment to silence activists. In addition, as examined below, the authorities also routinely deport human rights defenders and journalists who are critical of the state as a tool suppress dissent.

- 3.5** In March 2017, prominent human rights defender and 2015 winner of the prestigious Martin Ennals Award, Ahmed Mansoor was taken from his home by security agents and his whereabouts are still not known.²⁰ He was arrested on charges of “using social media [including Twitter and Facebook] sites to publish false and misleading information that harm national unity and social harmony and damage the country’s reputation” and “promoting a sectarian and hate-incited agenda”.²¹ A UN rights expert called on the UAE to release him immediately.²² Mansoor has repeatedly been targeted by the UAE authorities with imprisonment and travel bans for his work to assess the human rights and development situation in the country, including in the area of detention, torture and due process. Mansoor attended the first cycle UPR review of the UAE as the only independent civil society voice from within the country.
- 3.6** On 3 December 2015, Jordanian journalist Tayseer al-Najjar was arrested at Dubai airport for three Facebook posts he made criticising Egypt, Israel and the Gulf States. He was held for a year without trial, including two months of incommunicado detention.²³
- 3.7** In May 2015, an Amnesty International expert working on business and human rights, James Lynch, was barred from entering the country to speak at a conference on the rights of migrant workers.²⁴
- 3.8** On 1 April 2014, journalist Yasin Kakande’s employment with state-owned UAE newspaper The National was terminated after he wrote a book describing the conditions of migrant workers and media censorship in the UAE. He was deported back to his home country Uganda and barred from entering the UAE. He was told he “did not show the company and country in a good light”.²⁵

²⁰ Martin Ennals Awards for human rights defenders, <http://www.martinennalsaward.org/?hrd=ahmed-mansoor-2>

²¹ Former UN Special Rapporteur, UN Rights Expert urge UAE to release Ahmed Mansoor, <http://freeassembly.net/news/uae-ahmed-mansoor/>

²² Former UN Rapporteur, UN rights expert urge UAE to release Ahmed Mansoor, <http://freeassembly.net/news/uae-ahmed-mansoor/>

²³ Human Rights Watch, UAE: Free Jordanian journalist, <https://www.hrw.org/news/2016/12/28/uae-free-jordanian-journalist>

²⁴ Amnesty International, UAE denies entry to Amnesty International expert, <https://www.amnesty.org/en/latest/news/2015/05/uae-denies-entry-to-amnesty-international-expert/>

²⁵ Reporters without Borders, Ugandan journalists damning account UAE media censorship, <https://rsf.org/en/news/ugandan-journalists-damning-account-uae-media-censorship>

- 3.9** In 2014, Sean O'Driscoll, a journalist who co-authored a New York Times' article on labour rights was deported. The reason given on his deportation paper, in Arabic, was "security."²⁶
- 3.10** In January 2014, Aisha Ibrahim al-Zaabi, the wife of former judge and public prosecutor Mohamed Saqer al-Zaabi, one of the defendants convicted in absentia to 15 years' imprisonment during the UAE94 trial, was arrested by state security officials on the UAE's border with Oman, as she was travelling with her infant son. The state security officers presented no arrest warrant and confiscated her mobile phone and both her and her infant son's passports. She was held in solitary confinement in secret detention for five days.²⁷
- 3.11** On 22 February 2013, Dr Kristian Ulrichsen, a researcher with the London School of Economics was denied entry into the UAE and deported back to the United Kingdom from Dubai. He was scheduled to discuss his report "Bahrain's Uprising: Domestic Implications and Regional and International Perspectives" at a conference. Dr Kristian Ulrichsen was reportedly denied entry in the UAE because he "consistently de-legitimises the Bahraini monarchy".²⁸
- 3.12** In 2013 the authorities arrested 94 people who were accused of a plot to overthrow the government. They were charged under the Federal Law 7 on Combating Terrorism Crimes and the Cybercrime Law. The accused, who have since become known as the UAE94, were sentenced in July 2013 to 7 to 15 years in prison. The 94 individuals include political activists, human rights defenders, lawyers, academics, teachers and students. For seven months prior to the commencement of the trial, they were held in secret detention centers. When they appeared before the court, they showed signs of torture, malnutrition and were blindfolded. Scant evidence was produced to convict the 94 in a trial that was largely closed off to observers.²⁹
- 3.13** Human rights activists who attempted to witness the trial of the UAE94 were denied access to the court or deported from the UAE. In March 2013, two independent trial observers sent by the International Commission of Jurists were turned away by security officials before they reached the court.³⁰ Ahmad Nashmi al-Dhafeeri, a Kuwaiti lawyer sent as an independent trial observer on behalf of

