

**Joint Submission**  
**to the Human Rights Council**  
at the 43<sup>rd</sup> Session  
of the Universal Periodic Review.

# UNITED ARAB EMIRATES

## Introduction

1. SALAM for Democracy and Human Rights (**SALAM DHR**), the MENA Statelessness Network (**Hawiati**) and the Institute on Statelessness and Inclusion (**ISI**) make this joint submission to the Universal Periodic Review (UPR), on the right to a nationality and human rights challenges pertaining to statelessness in the United Arab Emirates.
2. [SALAM for Democracy and Human Rights \(SALAM DHR\)](https://salam-dhr.org/?lang=en)<sup>1</sup> is an independent non-governmental organisation that promotes adherence to international human rights standards and the principles of democracy, including through partnerships. Registered in several European states, it is not able to work in Bahrain, where it nonetheless has members.
3. The [MENA Statelessness Network \(Hawiati\)](https://www.hawiati-mena.org/)<sup>2</sup> is a network that promotes awareness about, and seeks to end statelessness in the Middle East and North Africa (MENA). It bridges actors working on, and interested in, statelessness in MENA; actors and individuals affected by statelessness across the region as well as policy makers.
4. The [Institute on Statelessness and Inclusion \(ISI\)](https://www.institutesi.org/)<sup>3</sup> is the first and only human rights NGO dedicated to working on statelessness at the global level. ISI's mission is to promote inclusive societies by realising and protecting everyone's right to a nationality. The Institute has made over 90 country specific UPR submissions on the human rights of stateless persons. ISI has also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23<sup>rd</sup> to the 41<sup>st</sup> UPR Sessions.
5. This submission draws on the research, advocacy and engagement of the co-submitting organisations to focus on the following issues:

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<sup>1</sup> For more information about SALAM DHR, see: <https://salam-dhr.org/?lang=en>.

<sup>2</sup> For more information about Hawiati, see: <https://www.hawiati-mena.org/>.

<sup>3</sup> For more information about ISI, see: <https://www.institutesi.org/>.

- I. Gender discrimination in Emirati nationality Law;
- II. Arbitrary deprivation of nationality;
- III. Comoros passports: No solution to statelessness in the UAE;
- IV. Human rights violations faced by stateless people.

## Previous UPR of the United Arab Emirates under the First, Second and Third Cycle

6. The United Arab Emirates (UAE) was previously reviewed during the 3<sup>rd</sup> (First Cycle – 2008), 15<sup>th</sup> (Second Cycle – 2013) and 29<sup>th</sup> (Third Cycle – 2018) sessions of the UPR.<sup>4</sup>
7. In 2008, the UAE received one recommendation by Germany to amend gender discriminatory nationality laws and ensure that women married to non-nationals have equal rights as men to confer their nationality to their children.<sup>5</sup> In 2013, four recommendations were made on protecting human rights defenders and minority groups from discrimination and arbitrary deprivation of nationality (Austria), ratifying the 1954 Convention on the Status of Stateless people (Ecuador), to solve issues of long-term stateless populations in the country (Mexico) and to withdraw reservations to CEDAW, including Article 9. Two recommendations out of four (Ecuador and Mexico) were accepted.<sup>6</sup> In 2018, six recommendations on the right to nationality and statelessness were made to UAE. Three recommendations focused on achieving gender-equal nationality laws in the conferral of UAE nationality onto their children (Sierra Leone, Slovakia, Kenya), two recommendations urged UAE to ratify the Statelessness Conventions (Slovakia, Kenya), and one recommendation focused on access to justice for stateless persons (Sierra Leone). Only the latter recommendation was accepted.<sup>7</sup> For a full list of relevant recommendations, please see the Annex to this submission.
8. In addition to UPR, CEDAW, CRC, CERD, and CRPD made several recommendations addressing gender discrimination in nationality laws which does not allow women to confer nationality to children and foreign spouses in the same way as men, protracted situations of statelessness among the Bidoon community, discrimination in naturalisation process based on ethnicity, race or disability. For a full list of relevant recommendations, please see the Annex to this submission.

## United Arab Emirates' International Obligations

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<sup>4</sup> For more information about the United Arab Emirates under the Universal Periodic Review, see: <https://www.ohchr.org/en/hr-bodies/upr/ae-index>.

<sup>5</sup> UN Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: United Arab Emirates', A/HRC/10/75, (12 January 2009), available at: <https://www.upr-info.org/sites/default/files/documents/2013-10/ahrc1075unitedarabemiratese.pdf>.

<sup>6</sup> UN Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: United Arab Emirates', A/HRC/23/13, (21 March 2013), paras. 128.32, 128.73, 128.33 and 128.105, available at: <https://www.upr-info.org/sites/default/files/documents/2013-10/ahrc2313e.pdf>.

<sup>7</sup> UN Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: United Arab Emirates', A/HRC/38/14, (18 April 2018), paras. 141.39, 141.40, 141.47, 141.170, 141.171 and 141.216, available at: [https://www.upr-info.org/sites/default/files/documents/2018-06/a\\_hrc\\_38\\_14\\_e.pdf](https://www.upr-info.org/sites/default/files/documents/2018-06/a_hrc_38_14_e.pdf).

