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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Twenty-ninth session**  
15-26 January 2018

## **Summary of Stakeholders' submissions on the United Arab Emirates\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 19 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>2</sup> and cooperation with international human rights mechanisms and bodies<sup>3</sup>**

2. Treatment Action Group (TAG) indicated that, despite several recommendations under the 2008 and 2013 UPR reviews (128.7<sup>4</sup>, 128.10<sup>5</sup>, and 128.11<sup>6</sup>), the United Arab Emirates (UAE) had not acceded to ICESCR nor ICCPR.<sup>7</sup>

3. A number of submissions recommended the ratification of ICCPR, ICCPR-OP1, ICCPR-OP2, ICESCR, OP-CAT, OP-CRC-AC, ICPED and ICRMW.<sup>8</sup> Joint Submission 2 (JS2) recommended the immediate ratification of ICCPR with minimal reservations.<sup>9</sup>

4. Organization for Defending Victim of Violence (ODVV) recommended the ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.<sup>10</sup> Institute on Statelessness and Inclusion (ISI) recommended the accession and

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\* The present document was not edited before being sent to United Nations translation services.



full implementation of the 1954 and 1961 Statelessness Conventions.<sup>11</sup> Human Rights Watch (HRW) recommended the ratification of the ILO Domestic Workers Convention and aligning national laws to the treaty.<sup>12</sup>

5. Access Now (AccessNow) and JS2 recommended extending a standing invitation to the special procedures.<sup>13</sup>

6. AccessNow recommended improving cooperation with the United Nations human rights treaty bodies.<sup>14</sup> Alkarama Foundation (Alkarama) recommended submitting the overdue report to the Committee against Torture.<sup>15</sup>

7. International Centre for Justice and Human Rights (ICJHR) recommended the withdrawal of reservations on Articles 20 and 30 of CAT.<sup>16</sup> ISI and Global Campaign for Equal Nationality Rights (GCENR) recommended removing reservations to CEDAW, in particular Article 9.<sup>17</sup>

## **B. National human rights framework<sup>18</sup>**

8. Alkarama stated that, despite the commitment to establish a National Human Rights Institution (NHRI) in accordance with the Paris Principles, no such body had been put into place to date.<sup>19</sup> ICJHR recommended establishing an NHRI in accordance with the Paris Principles with its mandate to monitor and examine allegations of human rights violations.<sup>20</sup> Arab Federation for Human Rights (AFHR) and Joint Submission 1 (JS1) recommended the establishment of an independent NHRI with a focus on women's rights and gender equality.<sup>21</sup>

9. Alkarama noted the establishment of a consultative Human Rights Committee within the Federal National Council. This permanent parliamentary Committee was mandated, *inter alia*, with giving its opinion on the compliance of draft laws with the Constitution, national legislation and international obligations of the UAE. However, Alkarama indicated that it either lacked independence or could easily be discarded, given its mere consultative nature.<sup>22</sup>

10. Alkarama stated that the human rights department within the Ministry of Interior was concerned with including human rights programmes in the curricula of police institutes and monitoring its compliance with human rights regulations as well as receiving complaints related to human rights violations. However, there was very little information on the activity of the department and its capacity to independently and effectively investigate human rights complaints.<sup>23</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Cross-cutting issues**

#### *Equality and non-discrimination<sup>24</sup>*

11. Americans for Democracy and Human Rights in Bahrain (ADHRB) stated that many of the provisions in Federal Law No. 2 of 2015, known informally as the anti-discrimination law, were vaguely worded and could be used to target free expression. Article 6, for example, allowed for a prison sentence of up to five years for anyone "who commits any act of discrimination of any form by any means of expression or by any other means." Furthermore, the law failed to protect individuals from discrimination on the basis of gender or sexual orientation.<sup>25</sup>

12. HRW stated that Article 356 of the Penal Code criminalizing “indecenty” was used by courts to convict and sentence people for “moral” offenses, including same-sex relations. Furthermore, different emirates within the UAE had laws that criminalized same-sex sexual relations, including Abu Dhabi where “unnatural sex with another person” could be punished with up to 14 years in prison, and Dubai, which imposed 10 years of imprisonment for sodomy. The UAE rejected recommendations it received in 2012 to decriminalize consensual same-sex marriage.<sup>26</sup>

*Development, the environment, and business and human rights*<sup>27</sup>

13. ODVV expressed concern about the construction work in the UEA to create man-made islands. According to ODVV, it did not pay sufficient attention to the protection of bio-diversity. The most disastrous environmental impacts included threat to the security of migrating birds, destruction of live coral cover, change of natural water flow and destruction of natural seabed.<sup>28</sup>

*Human rights and counter-terrorism*<sup>29</sup>

14. ADHRB indicated that the UAE had received recommendation 128.150<sup>30</sup> and 128.157<sup>31</sup> to cooperate with the United Nations in order to ensure that counterterrorism efforts respect human rights and fundamental freedoms, including by allowing a visit by the Special Rapporteur on the promotion and protection of human rights while countering terrorism. However, the UAE had not invited the Special Rapporteur, despite his outstanding requests.<sup>32</sup>