²⁶ Newsweek, Under Surveillance in Abu Dhabi, <http://www.newsweek.com/under-surveillance-abu-dhabi-reporters-saga-being-followed-bribed-and-317627>

²⁷ Amnesty International, Activist's wife released, <https://www.amnesty.org/en/documents/mde25/004/2014/en/>

²⁸ The National, Why London academic was banned from UAE, <http://www.thenational.ae/news/uae-news/politics/why-london-academic-was-banned-from-uae>

²⁹ The Guardian, The UAE's bizarre political trial of 94 activists, <https://www.theguardian.com/commentisfree/2013/mar/06/uae-trial-94-activists>

³⁰ International Commission of Jurists, Publications: Trial publications, <https://www.icj.org/united-arab-emirates-amidst-crackdown-on-political-reform-advocates-icj-documents-massive-rights-violations-in-the-uae-94-trial/>

Amnesty International, was refused entry into the UAE with no explanation.³¹ Melanie Gingell, sent on behalf of a coalition of human rights organisations was also denied access to the final hearing on 2 July 2013, despite an earlier indication by the authorities that she would be allowed to attend.³²

- 3.14** In June 2013, officials at Dubai international airport informed Egyptian journalist Anas Fouda, a senior editor with the Middle East Broadcasting Centre media group, that he was banned from leaving the UAE and detained him. After a month of incommunicado detention he was deported to Egypt. He was held without charge or access to a lawyer and his family.³³

4. Freedom of expression, independence of the media and access to information

- 4.1** Under the 2nd UPR cycle, the government received 9 recommendations relating to freedom of expression and access to information. For example, the government pledged to “repeal the 1980 Law on Publications and amend other relevant legislation to ensure alignment with international human rights law on the freedom of expression” and “conduct a public consultation on the Cybercrime Law to ensure the law does not prevent free speech and expression, including religious expression”. Of the recommendations received, 4 were accepted and 5 were noted. However, as discussed below, the government did not take effective measures to implement these recommendations. Of the 9 recommendations pertaining to these issues, the government has not implemented any.
- 4.2** Article 30 of the Constitution of the United Arab Emirates guarantees the right to freedom of expression stating that “freedom to hold opinions and express them orally, in writing or by other means of expression shall be guaranteed within the limits of the law”³⁴. However, in policy and practice, those who speak out against the state or express views that are critical of its policies are routinely arrested, harassed, tortured and disappeared.³⁵
- 4.3** Restrictions on free speech imposed by the Printing and Publications Law of 1980 were further increased under the 2012 UAE Cybercrime Law. Under the revised

³¹ Amnesty International, AI observer denied entry into UAE, <https://www.amnesty.org/en/press-releases/2013/03/amnesty-international-trial-observer-denied-entry-uae/>

³² FIDH Worldwide Movement for Human Rights, UAE denies international legal observer access to verdict in show trial of UAE94, <https://www.fidh.org/en/region/north-africa-middle-east/united-arab-emirates/uae-denies-international-legal-observer-access-to-verdict-in-show-trial-of-13580>

³³ Al Jazeera, Egyptian journalist freed from UAE detention, <http://www.aljazeera.com/news/middleeast/2013/08/2013846293057501.html>

³⁴ Constitute Project, United Arab Emirates Constitution, https://www.constituteproject.org/constitution/United_Arab_Emirates_2004.pdf

³⁵ CIVICUS Monitor, Free Expression in the United Arab Emirates, <https://monitor.civicus.org/newsfeed/2016/06/01/expression-uae/>

law, Internet users in the UAE can be jailed if they post content online which criticises the country or its leaders. Article 29 of the Cybercrime Law provides for prison sentences between 3 and 15 years for publishing information online with “intent to make sarcasm or damage the reputation, prestige or stature of the state or any of its institutions”. The law also allows for the death sentence as maximum punishment.³⁶

