



UNITED ARAB EMIRATES

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By Migrant-Rights.org

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Executive Summary

1. The United Arab Emirates (UAE) has taken positive steps to meet its international human rights commitments, but there remain a number of areas where further progress is required, particularly regarding: trafficking and forced labour; arbitrary detention; discrimination against migrants, especially female migrants and domestic workers; and unequal access to social security and health.
2. Ongoing issues especially concern the country's migrant population, who account for over 85% of the population and over 90% of the labour force.¹ The Kafala system, or sponsorship system, ties all migrant workers' legal status to an employer or sponsor. With only the exception of very wealthy investors, most foreign workers cannot access any form of long-term or permanent residency. Though the UAE supported a number of recommendations related to migrant and domestic worker rights in its last UPR review, they remain inadequately addressed.
3. Migrant-Rights.org is a GCC-based advocacy organisation that aims to advance the rights of migrant workers. For over 15 years, we have worked to change perspectives towards migrant workers by improving access to information on migration in the Gulf region and its migration corridors and promoting informed, local discussion on migration issues. Both off and online, Migrant-Rights.org engages residents, local businesses, and employers to challenge perspectives towards migrants and improve working conditions.

4. The information compiled in this report is based on our reporting and our engagement with relevant stakeholders, including migrant workers and organisations that serve migrant workers both in the UAE and in countries of origin. It should be emphasised that information gathering and advocacy is extremely difficult in the UAE due to constraints on organising, civil society, and free speech, as well as limited public data.

Response To Recommendations In 3rd Cycle

5. Of the nine core UN treaties, the United Arab Emirates has ratified only five – CERD, CAT, CEDAW, CRC, and the CRPD. While the state works towards implementation of these treaties, it must continue to be encouraged to sign the remaining core treaties, particularly the ICCPR and CMW. While general recommendations pertaining to migrant workers (Theme G4) are supported, specific recommendations that call for commitments and written plans are only noted.
6. Migrants account for the majority of the UAE's population and labour market, though the state does not recognise them as migrant workers, instead using the terms temporary, contract, or guest workers. They have no access to permanent residency, or a residency de-linked from their employment, and are excluded from many key social protections. Though dependence on foreign labour is a permanent feature of the country's economy, this 'forced temporariness' of individual migrant workers is further accomplished by depriving millions of residents of their universal human rights. Though some progress has been made in recent years to address the marginalisation of migrant workers, the state still falls short of its human rights obligations under international law and its own national legislation.

7. To date, the UAE has not supported recommendations issued in the UPR process calling on it to ratify core treaties, but has supported the ratification of the CRC optional protocol (involvement of children in armed conflict) though is yet to do so. The UAE had also supported recommendations to cooperate with the Special Procedures and accept requests for visits, but has not accepted any requests in the period between the 3rd and 4th UPR sessions.

Constitutional And Legislative Framework (Theme A41) And Equality & Non-Discrimination (Theme B31)

8. The UAE has supported recommendations to ‘align national legislations with international treaties and protocols that it has ratified’ and ‘undertake efforts to integrate in the Constitution, or other national legislation, the principle of equality between men and women and related regulations’. The CERD, CEDAW, CRC, CRPD are all built on the foundation of non-discrimination, yet little progress has been made towards this alignment. The state has not established a non-discriminatory minimum wage (recommendation not supported, Theme G4) or social protection benefits for migrants. Migrants and migrant women in particular are excluded from many social protections; they generally cannot contribute to pension schemes² or unemployment insurance³, but instead are dependent on End-of-Service benefits alone. These benefits can be withheld or improperly calculated, particularly for domestic workers who are not included in the country’s Wage Protection System.⁴ These benefits are especially difficult to recover especially if workers leave the country, which many have no choice when their contracts end or are terminated, given the limited time they have to find a new job and the lack of a

safety net to support living expenses while doing so.⁵

9. The new labour law (Federal Decree Law No.33 of 2021) explicitly prohibits discrimination in the workplace. The effectiveness of this legislation in the current environment is questionable, as discrimination against migrants is both legally codified and culturally prevalent. The lack of a standardised minimum wage, the exclusion of migrant workers through the sponsorship system, and the absence of meaningful enforcement mechanisms allow discrimination based on nationality to continue unabated. The exclusion of domestic workers from the labour law also codifies gender-based discrimination, as the vast majority of domestic workers are women.
10. The systemic discrimination and marginalisation of migrant workers and domestic workers became especially acute during the pandemic, who were excluded from regulations that protected nationals' jobs⁶ and from basic support.⁷

