



JUST ATONEMENT INC.

justice
hope peace unity
equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

Just Atonement Inc.

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Just Atonement Inc. (JAI) is a legal non-profit that trains new advocates to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the United Arab Emirates (“UAE”).

SUMMARY OF CONCLUSIONS

1. The UAE remains committed to pursuing the ratification of the core human rights conventions. Following through on its pledge, the UAE has set up a National Human Rights Institute in 2020 (the NHRI), in accordance with the principles relating to the promotion and protection of human rights (the Paris Principles). The NHRI professed that once its working processes and mechanisms have been established, it will increase its engagement with the government, civil society, non-government agencies and academics.

2. However, the UAE has not made any formal commitments to ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Despite repeated recommendations from the previous UPR reviews, the UAE has not acceded to ICESCR nor ICCPR. JAI recommends the ratification of both.

3. More specifically, vis-a-vis women’s rights, JAI recommends a removal of any discriminatory provisions and a legal prohibition of gender-based discrimination. On labour



rights, JAI recommends the **abolishment of the *kafala* system and increased legal protection and enforcement for the migrant workers**. Lastly, for climate change, JAI recommends a **human rights-centred framework for the UAE's climate change policies**.

WOMEN'S RIGHTS

4. The World Economic Forum's (WEF) annual Global Gender Gap Report lists the UAE as a leader in promoting gender equality, with its ranking moving from 120 to 72 of 153 countries in 2021. Whilst JAI commends the UAE for the recent women's rights reforms, **there are still concerns over certain legislative gaps on the empowerment of women's rights**. There is an imperative need to repeal or amend legal provisions which continue to perpetuate discrimination, including those contained in the Constitution, the Penal Code and the Personal Status Law. There remains significant discrimination against women and girls within the country.¹

LABOUR RIGHTS

5. With an approximate 90% of the population consisting of foreign nationals, the UAE has expanded workers' rights and protections with new legislation and more intensive enforcement. However, **the current *kafala* (visa sponsorship) system remains inadequate**. Given the significant demographic comprising of foreign nationals, it is imperative that the UAE signs and ratifies the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

6. **There is a dissonance between the legislation prohibiting discrimination, forced labour and human trafficking, and the reality of which these migrant workers are subjected**. The UAE's labour laws do not address the non-compliance of existing protections for foreign domestic workers due to the weak enforcement by authorities. The absence of a trade union results in the lack of representation to voice their concerns without fear of reprisal.

CLIMATE CHANGE

Contributions to Climate Change

7. Whilst it is commendable that the UAE has produced initiatives aimed at tackling climate change from the UAE Net Zero 2050 to the National Climate Change plan of the UAE 2017-2050, there are **still inadequate gaps that ought to be addressed to adapt to and mitigate climate change risks**.

8. Article 23 of the Constitution allows for the "exploitation" of natural resources. Given that the UAE's CO₂ emissions per capita is 20.70 tons in 2020, almost five times more than the global average of 4.47 tons, such exploitation of resources must be conducted within the context of international legal obligations, including human rights obligations. Exploitation of fossil fuel resources should not be materially deleterious to the climate. As a major oil producing country,

¹ <https://www.hrw.org/news/2021/03/04/uae-greater-progress-needed-womens-rights>



the “proper” exploitation of resources should be aligned with the principle of “Common but Differentiated Responsibility” in the Paris Agreement. In addition, JAI notes that the global community has affirmed the human right to a clean, healthy and sustainable environment.

9. Furthermore, the UAE has apparently committed to increasing its investments in oil and gas.² **The continued supply of oil and gas is counterintuitive to the extensive efforts that the country has been placing to mitigate the risks of climate change. In spite of its environmental advocacy, the short-term support for the fossil fuel industry is antithetical to the UAE’s environmental ambitions and in keeping total warming from going over 1.5°C this century. We urge the UAE to reconsider continued fossil fuel development.**

Impacts of Climate Change

Sea Level Rise

10. It is certain that global mean sea level will continue to rise over the 21st century. Undoubtedly, the UAE is susceptible to flooding from sea level rise given that coastal zones are the most vulnerable areas to climate change. These effects will be noticeable in the shallow Arabian Gulf where 85% of the UAE’s population and more than 90% of the nation’s infrastructure is within a few metres of present-day sea-level.