9. The UAE is not a signatory to either the 1954 Convention on the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. However, the UAE has international obligations to protect the right to a nationality and protect the rights of stateless persons on the basis of other UN and regional treaties to which it is a party. These include, among others,<sup>8</sup> Convention of the Rights of the Child (CRC - see articles 2, 3, 7 and 8), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW - see article 9), International Convention on the Elimination of All Forms of Racial Discrimination (CERD - see article 5(d)(iii)) and Convention on the Rights of Persons with Disabilities (CRPD - see article 18).

10. The UAE has made a number of reservations to:

- **CRC, Article 7** – on every child’s right to be registered after birth, a nationality and be cared for by his or her parents;<sup>9</sup> and
- **CEDAW, Article 9** – to grant women equal rights with men to acquire, change and retain their nationality, and with respect to the nationality of their children.<sup>10</sup>

11. In the CRC General Comment No.9 on the rights of children with disabilities, the Committee commented that non-registration of children has *“profound consequences for the enjoyment of their human rights, including the lack of citizenship and access to social and health services and to education.”*<sup>11</sup> In making such comment, the Committee emphasised the importance of full implementation of Article 7. CEDAW also called for the UAE to withdraw its reservations to the Convention to ensure *“women fully benefit from all the rights enshrined in the Convention”*, further stating that Article 9 is *“central to the object and purpose of the Convention and that the reservations impact negatively on the enjoyment by women of their rights.”*<sup>12</sup>

12. On February 2018, the ministerial conference of the League of Arab States, of which the UAE is a member, introduced the Arab Declaration on Belonging and Legal Identity. Principle 9 of the Declaration calls upon Member States to end gender discrimination in the area of nationality and to take concrete steps to amend laws and legislation relating to women’s rights to confer nationality on children and spouses on an equal basis with men. Principle 14 also urges Member States to reduce statelessness in the context of the international obligations of Member States.<sup>13</sup>

13. The League of Arab States also adopted, on 15 September 1994, the Arab Charter on Human Rights. Article 24 stipulates that *“no citizen shall be arbitrarily denied of his original nationality, nor denied his right to acquire another nationality without legal basis.”*<sup>14</sup>

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<sup>8</sup> For more information, see: <https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=en>.

<sup>9</sup> For more information, see:

[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=IV-11&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-11&chapter=4&clang=en).

<sup>10</sup> For more information, see: [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-8&chapter=4&clang=en).

<sup>11</sup> CRC, ‘General Comment No.9. The Rights of Children with Disabilities’, CRC/C/GC/9, (27 February 2007), para.35, available at: <https://www.refworld.org/docid/461b93f72.html>.

<sup>12</sup> CEDAW, ‘Concluding Observations of the Committee on the Elimination of Discrimination against Women: United Arab Emirates’, CEDAW/C/ARE/CO/1, (5 February 2010), para. 16, available at: <https://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ARE-CO-1.pdf>.

<sup>13</sup> League of Arab States, *Arab Declaration on Belonging and Legal Identity*, (28 February 2018), available at: <https://www.refworld.org/docid/5a9ffbd04.html>.

<sup>14</sup> League of Arab States, *Arab Charter on Human Rights*, (15 September 1994), available at: <https://www.refworld.org/docid/3ae6b38540.html>.

## Snapshot of Statelessness in the United Arab Emirates

14. The full exercise of the right to nationality in the UAE is undercut by the absence of measures that effectively protect stateless persons and by state action that limits access to nationality on a non-discriminatory basis. The UAE's Nationality Law of 1972 (as amended in 2017) does not allow female citizens to confer nationality to their children and spouses on par with male citizens. Under the same law, Emirati citizens by birth or naturalisation are subject to stripping of nationality without a right to judicial review and without safeguarding against statelessness.
15. The number of non-citizens residing in the UAE is estimated at around 88% of the total population. There is no official estimate of the number of stateless persons or persons at risk of statelessness in the UAE.<sup>15</sup> Policies undertaken by the UAE Government since the early 2000s indicate that many long-standing residents of the UAE lack access to any citizenship.<sup>16</sup> As a result of these features of Emirati law and social structure, Emirati citizenship is a revocable and precarious status for those who express dissent, regardless of whether they were naturalised or born with a right to Emirati citizenship. The relative ease with which citizenship can be stripped threatens a wide range of citizens' and citizenship applicants' human rights, by stifling political expression and dissent.

## National Law

16. The UAE's nationality law is Federal Law No. 17 of 1972 Concerning Nationality & Passports ("1972 Law", "Nationality Law"). Under the law, citizenship can be acquired by descent via the patrilineal line and under limited conditions via the maternal line, marriage, or naturalisation. Foundlings in the country are also entitled to Emirati citizenship. At the time of the UAE's establishment, citizens of one of the constituent Emirates who could prove that they had resided in the Emirate since 1925 could claim the citizenship of the Federation. The 1972 Law also regulates withdrawal of citizenship of birth-right as well as naturalised citizens.
17. The UAE legal framework on nationality does not include a definition of statelessness, though measures to protect against statelessness can be found in the 1972 Law. The Nationality Law was significantly amended in August 2017.<sup>17</sup> The amendments concerned women's right to transmit their nationality to their children born to foreign fathers, albeit still on discriminatory basis, conditions for naturalisation, and the revocation of citizenship.
18. In terms of implementation of gender-equal nationality provisions, the impact of the amendments to the law is mixed and difficult to evaluate comprehensively, in the absence of published Executive Regulations. Facilitating Emirati women's ability to transmit their nationality to children born in the UAE by application is undoubtedly a

<sup>15</sup> Research by Refugees International in 2005 estimated that around 100,000 stateless persons reside in the UAE. M. Lynch, *Lives on Hold: The Human Cost of Statelessness*, (2005), Refugees Int'l, p. 21.

