



7 August 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the United Arab Emirates, and welcome the constructive engagement of your Government during the 29th session of the UPR Working Group in January 2018.

As the final outcome report on the review of the United Arab Emirates was recently adopted by the Human Rights Council at its 38th session, I am writing to follow up on a number of areas raised in two reports that my Office had prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 97 countries, the presentation and responses of the United Arab Emirates, and the action taken by the Government to implement the 100 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I would like to highlight issues that were raised during the review of the United Arab Emirates and which I am particularly encouraged by: 1) efforts in combatting human trafficking, including through the adoption of Federal Act Law No.1 of 2015, which provides protection for victims of trafficking, and the 2012 and 2015 amendments to Federal Law No. 51 of 2006 on combating trafficking; 2) reforms for better protection of the rights of migrant workers; and 3) introduction of a number of initiatives to respect the rights of persons with disabilities following the recommendations of the Committee on the rights of persons with disabilities (CRPD/C/ARE/CO/1).

I encourage the United Arab Emirates to develop a comprehensive national human rights action plan in order to achieve concrete action in the areas contained in the annex and facilitate the preparations of the United Arab Emirates for the fourth cycle of the UPR. Such efforts should involve consultations with all stakeholders, in particular, civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities under the leadership of the UN Resident Coordinator.

J..

H.E. Sheikh Abdullah bin Zayed Al Nahyan
Minister of Foreign Affairs and International Cooperation
United Arab Emirates



I further encourage the United Arab Emirates to establish a national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage the United Arab Emirates to submit such a report, for the third cycle by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist the United Arab Emirates to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

cc.: H.E. Dr. Anwar bin Mohammed Gargash
Minister of State for Foreign Affairs

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Sign and ratify core international human rights treaties, including ICCPR, ICESCR, and the Optional Protocols thereto, ICRMW, ICPPED, OP-CAT, OP-CRC-AC, OP-CRC-IC, OP-CEDAW, OP-CRPD, the Rome Statute of the International Criminal Court, ILO Convention no. 87 concerning Freedom of Association and Protection of the Right to Organise, ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, ILO Convention No. 189 concerning Domestic Workers, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 and 1961 statelessness conventions, and the Convention against Discrimination in Education.
- Withdraw its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.
- Issue a standing invitation to the special procedures of the Human Rights Council.

National Human Rights Framework

- Establish a national human rights institution in line with the Paris Principles and develop a national human rights action plan, as voluntary pledges made by the United Arab Emirates for the 3rd cycle of the UPR.

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

A. Cross-cutting issues

Equality and non-discrimination

- Enact comprehensive anti-discrimination legislation, which prohibits discrimination on all grounds, including colour, language, political or other opinion, descent, national, ethnic or social origin, property, disability, sexual orientation and gender identity or other status, and is applied not only between citizens but also to non-citizens.

Human rights and counter terrorism

- Review the 2014 counter-terrorism law, which provides for the death penalty for individuals whose activities were found to “undermine national unity or social peace”, neither of which are defined in the law. Ensure that the law does not contradict the international obligations of the United Arab Emirates and that children over 16 years will not be subjected to the death penalty under the law.

B. Civil and political rights

Right to life, liberty and security of person

- Establish a moratorium on the death penalty. Should it be maintained, it may be applied only to the “most serious crimes”. It should never be imposed in the absence of fair trials.



- Incorporate into legislation a definition of torture in accordance with the Convention against Torture; investigate all allegations of torture promptly and thoroughly; and bring to justice all perpetrators. Never accept before a court evidence or confessions believed to have been obtained through torture or cruel, inhuman or degrading treatment or punishment.
- Release immediately and unconditionally those who have been arbitrarily detained. These include the following peaceful activists who were arrested for exercising their fundamental right to freedom of expression on social media: Ahmed Mansoor, Osama al-Najjar, Nasser bin-Ghaith, and Tayseer al-Najjar.
- Ensure that all arrests and detentions are carried out in compliance with the international human rights standards guaranteeing the liberty and security of the person, especially those arrested on State security or terrorism-related charges. Secret detention facilities should be abolished and incommunicado detentions should be ceased immediately.

