

Universal Periodic Review (43rd session)

Contribution of UNESCO

United Arab Emirates

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Not ratified			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Accession on 11 May 2001			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 02 May 2005			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession on 06 June 2012			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The Constitution of the United Arab Emirates of 1971, as amended in 1996, does not expressly enshrine the right to education.¹ Nevertheless, Article 17 does stipulate that “education shall be a fundamental factor for the progress of society. It shall be

¹ <http://www.unesco.org/education/edurights/media/docs/a96a82372082534045a9fb40ba1781ecb034258f.pdf>

compulsory in its primary stage and free of charge at all stages, within the Union. The law shall prescribe the necessary plans for the propagation and spread of education at various levels and for the eradication of illiteracy." Article 25 concerning non-discrimination states that all persons are equal before the law without distinction among several grounds, however, sex or gender is not included as a prohibited ground.

2. According to the Federal Law on Compulsory Education of 1972², education is compulsory and guaranteed for nine years. The Ministerial Decree No. 820 of 2014³ specifies that primary education begins at the age of six and lasts nine years.⁴ The same legislation ensures that education is free at all stages. Federal Law No. 3 of 2016 on child rights⁵, in Article 31, guarantees that "every child shall have the right to education and the State shall work on achieving equal opportunities for every child according to the Laws in force." It also includes a clause stipulating non-discrimination based on sex, among other things, in Article 3.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Article 30 of the United Arab Emirates' Constitution⁶ provides for the protection of the right to freedom of opinion and expressing it verbally or in writing. Article 31 states that "freedom of corresponding through the post, telegraph or other means of communication and the secrecy thereof shall be guaranteed in accordance with

² UNESCO is unable to access the Law directly. However, government information on the Law is available at the website <https://u.ae/en/information-and-services/education/governments-efforts-to-eradicate-illiteracy/compulsory-education#:~:text=The%20UAE%20Government%20issued%20Federal,send%20their%20children%20to%20school.&text=Aiming%20to%20bring%20the%20compulsory,a%20law%20in%20July%202012.>

³ <http://www.unesco.org/education/edurights/media/docs/0bdb64b1e27813119fcdde1f2e4bba059cbe032d.pdf>

⁴ <https://en.unesco.org/education/girls-women-rights/5>

⁵ https://www.khda.gov.ae/CMS/WebParts/TextEditor/Documents/Children_Law_English.pdf

⁶ https://elaws.moj.gov.ae/UAE-MOJ_LC-En/00_CONSTITUTION/UAE-LC-En_1971-07-18_00000_Dos.html?val=EL1

the law”.

4. Article 98 of the Federal Law No.15 of 1980, Concerning Publications and Publishing⁷ provides for the protection of journalism. Under Article 98, threatening, suspending or cancelling newspapers is permitted if their distribution shall tarnish the Islamic confession, stir trouble against the State, damage the ultimate interests of the State, or disseminate material which is contrary to its constitutional foundations especially the concept of unity, and federation.
5. Under Article 7 of the Federal Decree Law No.2 of 2015, amended by Federal Law No.11 of 2019 on Combatting Discrimination and Hatred⁸, hate speech is punishable with imprisonment for a period not less than five years and to a fine not less than five hundred thousand dirhams and not exceeding one million dirhams or either one of these two penalties.
6. The Federal Decree Law No. 34 of 2021 on Countering Rumors and Cybercrimes⁹ replaces the Federal Law No.5 of 2012 on Combatting Cybercrimes¹⁰. It regulates the use of information technology and criminalizes the use of the internet to commit offenses as outlined in the law. The new law also criminalizes in particular ‘fake’ news, rumors and online defamation.
7. Defamation, whether published or made in private, is a criminal offense under the UAE Penal code¹¹ Chapter VI Articles 425, 426 and 427, which carries a maximum prison term of up to two years or a fine not exceeding twenty dirhams. Article 174 of the Penal Code, imposes sentences of “up to life in prison and death sentence for a person who commits an act against a foreign country that could harm political relations.” It stipulates a minimum prison