- 4.4** The Telecommunications Regulatory Authority is empowered to block websites that promote terrorism, pornography and crime. However, the authority uses the designation of “crime” to unwarrantedly block websites that “offend against, is objectionable to, or is contrary to the public interest, public morality, public order, public and national security [of the UAE]”. Websites that carry content that is critical of the state or call for political reform are often the target of the regulatory authority. The authorities also filter Internet content by blocking specific search terms.³⁷
- 4.5** On 29 March 2017, Human rights defender and prominent academic Nasser Bin Ghaith was sentenced to 10 years in prison for among other charges, “creating accounts on social media and publishing photos and articles deemed offensive to the state’s symbols and values, its internal and foreign policies and its relations with an Arab state”. He was charged under the Penal Code, the 2012 Federal Law No 5 on Cybercrime Law³⁸ and the 2014 Federal Law 7 on Combating Terrorism Crimes. Nasser Bin Ghaith has been held in solitary confinement since his arrest in 2015 and continues to be denied access to medical treatment.³⁹ During his trial in 2016, he testified that he was beaten and denied sleep for up to a week.⁴⁰
- 4.6** On 14 March 2016, Emirati blogger, Marwan Mohammad Atiq bin Sufyan, was sentenced to five years in jail and fined 1 million AED (about US\$272 000) by the UAE High Federal Court for “insulting the state and damaging its reputation.”⁴¹
- 4.7** In 2015, a ten-year prison sentence was handed down to Ahmed Abdulla al-Wahdi, who was accused of running a social media account which insulted the UAE’s

³⁶ Gulf News, Understanding UAE’s Cybercrime Law and Penalties

<http://gulfnews.com/news/uae/society/understanding-uae-s-cybercrime-law-and-penalties-1.1564565>

³⁷ IFEX, No Eye in the UAE, https://www.ifex.org/united_arab_emirates/2016/07/15/censorship_surveillance/

³⁸ Federal Law No 5 on Cybercrime Law ,

http://ejustice.gov.ae/downloads/latest_laws/cybercrimes_5_2012_en.pdf

³⁹ Gulf Centre for Human Rights, UAE: Outrageous 10-year sentence against human rights defender Dr Nasser Bin Ghaith, a significant blow to human rights, <http://www.gc4hr.org/news/view/1537>

⁴⁰ CIVICUS, Statement: Free Emirati Human Rights Defender Dr Nasser Bin Ghaith on Trial for Online Posts in Violation of his right to Free Expression, <http://www.civicus.org/index.php/media-resources/news/885-free-emirati-human-rights-defender-dr-nasser-bin-ghaith-on-trial-for-online-posts-in-violation-of-his-right-to-free-expression>

⁴¹ Americans for Democracy in Bahrain, Internet censorship and surveillance in the UAE, <http://www.adhrb.org/2016/07/internet-censorship-surveillance-uae/>

leadership and the country's institutions. His computers and other equipment were also seized⁴²

4.8 On 15 February 2015, three sisters, Asma Khalifa al-Suwaidi, Mariam Khalifa al-Suwaidi and Alyaziyah Khalifa al-Suwaidi, were arrested after peacefully campaigning on Twitter for the release of their brother Dr Issa al-Suwaidi, a prisoner of conscience convicted as part of the UAE 94 mass trial. They were held incommunicado and denied access to a lawyer or to their families.⁴³ The three were released after three months in secret detention.