<sup>16</sup> U.A.E. Federal Supreme Council (2006) Resolution (2) of 2005 Concerning the Problem of Stateless Persons (the Bidoon), (28 September), available at [https://lexmena.com/law/ar\\_fed~2005-12-03\\_00002\\_2020-01-27/](https://lexmena.com/law/ar_fed~2005-12-03_00002_2020-01-27/).

<sup>17</sup> Federal Law No. (17) of 1972, Concerning Nationality and Passports with its amendments, Federal Decree-Law No. (16) Of 2017 concerning the amendment of some provisions of Federal Law No. (17) of 1972 regarding Nationality and Passports.

step in the direction toward gender equality, though it comes far too short.

19. Further, the 2017 amendment introduced more stringent conditions for the naturalised.<sup>18</sup> Many requirements and procedures previously stipulated in the nationality law were moved out of view to the Executive Regulations, which, to the co-submitters' knowledge, have yet to be made public.<sup>19</sup> Thus far, the procedures required for naturalisation are not known.<sup>20</sup> Similarly, according to the executive regulations, women can apply for Emirati nationality on behalf of their child only six years after giving birth.<sup>21</sup>
20. Amendments made regarding deprivation of nationality are the clearest cause for alarm.<sup>22</sup> Relevant authorities mandate the withdrawal or deprivation of nationality as an "accessory penalty" for citizens convicted of offenses violating the Law on Combating Terrorist Offences, and of "offences which are considered to be a threat to the external security of the State in accordance with the laws in force in the State."<sup>23</sup>

## Issue I – Gender Discrimination in Nationality Law

21. Despite certain partial reforms in the last five years, children of Emirati women and foreign fathers whose citizenship is known, still cannot obtain Emirati citizenship at birth. Prior to the 2017 amendment, the children of Emirati mothers and non-citizen fathers had to wait until they turned eighteen before they could apply for UAE citizenship. Since the 2017 amendment, the Nationality Law allows Emirati mothers of children with foreign fathers to apply for Emirati citizenship for their children when the children turn six years old.<sup>24</sup> Following this amendment, over 3350 children of Emirati women were granted Emirati citizenship in 2019 by the Federal Authority for Identity, Citizenship, Customs and Ports Security (ICP).<sup>25</sup> Although many of them were reported to be in the age range 6 to 18, there were also individuals over 18 years who had been waiting for their applications to be approved, a process which their Emirati mothers reported could take several years.
22. In June 2022, it was announced that the children of Emirati mothers and non-citizen fathers who reside in the UAE would be allowed to access expanded health and

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<sup>18</sup> Ibid. Art. 3.

<sup>19</sup> The Executive Regulation was last amended in January 2021 (available at: <https://u.ae/en/information-and-services/passports-and-traveling/emirati-nationality>), but this most recent version is not available online. The version found on the website of the Ministry of Justice was last amended in 1988, available at: [https://elaws.moj.gov.ae/UAE-MOJ\\_LC-Ar/00\\_%D8%AC%D9%86%D8%B3%D9%8A%D8%A9%20%D9%88%D8%A7%D9%82%D8%A7%D9%85%D8%A9/00\\_%D8%A7%D8%AF%D8%A7%D8%B1%D8%A9%20%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9/00\\_%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9%20%D9%88%D8%AC%D9%88%D8%A7%D8%B2%D8%A7%D8%AA%20%D8%A7%D9%84%D8%B3%D9%81%D8%B1/UAE-LC-Ar\\_1972-12-31\\_00002\\_Karmaj.html?val=AL1#Anchor12](https://elaws.moj.gov.ae/UAE-MOJ_LC-Ar/00_%D8%AC%D9%86%D8%B3%D9%8A%D8%A9%20%D9%88%D8%A7%D9%82%D8%A7%D9%85%D8%A9/00_%D8%A7%D8%AF%D8%A7%D8%B1%D8%A9%20%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9/00_%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9%20%D9%88%D8%AC%D9%88%D8%A7%D8%B2%D8%A7%D8%AA%20%D8%A7%D9%84%D8%B3%D9%81%D8%B1/UAE-LC-Ar_1972-12-31_00002_Karmaj.html?val=AL1#Anchor12).

<sup>20</sup> Federal Law No. (17) of 1972, Concerning Nationality and Passports with its amendments, Federal Decree-Law No. (16) of 2017 concerning the amendment of some provisions of Federal Law No. (17) of 1972 regarding Nationality and Passports, Arts. 9, 12 bis, 19 and 35.

<sup>21</sup> Ibid. Art. 10 bis.

<sup>22</sup> Federal Law No. (17) of 1972, Concerning Nationality and Passports with its amendments, Federal Decree-Law No. (16) of 2017 concerning the amendment of some provisions of Federal Law No. (17) of 1972 regarding Nationality and Passports, Arts. 14, 14 bis, 15, and 16.

<sup>23</sup> Ibid. Art. 14 bis (2).

<sup>24</sup> Ibid. Art. 10 bis.