15. HRW, Front Line Defenders (FLD), ICJHR and JS2 expressed serious concern about Federal Law No.7 of 2014 on Combating Terrorism Crimes.<sup>33</sup> HRW stated that the law provided for the death penalty for people whose activities were found to “undermine national unity or social peace,” neither of which were defined in the law.<sup>34</sup> JS2 made similar observations.<sup>35</sup> FLD stated that the law provided to the authorities with broad powers to prosecute peaceful critics, political dissidents and human rights defenders and declare them terrorists.<sup>36</sup> Alkarama noted that the law provided an extremely broad and vague definition of terrorism<sup>37</sup> and, under this law, the custody period could be extended by renewable three-month periods without the detainee having to be brought before a judge.<sup>38</sup>

16. Alkarama furthermore stated that the law prescribed for the detention of individuals in Munasaha Centres. The transfer of individuals was initiated by a judgment issued by the Court and upon a request of the prosecution, yet basing the detention on an administrative decision by the authorities as opposed to a judicial decision, and thus denying individuals the right to challenge the legality of detention.<sup>39</sup>

## 2. Civil and political rights

*Right to life, liberty and security of person*<sup>40</sup>

17. ADHRB stated that the UAE had rejected eight recommendations to abolish or institute a moratorium on the death penalty. It had carried out the execution of one prisoner in 2014 and another in 2015, and the courts had continued to issue death sentences.<sup>41</sup>

18. Reprieve noted that the UAE had not complied with the recommendation to reduce the number of crimes where the death penalty could be imposed.<sup>42</sup> The UAE retained the death penalty for non-violent drug offences under Federal Law No.14 on the Control of Narcotic and Psychotropic Substances of 1995. In 2016, amendment to the law had created a new offence that carried the death penalty.<sup>43</sup>

19. ADHRB indicated that, though the UAE had not accepted its numerous second-cycle recommendations to abolish the death penalty, a provision in the anti-terror law (Federal Law No.7 of 2014) prevented the UAE from making progress on recommendation

128.130<sup>44</sup> to “reduce the number of crimes where the death penalty can be imposed,” which the government supported.<sup>45</sup> Reprieve also indicated that the anti-terror law created several new offences that carried the death penalty. The law also allowed for the death penalty to be handed down for offences proscribed in the Penal Code when committed with “terrorist intent.”<sup>46</sup>

20. Alkarama noted that, in December 2016, Law No. 7 of 2016 amending the Penal Code was passed, expanding the application of the death penalty to more than 16 articles.<sup>47</sup> According to Alkarama, the new law provided the death penalty for a wide array of crimes and failed to comply with the international norm of applying the death penalty only for the most “serious crimes”.<sup>48</sup> Alkarama furthermore stated that the new law also called for the application of the death penalty or life in prison with regard to the establishment or the participation in certain organisations, which violated the right to life, while simultaneously restricting the right of freedom of assembly and association.<sup>49</sup> JS2 expressed similar concern.<sup>50</sup>

21. According to HRW, the UAE arbitrarily detained, and in some cases, forcibly disappeared, individuals, who criticized the authorities, and its security forces faced allegations of torturing detainees both in the UAE and in Yemen. The UAE accepted just two recommendations related to the issue of torture during its 2012 UPR, but noted those proposing a standing invitation to the Special Rapporteur on Torture, or calling for ratification of OP-CAT.<sup>51</sup>

22. HRW continued that the UAE was a member of the coalition that had conducted aerial and ground operations in Yemen since March 2015. The UAE also ran at least two informal detention facilities, and its officials appeared to have ordered the continued detention of people despite release orders, and forcibly disappeared people, including reportedly moving high-profile detainees outside Yemen.<sup>52</sup> Reprieve also noted very serious allegations about the torture and ill treatment of individuals arbitrarily detained in such centres. According to Reprieve, the UAE had also been implicated in the alleged rendition of individuals from Yemen to other country.<sup>53</sup>

23. ADHRB stated that the UAE had accepted 128.131<sup>54</sup> and 128.132<sup>55</sup> to end torture and improve accountability, but it had failed to fully implement either of them.<sup>56</sup>

24. Alkarama stated that, since the last UPR, and despite the UAE’s accession to CAT, torture had still not been eradicated. Indeed, in 2013, in the aftermath of the “UAE 94” trial, numerous consistent allegations of torture in detention had emerged.<sup>57</sup> HRW raised similar concern.<sup>58</sup> Reprieve was particularly concerned with the use of torture by the police to obtain confessions later relied upon at trial to secure death sentences.<sup>59</sup> Alkarama raised similar concern.<sup>60</sup>

25. Reprieve indicated that there was no separate act that dealt exclusively with torture and ill-treatment. The UAE had not incorporated CAT’s definition of torture in its domestic legislation, nor had it defined acts of physical or psychological torture. Further, there were no clearly defined sanctions against perpetrators of torture.<sup>61</sup> There were no publicly available statistics on the number of complaints lodged against State agents for acts of torture, the number of investigations carried out, nor the number of criminal proceedings initiated against perpetrators.<sup>62</sup>

26. International Campaign for Freedom in the UAE (ICF UAE) expressed concern about conditions of detention at Al-Rezin prison. It noted raids by prison guards in March 2017, when they had stormed the cells of prisoners held in ward no. 7, a section holding prisoners of conscience. According to ICF UAE, the prison authorities had instructed guards to conduct an unannounced strip search of prisoners.<sup>63</sup>