4.9 On 29 January 2015, the Telecommunications Regulatory Authority blocked the website of the Gulf Centre for Human Rights in the UAE. The site falls under the Prohibited Content Categories of the UAE's Internet Access Management Policy.⁴⁴ On 29 June 2016 the website of the Middle East Eye, an online news organisation, was blocked by Emirati authorities. The Middle East Eye had reported widely on the UAE's involvement in the war in Yemen as well as on human rights violations.⁴⁵

4.10 On 17 March, 2014, security officers raided the home of 25-year-old Osama al-Najjar, son of Hussain Ali al-Najjar al-Hammadi who is a prisoner of conscience. A day before the raid, he had posted several messages on Twitter that were critical of the authorities and questioned his father's continued detention.⁴⁶ While he was acquitted in June 2014, in 2015 he was charged and sentenced to three years' imprisonment and fined 500,000 Emirati Dirhams (US\$136,000) by the State Security Chamber of the Federal Supreme Court. The court also ordered that all his electronic devices be confiscated and his Twitter account was permanently closed. He was convicted of charges including "instigating hatred against the state", "designing and running a website [with] satirical and defamatory ideas and information" deemed harmful to UAE institutions and "contacting foreign organizations and presenting inaccurate information". He was also charged with defaming the UAE and its institutions. He was not allowed to appeal the judge's verdict in contravention of international fair trial standards. At the end of his three

⁴² Gulf News, Emirati gets 10 years for insulting UAE leadership, <http://gulfnews.com/news/uae/courts/emirati-gets-10-years-for-insulting-uae-leadership-1.1521363>

⁴³ Amnesty International, Three sisters detained after tweeting about their jailed brother, <http://www.amnesty.org.uk/press-releases/uae-three-sisters-detained-after-tweeting-about-their-jailed-brother>

⁴⁴ Gulf Centre for Human Rights, GCHR website blocked, <http://www.gc4hr.org/news/view/894>

⁴⁵ IFEX, No eye in the UAE, https://www.ifex.org/united_arab_emirates/2016/07/15/censorship_surveillance/

⁴⁶ Amnesty International, Son of POC arrested, at risk of torture, <https://www.amnesty.org/en/documents/mde25/009/2014/en/>

year sentence in 2017, the state refused to release him and continues to hold him in detention.⁴⁷

4.11 Speaking openly on social media can also have dire consequences for human rights activists. In November 2013, Twitter activist Waleed al-Shehhi was convicted by the State Security Chamber of the Federal Supreme Court and sentenced to two years' imprisonment and a fine of 500 000 dirhams (US\$136,000) after he was prosecuted for his online activities. He was tried under both the Cybercrime Law and the Penal Code based on his activities on Twitter. He was not allowed to appeal the court's verdict.⁴⁸

4.12 In November 2013, activist Obaid Yousef al-Zaabi was arrested by State Security officers after US TV news station CNN interviewed him about a case in which a US national had been imprisoned in the UAE for making a spoof video about Dubai. In the interview, Obaid Yousef al-Zaabi said he had been using Twitter to express his opinions, advocate political reform and defend human rights.⁴⁹ He was charged with "offending" the state. Although he was acquitted in 2014, the state has continued to hold him with no charge.⁵⁰

5. Freedom of peaceful assembly

5.1 During UAE's examination under the 2nd UPR cycle, the government received two recommendations on the right to freedom of assembly. Among other recommendations, the government committed to "allow individuals the right to associate freely. It however noted the recommendations to "ensure the full protection of the rights to freedom of expression, association, assembly, religion and belief by all United Arab Emirates residents". The government has failed to implement these recommendations on peaceful assembly.

5.2 Article 33 of the UAE Constitution guarantees the right to freedom of assembly stating that "the freedom of assembly and the freedom to hold meetings shall be guaranteed within the limits of the law".⁵¹ However, in practice almost all protests

⁴⁷ Amnesty International, UAE decision not to release activist indefensible, <https://www.amnesty.org/en/latest/news/2017/03/uae-decision-not-to-release-osama-al-najjar-indefensible/>

⁴⁸ BBC News, UAE activist jailed for trial tweets, <http://www.bbc.com/news/world-middle-east-24992086>

⁴⁹ Amnesty International, Urgent Action: Political activist detained, <https://www.amnesty.org/en/documents/mde25/011/2013/en/>

⁵⁰ Amnesty International, Political activist acquitted but not released, <https://www.amnesty.org/en/documents/mde25/015/2014/en/>

⁵¹ Constitute Project, United Arab Emirates Constitution https://www.constituteproject.org/constitution/United_Arab_Emirates_2004.pdf

are banned in the UAE.⁵² Permission must be sought from the authorities before holding a public gathering.