<sup>25</sup> The National, "Thousands of children to be given Emirati citizenship", The National, (29 May 2019), available at: <https://www.thenationalnews.com/uae/government/thousands-of-children-to-be-given-emirati-citizenship-1.866880>.

education benefits.<sup>26</sup> Though it is too early to assess the impact of this new policy, initial reactions on part of affected women suggest that it would significantly decrease, though not eliminate, the discrimination against children born to an Emirati mother and foreign father.<sup>27</sup>

23. Emirati women lack the right to confer nationality on a noncitizen spouse, a right that is reserved for Emirati men.

## Issue II – Arbitrary Deprivation of Nationality

24. Concerns regarding arbitrary deprivation of nationality emerge both from UAE law and practice.<sup>28</sup> Though UAE's Constitution in Article 8 prohibits arbitrary withdrawal of nationality, save for exceptional circumstances defined by law, the Nationality Law creates a broad list of circumstances that may be considered "exceptional."<sup>29</sup>

25. All Emirati citizens will lose their citizenship if they:

1. *"[engage] in military service for a foreign State without a permission from the State, and ... [have] been ordered to leave said service but [have] refused to do so.*
2. *... acted for the benefit of a hostile nation.*
3. *... willingly become a naturalised national of a foreign state."*<sup>30</sup>

26. A finding that a citizen has committed any of the above acts must be made through a Federal Decree, which cannot be contested.<sup>31</sup>

27. Dissidents' calls for representative democracy and a Parliament with legislative powers have been deemed to amount to plots to overthrow the regime and resulted in the stripping of nationality from many such opponents. The practice of citizenship revocation started with the famous trial of the accused in the "UAE 94" case, a trial which UN Special Rapporteurs and the Working Group on Arbitrary Detention determined was unfair and arbitrary due to lack of due process.<sup>32</sup> Seven of those on trial, all political opponents of the government, were stripped of their nationality. Since then, at least 60 people have been arbitrarily stripped of their nationality.<sup>33</sup> While the state claims that these measures are to combat terrorism, it is evident that the deprivation of nationality is politically motivated. The UAE has yet to demonstrate that its practice of arbitrary deprivation of nationality is not incompatible with its own

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<sup>26</sup> R. Alghoul and E. Ismail, "President Issues Resolution Granting Children of Emirati Mothers in UAE Same Education, Health Benefits as Other Citizens", WAM, (June 30 2022), available at: <https://wam.ae/en/details/1395303062090>.

<sup>27</sup> R. Abu Baker, "Emirati Mothers of Foreign Children Hope That They Will Soon Be Embraced as UAE Citizens," Khaleej Times, (July 10 2022), available at: <https://www.khaleejtimes.com/uae/emirati-mothers-of-foreign-children-hope-that-children-will-soon-be-accepted-as-uae-citizens>.

<sup>28</sup> Human Rights Watch, "UAE's Double-Standard on Citizenship Rights: Government Should Reverse Discriminatory Citizenship Law, (February 5 2021), available at: <https://www.hrw.org/news/2021/02/05/uaes-double-standard-citizenship-rights>.

<sup>29</sup> Article 8 United Arab Emirates: Constitution, (2 December 1971), available at: <http://www.refworld.org/docid/48eca8132.html>.

<sup>30</sup> Federal Law No. (17) of 1972, Concerning Nationality and Passports with its amendments, Federal Decree-Law No. (16) Of 2017 concerning the amendment of some provisions of Federal Law No. (17) of 1972 regarding Nationality and Passports, Art. 15. Rephrased for concordance.

<sup>31</sup> Ibid. Art. 20 (1).

<sup>32</sup> The Guardian, "The UAEs bizarre political trail of 94 activists", (6 March 2013), available at: <https://www.theguardian.com/commentisfree/2013/mar/06/uae-trial-94-activists>.

<sup>33</sup> The International Campaign for Freedom in the United Arab Emirates (ICFAE), "Revocation of nationalities in the United Arab Emirates", (25 January 2017), available at: <https://www.icfae.org.uk/research-and-publications/revocation-nationalities- united-arab-emirates>.

constitution as well as its international obligations. In addition to being arbitrary, this practice is also indiscriminate, with some reports of entire families having had their nationality stripped off them, in retaliation to the political views of the husband/father. For example, Mr. Obaid Ali Al Kaabia, was arrested and forcibly disappeared by the State Security Apparatus in 2014. When he was released his citizenship was arbitrarily revoked, along with that his wife and children, on grounds of them being a ‘threat to national security’.<sup>34</sup> Others stripped of nationality include: Sheikh Mohammed Abdul-Razzaq Siddiq, Dr. Hussein Al Hammadi, Dr. Shaheen Abdullah Al Hosni, Mr. Hussein Munif al-Jabri, Mr. Hassan Munif al Jabri, Prof. Ibrahim Hassan Al Marzouki, Prof. Ahmed Ghaith Al Suwaid, all opposition activists.<sup>35</sup>

#### **UAE94 and Deprivation of Emirati Nationality**

According to the ICP six individuals – who belonged to the group of dissidents later known as “UAE94” – and had their citizenship revoked in December 2011, “*were originally holders of the citizenship of other countries and acquired citizenship by naturalisation*” in the UAE. They were stripped of their citizenship because they “*conducted acts that threaten the security and peace of the country.*”<sup>36</sup> These 2011 cases of citizenship revocations were justified by the Government’s powers to withdraw the citizenship of naturalised citizens under former Art. 16 of the Nationality Law. There is no evidence, however, that they held any other citizenship, and that they did not become stateless.<sup>37</sup> None of the Nationality Law’s revocation provisions in Articles 15, 15 bis, and 16 include a safeguard against statelessness, in contravention of the Universal Declaration of Human Rights and other sources of international human rights law.<sup>38</sup> One of the dissidents in the group known as the “UAE94” who lost his citizenship was Abdul Salam Darwish al-Marzouki, who worked as a teacher and public servant prior to his arrest in 2012.<sup>39</sup> The wife and two sons of Darwish al-Marzouki also had their citizenship revoked while they were in the United States for medical treatment.<sup>40</sup> Such derivative deprivation of citizenship amounts to arbitrary collective punishment. A total of nineteen relatives of two dissidents were deprived of their Emirati citizenship between 2012 and 2019.<sup>41</sup> Besides citizenship revocations, family members of imprisoned or exiled dissidents have been banned from leaving the country, while others have been refused renewal of their identity documents.<sup>42</sup> The legal basis of these actions has never been clarified.<sup>43</sup>