27. Alkarama stated that State Security Forces, which were under the direct control of the Ministry of Interior and operated without judicial oversight, continued to arrest lawyers, professors, human rights defenders and anyone critical of the Government, without a

warrant or informing the individuals of the reason for their arrest.<sup>64</sup> Alkarama noted that, upon arrest, the victims were brought to an unknown location and kept for extended periods of time in secret detention. Moreover, individuals were subjected to physical and psychological torture in order to obtain a self-incriminating statement, which would consequently be used as evidence during proceedings.<sup>65</sup>

28. ICFUAE stated that family members of prisoners had been subject to harassment, threats, and even arrest. Families had reported travel bans, arbitrary arrests, detentions and prosecutions, refused security clearance for employment or denied access to higher education. There had also been reports of prisoners' families' bank accounts being frozen. In a few cases, detainees' relatives had been deported or stripped of their citizenship.<sup>66</sup> ICJHR expressed similar concern.<sup>67</sup>

*Administration of justice, including impunity, and the rule of law*<sup>68</sup>

29. According to Reprive, in October 2016, Law No.14 of 1995 was amended by Law No.8 of 2016, and Article 65 (3) gave the Federal Court in Abu Dhabi exclusive jurisdiction to hear cases where the defendant faced the death penalty for drug offences. Consequently, the Prosecution services had been transferring pre-trial detainees facing the death penalty for drug offences from various emirates to Abu Dhabi, which resulted in excessive pre-trial detention while prisoners waited for their case to be transferred to the federal jurisdiction.<sup>69</sup>

30. FLD stated that the rights to a fair trial and due process of human rights defenders had been widely violated. The authorities had regularly detained them in secret locations, in incommunicado detention and solitary confinement, without access to their lawyers or families. Moreover, lawyers were often intimidated out of representing human rights defenders.<sup>70</sup>

31. Reprive noted numerous capital trials where due process and fair trials rights had not been strictly adhered to. Failure to do so in cases involving the death penalty would render any death sentence unlawful, and any execution in violation of the right to life.<sup>71</sup>

32. Reprive was particularly concerned with access to court-appointed lawyers and the provision of legal aid in capital trials. According to the survey conducted by Reprive, prisoners explained that, although they had been informed that a lawyer had been appointed, they never met any such lawyer. In other instances, proceedings were repeatedly stalled or delayed because the courts had been unable to find lawyers. In other cases, court appointed lawyers had withdrawn.<sup>72</sup>

33. ICFUAE noted the "UAE94" case, which remained the biggest case of mass trial of activists, academics, lawyers, and peaceful dissenters. The trial, which had concluded in July 2013, convicted 69 of the defendants, including eight of whom had been tried *in absentia*. They were sentenced to between seven to 15 years in prison in a trial that had failed to meet the international standards for a fair trial. Several violations had been found to have taken place during the arrest, interrogations, detention, and trial of the defendants. These included being kept up to one year in incommunicado detention, the lack of legal representation, the alleged use of torture and forced confessions, and the denial to appeal.<sup>73</sup> Alkarama expressed similar concern.<sup>74</sup>

*Fundamental freedoms*<sup>75</sup>

34. ADF International indicated that the Constitution provided for the guarantee of freedom of religion, but that it also provided that Islam was the State religion and that all citizens of the country were Muslims by definition. Religious freedom and practice was restricted where its exercise might negatively impact Islam. Non-Muslims were able to worship relatively freely, but sharing one's faith openly and publicly with Muslim citizens was prohibited.<sup>76</sup>

35. JS2 indicated that the UAE had not taken effective measures to implement recommendations relating to freedom of expression and access to information.<sup>77</sup> ADHRB stated that recommendation 128.111 to “enhance implementation of the constitutional provisions on freedom of expression”<sup>78</sup> had not been implemented, as the constitutional protections for freedom of expression, provided by Article 30, had been directly undermined by other legislation.<sup>79</sup>

36. FLD noted that the UAE had accepted a recommendation made by Austria concerning the protection of human rights defenders and journalists<sup>80</sup> and another recommendation made by Belgium on respecting freedom of expression and association<sup>81</sup>, however, FLD expressed its deep regrets that, in the years since, the persecution of human rights defenders had continued systematically.<sup>82</sup>

37. Alkarama stated that numerous peaceful activists had been prosecuted for “criticising” the Government on social media and that the authorities continued to detain prisoners of conscience convicted after unfair trials.<sup>83</sup> ICJHR stated that Law No. 7 of 2016 amending the Penal Code endangered the right to freedom of expression. Some articles could be used as a pretext to detain human rights defenders and restrict their freedom.<sup>84</sup> Alkarama expressed similar concern.<sup>85</sup> According to ICJHR, there were approximately 200 prisoners of conscience in the UAE.<sup>86</sup>

38. ADHRB stated that the UAE had not implemented UPR 2<sup>nd</sup> cycle recommendations to either repeal the 1980 Press and Publications Law or amend it to protect free expression, including 128.106<sup>87,88</sup> Alkarama expressed similar concern.<sup>89</sup> JS2 stated that restrictions on free speech imposed by the Press and Publications Law increased under Federal Law No. 5 of 2012 on Combating Cybercrimes.<sup>90</sup>

39. Alkarama and FLD stated the accused persons in the case of “UAE94” had been imprisoned solely for peacefully exercising their fundamental right to freedom of expression, including online.<sup>91</sup>