Administration of justice, including impunity and the rule of law

- Ensure the separation of powers and strengthen the independence of the judiciary, which is under the control of the executive branch and the State security service. Address, in particular, the lack of transparency of judicial appointment procedures.
- Reconcile inconsistencies and discrepancies in the application of federal laws across the different Emirates so as to increase the transparency and efficiency of the administration of justice.
- Ensure due process and respect the right to a fair trial, especially with regard to State security-related offences. Inform detainees of the charges against them and providing the accused with access to legal counsel. Hearings must be public and a review by an independent higher tribunal must be available.
- Improve access to justice for migrant workers, domestic workers and stateless persons (bidoon). Ensure quality legal aid for them, and for non-Arabic speakers, provide translations and interpretation in court.
- End the harassment and intimidation against peaceful activists and human rights defenders.

Fundamental freedoms

- Uphold freedom of expression, especially of peaceful activists and human rights defenders exercising their fundamental right to freedom of expression on social media.
- Repeal the 1980 law on publications, which restricts freedom of expression. The criminal defamation provisions in the Penal Code, the 2012 cybercrime law, and the 2014 anti-terrorism law should be placed in the Civil Code.

Prohibition of all forms of slavery

- Continue to combat trafficking in persons by fully implementing the National Committee to Combat Human Trafficking Strategic Plan and strengthening prevention and prohibition, prosecution, punishment, the protection of the victims and the promotion of international cooperation.

Right to privacy and family life

- Ensure that the cybercrime law respects the right to privacy. Interception activities by the security and intelligence agencies should comply with the principles of legality, proportionality and necessity.
- Respect the right to family life of couples in mixed marriages and their children and take necessary measures to prevent their separations.
- Enforce the legal minimum age of marriage of 18 years for both girls and boys. Polygamy should be prohibited.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Continue efforts to ensure the right to an adequate standard of living for all, including the most vulnerable and marginalized in the society.

Right to health

- Further strengthen the public health system and provide free, quality, and basic healthcare services to all.

Right to education

- Continue efforts to ensure the right to education of all children without discrimination, regardless of their nationalities, by providing them with free compulsory primary education.

D. Rights of specific persons or groups

Women

- Enshrine in the Constitution and national legislation the principle of equality of women and men.
- Continue efforts to implement the National Strategy for the Empowerment and Advancement of Emirati Women (2015-2021).
- Repeal all discriminatory laws against women, especially those contained in the Penal Code and the Personal Status Law, and eliminate all forms of discrimination against women in the areas of marriage, divorce, custody of children, inheritance, transfer of nationality, and the administration of justice, among others.
- Combat violence against women, including domestic violence. Promulgate the federal act on domestic violence, as voluntary pledge made by the United Arab Emirates for the 3rd cycle of the UPR.

- Further encourage the participation of women in public and political life.

Children

- Continue efforts to implement the Federal Rights of the Child Act No. 3 (the “Wadeema Act”). Protect children from abuse and neglect, and prohibit all forms of violence against children, including corporal punishment of children in all settings.
- Raise the age of criminal responsibility, currently set at seven years.

Persons with disabilities

- Bring the definition of disability in the legislation in line with the Convention on the Rights of Persons with Disabilities.
- Continue to implement the National Policy for the Empowerment of Persons with Disabilities and the Strategic Plan for the Promotion of the Rights of Children with Disabilities in order to further promote equal opportunity for persons with disabilities and their active participation in the society.

Migrants, refugees and asylum seekers

- Continue to protect the rights of migrant workers through legislative and institutional measures, including through abolishing the *kafalah* (sponsorship) system for migrant workers.
- Ensure that domestic workers will benefit from the labour law protections. Particular attention should be paid to vulnerabilities of female domestic workers, including their long working hours, confinement to the house, insufficient rest, and gender-based violence against them. Reinforce inspections and prosecutions in case of violations of their rights, and enhance their access to remedies.
- Adopt a legal and policy framework to recognize refugees and asylum seekers.

Stateless persons

- Continue efforts to resolve statelessness in the country by guaranteeing equality to Emirati women in passing on their nationality to their children; accept applications for citizenship from bidoons; and cease the practice of arbitrarily depriving nationality to punish human rights defenders.
- Ensure that stateless children have access to birth registration, health care and education.