28. Under the 2017 Nationality Law amendment, all Emirati citizens shall be stripped of their nationality automatically if they are convicted of two types of offenses:

<sup>34</sup> Ibid.

<sup>35</sup> The UAE shared a letter with the co-submitting organisations that confirms citizenship stripping of an individual, al-Saddiq, together with his family.

<sup>36</sup> E. Al-Youm, “Withdrawal of Emirati citizenship of six persons due to their involvement in offense against the country’s security”, (original title: “اشخاص لتورطهم بالمساس بأمن الدولة 6سحب الجنسية الإماراتية من”), (22 December 2011), available at: <https://www.emaratalyoum.com/local-section/other/2011-12-22-1.447078>.

<sup>37</sup> Amnesty International, ““There is no freedom here”: Silencing dissent in the United Arab Emirates (UAE)”, (17 November 2014), available at: <https://www.amnestyusa.org/reports/there-is-no-freedom-here-silencing-dissent-in-the-united-arab-emirates/>.

<sup>38</sup> UN Human Rights Council, ‘Human rights and arbitrary deprivation of nationality: Report of the Secretary General’, A/HRC/25/28, (19 December 2013), p. 3, available at: <https://www.refworld.org/docid/52f8d19a4.html>.

<sup>39</sup> Amnesty International, ““There is no freedom here”: Silencing dissent in the United Arab Emirates (UAE)”, (18 November 2014), available at: <https://www.amnesty.org/en/documents/mde25/0018/2014/en/>.

<sup>40</sup> The International Campaign for Freedom in the United Arab Emirates (ICF UAE), “Factsheet: The UAE Collective Punishment Policy on Families of Prisoners of Conscience”, (27 June 2022), available at: <https://www.icfuae.org.uk/research-and-publications-factsheets/uae-collective-punishment-policy-families-prisoners-conscience>.

<sup>41</sup> Human Rights Watch, “UAE: Unrelenting Harassment of Dissidents’ Families”, (22 December 2019), available at: <https://www.hrw.org/news/2019/12/22/uae-unrelenting-harassment-dissidents-families>.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

1. *“Any of the terrorist offenses provided for in the Law on Combating Terrorist Offences.”*
  2. *“An offence that threatens the external security of the State and that is punishable in accordance with the Federal Penal Code or other offences which are considered to be a threat to the external security of the State in accordance with the laws in force in the State.”<sup>44</sup>*
29. Article 14 bis paragraph 2 has the potential to be applied in an overbroad manner, consistent with the UAE’s recent practice of citizenship stripping discussed above.<sup>45</sup> It is notable that the acts punishable with denationalisation under Article 14 bis resemble those previously used in the provision describing conditions under which only naturalised citizens could be stripped of nationality.<sup>46</sup> The deprivation of citizenship under Article 14 bis of the Nationality Law is an automatic “accessory penalty” incurred upon conviction of certain crimes deemed to threaten the state’s “external security” that may not be contested, though the underlying criminal conviction may be appealed to the Federal Supreme Court.<sup>47</sup>
30. Under the 2017 Amendment, naturalised citizens can have their citizenship withdrawn in four additional circumstances, resulting into unequal treatment between birth right citizens and naturalised citizens:
1. *“If he has been repeatedly convicted for offences involving moral turpitude or dishonesty.*
  2. *Should there be any forgery, fraud or adulteration in substantial information used as proof for acquisition of nationality.*
  3. *If he has exercised citizenship rights at any other country.*
  4. *Should he reside outside the State without excuse for a continuous period exceeding two years.”<sup>48</sup>*
31. Such denaturalisation carries with it the denaturalisation of family members who derived Emirati nationality through their denaturalised parent or spouse.
32. Finally, citizenship may be withdrawn from any citizen if *“he is convicted, by a final judgment, for an offense prejudicing the internal security of the State and which is punishable in accordance with the Federal Penal Code, or other offenses which are considered to be a threat to the internal security of the State as per the laws in force in the State.”<sup>49</sup>*
33. At least one individual whose citizenship had been stripped appealed the withdrawal to the Federal Supreme Court.<sup>50</sup> The Court dismissed the appeal on procedural grounds

<sup>44</sup> Federal Law No. (17) of 1972, Concerning Nationality and Passports with its amendments, Federal Decree-Law No. (16) Of 2017 concerning the amendment of some provisions of Federal Law No. (17) of 1972 regarding Nationality and Passports, Art. 14 bis (2) and (3).

<sup>45</sup> Amnesty International, *“There is no freedom here”: Silencing dissent in the United Arab Emirates (UAE)*, (17 November 2014), <https://www.amnesty.org/en/documents/mde25/0018/2014/en/>.