40. ADHRB indicated that the UAE had not accepted recommendations to reform the cybercrime law, including 128.112<sup>92</sup> and 128.108<sup>93</sup> and failed to take any steps to bring the law in line with international standards. While the cybercrime law included provisions that purportedly sought to curb the spread of extremist content on the internet, it also gave the Government wide authority to monitor online communications and prosecute users for expressing dissident views.<sup>94</sup> Alkarama also noted that the cybercrime law, which criminalised defamation and provided for harsh prison sentences, was increasingly used to crackdown on peaceful dissent.<sup>95</sup> ICJHR stated that its vaguely worded provisions provided a legal basis to prosecute and jail people who used information technology to criticize senior officials, argue for political reform, or organize unlicensed demonstrations.<sup>96</sup> FLD and ICEUAE made similar observations.<sup>97</sup>

41. ICFUAE expressed concern about a lack of legal framework that regulated and monitored the use of surveillance technology. According to ICFUAE, the cybercrime law contained regulations for non-state actors, but regulation of government interception and collection of citizens’ data was merely non-existent.<sup>98</sup>

42. ADHRB also stated that the application of the cybercrime law directly contravened recommendations 128.105<sup>99</sup> and 128.117<sup>100</sup>, which called on the UAE to facilitate the work of human rights defenders and prevent the harassment of activists and journalists.<sup>101</sup>

43. ICJHR noted that, in March 2017, Ministerial Resolution No. 220 of 2017 had established a Federal Public Prosecution specialized in information technology crimes.<sup>102</sup> JS2 indicated that the Telecommunications Regulatory Authority was empowered to block websites that promoted terrorism, pornography and crime. However, the authority used the designation of “crime” to unwarrantedly block websites that carried content that was critical of the State or called for political reform.<sup>103</sup> FLD stated that the authorities used

sophisticated spyware and surveillance equipment to monitor human rights defenders and removed information from their computers.<sup>104</sup>

44. FLD continued that the ongoing political and diplomatic tension between the UAE and a neighbouring country had resulted in reinforced restrictions on freedom of expression and self-censorship among bloggers and journalists in the UAE. According to FLD, in June 2017, the UAE had announced that any speech critical of the government's measures against this neighbouring country would be prosecuted as crimes.<sup>105</sup> ICFUAE indicated that restrictions on the right to work, education, travel, and freedom of expression had affected at least 13,300 people. Families had been separated as a result of the blockade as nationals of this neighbouring country were asked to leave the UAE.<sup>106</sup>

45. JS2 stated that the Constitution guaranteed the right to freedom of assembly "within the limits of the law". However, in practice, almost all protests were banned.<sup>107</sup>

46. JS2 reported that the UAE had not implemented any of the recommendations on freedom of association.<sup>108</sup> In the UAE, unionization of workers was illegal<sup>109</sup>, and participation in civil society organisations (CSOs) was limited to Emirati citizens as prescribed by Federal Law No. 6 of 1974 concerning Public Utility Associations. All founding and active members of CSOs should be holders of the nationality of the UAE.<sup>110</sup>

47. JS2 noted that, under the labour law, strikes might amount to criminal behaviour. Those participating in strikes faced suspension from work. In the case of foreign workers, striking carried the risk of deportation.<sup>111</sup>

48. FLD indicated that Federal Law No. 2 of 2008 on National Societies and Associations of Public Welfare granted the Government broad discretionary powers to deny the registration of new NGOs and dissolve established organisations or their boards of directors on vaguely defined grounds.<sup>112</sup>

#### *Prohibition of all forms of slavery*<sup>113</sup>

49. Global Detention Project (GDP) stated that all forms of human trafficking were forbidden under Federal Law no. 51 of 2006, however, that the law did not include protection from detention for victims of trafficking.<sup>114</sup> GDP recommended that the UEA ensure that trafficked persons are not criminalized and placed in immigration detention.<sup>115</sup> AFHR stated that there was a need to further create a balance between prevention, prosecution and protection and to consider the human rights of trafficked persons at the centre of any anti-trafficking measures and policies adopted.<sup>116</sup>

#### *Right to privacy and family life*<sup>117</sup>

50. AccessNow stated that the cybercrime law of 2012 contained overbroad language criminalizing legitimate expression. Likewise, the 2016 amendments to the law appeared to target technologies essential to the exercise of human rights online, including virtual private networks.<sup>118</sup> The law failed to meet international standards for the protection of the right to freedom of expression and had been used to harshly imprison internet users for protected expression, including peaceful and private conversations.<sup>119</sup>

### **3. Economic, social and cultural rights**

#### *Right to work and to just and favourable conditions of work*<sup>120</sup>

51. AFHR stated that the limited number of field inspectors presented a challenge to ensure full compliance with labour laws. The number of inspectors employed by the Ministry of Labour to carry out field inspections was 367 whereas the number of establishments registered with the Ministry was more than 314,440, with more than four million employees.<sup>121</sup>

#### 4. Rights of specific persons or groups

##### *Women*<sup>122</sup>

52. HRW stated that discrimination on the basis of sex and gender was not included in the definition of discrimination in the 2015 anti-discrimination law, despite accepting, during its 2012 UPR, to “Fully incorporate in the Constitution or other national legislation the principle of equality between men and women”.<sup>123</sup>