- 5.3 The amendments in 2012 to the UAE's the 2012 Federal Law No 5 on Cybercrime Law also stipulate that using the Internet to organise 'unauthorised' public demonstrations can be punished with life imprisonment or the death sentence.
- 5.4 Under the UAE Labour Law, strikes may amount to criminal behaviour. Those participating in strikes face suspension from work. In the case of foreign workers, striking carries the risk of deportation.⁵³
- 5.5 Workers who have attempted to take part in strikes face arrest and deportation. In May 2013, thousands of construction workers stayed away from work as a form of protest against their low wages. Police were sent into the Jebel Ali labour camp to force workers to go to work. At least 30 workers were given deportation notices for taking part in the action.⁵⁴

6. Recommendations to the Government of the UAE

CIVICUS, GCHR and ISHR call on the Government of United Arab Emirates to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in its own Constitution, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31. To this end, we urge the UAE to immediately ratify the International Covenant on Civil and Political Rights (ICCPR) with minimal reservations;

At a minimum, the following conditions should be guaranteed: freedom of association, freedom of expression, freedom of peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made:

6.1 Regarding freedom of association

- Take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures, which unwarrantedly limit the right to association.

⁵² CIVICUS Monitor, Peaceful Assembly in the UAE, <https://monitor.civicus.org/newsfeed/2016/06/01/peaceful-assembly-uae/>

⁵³ Out-Law, How UAE employment deals with strikes, <https://www.out-law.com/en/articles/2015/june/how-uae-employment-law-deals-with-strikes/>

⁵⁴ Al Jazeera, Striking Dubai workers face mass deportation, <http://www.aljazeera.com/indepth/features/2013/05/201352375248751541.html>

- Remove all undue restrictions on the ability of civil society organizations to receive international and national funding in line with best practices articulated by the UN Special Rapporteur on the rights to peaceful assembly and of association.
- Abolish criminal responsibility for organisation and participation in the activities of non-registered organizations and lift the ban on the activities of non-registered organizations.
- All civil society organizations which have been arbitrarily and unduly sanctioned or deregistered should be immediately reinstated.
- Unwarranted raids on civil society groups and unjustifiable disruptions to legitimate, conferences, seminars and other activities organized by CSOs should be stopped.
- Specifically, Federal Law 6 of 1974, in particular Article 15 of the law, should be suitably amended to guarantee that undue restrictions on freedom of association are removed.
- Guarantee the existence of trade unions and remove undue limitations on the right to strike.

6.2 Regarding the protection of human rights defenders

- Civil society members, journalists and human rights defenders should be provided a safe and secure environment to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bring perpetrators of such offenses to justice.
- Ensure that human rights defenders are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Take all necessary measures to ensure the protection of human rights defenders working with migrants, individually and in association with others, against any violence, threats, retaliation including threats of deportation, de facto or de jure adverse discrimination, pressure or any other arbitrary action, by state or non-state actors, as a consequence of their human rights work⁵⁵.

⁵⁵ Global Migration Group, Principles and Guidelines on the human rights protection of migrants in vulnerable situations, 2017. p49-50

- A consolidated process of repeal or amendment of legalisation and decrees which unwarrantedly restrict the legitimate work of human rights defenders in line with the UN Declaration of Human Rights Defenders should be initiated;
- Specifically, Federal Law 7 of the Year 2014 on Combating Terrorism Crimes should be suitably amended to address overbroad definitions of “terrorism” which have been used to persecute human rights defenders.
- All human rights defenders including, journalists and bloggers detained for exercising their fundamental rights should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.
- The Government should apply systematically legal provisions that promote and protect human rights and establish mechanisms that protect human rights activists by adopting a specific law on the protection of human rights activists in accordance with Council resolution 27.31 of the Human Rights Council.