Right To Health (Theme E41)

11. The state has supported the recommendation to 'strengthen efforts to ensure affordable and quality health and social services,' however, low-income migrant workers continue to lack adequate access to such services. Though the private sector labour law and the domestic workers law in specific emirates provide for mandatory health insurance, migrant women continue to face a number of legal and practical barriers to healthcare, and especially maternity care. Health insurance providers do not provide unmarried women with maternity coverage,⁸ and hospitals may withhold birth certificates from women who cannot pay their bills. The steep costs of care for women without insurance

prevent them from seeking critical pre and postpartum care.⁹

Cooperation With Civil Society (Theme A61) And Freedom of Association (Theme D45)

12. The state supported recommendations on cooperating with civil societies and supporting their efforts in promoting human rights. However, state overreach continues to threaten human rights defenders and those who raise their voice against injustices both at work and in society at large. Freedom of association remains largely criminalised (though supported as a recommendation, Theme D45),¹⁰ exposing migrant workers who raise their voices against exploitation to threat of detention and deportation without owed dues or justice.

13. Both nationals and migrant workers face severe restrictions on organising, civil society activity, and freedom of expression more generally, which presents a major obstacle to advancing progress on binding commitments in the country. Strict regulations on fundraising, registering organisations, and cybercrime laws render it exceptionally difficult to independently monitor and evaluate progress made on the governments' human rights commitments. In order for real progress to be made in making human rights a reality for all, the UAE must empower and engage with an independent civil society.

National Human Rights Institution (Theme A45)

14. In response to recommendations in previous cycles, the UAE has established a National Human Rights Mechanism in 2021 and should be encouraged to work towards attaining

A status. A fully independent and reliable mechanism could serve as an important mechanism for the country's migrant workers, who currently have limited recourse to reporting abuses and accessing justice.

Prohibition Of Slavery and Trafficking (Theme D27)

15. The UAE has not fully met commitments related to slavery and trafficking. The nature of the Kafala system¹¹ creates fertile ground for forced labour and human trafficking. Recent reforms to labour laws and the sponsorship system have not loosened the stranglehold employers and sponsors have on foreign workers.¹² Absconding laws, which require employers to report 'runaway' workers to authorities, provide employers with even further power over workers, who would face detention and deportation if charged.¹³ Absconding regimes are not necessary given that the labour law (Article 44 and 50) allows employers to take disciplinary action against workers who leave their place of employment.
16. The UAE, and Abu Dhabi and Dubai especially, is an attractive destination for aspiring migrant workers, and a popular hub for trafficking: Domestic workers in particular have repeatedly reported signing contracts to work in the UAE, only to be trafficked into neighbouring countries such as Oman and Saudi Arabia.¹⁴ Some migrants are also lured into paying high fees for jobs that do not exist, a phenomenon that is facilitated by the country's lax visit visa system. When workers lack a work visa, already weak complaints mechanisms become virtually inaccessible, and there are no means to raise grievances about locally-based agents or irregular employers without risking detention and/or deportation.¹⁵

17. Despite the prevalence of forced labour indicators such as wage theft, visa abuse, and retention of documents, UAE authorities accord little attention or practical resources to labour trafficking. As the US Trafficking in Persons report consistently documents, the government considered forced labour issues through administrative procedures, rather than investigating them under its anti-trafficking laws. It has never convicted any traffickers for the forced labour of a migrant worker.¹⁶

18. Migrant domestic workers in the UAE number at least 750,000 and are especially vulnerable to labour trafficking. While the UAE has supported the recommendation to provide more protection to domestic workers, it has not supported the recommendation to do so as per the ILO's C189 standards (Theme E32), and its domestic workers law falls short of the convention's standards. Efforts to reform the recruitment and employment of domestic workers, including through the establishment of government-affiliated Tadbeer centres, still do not adequately protect against trafficking, wage theft, and other forms of exploitation.¹⁷ The majority of services reportedly provided to trafficking victims, in particular women's shelters, are not accessible to the vast majority of migrant women who experience labour trafficking.