53. GCENR stated that the nationality law discriminated on the basis of gender with regard to the conferral of nationality on non-national spouses. Article 3 enshrined the right of Emirati men to confer nationality on foreign spouses, however, the same right was denied to Emirati women.<sup>124</sup>

54. According to HRW, Federal Law No. 28 of 2005 regulated matters of personal status, and some of its provisions discriminated against women. For instance, the law provided that, for a woman to marry, her male guardian must conclude her marriage contract; men had the right to unilaterally divorce their wives, whereas a woman who wished to divorce her husband must apply for a court order; a woman could lose her right to maintenance if, for example, she refused to have sexual relations with her husband without a lawful excuse; and women were required to “obey” their husbands. A woman might be considered disobedient, with few exceptions, if she decided to work without her husband’s consent.<sup>125</sup>

55. HRW continued that Article 53 of the Penal Code allowed the imposition of “chastisement by a husband to his wife and the chastisement of minor children” so long as the assault did not exceed the limits prescribed by Sharia, or Islamic law. Marital rape was not a crime.<sup>126</sup> Furthermore, in 2010, the Federal Supreme Court issued a ruling—citing the Penal Code—that sanctioned husbands’ beating and inflicting other forms of punishment or coercion on their wives, provided they did not leave physical marks.<sup>127</sup>

56. According to HRW, Article 356 of the Penal Code criminalizing (but not defining) “indecentry” provided for a minimum sentence of one year in prison. In practice, UAE courts used this article to convict and sentence people for *zina* offenses, which included consensual sexual relations outside heterosexual marriage.<sup>128</sup>

57. AFHR and JS1 recommended ensuring that adequate support for physical and psychological recovery as well as reparation is provided to women victims of violence.<sup>129</sup>

##### *Children*<sup>130</sup>

58. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment of children was lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities, as well as those made during the 2<sup>nd</sup> cycle UPR. According to GIEACPC, the UAE had rejected UPR recommendations to prohibit all corporal punishment.<sup>131</sup>

59. GIEACPC continued that corporal punishment of children was unlawful in schools and penal institutions. However, it was lawful in all other settings, including in the home and as a sentence for a crime. GIEACPC noted the enactment of a Law on the Rights of the Child (law “Wadeema”) since the last UPR in 2013, however, believed that there were no indications to explicitly prohibit corporal punishment in all settings.<sup>132</sup>

60. Child Rights International Network (CRIN) noted that there was no provision for corporal punishment as a sentence of the courts in the Penal Code, the Juvenile Delinquents and Vagrants Act or other criminal law. However, child offenders might be subject to corporal punishment under *Shari’a* law. Punishments included flogging, amputation, and –

as retaliation – injury similar to that for which the offender had been convicted of inflicting on the victim.<sup>133</sup>

61. CRIN stated that, under the Juvenile Delinquents and Vagrants Act, a juvenile might not be condemned to death, imprisonment or to financial penalties. Under this law, where the penalty would otherwise be death, a juvenile might not be sentenced to more than detention for 10 years. However, the Penal Code and other criminal laws did not apply to *hadd* or *qisas* offences, punishments for which included death. The Sharia Courts Act provided for Shari'a courts to try cases concerning crimes allegedly committed by juveniles and indicated that Shari'a punishments shall apply.<sup>134</sup>

62. CRIN recommended that the UAE raise the minimum age of criminal responsibility.<sup>135</sup>

*Migrants, refugees, asylum seekers and internally displaced persons*<sup>136</sup>

63. GDP stated that foreign workers entered the UAE through the *kafala* sponsorship scheme, which tied their visas to their employers. Among them, it was particularly the low-wage workers employed in certain industries—such as construction, services, and domestic work—who were most susceptible to exploitation under the *kafala* scheme.<sup>137</sup>

64. HRW stated that, despite labour reforms, the large migrant worker population remained acutely vulnerable to forced labour.<sup>138</sup> In 2016, a Labour Ministry decree outlining the rules for terminating employment and granting work permits to new employees took effect, which should theoretically make it easier for workers to change employers before their contract ended in case of violations of their rights. These reforms, however, did not apply to domestic workers.<sup>139</sup>

65. GDP stated that domestic workers were not covered in labour laws. For example, Article 3 of Law No. 8 of 1980 specifically exempted “domestic workers working in private residences”. As they worked in the private household, they were particularly vulnerable to abusive work conditions and exploitation.<sup>140</sup>

66. According to HRW, at least 146,000 female migrant domestic workers were in the UAE for cleaning, cooking, and caring for families. HRW documented a range of abuses against domestic workers, including unpaid wages, confinement to the house, workdays of up to 21 hours with no rest breaks and no days off, and in some cases, employers physically or sexually assaulting them. Domestic workers faced legal and practical obstacles to redress, and many returned home without justice.<sup>141</sup>

67. HRW noted some reforms to increase domestic worker protection. By the end of 2017, domestic workers were to move from the Ministry of Interior's jurisdiction to the Ministry of Human Resources and Emiratisation, which oversaw all other workers. However, HRW indicated that, while this was an important move, it had not resulted in domestic workers benefiting from labour law protections. In 2017, the UAE also adopted a new law that would strengthen the protection of domestic workers, including granting them a weekly rest day and paid leave, but these protection measures remained weaker than those in the labour law.<sup>142</sup>

