

UAE Pre-session Statement – UPR April 2023

Gulf Centre of Human Rights

On behalf of the Gulf Centre for Human Rights, please accept our thanks for this opportunity to raise issues of concern at this stage of the United Arab Emirates (UAE)'s UPR process. This is based on a joint submission by CIVICUS, OMCT, EDAC, who will also speak, and GCHR.

The Gulf Centre for Human Rights (GCHR) is an independent NGO that works to provide support and protection to human rights defenders in the Gulf region and neighbouring countries by promoting freedom of expression, association and peaceful assembly.

Recent Developments (Slide 1)

Before addressing the main themes of this presentation, which are Freedom of Expression and Freedom of Association, we have been asked to highlight developments since our submission in October 2022, and there is very little that we can say. In the UAE, criticism of the ruler, the authorities, or their policies is defined as criminal, often as terrorism, and the authorities have shown that they will detain, torture, and imprison critical voices. While there have been no reported arrests of human rights defenders or other critics recently, the fact is that there are no openly dissenting voices from within the country. Notably, as my colleague will detail, many of the group of prisoners known as the UAE 94, who peacefully called for reforms over ten years ago, and received sentences of 7-15 years, are now still being held even as the bulk of their ten-year sentences have been fully served. Our colleague, Ahmed Mansoor, a member of GCHR's Advisory Board, remains isolated in solitary confinement where he sleeps on the floor, since his arrest in March 2017 and subsequent sentencing to 10 years in prison. He was well-known as the last free Emirati human rights defender before his arrest.

National Human Rights Institutions (NHRI) (Slide 2)

As noted in our joint submission, only one of the many recommendations (both accepted or noted) has been implemented - the creation of the National Human Rights Institution. As EDAC has reported, <https://en.edacrights.com/post/262> most are members of the police or

government employees. At least two NHRI members are on the record as defending the government's human rights record, and criticising detained human rights defenders as traitors. At no point has the NHRI acknowledged any human rights concerns in the UAE despite the documentation of widespread violations. States could recommend that the UAE:

- Modify Federal Decree No 12/2021 on the National Commission for Human Rights establishing a national human rights institution to ensure that the National Human Rights Institution complies with the Paris Principles regarding the establishment of centres for national institutions for the promotion and protection of human rights. The Paris Principles require that the National Commission have a pluralistic representation of the social forces of civil society and be independent of government agencies.

Freedom of Expression **(Slide 3)**

Other speakers will speak on the intimidation, harassment, and attacks on civil society, including human rights defenders, which is a consequence of their peaceful efforts to exercise their freedom of expression, notably on human rights violations by the State and its agents. While the UAE constitution guarantees freedom of expression, current laws including ones passed as recently as 2021 criminalise any speech that harms the reputation of the state, its rulers, or its institutions or any content that could endanger national security, sovereignty, or friendly relations with other countries. In practice this includes any criticism and has resulted in long term prison sentences for those who persist. The effect has been to silence any dissenting voices from civil society. Given that the UAE will host COP28 later in 2023, the question arises as to how civil society, both domestic and international, will be allowed to engage in meaningful debate. Recommendations from our Joint Submission include:

- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.

Freedom of Association/Peaceful Assembly **(Slide 4)**

The UAE is not a party to the International Covenant on Civil and Political Rights. In 2021, the UAE has updated its laws maintaining prohibitions on trade unions or political organisations. Furthermore, the seeking or obtaining of funds is also prohibited. Gatherings of five people or more leading to vaguely worded disruptions of public security are heavily penalised. In practice, demonstrations are effectively banned. Recommendations from our Joint Submission include:

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the freedom of association.
- Amend the Federal Decree Law No 34 of 2021 in Combatting Rumours and Cyber Crimes and Articles 210, 211 and 212 of the 2018 Penal Code, which impose severe prison sentences and fines for gathering.

In conclusion, these issues need to be seen as a wider approach by the Emirati authorities to silence all criticism, including of their own human right violations. They are willing to use the laws, the courts, violence, torture, and imprisonment to achieve this. While some of our recommendations have been highlighted above, a wider set of recommendations can be found at the end of our joint submission. We take this opportunity to encourage all states to make recommendations urging the UAE to comply with its human rights obligations.