Migrant-Rights.Org has previously raised concerns with the CAT and CEDAW committees that are reiterated in this submission.

**Discrimination Against Women (Theme F12) And Violence Against Women (Theme F13)
And Advancement of Women (Theme F11) And Right to Just and Favourable Conditions
of Work (Theme 32)**

19. (Please see Annex 1: CEDAW Submission for additional details on the status of migrant women in the UAE).

20. The UAE has supported recommendations to strengthen gender equality and combat violence and discrimination against women. However, much of its reported progress applies selectively to national women or women in certain employment sectors. Migrant domestic workers continue to be among the least protected by labour laws and social protection mechanisms, despite the fact that the advancement of other women in work, government, and public life would not be possible without them.

21. Domestic workers remain excluded from the labour law and their working hours, wages, free time, and freedom of mobility remain inferior to labour law workers.¹⁸ Domestic workers will not be protected by recent labour law reforms that prohibit “sexual harassment, bullying or any form of verbal, physical or psychological violence against a worker by the employer, his/her superiors at work or colleagues,” though are likely most vulnerable to sexual and physical harassment. They are similarly excluded reforms that have made it easier for some workers to change employers without permission.¹⁹

22. Migrant domestic workers have limited access to justice due to their confinement in the home, language barriers, and systems that are not designed in consideration of their situation. Threats to file false absconding or criminal charges are used to control domestic workers and force them to endure unacceptable working conditions.²⁰

**Prohibition of torture and cruel, inhuman or degrading treatment (Theme D25) and
Arbitrary arrest and detention (Theme D33) and Conditions of detention (Theme D26)**

23. (Please see Annex 2: CAT Submission for further details on the legal framework governing migrant detention).

24. The UAE had not accepted recommendations specific to torture or detention in its 3rd UPR cycle, including recommendations to remove its declaration reservations to the CAT that limits the definition of torture.

25. Detained non-citizens in the UAE frequently face arbitrary arrests, poor conditions of detention, an inability to access information about their cases, and deportation without recourse to legal remedies. Their treatment amounts to cruel, inhuman or degrading treatment or punishment, prohibited by Article 16 of the CAT.

26. Although UAE law provides safeguards to all people in the country, it also allows wide scope for detaining and deporting non-citizens, making them vulnerable to arbitrary and abusive detention measures as well as criminal penalties. There remain a number of legal

protection gaps and an even wider gap between law and practice in the country. The law permits indefinite detention, including incommunicado detention, without appeal.²¹

27. The UAE routinely detains and deports non-nationals for immigration violations or violations of ‘public security or morals.’ While these practices were reduced during the height of the Covid-19 pandemic, they resumed even while the virus remained a significant risk.

28. The mass deportation of hundreds of African migrant workers in the summer of 2021 revealed the extent to which these violations have become standard practices in the UAE. An estimated 800 workers primarily from Uganda, Nigeria, and Cameroon were rounded up – most in their bedclothes, some even naked – and put onto buses without explanation. They were detained for up to several months without charge, without information about the reason for their detention, and with almost no access to their embassy officials. They were then deported without redress, and without the opportunity to retrieve personal belongings or owed wages.

29. Despite legal provisions, migration-related detention measures often appear to be wielded arbitrarily and in an ad hoc manner. In the instance of the mass deportation of African migrants, no explanation was provided to the workers for their detention. A government statement claimed that workers were only deported after “due legal process,” which contradicted the testimonies of more than a hundred workers.²²

30. The UAE has not ratified the 1951 refugee convention, and has no transparent or codified system for providing protection to asylum seekers or refugees. Cameroonian migrant workers who were detained in 2021 were refouled to a country of conflict, in violation of the CAT and non-refoulement principles of international law.

Recommendations

1. Reform the set of immigration and labour laws that constitute the kafala system, including the absconding regime, and lift constraints on changing employers
2. Investigate and prosecute possible trafficking incidents, including passport confiscation, wage theft, and malicious use of the absconding system, under the anti-trafficking law; and end the criminalisation of victims of trafficking.
3. Improve anti-trafficking efforts and victim assistance by consulting with migrant workers and NGOs in migrant-sending countries in the development of anti-trafficking programmes
4. Introduce laws to hold businesses and employers accountable, in keeping with the UN Guiding Principles on Business and Human Rights, in order to tackle forced labour and human trafficking;
5. Continue efforts to promote gender equality and incorporate domestic workers into the labour law, ensuring regulations meet the minimum standards for provided in ILO Convention 189.