68. AFHR indicated that the UAE needed to accelerate the passing of the new legislation on domestic workers and to ensure the implementation of the law in full compliance by recruitment agencies and employers.<sup>143</sup> HRW stated that strong regulation, inspections, and enforcement of penalties were critical to ensuring that recruitment agencies and employers were held accountable and made to follow the law.<sup>144</sup>

69. GDP noted that migrants and refugees could remain in detention from a month to more than a year. International human rights organisations did not have access to facilities used to detain people for immigration-related reasons.<sup>145</sup>

70. According to GDP, there were at least seven facilities used for immigration-related detention, and except for one of them, all the others appeared to combine criminal incarceration with immigration functions. Furthermore, one of them, the Dubai Central Jail for Women detained children alongside their mothers.<sup>146</sup>

71. HRW stated that migrant workers had no right to organize or bargain collectively, and they faced penalties for going on strike.<sup>147</sup>

72. According to TAG, Cabinet Decree No. 7 of 2008 established that migrants seeking employment, i.e. residence permit, must undergo mandatory medical exams to detect infectious diseases including HIV/AIDS, TB, and hepatitis. Migrants found to be living with HIV were declared medically unfit to work and immediately deported.<sup>148</sup> TAG also indicated that, in January 2016, Decree No. 5 of 2016 had amended the existing regulations, according to which migrants seeking annual renewal of their residence permit equally had to undergo medical exams.<sup>149</sup>

73. TAG recommended that the UAE protect migrants' right to information and never delay diagnosis or withhold any medical information. Migrants must be able to directly receive comprehensive information and counselling on their health status. Migrants must have access to and be provided with copies of all results from the medical exams they underwent in the UAE.<sup>150</sup>

74. TAG also recommended that the UAE's medical examination must protect migrants' right to privacy and end the practice of directly informing migrants' employers while cutting migrants out of the flow of information regarding their own health. The UAE should end the practice whereby only representatives of a migrant's employer may receive medical exam results.<sup>151</sup>

#### *Stateless persons*<sup>152</sup>

75. Alkarama noted a regularization campaign conducted in 2008-2009, which promised naturalization for Bidoons. However, according to Alkarama, the process merely resulted in the issuance of statelessness registration cards.<sup>153</sup>

76. GCENR stated that the Emirati nationality law did not have a provision to grant its nationality to a child born on its territory if s/he would otherwise be stateless.<sup>154</sup>

77. GCENR stated that Emirati women's children and spouses, who were denied Emirati nationality, might not be able to own property and have access to health and social services. Such children might have difficulties with regard to access to education at schools and universities. They might be denied their freedom of movement, which might also lead to their deportation, despite there being no country of nationality to deport them to.<sup>155</sup>

78. HRW noted that authorities had also used citizenship revocation as a tool to punish peaceful dissidents and critics.<sup>156</sup> ISI stated that, despite the regulations for prohibition of arbitrary deprivation of nationality in the Constitution and the nationality law, the UAE's authorities had been arbitrarily depriving Emirati citizens of their nationality with increasing frequency. This practice was regulated through a decree issued by the President.<sup>157</sup>

79. According to ISI, procedures stipulated that after being signed by the President, the decree should be published in the Official Gazette, as stated in Article 114 of the Constitution. Despite this, the authorities had not published the Decree in the Gazette, and had so far prevented those who had been arbitrarily deprived of their nationality from seeing the Decree. The practice of citizenship revocation started with the trial of the accused in the "UAE 94" case.<sup>158</sup> In addition to being arbitrary, this practice was 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.<sup>159</sup>

## Notes

- <sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society**Individual submissions:*

AccessNow	Access Now, New York (United States of America);
ADF International	ADF International, Geneva (Switzerland);
ADHRB	Americans for Democracy and Human Rights in Bahrain, Washington D.C. (United States of America);
Alkarama	Alkarama Foundation, Geneva (Switzerland);
AFHR	Arab Federation for Human Rights, Geneva (Switzerland);
CRIN	Child Rights International Network, London (United Kingdom of Great Britain and Northern Ireland);
FLD	Front Line Defenders - The International Foundation for the Protection of Human Rights Defenders, Dublin (Ireland);
GCENR	Global Campaign for Equal Nationality Rights, New York (United States of America);
GDP	Global Detention Project, Geneva (Switzerland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch, Geneva (Switzerland);
ICFUAE	International Campaign for Freedom in the UAE, London (United Kingdom of Great Britain and Northern Ireland);
ICJHR	International Centre for Justice and Human Rights, Geneva (Switzerland);
ISI	Institute on Statelessness and Inclusion, Eindhoven, Netherlands;
ODVV	Organization for Defending Victim of Violence, Tehran, Iran (Islamic Republic of);
Reprieve	Reprieve, London (United Kingdom of Great Britain and Northern Ireland);
TAG	Treatment Action Group, New York (United States of America).

*Joint submissions:*

JS1	<b>Joint submission 1 submitted by:</b> The Gulf Association for Rights and Freedoms and The Arab Institute for Human Rights in UK, London (United Kingdom of Great Britain and Northern Ireland);
JS2	<b>Joint submission 2 submitted by:</b> CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); Gulf Centre for Human Rights; and the International Service for Human Rights, Geneva (Switzerland).