⁷ <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/62110/65257/E80ARE01.htm>

⁸ https://elaws.moj.gov.ae/UAE-MOJ_LC-En/00_PENALTIES%20AND%20CRIMINAL%20MEASURES/UAE-LC-En_2015-07-15_00002_Markait.html?val=EL1

⁹

[https://www.moj.gov.ae/assets/2022/%20مرسوم%20بقانون%20اتحادى%20رقم%20\(34\)%20لسنة%202021%20في%20شأن%20مكافحة%20الإلكترونية%20والجرائم%20الشانعات%20مكافحة%20](https://www.moj.gov.ae/assets/2022/%20مرسوم%20بقانون%20اتحادى%20رقم%20(34)%20لسنة%202021%20في%20شأن%20مكافحة%20الإلكترونية%20والجرائم%20الشانعات%20مكافحة%20) (original language – Arab)

¹⁰ https://elaws.moj.gov.ae/UAE-MOJ_LC-En/00_COMBATING%20CYBERCRIMES/UAE-LC-En_2012-08-13_00005_MarKait.html?val=EL1

¹¹ <https://laws.uaecabinet.ac/ar/materials/law/1529?page=1>

sentence of five years and a minimum fine of 100,000 UAE dirhams (\$27,225) if the act takes place in "writing, speech, drawing or by statement or using any means of technology or through the media."

8. Article 178 provides for sentences of 3 to 15 years in prison for anyone who, without a license from the appropriate authorities, collects information or objects in order to hand them over to a foreign country or group or organization or entity. Under Article 184, the punishment for anyone who "ridicules, insults, or harms the reputation or prestige of the state, its institutions, its founding leaders, the state's flag, peace, national emblem or anthem, or any of its national symbols" is reduced to 5 years in prison rather than 10 years. However, under Article 183, "whoever insults or ridicules the head of the state or harms his reputation or standing will be sentenced to up to 25 years in prison". Article 217 criminalizes publishing or sharing "false or tendentious news, statements or rumours" and spreading "propaganda" that may disturb public security or the public interest.
9. There is no access to information legal framework in the country.
10. The Ministry of Culture and Youth, established by the Federal Decree n°16 of 2020¹², supports the country's cultural, arts and heritage institutions. The Media Regulatory Office (MRO), established in 2021, operates under the Ministry of Culture and Youth and its responsibilities include: preparing research related to the media sector; formulating legislations and regulations for organizing and licensing media; and proposing media conduct and ethics.
11. The Federal Law by Decree No. 3 of 2003¹³ established the Telecommunications and Digital Government Regulatory Authority (TDRA) which regulates, monitors and controls access to the internet and its content according to the Internet Access

¹² https://lexmena.com/law/en_fed~2020-09-27_00016_2021-03-25/

¹³ <https://wipolex.wipo.int/en/text/316769>

Management Regulatory Policy (IAM)¹⁴.

Implementation of the law:

12. The media in the UAE are regulated both at the federal and at the local level. At the federal level, the National Media Office (NMO) is a newly created media unit (7/06/2022) responsible for the development at the national level of the media sector with the aim to position the UAE as a media hub regionally and internationally. It is affiliated with the Minister of Presidential Affairs in Abu Dhabi. The Emirates News Agency (WAM) is reporting to the NMO.

13. Since 2018, Internet users are called to report online prohibited content through the “My Safe Society”¹⁵ application launched by the Abu Dhabi Public Prosecution.