6. Allow domestic workers to live in their own spaces and communities, and ensure that affordable housing exists to make this a reality in practice.
7. Safeguard the dignity and protect the rights of all workers, including by integrating agricultural and fishing sector workers into the labour law and ensure regulations thereof are in line with ILO standards, in keeping with state party recommendations on equality and non-discrimination.
8. Establish non-discriminatory minimum wages for all workers, including domestic workers;
9. Strengthen complaints mechanisms by ensuring all inspectors and authorities who receive complaints have sexual harassment and anti-trafficking training and can speak the languages of worker;
10. Abolish restrictions on the right to establish organisations, and consult migrant groups in the development of robust complaints mechanisms;
11. Abolish restrictions on the right to organise, and prohibit retaliatory action from employers
12. Strengthen efforts to ensure affordable and quality health and social services for women and migrant workers
13. Strengthen social protections measures for all migrant workers, including through accessible unemployment funds and pension schemes.
14. Ratify the Optional Protocol to the Convention against Torture (OPCAT) and establish an OPCAT-mandated National Preventive Mechanism empowered to investigate all sites of detention, including immigration detention centres, and in the meantime ensure that an ombudsperson can monitor the situation of immigration detainees and receive and investigate complaints;

15. Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and adopt national asylum legislation.
16. Ratify other key human rights treaties, including in particular the International Covenant on Civil and Political Rights and the Convention on the Human Rights of Migrant Workers and Their Families.

¹ "Migration and Remittances Factbook 2016 - Open Knowledge" <https://openknowledge.worldbank.org/bitstream/handle/10986/23743/9781464803192.pdf>. Accessed 4 Jan. 2022.

² In 2022, a new pension scheme for foreign workers in the public sector was announced. It has still not been introduced into the private sector, which employs the majority of migrant workers, and authorities indicate any such expansion would only be on a voluntary basis. See: "Sheikh Hamdan announces new end-of-service savings fund for" 2 Mar. 2022, <https://www.thenationalnews.com/uae/government/2022/03/02/sheikh-hamdan-announces-new-end-of-service-savings-fund-for-foreign-employees/>. Accessed 11 Oct. 2022.

³ A new unemployment insurance scheme was announced in 2022 and is expected to be implemented next year. However, it remains unclear whether the scheme will substantially include low-income migrant workers. Domestic workers and "temporary contract workers" are definitely excluded from the scheme. See: "Migrant workers to be included in UAE's new unemployment" <https://www.migrant-rights.org/2022/05/migrant-workers-to-be-included-in-uaes-new-unemployment-insurance-scheme/>. Accessed 11 Oct. 2022.

⁴ In 2022, employers were given the "option" to pay domestic workers via the WPS system, but are not required to do so. See: "UAE: Optional inclusion of domestic workers in WPS lacks clarity." 31 Jan. 2022, <https://www.migrant-rights.org/2022/01/uae-optional-inclusion-of-domestic-workers-in-wps-lacks-clarity/>. Accessed 11 Oct. 2022.

⁵ [Local media](#) reported earlier this year that the UAE intends to increase the grace period to change sponsorship from 30 days to 180 days as part of their latest labour reforms. However, this aspect of the reform has yet to be implemented.

⁶ "UAE's resolution to stabilise private sector employment gives" <https://www.migrant-rights.org/2020/04/uaes-resolution-to-stabilise-private-sector-employment-gives-businesses-a-free-hand-on-contract-change/>. Accessed 11 Oct. 2022.

⁷ "Homeless in the UAE - Migrant-Rights.org." 29 Nov. 2020, <https://www.migrant-rights.org/2020/11/homeless-in-the-uae/>. Accessed 11 Oct. 2022.

⁸ Recent reforms have decriminalised marriage out of wedlock, but access to safe, affordable maternity care for unmarried women remains limited. See: "Status of pregnancies outside marriage still unclear in UAE after law" 19 May. 2021, <https://www.reuters.com/world/middle-east/status-pregnancies-outside-marriage-still-unclear-uae-after-law-change-2021-05-20/>. Accessed 11 Oct. 2022.