- <sup>2</sup> The following abbreviations are used in UPR documents:

ICESCR	International Covenant on Economic, Social and Cultural Rights;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in

ICRMW armed conflict;  
International Convention on the Protection of the Rights of All  
Migrant Workers and Members of Their Families;  
ICPPED International Convention for the Protection of All Persons  
from Enforced Disappearance.

- <sup>3</sup> For relevant recommendations, see A/HRC/23/14, paras. 128.1-128.25, 128.32-128.39, and 128.120, 128.126, 128.144-128.148, 128.150 and 128.154.
- <sup>4</sup> A/HRC/23/13, para. 128.7 (Australia). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- <sup>5</sup> A/HRC/23/13, para. 128.10 (Finland). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- <sup>6</sup> A/HRC/23/13, para. 128.11 (Netherlands). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- <sup>7</sup> TAG, para.6.
- <sup>8</sup> AccessNow, para. 22.c. / ADHRB, para. 31. / Alkarama, para. 7 a). / FLD, recommendation 8). / HRW, p. 5. / ICFUAE, para. 6.10. / ICJHR, recommendations. 8 and 9. / ISI, para. 27ii. / ODVV, para. 41. / Reprieve, pp. 7-8. / TAG, paras. 51A and 51B.
- <sup>9</sup> JS2, p. 13.
- <sup>10</sup> ODVV, para. 32.
- <sup>11</sup> ISI, para. 27ii.
- <sup>12</sup> HRW, p. 2.
- <sup>13</sup> AccessNow, para.h. / JS2, p. 16.
- <sup>14</sup> AccessNow, para.h.
- <sup>15</sup> Alkarama, para. 18. a).
- <sup>16</sup> ICJHR, recommendation. 9.
- <sup>17</sup> ISI, para. 27i / GCENR, para. 16i.
- <sup>18</sup> For relevant recommendations, see A/HRC/23/13, paras. 128.41-128.50.
- <sup>19</sup> Alkarama, para. 13.
- <sup>20</sup> ICJHR, recommendation 13.
- <sup>21</sup> AFHR, para. 12. / JS1, p. 3.
- <sup>22</sup> Alkarama, para. 14.
- <sup>23</sup> Alkarama, para. 15.
- <sup>24</sup> For relevant recommendations, see A/HRC/23/13, paras.128.70-128.72 and 128.135-128.136.
- <sup>25</sup> ADHRB, para. 25.
- <sup>26</sup> HRW, p. 5.
- <sup>27</sup> For relevant recommendations, see A/HRC/23/13, paras. 128.158-128.161.
- <sup>28</sup> ODVV, paras. 19-31.
- <sup>29</sup> For relevant recommendations, see A/HRC/23/13, paras. 128.157.
- <sup>30</sup> A/HRC/23/13, para. 128.150 (Mexico). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- <sup>31</sup> A/HRC/23/13, para. 128.157 (Mexico). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- <sup>32</sup> ADHRB, para. 24.
- <sup>33</sup> FLD, para. 2. / HRW, p. 2. / ICJHR, para. 12. / JS2, para. 3.3.
- <sup>34</sup> HRW, p. 2.
- <sup>35</sup> JS2, para. 3.3.
- <sup>36</sup> FLD, para. 2.
- <sup>37</sup> Alkarama, para. 47.
- <sup>38</sup> Alkarama, para. 48.
- <sup>39</sup> Alkarama, para. 49.
- <sup>40</sup> For relevant recommendations, see A/HRC/23/13, paras. 128.122-128.132.
- <sup>41</sup> ADHRB, para. 29.
- <sup>42</sup> Reprieve, p. 3.
- <sup>43</sup> Reprieve, p. 3.
- <sup>44</sup> A/HRC/23/31, para. 128.130 (Hungary). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.

- 45 ADHRB, para. 22.
- 46 Reprieve, p. 3.
- 47 Alkarama, para. 25.
- 48 Alkarama, para. 26.
- 49 Alkarama, para. 27.
- 50 JS2, para.
- 51 HRW, p. 4.
- 52 HRW, p. 4.
- 53 Reprieve, p. 6.
- 54 A/HRC/23/31, para. 128.131 (Denmark). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- 55 A/HRC/23/31, para. 128.132 (Spain). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- 56 ADHRB, para. 27.
- 57 Reprieve, pp. 5-6.
- 58 HRW, p. 3.
- 59 Reprieve, pp. 5-6.
- 60 Alkarama, paras. 29-30.
- 61 Reprieve, p. 6.
- 62 Reprieve, p. 6.
- 63 ICFUAE, para. 3.5.
- 64 Alkarama, para. 34.
- 65 Alkarama, para. 35.
- 66 ICFUAE, para. 2.4.
- 67 ICJHR, para. 30.
- 68 For relevant recommendations, see A/HRC/23/13, paras. 128.155-128.156 and 128.177.
- 69 Reprieve, p. 4.
- 70 FLD, para. 17.
- 71 Reprieve, p. 5.
- 72 Reprieve, p. 5.
- 73 ICFUAE, para. 3.2.
- 74 Alkarama, para. 43.
- 75 For relevant recommendations, see A/HRC/23/13, paras. 128.104-128.106-128.119, 128.172. and 128.175.
- 76 ADF International, para.3.
- 77 JS2, para. 4.1.
- 78 A/HRC/23/13, para. 128.111 (Italy). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- 79 ADHRB, para. 10.
- 80 A/HRC/23/13, para. 128.105 (Austria). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- 81 A/HRC/23/13, para. 128.103 (Belgium). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- 82 FLD, para. 1. See also HRW, pp. 2-3.
- 83 Alkarama, para. 42.
- 84 ICJHR, para. 6.
- 85 Alkarama, para. 44.
- 86 ICJHR, para. 14.
- 87 A/HRC/23/13, para. 128.106 (United Kingdom of Great Britain and Northern Ireland). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- 88 ADHRB, para. 11.
- 89 Alkarama, para. 8.
- 90 JS2, para. 4.3.
- 91 Alkarama, para. 43. / FLD, para. 8.
- 92 A/HRC/23/13, para. 128.112 (Ireland).