<sup>46</sup> Before 2017, Article 16 stated, in relevant part that “[n]ationality shall be withdrawn from a person who has acquired the nationality by naturalisation ... If he commits or attempts to commit an action which is deemed dangerous for the security or safety of the country.”

<sup>47</sup> Federal Law No. (17) of 1972, Concerning Nationality and Passports with its amendments, Federal Decree-Law No. (16) Of 2017 concerning the amendment of some provisions of Federal Law No. (17) of 1972 regarding Nationality and Passports, Art. 14 bis (3), (4).

<sup>48</sup> Ibid. Art. 16.

<sup>49</sup> Ibid. Art. 15 bis.

<sup>50</sup> UAE Federal Supreme Court, Case No 3 of 2013 decided on November 6, 2013, available at: <https://www.moj.gov.ae/ar/about-moj/union-supreme-court/e-services/latest-court-interpretations.aspx#page=1>.



without addressing the merits of the allegation that Articles 15 and 16 of the 1972 Nationality Law (as they were prior to the 2017 amendment) are unconstitutional and that the Government's act of withdrawing the appellant's family book and passport were unlawful. The justification used by the Court in reaching its decision was the absence of a Federal Decree stripping the appellant's nationality, which would give the appellant standing to question the constitutionality of the provisions.

34. The amendments introduced in 2017, notably the insertion of Article 14 bis, run counter to at least one recommendation the UAE received in the second review cycle, by imposing a broad, vague, and non-justiciable standard for the obligatory stripping of nationality.<sup>51</sup>

### Issue III – Comoros Passports: No Solution to Statelessness in the UAE

35. The number of stateless persons in the UAE was estimated at around 100,000 in 2005.<sup>52</sup>

In 2017, the UAE denied the continuing existence of statelessness on its territory.<sup>53</sup> Still, national legislation, the structure of Emirati population, and human rights rapporteurs' accounts point to several ways in which statelessness persists in the federal state.

36. The 1972 Nationality Law lacks a provision that would extend Emirati nationality when a child is born to two stateless parents in the UAE.<sup>54</sup> Children can also be born into statelessness if the mother is Emirati and the father is non-Emirati and cannot confer his citizenship to his children.<sup>55</sup> While an Emirati woman can, under Article 2(d) of the Nationality Law, transfer her citizenship to her children when the father is stateless, this is not always implemented in practice.<sup>56</sup> Statelessness could also result as the descendants of migrants lose their ability to claim nationality from their parents' or grandparents' states of origin, or when an Emirati is stripped of nationality.<sup>57</sup> As documented above, both phenomena are known to occur in the UAE, which has long been home to generations of migrant workers and whose law permits the stripping of

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<sup>51</sup> UN Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: United Arab Emirates', A/HRC/23/13, (21 March 2013), Recommendation 128.105, available at: <https://www.upr-info.org/sites/default/files/documents/2013-10/ahrc2313e.pdf>.

<sup>52</sup> U.S. Department of State, '2021 Country Reports on Human Rights Practices: United Arab Emirates', available at: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/united-arab-emirates/>.

<sup>53</sup> CERD, 'Concluding Observations on the Combined Eighteenth to Twenty-First Periodic reports of the United Arab Emirates', CERD/C/ARE/CO/18-21, (13 September 2017), paras 27-28, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/266/53/PDF/G1726653.pdf?OpenElement>.

<sup>54</sup> A. Zacharias, "Citizenship Hope for UAE's Stateless", The National, (July 31 2012), available at: <https://www.thenationalnews.com/uae/citizenship-hope-for-uae-s-stateless-1.362084>.

<sup>55</sup> Nationality Law of 1972, Art. 2.

<sup>56</sup> B. L. Fisher (2016), "Gender discrimination and statelessness in the Gulf Cooperation Council states", *Michigan Journal of Gender & Law*, 23(2), p. 283, available at: <http://repository.law.umich.edu/mjgl/vol23/iss2/1>.

<sup>57</sup> UN Human Rights Council, 'Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, Addendum Mission to the United Arab Emirates', (31 March 2010), paras. 44-54, available at <https://digitallibrary.un.org/record/681194?ln=en>.

nationality without a statelessness safeguard.<sup>58</sup>

37. In 2005, the UAE Government passed a resolution to expeditiously find a solution to the “Bidoon” issue.<sup>59</sup>
38. In 2006, the UAE Government announced the naturalisation of 1294 persons who had proof that they had resided in the UAE since before its establishment and had no previous nationality or criminal background.<sup>60</sup>
39. In 2008, the Ministry of Interior launched a country-wide registration effort for persons without nationality documents which official sources linked to the prospect of naturalisation.<sup>61</sup> Those called to register included the Bidoon, those who at some point held a UAE passport but lack proof of any other nationality, and those who had received UAE decrees of naturalisation but lack a family book.<sup>62</sup> The registration was introduced as a final opportunity for those groups to present themselves to the Government and be assessed for naturalisation.
40. Unfortunately, the measures taken thereafter have served to mask the problem of statelessness on the UAE territory and to displace responsibility for its resolution. Notably, since 2008, the UAE has been contracting with the Government of the Union of Comoros to issue passports to stateless persons previously vetted as without nationality by the UAE’s Ministry of Interior.<sup>63</sup> This arrangement has been found illegal by a committee of the Union of Comoros National Assembly in 2017 but the passports issued under it continue to be renewed.<sup>64</sup>
41. There has been scarce public acknowledgement of statelessness after the registration drive of 2008. Nevertheless, evidence remains that stateless persons are far from gone from the UAE. Instead, they continue to live in limbo as Comoros passport holders. For example, the records of a June 2010 meeting of the Federal National Council show concern on part of an FNC member from Dubai, Maysa Rashid Ghadeer, over the plight of UAE nationals who do not hold a family book and thus cannot obtain medical treatment.<sup>65</sup> Ms. Ghadeer objected to the inflexible policy of the Emirates Identity

