

Universal Periodic Review 2018
United Arab Emirates
OHCHR submission

I. Introduction

The UAE has witnessed considerable developments in terms of social and economic rights during the past four years. UAE's efforts in combatting trafficking are marked as a good example. This included the Adoption of Federal Act Law No.1 of 2015, which provides protection for victims of trafficking, and the 2012 and 2015 Amendments of Federal law No. 51 of 2006 on combating trafficking. It also included a number of reforms for better protection of the rights of migrant workers. UAE further introduced a number of initiatives better respect of the rights of persons with disabilities. On the other side, there are growing concerns regarding restrictions on freedom of expression and association, detaining and prosecuting human rights activists and government critics under criminal defamation and anti-terrorism laws. There are signs of increasing tightening of censorship on social media.

II. National human rights framework

The UAE has shown in a number of meetings with OHCHR a willing to establish an NHRI as accepted in the recommendation of the UPR review of 2013. However, till now the NHRI is not yet established. OHCHR hopes that the proposed NHRI will be established according to Paris Principles in the near future.

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross cutting issues

1. Human rights and counter-terrorism

On the legislative legal framework, The UAE's 2014 counter-terrorism law provides for the death penalty for people whose activities are found to 'undermine national unity or social peace' neither of which are defined in the law which can lead to arbitrary detention. This law is also applicable to children above the age of 16, in contradiction with UAE's international obligations under the CRC.

B. Civil and political rights

1. Right to life, liberty and security of persons

There has some concerns in terms of treatment in places of deprivation of liberty for some detainees. A number of detained activists have reported irregularities with respect to pre-trial detentions. This included in some cases denial of communication with the families of the detainees. Under the pretext of national security, many activist have been prosecuted for allegation that are mainly related to the person's rights to express his opinion and his criticism to any public policy or institution. For example, the arrest of human rights activist Ahmed Mansour in 2017 for accusations related to his free expression of opinion on social media is in contrast with UAE international human rights obligations and the Emirati Constitution. One can highlight a number of cases, among others, that are of concern:

- In March 2017, the UAE detained Ahmed Mansoor and he is facing speech related charges that include using social media websites to "publish false information that harms national unity".
- Osama al-Najjar who remains in prison after a three year prison sentence for charges related to his peaceful activities on Twitter.
- In March 2017, the UAE also sentenced prominent academic Nasser bin-Ghaith to 10 years in prison for charges that included speech-related offenses, UAE-based Jordanian journalist Tayseer al Najjar was also sentenced to three years in prison that was related to his online criticism in 2016

2. Freedom of Expression

The UAE authorities did not take effective measures to repeal the 1980 Law on publications and amend other relevant legislation to ensure it is aligned with international human rights law on the freedom of expression (Recommendation supported by UAE - United Kingdom of Great Britain and Northern Ireland). Furthermore, there have been numerous criticisms for the criminal defamation provisions of the Penal Code, the 2012 cybercrime law, and the 2014 anti-terrorism law as they provided for trials that fell short of international human rights standards.

3. Prohibition of all forms of slavery

The UAE has exerted considerable efforts in the global campaign against human trafficking. In 2013, the law on Trafficking was amended to correspond to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) - ratified in 2009. It was also amended in February 2015 to strengthen support for victims and protection for witnesses. Adoption of Federal Act Law No.1 of 2015, which provides protection for victims of trafficking in line with the Palermo Protocol of the UN Convention against Transitional Organized Crime.

C. Economic, Social and Cultural Rights

1. Right to work and to just and favorable conditions of work

The UAE passed and began implementing labour law reforms in January 2016 that aim ultimately to abolish the kafala system for migrant workers. The reforms aimed to prevent contract substitution to avoid abuse of migrant workers by employers. The reforms also included better protection of workers' rights to switch employers to prevent compulsory labour, as contracts have become under the custody and supervision of the ministry of labour rather than with the employers. The reforms show immense progress for workers' rights in the UAE; however, domestic workers remain exempted from the benefits of the labour law. Yet, still the latter category will benefit from a number of positive developments and they are summarized by following:

First, in 2017, the UAE adopted a new law that would strengthen domestic worker protections, including granting them a weekly day rest and paid leave. These protections remain weaker than those in the UAE labour law, but they are considerable developments. Second, similar to other workers, domestic workers by end of 2017 will be moved from the Ministry of Interior's jurisdiction to the Ministry of Human Resources and Emiratization.

Another positive developments were noticed with the UAE Ministry of Labour issuing three Ministerial Decrees in 2015 (764, 765 and 766) that were intended to guarantee that relations between workers and employers are entered into voluntarily and freely and governed only by Government-monitored work contracts and the labour law. Those decree made it easier for workers to change employers before their contract ends if their rights are violated. (Such measures correspond to UPR accepted Recommendation – Bangladesh - 2013)

D. Rights of specific persons or groups

1. Women

On the positive developments, UAE took a number of steps to improve women equality at work. The UAE's Vision 2021 National Agenda included the goal for protecting women from all forms of discrimination at work and in society.

The National Strategy for Empowerment of Emirati Women in the UAE for 2015- 2021, which was launched on 8 March 2015, provides a framework for government, private sector and civil society organizations to establish work plans to increase women's presence and empowerment mainly in the economic sector in the UAE. In May 2015, the UAE adopted a decision to establish the UAE Gender Balance Council to increase the Emirati women role in the development of the UAE. The Council is carrying out several functions, including reviewing legislation, policies and programs to achieve gender balance in the workplace. (Such measures correspond to UPR accepted Recommendation –Indonesia - 2013).

In the elections for the Federal National Council held on 3 October 2015, there were 78 women candidates (23.6% of the total). There are eight women members of the Federal National Council, 20% of the total.

Eight women were appointed to serve in the new Federal Cabinet announced on 10 February 2016 (constituting 27.5% of the total), including in key portfolios for promoting the empowerment of women both nationally and internationally such as international cooperation, social development, public education and youth.

On the other side, there are areas that remain in need of development, and that includes issues related to women's rights under personal status laws, such as Federal law No.28 of 2005. They continue to fall below human right law standards and CEDAW. Women's participation in the administration of justice is facing hurdles. This was noted during the UN Special Rapporteur on the independence of judges and lawyers' visit to UAE in 2014 as she highlighted, inter alia, that women were not allowed to become federal court judges.

2. Rights of the Child

In a positive development, On the 2 March 2016, the UAE ratified the Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography. This is an implementation of Recommendation 128.22 of the previous UPR cycle for UAE (Ratify the Optional Protocols to the CRC (India)