6.3 Regarding freedom of expression, independence of the media and access to information

- Ensure freedom of expression and media freedom to all by bringing national legislation in line with international standards.
- Review the Printing and Publications Law of 1980, in line with best practices and international standards on freedom of expression.
- Repeal UAE’s Cybercrime Law that limits freedom of expression online and prohibits the use of the Internet to organise public demonstrations.
- All media outlets and news websites unwarrantedly closed and blocked should be reinstated.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the Government may find sensitive. The authorities must cease the practice of deporting, arresting and torturing journalists.
- Develop an action plan which ensures that Internet laws comply with the government’s commitment to guarantee freedom of expression and information, so as to ensure free access to electronic media, liberalise electronic media

ownership rules and allow national bloggers, journalists, other Internet users to play a full and active role in promoting and protecting human rights.

- Unfettered access to online information resources should be allowed by removing restrictions on access to national and international news websites and social media outlets and the websites of civil society organizations.
- Implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practices.
- Adopt a law on access to information in order to fully promote the exercise of the right to freedom of expression and freedom of opinion.

6.4 Regarding freedom of assembly

- Best practices on freedom of peaceful assembly should be adopted, as put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his annual report (2012) which calls for simple notification rather than explicit permission to assemble.
- The UAEs Labour law should be amended in order to fully guarantee the right to strike.
- All demonstrators, journalists and human rights defenders detained for exercising their right to freedom of peaceful assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.
- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.

6.5 Regarding access to UN Special Procedures mandate holders

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritize official visits with the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on Freedom of Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial,

summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy and; 7) Working Group on Arbitrary Detention.

6.6 Regarding State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with civil society organizations on all issues mentioned above and enable more effective involvement of civil society in the preparation of law and policy.
- Include civil society organizations in the UPR process before finalizing and submitting the national report.
- Systematically consult with civil society and NGOs on the implementation of UPR including by holding periodical comprehensive consultations with a diverse range of civil society sectors.
- Incorporate the results of this UPR into its action plans for the promotion and protection of all human rights, taking into account the proposals of civil society and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

7. Annex: Assessment of implementation of civic space recommendations

Recommendation	Position	Full list of themes	Assessment/comm ents on level of implementation
Theme: A41 Constitutional and legislative framework			
128.107. Continue to take steps to uphold freedom of expression by reviewing restrictive articles of its recent Cyber Crime law and consider updating the 1980 Media Law, ensuring that new legislation be aligned with article 19 of the ICCPR (Canada); Source of position: A/HRC/23/13/Add.1 - Para. 5(c)	Noted	A41 Constitutional and legislative framework D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - media	Status: Not implemented Source: Paragraph 4.1

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>128.118. Continue its efforts to develop a modern legal framework for media that take into consideration new social, cultural and political developments while preserving the interests of the State and society (Kuwait);</p> <p>Source of position: A/HRC/23/13/Add.1 - Para. 5(a)</p>	Supported	<p>A41 Constitutional and legislative framework</p> <p>D43 Freedom of opinion and expression</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general - media 	<p>Status: Not implemented</p> <p>Source: Paragraph 4.1 and 4.3</p>
Theme: B31 Equality & non-discrimination			
<p>128.105. Take steps to protect human rights defenders, journalists and religious minorities from discrimination, harassment or intimidation, including the arbitrary deprivation of nationality (Austria);</p> <p>Source of position: A/HRC/23/13/Add.1 - Para. 5(a)</p>	Supported	<p>B31 Equality & non-discrimination</p> <p>D6 Rights related to name, identity, nationality</p> <p>D42 Freedom of thought, conscience and religion</p> <p>G1 Members of minorities</p> <p>D43 Freedom of opinion and expression</p> <p>H1 Human rights defenders</p> <p>S10 SDG 10 - inequality</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - media - minorities/ racial, ethnic, linguistic, religious or descent-based groups - human rights defenders 	<p>Status: Not implemented</p> <p>Source: Paragraph 3.1-3.4</p>
Theme: D42 Freedom of thought, conscience and religion			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
128.104. Ensure the full protection of the rights to freedom of expression, association, assembly, religion and belief by all United Arab Emirates residents (Austria); Source of position: A/HRC/23/13/Add.1 - Para. 5(c)	Noted	D42 Freedom of thought, conscience and religion D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Status: Not implemented Source: Paragraph 4.1-4.6 and 5.3
Theme: D43 Freedom of opinion and expression			
128.106. Repeal the 1980 Law on publications and amend other relevant legislation to ensure it is aligned with international human rights law on the freedom of expression (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/23/13/Add.1 - Para. 5(a)	Supported	D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - media	Status: Not implemented Source: Paragraph 4.3 and 6.3
128.109. Further develop legislation and practices in the media sector to strengthen the right to freedom of expression (Turkmenistan); Source of position: A/HRC/23/13/Add.1 - Para. 5(a)	Supported	D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - media	Status: Not implemented Source: Paragraph 4.2, 4.3 and 4.4