Safety of journalists:

14. As of 5 August 2022, UNESCO recorded no killings of journalists in the United Arab Emirates since systematic monitoring began in 2006.¹⁶

III. Review and specific recommendations

A. Education

Inequality in education

¹⁴ <https://u.ae/en/media/media-in-the-uae/media-regulation>

¹⁵ <https://u.ae/en/participate/consultations/consultation?id=1386>

¹⁶ <https://en.unesco.org/themes/safety-journalists/observatory/country/223648>

15. Data from the World Inequality Database on Education shows that there are certain educational inequalities within the country. For example, there are significant gaps between learning outcomes and performance between those living in rural and urban areas, particularly in mathematics and science, with those in urban areas performing notably higher than those in rural areas of the country. Also, the difference between reading proficiency at the end of primary school is large between the richest in the UAE and the poorest, as it is with math and science proficiency.¹⁷
16. With regard to gender discrepancies, achievements in mathematics and science are relatively equal between males and females, except in reading proficiency at both the primary and secondary level, in which females perform stronger than males.¹⁸ With regard to gender inequalities, it is also important to note that the United Arab Emirates introduced co-education in primary schools in 2018, in alignment Recommendation 141.160 which advocates for equal educational opportunities especially for girls.¹⁹

Inclusion and Disabilities

17. The United Arab Emirates has made substantial progress towards ensuring inclusion in education, and more specifically, for persons with disabilities, supporting Recommendation 141.202 and 141.204 from the last UPR cycle. The Ministry of Education declared that persons with disabilities are deemed “People of Determination”²⁰ for the purposes of educational policy.²¹

¹⁷ [World Inequality Database on Education - U. A. Emirates \(education-inequalities.org\)](https://education-inequalities.org/)

¹⁸ [World Inequality Database on Education - U. A. Emirates \(education-inequalities.org\)](https://education-inequalities.org/)

¹⁹ <https://en.unesco.org/gem-report/report/2020/inclusion>

²⁰ Please refer to the Disability Inclusive Language Guidelines for reference and appropriate definition

²¹ [United Arab Emirates | INCLUSION | Education Profiles \(education-profiles.org\)](https://education-profiles.org/)

18. In 2018, the Ministry of Education published its General Framework for Education policies²², in which Article 4.1.1 on the General Rules for the Provision of Special Education Programs and Services states that special education includes both special education classrooms where students with special needs receive support and education in regular classrooms with support dedicated to students with special needs.²³
19. In striving for more inclusive education for “persons of determination”, the government as of 2019 was in the process of developing seven new centres with elevators, ramps, and accessible toilets. These efforts come at the same time as the implementation of the 2019 National Policy for Empowering “People of Determination”, which also includes measures to develop highly trained professionals and experts to work with and educate people of determination. The Policy includes its goal number two (2.2) as ‘providing highly qualified teachers and experts in education for people of determination across different learning stages.’²⁴
20. Similarly, in 2018, Dubai launched a manual with detailed guidelines for schools on how to apply the Dubai Inclusive Education Policy Framework²⁵ which requires that, headed by the principal, a team of five members must be formed on inclusive education in each school. The guidelines also offer detailed information on how to apply the Framework²⁶, which was developed in 2017.

Stateless persons and migrants

21. Migration often poses challenges to inclusion in education for multiple reasons – sometimes financial inequalities, social inclusion and integration in society, as well as language barriers. According to the GEM 2020 report, the Gulf Cooperation Council heavily relies on foreign workforces and migrants with short-term contracts and a

²² [FinalG.pdf \(moe.gov.ae\)](#)

²³ [United Arab Emirates | INCLUSION | Education Profiles \(education-profiles.org\)](#)

²⁴ [United Arab Emirates | INCLUSION | Education Profiles \(education-profiles.org\)](#)

²⁵ https://www.khda.gov.ae/Areas/Administration/Content/FileUploads/Publication/Documents/Arabic/20190123084554_SENDPOLICY_SCHOOLS_AR.pdf

²⁶ [Education_Policy_En.pdf \(khda.gov.ae\)](#)

high turnover rate. In some countries, migrants comprise more than half of the student population- posing a major challenge for inclusive education.