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<sup>58</sup> This figure comes from United Nations estimates. UNDataApp: United Arab Emirates, see: <http://data.un.org/en/iso/ae.html>. Since 2005, the UAE has not had a nation-wide census or published detailed breakdown of migrant and national population. In 2019, the UAE announced a transition to an administrative census though the results of this census have not been made publicly available. UAE Ministry of Cabinet Affairs, “The UAE Administrative Census Project 2020 Launched,” available at: <https://fcsc.gov.ae/en-us/Pages/Press-Release/02-07-2019.aspx>; Individual Emirates have selectively published data on the breakdown between nationals and non-nationals on their territory. Abu Dhabi’s 2020 Statistical Yearbook mentions that non-citizens comprise 81% of the population. Abu Dhabi Statistics Centre, Abu Dhabi Statistical Yearbook 2020, p. 93, available at: <https://www.scad.gov.ae/Release%20Documents/Statistical%20Yearbook%20of%20Abu%20Dhabi%202020%20Annual%20Yearly%20en.pdf>.

<sup>59</sup> U.A.E. Federal Supreme Council (2006) Resolution (2) of 2005 Concerning the Problem of Stateless Persons (the Bidoon), (28 September 2005), available at [https://lexmena.com/law/ar\\_fed~2005-12-03\\_00002\\_2020-01-27/](https://lexmena.com/law/ar_fed~2005-12-03_00002_2020-01-27/).

<sup>60</sup> Emirates News Agency-WAM, Bedoons in UAE to be naturalized, (27 December 2006), available at: <http://wam.ae/en/details/1395227769304>.

<sup>61</sup> Emirates News Agency, “Moi sets panel to close file of stateless persons”, (September 3, 2008), available at: <http://wam.ae/en/details/1395228180581> and UAEInteract, “7,873 Applications Distributed to Stateless Persons”, (September 8 2008).

<sup>62</sup> N. Lori, *Offshore Citizens: Permanent Temporary Status in the Gulf*, Cambridge: Cambridge University Press, (2019).

<sup>63</sup> Z. Albarazi and Y. Kuzmova ‘Trafficking in (Non)-Citizenship in Kuwait and the UAE’ in Roel Meijer, James N Sater and Zahra R Babar (eds), *Routledge Handbook of Citizenship in the Middle East and North Africa* (Routledge 2020) 349; A. Abrahamian, *The Cosmopolites: The Coming of the Global Citizen*. New York: Columbia Global Reports, (2015).

<sup>64</sup> Union of Comoros National Assembly, Rapport de Synthèse. Rapport de la Commission d’Enquête Parlementaire sur la Loi Relative à la Citoyenneté Economique, (2017), available at : <https://drive.google.com/file/d/1ZkUqAmGYp73oi3plYerBD3B-Cavg7mu6/view?usp=sharing>.

<sup>65</sup> United Arab Emirates Federal National Council, Session number [461 / F14 / D] Fourteenth Legislative Semester Fourth Ordinary Session, (2010), p. 74, available at: <https://www.almajles.gov.ae/Pages/FNCHome.aspx>.

Authority (the former name of the ICP) and the Ministry of Interior, in refusing to issue Emirates IDs to persons in this situation, and then mandating that public hospitals only provide treatment to Emirates ID holders. The FNC member from Dubai characterized the situation as one of humanitarian concern which the Ministry of Interior (MoI) was well-positioned to address, seeing as it was the MoI that had in the first place mandated institutions such as public hospitals to only accept Emirates IDs.

42. Those who registered in 2008 were induced and then pressured to obtain Comoros passports in the years that followed, as their health insurance cards and driver's licenses expired and could not be renewed.<sup>66</sup> Eventually, many of those who resisted taking the passport of a country they had never visited were forced to reconsider.<sup>67</sup> In international forums, the UAE has asserted that no stateless persons remain in the UAE because the ones that claimed to be were routed through the registration process and allowed to apply for citizenship.<sup>68</sup> No official data has been provided, however, concerning the number of stateless persons who were naturalised nor has the Government given any information about the *"impact of the lack of nationality on [stateless persons'] ability to access health care, education, employment and State-provided services, without discrimination."*<sup>69</sup>
43. The UAE has never acknowledged the status of the Comoros passport holders or the scheme undertaken by the Government to secure the passports. Media reports indicate that these passports do not entitle their holders to full Comorian citizenship or to residence in Comoros.<sup>70</sup>
44. Gradually, the holders of Comoros passports have been transformed from de-facto Emiratis with limited identity documentation to "economic citizens" of Comoros treated by Emirati authorities like any other group of expatriate workers in the UAE.<sup>71</sup> This re-classification has caused significant hardship, such as difficulties with timely renewals of the passports, loss of livelihood and limited access to healthcare and education.<sup>72</sup> In 2018, the United States Department of Homeland Security (DHS) restricted the travel of Emirati residents with Comoros passports because of a determination that holders of these passports do not enjoy a right to reside in or return to the Union of the Comoros.<sup>73</sup> In light of the above, it is reasonable to conclude that holders of Comorian passports from the UAE remain just as stateless as they were before the UAE's 2008 registration campaign. A process through which stateless holders of Comorian passports can apply for Emirati nationality, if such exists, has never been made public.