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
128.110. Bring criminal legislation, in particular Articles 8 and 176 of the Criminal Code, in conformity with international standards governing freedom of expression (Belgium);	Noted	D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - media	Status: Not implemented Source: Paragraph 4.5
128.112. Ensure legislation in the area of freedom of expression is in line with international standards, including by amending the Cyber Crime law and repealing the November 2012 Federal Legal Decree No. 5 on Cyber Crime (Ireland);	Noted	D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - media	Status: Not implemented Source: Paragraph 4.1-4.14
128.113. Encourage freedom of expression and the press, including by amending the penal code to remove all criminal penalties for alleged libel offences (Norway);	Noted	D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - media	Status: Not implemented Source: Paragraph 4.1-4.4

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
128.114. Take immediate steps to ensure that the national regulations relating to the Internet guarantee freedom of expression (Sweden); Source of position: A/HRC/23/13/Add.1 - Para. 5(a)	Supported	D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - media	Status: Not implemented Source: Paragraph 4.3 and 4.4
128.111. Enhance implementation of the constitutional provisions on freedom of expression (Italy); Source of position: A/HRC/23/13/Add.1 - Para. 5(a)	Supported	D43 Freedom of opinion and expression A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - media	Status: Not implemented Source: Paragraph 4.2
128.108. Conduct a public consultation on the Cybercrime law to ensure that the law does not prevent free speech and expression, including religious expression (United States of America); Source of position: A/HRC/23/13/Add.1 - Para. 5(c)	Noted	D43 Freedom of opinion and expression D42 Freedom of thought, conscience and religion G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - media - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Status: Not implemented Source: Paragraph 4.3

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
128.115. Release from custody any individual detained solely on the basis of peaceful expression of political views (Norway); Source of position: A/HRC/23/13/Add.1 - Para. 5(c)	Noted	D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - media - persons deprived of their liberty	Status: Not implemented Source: Paragraph 4.2
Theme: D45 Freedom of association			
128.119. Allow individuals the right to associate freely and provide expeditious due process for all those accused of crimes (United States of America); Source of position: A/HRC/23/13/Add.1 - Para. 5(a)	Supported	D45 Freedom of association D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - persons deprived of their liberty	Status: Not implemented Source: Paragraph 2.5 and 2.7
128.116. Adjust existing laws governing non-governmental organizations to adapt them to international human rights laws and standards (Uruguay); Source of position: A/HRC/23/13/Add.1 - Para. 5(c)	Noted	D45 Freedom of association H1 Human rights defenders A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Status: Not implemented Source: Paragraph 2.2, 2.3
Theme: H1 Human rights defenders			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>128.117. Consider the adoption of proper reforms in order to improve the protection of freedom for human rights defenders to carry on their initiatives (Italy);</p> <p>Source of position: A/HRC/23/13/Add.1 - Para. 5(c)</p>	Noted	<p>H1 Human rights defenders</p> <p>A41 Constitutional and legislative framework</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders 	<p>Status: Not implemented</p> <p>Source: Paragraph 3.2 and 3.4</p>
<p>128.103. Respect the right to freedom of expression and association, and make the minimum use of criminal proceedings against persons availing themselves of those rights (Belgium);</p> <p>Source of position: A/HRC/23/13/Add.1 - Para. 5(a)</p>	Supported	<p>H1 Human rights defenders</p> <p>D45 Freedom of association</p> <p>D51 Administration of justice & fair trial</p> <p>D43 Freedom of opinion and expression</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders - general - media 	<p>Status: Not implemented</p> <p>Source: Paragraph 2.2 and 4.2</p>