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United Arab Emirates Submission to the UN Universal Periodic Review

Third session of the UPR Working Group of the UN
Human Rights Council
1-12 December 2008



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Introduction

In this submission, Amnesty International provides information under sections [B, C and D] as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*.¹ Under section B, Amnesty International raises concern over the death penalty and provisions providing for torture and other cruel, inhuman and degrading punishments and the rights of migrant workers. Section C highlights Amnesty International's concerns about human rights violations in the context of detention and torture; women's rights, cooperation with the UN's human rights mechanisms; human rights defenders and freedom of expression. In section D, Amnesty International makes a number of recommendations for action by the government.

B. Normative and institutional framework of the State

The death penalty

The United Arab Emirates retains the death penalty in national legislation and in 1995 introduced the death penalty for drug trafficking; however, no executions for this offence is known to have been carried out.

In 2007, at least two people were sentenced to death and in 2006, in the Emirate of Fujairah, a court imposed a sentence of death by stoning on a Bangladeshi national after convicting him of adultery with an unnamed female migrant domestic worker whose origin was not known. She was sentenced to 100 lashes and one year's imprisonment. The death sentence was subsequently commuted to a one-year prison sentence followed by deportation.

In December 2007, the United Arab Emirates was one of eight countries that abstained in the vote in the General Assembly on resolution 62/149 calling for a moratorium on executions and which, on 2 February 2008 then joined 57 other countries in a statement of disassociation with the resolution, stating that they are "in persistent objection to any attempt to impose a moratorium on the use of the death penalty or its abolition in contravention to existing stipulations under international law".²

Amnesty International acknowledges the right and responsibility of governments to bring to justice those suspected of criminal offences, but unconditionally opposes the death penalty in all circumstances as a violation of the right to life and the ultimate cruel, inhuman or degrading punishment.

Cruel, inhuman and degrading punishment

In all of the emirates, save Dubai, flogging sentences are imposed on those caught having "illicit sex" and Amnesty International has recorded such sentences against, in particular, migrant workers.³

¹ Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I adopted 27 September 2007.

² For more information, see Amnesty International: Death Penalty News - January- March 2008 (AI Index: ACT 53/002/2008)

³ In 2007, a court in al-'Ain convicted a teenage girl to 60 lashes for having "illicit sex" with a man when she was 14. The sentence was upheld on appeal; it is not known, however, if the sentence was carried out. In October 2005, a female domestic migrant worker was sentenced to 150 lashes for becoming pregnant outside marriage, by a court in the Emirate of Ras al-Khaimah. In December 2005, two female domestic migrant workers –

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Migrant workers

A draft labour law, issued in February 2007 to streamline employment practices, provides for the punishment of striking workers, but not for the right to organize, bargain collectively or strike. The draft excludes migrant workers, farmers, public sector workers and private security staff.

In August and October 2007, hundreds of construction workers, all of whom were migrant workers, went on strike in Dubai to protest against low salaries and poor housing conditions, including a lack of safe water supplies.

Domestic migrant workers continue to be denied the protection of labour legislation. Hence, they do not formally have the right to a weekly day of rest, limits on hours of work, paid holidays or forms of compensation. Allegations of abuse include ill-treatment, including sexual abuse, and non-payment of wages.

In November 2006, the President issued a federal law against human trafficking, which prescribes penalties ranging from one year to life imprisonment.

C. Promotion and protection of human rights on the ground

Incommunicado detention and torture

Amnesty International raises with the authorities around three to five times per year reports of persons – both Emirati and foreign - arbitrarily arrested and held incommunicado for prolonged periods of time, commonly in undisclosed locations where they face torture and other ill treatment. Those responsible are usually said to be members of *Amn al-Dawla* (State Security).

In the years following the 11 September 2001 attacks in the USA, hundreds of Emirati nationals, including military personnel and judges, were detained. Scores were detained for many years, some of whom faced torture and other ill treatment, including by the forced administration – by way of injection – of substances that induce drowsiness and lethargy.

Other methods used to inflict torture and other ill treatment documented by Amnesty International have included sleep deprivation, suspension by the wrists or ankles, severe beatings to the soles of the feet, the use of electric shocks to various parts of the body, and threats of sexual violence. In one case, the person concerned alleged during the subsequent trial that he had been tortured while detained by Amn al-Dawla (State Security) officers in the Emirate of 'Ajman. The court did not order an investigation into these allegations.⁴

Nevertheless, some encouraging developments took place in June 2008 when the former director of a Dubai jail and 24 wardens and police officers were sentenced to prison terms for beating up inmates during a check for drugs on 1 August 2007. They were all accused of "abuse of power and ill-treatment of detainees under their guard." The former director and six wardens and officers were sentenced to six months in prison while 18 others received three-month sentences.

an Indonesian and an Indian national – were sentenced to flogging of 150 and 100 lashes, respectively, after becoming pregnant outside marriage by a court in Ras al-Khaimah. In both cases the punishments were to be followed by deportation.

⁴ Cases documented by Amnesty International include that of Pakistan national, Rashed Mahmood. He was detained in 'Ajman in June 2007 and held incommunicado for more than three months. He was released without charge in September and expelled to Pakistan. He was reported to have been severely beaten during the first two weeks of detention. A Sudanese national who was arrested and detained for two days without explanation after he arrived in the UAE in September 2007 subsequently went missing, raising fears that he was the victim of an enforced disappearance. Al-Sadiq Sediq Adam Abdalla is still missing in July 2008. In 2005 several political suspects were detained and held incommunicado in undisclosed locations, in some cases for long periods. The exact reasons for arrest were never known but those detained were possibly suspected of being "Islamists" or having "Islamist views". They were held in solitary confinement, allowed to make brief phone calls, around once a month, to their families and when they were released they were told not to talk about their time in detention. A 34-year-old employee of the telecommunications company Etisalat, Hassan al-Za'abi, was arrested and "disappeared" after his car was stopped by members of Amn al-Dawla on 1 August 2004 in Abu Dhabi. Despite several appeals by his family his fate and whereabouts remained unknown. The reasons for his arrest were not clear but were thought to be politically motivated.