## Issue IV – Human Rights Violations Faced by Stateless People

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<sup>66</sup> A. Zacharias, "Citizenship Hope for UAE's Stateless," The National, (July 31 2012), available at: <https://www.thenationalnews.com/uae/citizenship-hope-for-uae-s-stateless-1.362084>.

<sup>67</sup> Ibid.

<sup>68</sup> CERD, 'Concluding Observations on the Combined Eighteenth to Twenty-First Periodic reports of the United Arab Emirates', CERD/C/ARE/CO/18-21, (13 September 2017), paras 27-28, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/266/53/PDF/G1726653.pdf?OpenElement>.

<sup>69</sup> Ibid.

<sup>70</sup> F. Mukinda, 'Meet "stateless" man who has been stranded at JKIA for four months', Nairobi News, (6 April 2018), available at: <https://nairobinews.nation.co.ke/life/stateless-man-stranded-jkia>.

<sup>71</sup> N. Jain, *Manufacturing Statelessness*, American Journal of International Law 116, no. 2 (April 2022): 237–88.

<sup>72</sup> Co-submitters have official reports from affected people on this issue.

<sup>73</sup> A US DHS determination to this effect was made available to and is on file with the authors.

45. Being denied the right to acquire a nationality at birth due to discrimination or being arbitrarily deprived of nationality are both egregious violations of human rights law, including the right to a nationality, non-discrimination, equality before the law and due process. Additionally, lack of nationality can lead to other significant violations of human rights. The Emirates have also stated that those who have been deprived of their nationality may be at risk of arrest for being illegally resident in the country.<sup>74</sup> A stateless individual may not be able to instruct a lawyer, own property, have access to health and social services and they may have difficulties accessing education at schools and universities. Being stateless in the UAE may mean that an individual is denied their freedom of movement, but may also lead to deportation, despite there being no country of nationality to remove such persons to.<sup>75</sup>
46. A regime where the right to nationality, even by operation of law, can be limited without a safeguard against statelessness raises serious concerns about citizens' ability to express dissent or question their Government.
47. Furthermore, gender discrimination in the nationality law, which denies women the right to confer nationality on their child or spouse on an equal basis with men, undermines women's status as equal citizens and their equality in the family, and is also linked with gender-based violence.<sup>76</sup>

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<sup>74</sup> ICFAUE, 'Revocation of nationalities in the United Arab Emirates', (26 January 2017), available at: <https://www.icfuae.org.uk/research-and-publications/revocation-nationalities-united-arab-emirates>.

<sup>75</sup> F. Mukinda, 'Meet "stateless" man who has been stranded at JKIA for four months', Nairobi News, (6 April 2018), available at: <https://nairobinews.nation.co.ke/life/stateless-man-stranded-jkia> (reporting on the deportation of a Comoros passport holder who was removed from the UAE but not accepted in the Union of Comoros upon landing there).

<sup>76</sup> Global Campaign for Equal Nationality Rights, *The Impact of Gender Discrimination in Nationality Laws on Gender-Based Violence*, available at: <https://equalnationalityrights.org/images/zdocs/Impact-of-Gender-Discrimination-in-Nationality-Laws-on-Gender-Based-Violence.pdf>.

## Recommendations

48. Based on the above information, the co-submitting organisations urge reviewing States to make the following recommendations to the United Arab Emirates:

- I. Amend the Citizenship Law to enable Emirati women to confer nationality on their children without restriction and on their noncitizens spouse, on an equal basis to men. Ensure that this is completed without delay, in accordance with international standards.
- II. Remove the UAE's reservation to and ensure full compliance with Article 9 CEDAW and Article 7 CRC.
- III. Reform the Federal Law No. 17 of 1972 Concerning Nationality & Passports and bring it line with international and regional standards,<sup>77</sup> by ensuring that:
  - a. It aligns with Article 8 of the UAE's Constitution, and in particular, prohibits any deprivation of nationality that is disproportionate, discriminatory, indiscriminate and arbitrary, including by resulting in statelessness.
  - b. Safeguards against statelessness apply in all cases of deprivation of nationality;
  - c. The decision to deprive a citizen of nationality is in all cases the result of an independent judicial proceeding, where all due process rights are guaranteed, including the right to appeal and constitutional review;
  - d. Deprivation of nationality may not be incurred automatically (ex lege) based on a specific criminal conviction, without due consideration of the proportionality of deprivation of nationality as a penalty;
  - e. The penalty of deprivation of nationality is never automatically extended to the family members of those who are stripped of their nationality.
- IV. Restore individuals' nationality that has been stripped by UAE 's authorities, together with the full rights associated with citizenship.

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<sup>77</sup> League of Arab States, Regional Toolkit on Nationality Legislation, (May 2021).

- V. Implement an expeditious, rights-based, and transparent process through which the holders of Comoros Passports who participated in the 2008 Registration Program can apply for expedited naturalisation or apply to acquire Emirati nationality (for those born in the UAE) in accordance with regional and international law and best practices.
- VI. Ensure that stateless individuals living in the UAE enjoy full access to their fundamental human rights, including the right to education, travel, healthcare, own property, liberty and security of the person and access social services.
- VII. Accede to and fully implement the 1954 and 1961 Statelessness Conventions.