22. As a result, the GEM report states that ministries of education do not make substantive efforts to integrate immigrant children but encourage the development of private schools, where access and quality are linked to ability to pay. These schools offer an extensive range of curricula, mostly in line with the country of origin of the student body. For instance, 194 private schools in Dubai, offer 17 different curricula. Students are taught in the language of their home country or in English and use textbooks from the country of origin.²⁷

Distance Learning

23. Due to the COVID-19 pandemic, the UAE, as with most other countries, took measures to ensure the safety of their learners by either closing schools completely or moving towards a hybrid model. Schools were completely closed for over 15 weeks, and only partially open for over 45 weeks.²⁸ As a result, the UAE implemented distance learning solutions. The Initiative on the Evolving Right to Education highlights the need to ensure inclusive education and equality of opportunities under all circumstances given the digital transformation.¹¹
24. While there were no TV and radio distance learning solutions, they did implement online learning channels.²⁹ The GEM report states that “the Ministry of Education trained 42,000 teachers using courses such as ‘Be an online tutor in 24 hours’ and ‘Design an online course in 24 hours.’”³⁰

Specific recommendations:

25. The United Arab Emirates should be encouraged to:
- i. Ratify the Convention against Discrimination in Education

²⁷ <https://en.unesco.org/gem-report/report/2020/inclusion>

²⁸ [Country Dashboard – Covid-19 Response \(unesco.org\)](#)

²⁹ [Country Dashboard – Covid-19 Response \(unesco.org\)](#)

³⁰ <https://en.unesco.org/gem-report/report/2020/inclusion>

- ii. Expressly enshrine the right to education without discrimination in the Constitution of the United Arab Emirates
- iii. Develop measures to increase quality education and educational access in rural areas to lessen the proficiency gap between rural and urban areas
- iv. Elaborate a policy targeting migrant children for inclusive integration in public schooling, including language courses
- v. Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education
- vi. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education³¹ and Her Atlas³².

B. Freedom of opinion and expression

26. The United Arab Emirates is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.
27. The United Arab Emirates is encouraged to ensure that the Federal Decree Law No. 34 of 2021 on Combatting Rumors and Cybercrimes is in line with international human rights standards.
28. The United Arab Emirates is encouraged to introduce an access to information law that is in accordance with international standards, in particular establishing an independent oversight institution with the capacity to implement access to information law.

C. Cultural Rights

³¹ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

³² <https://en.unesco.org/education/girls-women-rights>

29. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). The United Arab Emirates is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, The United Arab Emirates is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

30. United Arab Emirates did not submit its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation period from 2017 to 2020. Therefore, United Arab Emirates is encouraged to report to UNESCO on its implementation actions, especially noting legislative, regulatory or other measures adopted by it and funding allocated, with the aim to ensure application of these norms and standards in national law, policy and practice.

31. Particular attention should be paid to measures towards the realization of the human rights of scientific researchers (freedom of association, freedom of research, expression and publication, working conditions, etc.) and also of human rights related to the practice of science. The latter include access to and uses of scientific knowledge and data, the sharing of benefits of scientific progress and its applications, the principle of equality and non-discrimination, with emphasis on

removal of gender barriers in access to science education and scientific careers, the protection of human subjects of research, as well as the dialogue between scientific community and society.

32. Furthermore, United Arab Emirates is encouraged to share data on national policy and practice and expand input on issues covered by the 2017 Recommendation in its national report to the UPR, particularly in relation to the right to share in scientific advancement and its benefits (article 27, Universal Declaration of Human Rights). This will allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, United Arab Emirates is urged to consider addressing issues of equality and non-discrimination in access to education, as well as to scientific benefits and their applications, and to include reference to the relevant dimensions of the right to share in scientific advancement and its benefits in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto. Finally, United Arab Emirates is invited to expand the scope of application of freedom of expression to include scientists and scientific researchers.