- <sup>93</sup> A/HRC/23/13, para. 128.108 (United States of America). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- <sup>94</sup> ADHRB, para. 14.
- <sup>95</sup> Alkarama, para. 45.
- <sup>96</sup> ICJHR, para.9.
- <sup>97</sup> FLD, para. 14. / ICFUAE, para. 4.1.
- <sup>98</sup> ICFUAE, paras. 5.1-5.2.
- <sup>99</sup> A/HRC/23/13, para. 128.105 (Austria). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- <sup>100</sup> A/HRC/23/13, para. 128.117 (Italy). For the position of the United Arab Emirates, see A/HRC/23/13/Add.1.
- <sup>101</sup> ADHRB, para. 20.
- <sup>102</sup> ICJHR, para. 11.
- <sup>103</sup> JS2, para. 4.4.
- <sup>104</sup> FLD, paras. 20-21.
- <sup>105</sup> FLD, para. 7.
- <sup>106</sup> ICFUAE, para. 4.5.
- <sup>107</sup> JS2, para. 5.2.
- <sup>108</sup> JS2, para. 2.1.
- <sup>109</sup> JS2, para. 2.6.
- <sup>110</sup> JS2, para. 2.7.
- <sup>111</sup> JS2, paras. 5.4-5.5.
- <sup>112</sup> FLD, para. 6.
- <sup>113</sup> For relevant recommendations, see A/HRC/23/13, paras. 128.137-128.143.
- <sup>114</sup> GDP, pp. 3-4.
- <sup>115</sup> GDP, p. 5.
- <sup>116</sup> AFHR, para. 30.
- <sup>117</sup> For relevant recommendations, see A/HRC/23/13, paras. 128.108, 128.112, 128.114, and 128.155-128.156.
- <sup>118</sup> AccessNow, para. 16.
- <sup>119</sup> AccessNow, para. 16.
- <sup>120</sup> For relevant recommendations, see A/HRC/23/13, paras. 128.57, 128.62, 128.67-128.69.
- <sup>121</sup> AFHR, para. 22.
- <sup>122</sup> For relevant recommendations, see A/HRC/23/13, paras.128.74-128.75, 128.79-128.84, 128.87-128.88, 128.91, 128.93-128.95, 128.97-128.98, and 128.101-128.102.128.85-128.86, 128.90, 128.92, and 128.134.
- <sup>123</sup> HRW, p. 5.
- <sup>124</sup> GCNER, para. 13.
- <sup>125</sup> HRW, p. 5.
- <sup>126</sup> HRW, p. 5.
- <sup>127</sup> HRW, p. 5.
- <sup>128</sup> HRW, p. 5.
- <sup>129</sup> AFHR, para. 11. / JS1, p. 3.
- <sup>130</sup> For relevant recommendations, see A/HRC/23/13, paras. 128.164-128.167.
- <sup>131</sup> GIEACPC, p.1 / para. 1.1.
- <sup>132</sup> GIEACPC, para. 1.2 / p0. 2.
- <sup>133</sup> CRIN, para. 6.
- <sup>134</sup> CRIN, paras. 4-5.
- <sup>135</sup> CRIN, p. 3.
- <sup>136</sup> For relevant recommendations, see A/HRC/23/13, paras. 128.51-128.69.
- <sup>137</sup> GDP, p. 2.
- <sup>138</sup> HRW, p. 1.
- <sup>139</sup> HRW, p. 1.
- <sup>140</sup> GDP, p. 5.
- <sup>141</sup> HRW, pp. 1-2.
- <sup>142</sup> HRW, p. 2.

- <sup>143</sup> AFHR, para. 23.  
<sup>144</sup> HRW, p. 2.  
<sup>145</sup> GDP, pp. 3-4.  
<sup>146</sup> GDP, p. 5.  
<sup>147</sup> HRW, p. 1.  
<sup>148</sup> TAG, paras. 11-13.  
<sup>149</sup> TAG, para. 14.  
<sup>150</sup> TAG, para. 51C.  
<sup>151</sup> TAG, para. 51D.  
<sup>152</sup> For relevant recommendations, see A/HRC/23/13, paras. 128.73 and 128.105.  
<sup>153</sup> Alkarama, para. 38.  
<sup>154</sup> GCENR, para. 12.  
<sup>155</sup> GCENR, para. 15.  
<sup>156</sup> HRW, p. 3.  
<sup>157</sup> ISI, para. 21.  
<sup>158</sup> ISI, paras. 22-23.  
<sup>159</sup> ISI, para. 24.
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