Women's rights

As in other Gulf Cooperation Council countries, an association of states in the Persian Gulf, women in the United Arab Emirates continue to suffer the impact of discriminatory laws and practices which affect most aspects of their life, including marriage and the choice of marriage partner, dissolution of marriage and child custody, and inheritance. Under the nationality law, a woman is unable to pass on her nationality to her children if she is married to a foreign national. As a result the children suffer severe restrictions including on their residency and employment rights. They are treated as foreigners in higher education and pay higher fees, and as migrant workers in employment.

Cooperation with international human rights bodies

In the course of 2007, the government failed to respond to UN human rights bodies in respect to requests for access and on individual cases raised in 2006. Citing concerns about trafficking for the purposes of forced labour, in May the Special Rapporteur on the trafficking in persons reiterated a previously unmet request to visit the UAE. In March the Special Rapporteur on the human rights of migrants expressed "his interest in receiving a reply" on cases of abuses against migrant workers in previous years. The Special Rapporteur on extra-judicial executions reported in March that the UAE government had not responded to concerns from 2006 on death penalty safeguards.

UN Special Rapporteurs, including those responsible for human rights defenders, violence against women, the independence of judges and lawyers, and freedom of expression, all reported that the government failed to reply to concerns raised by their offices.

Restrictions on the right to freedom of opinion and expression

There are also reports of restrictions to the right of freedom of expression. In August 2007, the owner of a website received a five-month prison sentence on counts of defamation. The court also ordered the website to be closed. In September, two journalists working for the Khaleej Times were sentenced to two months prison terms for defamation. However, on that occasion Sheikh Mohammed bin Rashid Al-Maktoum, Vice-President, Prime Minister and Ruler of Dubai, decreed that no journalist should receive a prison sentence for press-related offences. He also urged for the enactment of a new press and publications law.

In November 2007, in an administrative measure widely seen as punitive, the authorities moved more than 80 teachers to other state jobs apparently because they were suspected of holding Islamist views.

Political parties do not exist in the United Arab Emirates; political dissent is not tolerated and those targeted for arrest are usually believed to be Islamists or those making criticisms of the human rights situation in the country, for example.

Harassment of human rights defenders

In recent years prominent human rights activists have faced harassment, including the former President of the Jurists' Association who was detained twice by Amn al-Dawla (State Security) officials. Upon release, his passport was confiscated.

D. Recommendations for action by the State under review

Amnesty International calls on the government to:

- Accede to the ICCPR and ICESCR.
- Establish a moratorium on executions with a view to abolishing the death penalty as provided by UN General Assembly resolution 62/149, adopted on 18 December 2007.
- Accede without delay to the Migrant Workers convention and ensure that its provisions are implemented.
- Publish up-to-date lists of all places of detention in a form that is readily accessible to lawyers and members of the public as a step towards ending the practice of incommunicado and secret detention and torture and other ill treatment; and make clear to all officers involved in arrest, detention and interrogation, in particular those of the Amn al-Dawla, that torture and other ill-treatment will not be tolerated under any circumstances and that those found, following a fair trial, to have carried it out will be held accountable..

- Ensure that detainees have immediate access – by law and in practice – to the outside world, in particular their lawyers and families, as well as adequate medical care.
- Establish and maintain a central register to ensure that all detainees can be promptly traced; and bring appropriate sanctions against officers responsible for the unlawful detention of detainees, including failure to keep proper records of detainees.
- Allow regular, unannounced, independent and unrestricted inspections by national and international independent expert bodies to all places where people are or may be deprived of their liberty.
- Uphold the rights to freedom of expression, freedom of assembly and freedom of association and to allow restrictions only when prescribed by law and where they are strictly necessary, in accordance with international human rights law; including by addressing deficiencies in the NGO law and its implementing regulations so that the law enables the exercise of the right to freedom of association.
- To amend the overly broad provisions in the law to combat extremist activities which criminalise the peaceful exercise of freedom of expression and association;
- Immediately cease all intimidation of human rights defenders and adhere to the principles of UN Declaration on Human Rights Defenders as a part of domestic legislation and reform legal provisions to fully protect the rights of human rights defenders, including by repealing laws that place unnecessary restrictions on human rights defenders exercising their rights to peaceful assembly and freedom of association.
- To refrain from using “extremism”-related and other laws to clamp down on peaceful dissent, independent media and civil society organizations;
- To investigate fully, promptly and impartially any reported human rights abuses against civil society activists, journalists and members of groups or communities, whether formal or informal, that oppose the structure of the state and to bring to justice anyone suspected of involvement in such abuses, in trials which meet international standards of fair trial.
- Accede to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, in order to bring the practice of torture and ill-treatment to light, whether pre or post-trial, as a part of sentencing; and ensure that detainees who lodge complaints about torture or ill-treatment are granted adequate protection so that they can lodge a complaint without the fear of being subjected to any kind of reprisal or prosecution.
- To cooperate fully with, and to accept all outstanding requests by UN Special Rapporteurs to visit the United Arab Emirates.

Appendix: Amnesty International documents for further reference

- Stop Violence Against women Report - Gulf Cooperation Council (GCC): Women deserve dignity and respect (AI Index MDE 04/004/2005)
- The Gulf and the Arabian Peninsula: Human rights fall victim to the “War on Terror” (AI Index: MDE 04/002/2004)