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International Federation for Human Rights (FIDH)

Introduction

As a member state of the United Nations, the United Arab Emirates (UAE) will be under review on the occasion of the third session of the Universal Periodic Review. FIDH welcomes the willingness of the UAE to cooperate with the UN Human Rights Council in the framework of this review as a positive step especially since the UAE has had a weak record regarding its international commitments in favour of the respect and promotion of human rights. In the past the UAE has repeatedly been late to submit its report to the relevant treaty bodies, a striking example of this is the Committee for Elimination of Racial Discrimination (CERD) for which the state report is more than ten years overdue.

FIDH welcomes the UAE's ratification of the CERD, the CRC and the CEDAW as well as its signature in 2008, of the CPD and OP-CPD. FIDH strongly encourages the UAE to ratify all other UN international instruments¹ and the Rome Statute of the International Criminal Court.

FIDH requests that the UAE extends a standing invitation to all of the Human Rights Council's special procedures.

This report provides, with due credit extended to the reliable sources inside the country which provided FIDH with relevant information, a partly-comprehensive assessment of the human rights situation and the record of the government in this respect.

Torture and Unfair Trials

On October 1st 2007, Abdulla Sultan Subihat al-Ulaili and Mansoor al-Shamsi were sentenced by the Federal Supreme Court in Abu Dhabi to three years imprisonment for "obtaining secret information on State security". During al_Ulaili's trial, the sessions for which were held in secret, he stated that he had been subjected to torture during his detention in the State Security detention center and that, as such, information had been obtained through the use of torture. No investigation has been launched by the court into these allegations. Further, the decision of the Federal Supreme court is not subject to appeal.

Arrested on November 26th 2006 and February 15th 2007 by State Security Forces respectively, al-Shamsi and al-Ulaili were held incommunicado for months, allowed no access to their families before they were brought to court and charged. Until June 25th 2007, no information was available about their whereabouts or the reason of their arrest, in flagrant violation with the UAE Code of Criminal Procedure which stipulates that the accused has to be transferred to the Public Prosecution within 48 hours of their arrest. Moreover under a secret evidence procedure, their lawyers were prevented from obtaining the document which mainly justified the prosecution. The only evidence presented before the court was the testimonies of members of State Security forces who had assaulted al-Ulaili during his detention.

1 CAT, Op-CAT, ICCPR, OP1-ICCPR, OP2-ICCPR, CED, OP-CEDAW, ICESCR, CMW, CPD, OP-CPD, OP1-CRC and OP2-CRC.

Infringement on Civil Liberties

Although the constitution of the UAE recognizes the right of freedom of expression, press and information, these rights remain very limited. They are particularly strained by the Law on the Press and Publications which entitles the Ministry of Information to license newspapers and publications and strictly monitor their content. In addition, the appointment of editors is governed by this law.

Access to information is also severely restricted. Various websites considered by the authorities as "unwelcome" due to their religious, cultural and/or political content are made unaccessible in the country. Between August and November 2007, the owner of the internet website *Majan*, Mohammed Rashed Al-Shehhi was sentenced to prison and fined three times, and the website has been shut down.

Throughout the past months, journalists sentenced to prison terms have been released by a Dubai court after the ruler of Dubai stated that journalists should not be imprisoned because of their work and called for the enactment of new press and publications laws. Nevertheless, domestic law has not been amended accordingly. Thus, press offences are still widely criminalized.

Another form of repression directed towards journalists is « banning » them. Several journalists and writers have been prevented from writing in newspapers or even appearing on television through the issuance of "blacklists" consisting of journalists and writers who are not "governmentally approved".

Several Emirati writers and academics remain blacklisted since September 2000. On July 1st 2008, the "Al Khaleej" newspaper refused to publish an article by one of its columnists, Dr Abdel Khaliq Abdullah, entitled "Demographic or Developmental Imbalance in the UAE". In April and October 2007, the newspaper had already refused to publish two of his essays. Additionally, because of his reform-supporting opinions, Dr Muhammad Al Roken, former President of the UAE's Jurists Association and Professor of Constitutional Law was arrested more than once in 2006. He was released only after being warned not to appear in local or even international media.

National academics, in particular those known for their critical writings, have regularly been sanctioned over the past years. In September 2000, 15 teachers were banned from publishing within the country. In 2001 and 2002, six academics were banned from teaching in UAE University. In 2007, only one of them was authorized to regain his professional activities. Again in July 2008, two more academics were banned from teaching.

Other administrative measures have been taken against civil servants. Apparently, 83 Emirati academics were transferred by the UAE authorities to state jobs in other arenas, in disregard of the nature of their professional background, in order to sanction what is seen as Islamist views. Dozens of teachers demonstrated in Dubai against this decision on November 20th 2007 and again on June 14th 2008.

Freedom of Association

Political organizations and parties are not permitted in the UAE. Under the Federal Law on Organizations working for the Public Interest, NGOs have to apply for registration with the Ministry of Social Affairs, they then receive subsidies from the government based on membership size. According to the information received, despite the request, more than 20 local NGOs are still unregistered.

In July 2004, a group of Emirati human rights defenders led by Mohammed Al-Roken applied for the registration of a NGO, the UAE Human Rights Association, with the Ministry of Labour and Social Affairs. According to the law, they should have received a reply from the ministry within a month of submitting the application. As of today, no reply has been received. In 2002 and 2006, requests for registration for an independent association of lawyers were both rejected.

Associations are also restricted by directives of government's censorship which necessitate prior government

approval before publishing any material. In further repression, NGO representatives must obtain government permission before attending events outside the country.