11. All states have an obligation to respect, protect, and fulfil human rights so as to protect people from foreseeable harm to those rights, including harms that may come about from sea level rise. Sea level rise will affect the rights to life, food, health, housing, freedom of movement and right to self-determination.

12. Migration is an issue of particular concern as a result of sea level rise. Given that the majority of the UAE’s population are proximate to present-day sea-level, its coastline will undoubtedly be impacted by sea level rise. **Consequently, the scale and geographic scope of this type of displacement will be the greatest human rights challenge of our time. The UAE is vulnerable to the effects of displacement as a result of sea level rise.**

13. Furthermore, **9 out of 10 power plants and desalination stations are in coastal areas, which could be vulnerable to flooding.** For a country that relies heavily on desalinated water, the potential loss of sources of water would further impact the right to life, right to health and the right to safe drinking water and sanitation. This would further exacerbate the outcome of migration and displacement of Emirati residents.

14. **Human trafficking and forced labour are likely to increase as a result of sea level rise. In the aftermath of increased flooding and displacement, human traffickers are likely to operate and exploit affected people,** who have the desire for safety and search for means of

² See, e.g., <https://www.bloomberg.com/news/articles/2022-07-13/uae-will-keep-using-abu-dhabi-s-oil-to-draw-global-investors>



income to help restore their lives.³

Increasing Heat & Weather Extremes

15. In recent years, the UAE has been repeatedly affected by weather extremes such as flash flooding in Al Fujairah and Al Sharjah in 2017. According to Emirates Red Crescent, 188 people were displaced by the flooding, which also resulted in at least three fatalities in the neighbouring region of Oman. The right to life, right to housing and right to self-determination have all been impacted due to the increase in morbidity and mass evacuations.

16. Extreme weather events can destroy homes displacing multitudes of people. Drought, erosion and flooding can gradually render territories inhabitable resulting in displacement and migration. Consequently, this affects individuals' right to housing, increasing their risks to violations of the right to life and the right to self-determination.

17. Climate-forced relocation affects entire communities whose residents will collectively need protection from the threats caused by climate change. These rights include the collective right to relocate as a community, as well as the collective right to make decisions regarding whether, when, where, and how a community will relocate.

Food Insecurity

18. The added pressure of climate change from the volatility of weather patterns and large variations in climate place stress on crops and animals. Especially against the projected population growth in the UAE, the demand for clean water, food to eat, and energy to power the lifestyles in the UAE is exacerbating climate change pressures. In the case of fisheries, the increased demand and volatility of climate change will further aggravate anticipated food insecurity in the wider region.

19. In general, the oceans absorb an estimated 90% of excess heat and 25% of the carbon dioxide from anthropogenic activities. Consequently, this has led to rising ocean temperatures, increasing acidification and lower oxygen levels that will have an impact on sea life. Populations of fish will continue moving to cooler waters, leaving behind the fishing communities that have depended on them for centuries. Moreover, in the UAE, more than 90% of fish stocks are caught unsustainably. The four key species – the hamour, shaari, farsh and kanaad – are being fished at five times the sustainable limit.⁴

20. To combat overfishing, the UAE had launched the Sustainable Fisheries Programme, which included a two-year survey of fish resources, including the stocks and health of certain species. The data collected is expected to help provide a baseline for future legislation. Limitations have also been placed on licensing for commercial fishing and a network of protected marine areas established.

³ International Organization for Migration, *The Climate Change-Human Trafficking Nexus* (2016) available at https://publications.iom.int/system/files/pdf/mecc_infosheet_climate_change_nexus.pdf > 3.

⁴ <https://gulfnnews.com/uae/environment/uae-fish-stocks-are-severely-overexploited-1.1698029>



21. However, fish populations are already changing and there ought to be more agile management systems put in place to curb the effects on fisheries. On account of the volatile changes to the food supply anticipated from climate change, more aggressive and long-term initiatives are needed to mitigate such climate risks.