⁹ "Pandemic aggravates the woes of migrant mothers and their newborns." 26 Aug. 2020, <https://www.migrant-rights.org/2020/08/born-into-uncertainty-pandemic-aggravates-the-woes-of-migrant-mothers-and-their-newborns/>.

Accessed 11 Oct. 2022.

¹⁰ "UNITED ARAB EMIRATES 2021 HUMAN RIGHTS REPORT." https://www.state.gov/wp-content/uploads/2022/03/313615_UNITED-ARAB-EMIRATES-2021-HUMAN-RIGHTS-REPORT.pdf. Accessed 11 Oct. 2022.

¹¹ "Reform the Kafala System - Migrant-Rights.org." <https://www.migrant-rights.org/campaign/end-the-kafala-system/>. Accessed 11 Oct. 2022.

¹² "UAE labour reforms include flexible employment options, but details" 18 Nov. 2021, <https://www.migrant-rights.org/2021/11/uae-labour-reforms-include-flexible-employment-options-but-details-remain-unclear/>. Accessed 11 Oct. 2022.

¹³ "Huroob, Runaway, Absconding: Trapping migrants in extreme abuse." 30 Sep. 2020, <https://www.migrant-rights.org/2020/09/huroob-runaway-absconding-trapping-migrants-in-extreme-abuse/>. Accessed 11 Oct. 2022.

¹⁴ "2022 Trafficking in Persons Report: Oman - State Department." <https://www.state.gov/reports/2022-trafficking-in-persons-report/oman/>. Accessed 11 Oct. 2022.

¹⁵ "UAE turns a blind eye to rampant abuse of its visit visa." 20 Sep. 2021, <https://www.migrant-rights.org/2021/09/uae-turns-a-blind-eye-to-rampant-abuse-of-its-visit-visa-employer-pays-model-only-on-paper/>. Accessed 11 Oct. 2022.

¹⁶ "2022 Trafficking in Persons Report: United Arab Emirates." <https://www.state.gov/reports/2022-trafficking-in-persons-report/united-arab-emirates/>. Accessed 11 Oct. 2022.

¹⁷ "Shopping for domestic workers in the UAE - Migrant-Rights.org." 23 Mar. 2021, <https://www.migrant-rights.org/2021/03/shopping-for-domestic-workers-in-the-uae/>. Accessed 11 Oct. 2022.

¹⁸ "REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS 1." 15 Sep. 2022, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_776529.pdf. Accessed 11 Oct. 2022.

¹⁹ "UAE labour reforms include flexible employment options, but details" 18 Nov. 2021, <https://www.migrant-rights.org/2021/11/uae-labour-reforms-include-flexible-employment-options-but-details-remain-unclear/>. Accessed 11 Oct. 2022.

²⁰ "Huroob, Runaway, Absconding: Trapping migrants in extreme abuse." 30 Sep. 2020, <https://www.migrant-rights.org/2020/09/huroob-runaway-absconding-trapping-migrants-in-extreme-abuse/>. Accessed 11 Oct. 2022.

²¹ Federal Law No (6) for 1973 Concerning "Immigration and Residence" provides for administrative detention measures in certain circumstances, including to execute a deportation or as punishment for violating immigration provisions, as well as criminal measures. # Aliens can be detained for up to three months for failing to maintain a valid residence permit; failing to leave the country after cancellation or expiry of an entry or residence permit; or failing to pay overstay fines (Article 21).

Article 29 provides for the deportation of any alien who does not have a residence permit, or who has not renewed his permit in accordance with legal requirements, or whose permit has been cancelled. Article 23 allows authorities to order the deportation of a non-national—even if holding a residence permit — if he has no apparent means of living; or if the security authorities see that public interest or public security or public morals require his deportation. According to the US Country Report on Human Rights practices in the UAE, when authorities suspect a foreigner of crimes of "moral turpitude," authorities sometimes deport the individual without recourse to the criminal justice system.

²² "'We cried and begged' - Migrant Rights. 22 Sep. 2021, <https://www.migrant-rights.org/2021/09/we-cried-and-begged/>. Accessed 11 Oct. 2022.