22. Beyond fisheries, the UAE has a heavy reliance on food imports, where an estimated 80-90% of its food supplies are imported. Moreover, according to the UN Food and Agriculture Organisation (FAO), the region's shrinking freshwater resources are being negatively impacted by climate change and will have a heavy bearing on the region's food availability and stability. Climate change can cause or exacerbate resource scarcity, which may induce migration of populations in vulnerable situations that are attempting to preserve their safety and their livelihoods.

23. Agricultural production needs to be transformed in order to remain a prudent investment and a viable long term solution.⁵ More sustainable agricultural practices ought to be implemented to prevent further water wastage, to preempt potential supply shocks and protect human rights from anticipated climate change impacts.

Biodiversity Loss

24. The fulfilment of a broad range of human rights is dependent on a thriving biodiversity. These rights include the rights to food, clean air and water, health, and the right to life. Conversely, biodiversity and habitat loss can result in violations of these and other human rights where changes in the distribution of biodiversity would lead to lasting impacts on the food chain. **The UAE has obligations under international environmental law and international human rights law to protect biodiversity and prevent negative impact on human rights as a result of biodiversity loss.**

25. Drylands, particularly the desert, are vulnerable to climate change because of their inherent fragility. Thus, slight changes in rainfall patterns and temperature impose risks on biodiversity. **The desert and xeric shrublands constitute a major habitat type in the UAE; four-fifths of the country's land area is by definition desert. Many wild and endangered animals are dependent on healthy deserts and shrubland ecosystems.⁶** As more habitats are degraded and species become extinct, human rights will be significantly impacted.

26. Rapid and irresponsible construction can harm biodiversity in the UAE. Whilst the UAE has pursued specific conservation programmes, urban development must take into account risks to the biodiversity in the area.

⁵ Policy Paper, *Advancing food security in the UAE* (Mohammed Bin Rashid School of Government Jan 2018) available at <<https://mbrsgcdn.azureedge.net/cmsstorage/mbrsg/files/85/859ddec7-f5ed-48dd-99dd-4e1b8f326112.pdf>> 28.

⁶ EWS-WWF, *UAE Climate Change Risks & Resilience: An overview of climate change risks to 12 key sectors* (2017) available at <<https://mbrsgcdn.azureedge.net/cmsstorage/mbrsg/files/85/859ddec7-f5ed-48dd-99dd-4e1b8f326112.pdf>> 59.



RECOMMENDATIONS

27. JAI recommends a **legal prohibition of gender-based discrimination and the removal of all discriminatory provisions**. Furthermore, JAI recommends the signature and ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Optional Protocol to the Convention on the Elimination of Discrimination against Women (CEDAW-OP).

28. Further recommendations to be made to protect foreign domestic workers' rights include **abolishing the *kafala* system**, introducing a non-discriminatory minimum wage, increasing enforcement of these provisions, and establishing a labour union and/or court that would be a means of recourse for labour-related grievances.

29. JAI recommends following UNHCR's "**Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation**", which sets out **principles to respond to climate change-induced displacement**. Given that the UAE is a signatory to the Paris Agreement, it is imperative that the UAE aligns itself with the Paris Agreement goals. This means working in good faith and consistent with the principle of common but differentiated responsibility **to reduce greenhouse gas emissions immediately**.

30. To operationalise the right to meaningful and informed participation, **there is a need for community-based monitoring to assess, document, and predict the rate of environmental changes and sociological impacts and vulnerabilities caused by climate change**. Moreover, the UAE can conduct forward-looking urban planning to assess the need for preparedness in support of local integration, reduction of disaster risk and strengthening of climate resilience. Urban planning with due consideration to human rights protection would pre-emptively avoid the risk of forcibly evicting people with their informed consent.

31. In order to solve the issues of the inadequate food supply and the UAE's decision to turn towards localised food production, **the UAE ought to capitalise upon its strengths as a human capital and investment hub to facilitate research and development on the agricultural industry**.

32. In order to further mitigate climate change risks, the UAE ought to align itself with the **UN's Guiding Principles on Business and Human Rights that business enterprises have the responsibility to respect human rights, particularly in the context of climate change and biodiversity loss**. Businesses operating in the UAE ought to (1) adopt a policy commitment to protect human rights (2) conduct due diligence to identify, prevent, mitigate and account for how they address human rights harms resulting from climate change and biodiversity loss, and (3) have processes in place to remediate the harms they could cause.

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