Since 2006, Ms Sharla Musabih, founder of the Hope Centre for the Welfare of the Needy in Dubai, a shelter which provides support for women and children victims of violence, has been targeted in a defamation campaign repeatedly threatened. In August 2006, she was referred to the criminal court on charges of physically assaulting one of the victims on the shelter's premises. She was finally acquitted due to lack of evidence. Several UN Special Procedures and human rights organisations expressed their deep concerns as it was feared that she had been brought to court due to her work in defense of human rights.

According to information received, a new defamation campaign has been launched against Ms Musabih since she criticized the management of a newly established shelter licensed by the UAE government.

Gender-based Discrimination

The constitution of the UAE ensures the equal treatment of all its citizens and the UAE government has ratified CEDAW without any reservation, however, women continue to suffer discrimination in particular regarding family issues. Family law in UAE is governed by Islamic Sharia courts consisting of only men. Women face discrimination with regards to parental authority, also, children and spouses of Emirati women married to non-Emirati men are not entitled to citizenship.

Though sexual harassment and domestic abuse against women is commonplace, there is very little institutional support for victims, nor is spousal rape considered a crime by Emirati law. Activists who dare to denounce such violations are emplaced under intense pressure.

While freedom of movement for all persons is enshrined in national law, women are required to get their father's and/or husband's approval- as they are given legal authority over them- in order to participate in professional and social life as well as to leave the country.

The Rights of Migrant Workers and Human Trafficking

In the United Arab Emirates and in particular Dubai, of a resident population reaching over 4.1 million persons, only 20% are locals. Data available up to 2005 suggests that there are 2,738,000 migrant workers in Dubai, a figure which makes up almost 90% of the total workforce².

Since the announcement of the Prime Minister in November 2006 of the introduction of measures which would regulate the labour market and improve conditions for foreign workers, significant improvements have been reported. However, UAE laws still prohibit migrants' participation in independent trade union activities. Freedom of association is still not recognized as a fundamental right in UAE Labour Law and the UAE has not ratified the ILO's core conventions 87 and 98, which guarantee the right to freely associate.

Dissatisfaction with work conditions has led migrant workers to stage a number of public protests and demonstrations over the past years. On March 18th 2008, 1,500 workers of Electro Mechanical Company in Sharjah protested against their low wages. The strike allegedly became violent and resulted in serious damages

FIDH welcomes the counter trafficking strategy developed by the UAE National Committee to Combat Human Trafficking during its last meeting on June 6th 2008, and in particular the decision to renew the « focus on ensuring protection in UAE law for domestic workers (...) and to ensure prosecution of violations under the UAE's tough human trafficking law ». These decisions should be implemented without delay and result in concrete actions. Special attention should indeed be given to the plight of female migrant domestic workers. Domestic workers are among the most vulnerable of migrant communities. They are not protected by the UAE Labour Law. They cannot access social security systems. They cannot form unions. Without

2 SOH Report on Mandatory Testing – CARAM Asia, 2007
Human Rights Watch Statement 2006

recognition and protection as workers, domestic workers are powerless to fight exploitation and discrimination, restrictions on their freedom of movement and association, and barriers to accessing legal remedies.

Migrant workers often suffer exploitation which resulting partly from the 'sponsorship' or "*kafala*" system. All foreign workers enter the UAE as contracted workers in the *kafala* framework. In this system, employers or other individuals, who are natives, sponsor workers coming from abroad for a limited period. The workers are often found using manpower recruitment agencies in sending countries. The sponsors must pay a fee to the recruitment service and pay for the worker's airfare, all employment visas, work permits, wages and return airfare. It has been observed that unscrupulous employers sometimes do not renew the worker's documents deliberately, and falsely accuse the employee of theft in order to render the migrant worker undocumented and avoid payment of taxes and the price of the return airfare.

Recruitment services in the sending countries lure migrants en masse, promising them jobs and salaries that may never materialize. Having at times forked out their entire life savings, these workers do everything possible to secure what they believe are legally enforceable contracts and work visas. On arrival in the host country, they are deeply indebted and out of options. They have little choice but to work for local sponsors or employers under highly exploitative conditions that may essentially amount to forced labour or servitude. The recent Abu Dhabi Labour Ministers conference announced a pledge to provide fundamental protection to migrant workers in the GCC states. These include stricter enforcement of efforts to combat smuggling and trafficking. As such, the identified measures should be implemented without delay in order to ensure the protection of migrants workers in compliance with international human rights standards and in particular, the CMW and International Labour Organisation (ILO) 's conventions 97 and 143 relating to migrant workers ' rights.

Human Rights Situation of Stateless Persons

According to the Emirates Human Rights Association (EHRA) and the UNHCR, there are at least 20,000 stateless residents (*bidoun*) in UAE who are either without citizenship or had no proof of citizenship from any country. Of this group, many originate from Iran, South Asia, and Zanzibar having entered the country illegally to seek employment and whom, often, have resided in the country for decades without being granted citizenship. Others are Bedouins and their descendants with no proof of their "national" origin.

On October 10th 2007, 1,294 stateless persons were naturalized by the UAE government. Persons in the *Bidoun category* face heavy discrimination in the labour market and as a result encounter socio-economic challenges. They have limited access to medical care and education, and without passports and other basic identity documents, they are restricted in their movement within the country as well as internationally. They are also denied rights of property ownership (car, phone, house), registration of marriage contracts and many other basic procedures.

Conclusion

Being a member state in the United Nations implies a responsibility on the state to adhere to internationally accepted principles in an effort to promote the protection and respect of human rights as guaranteed by the Universal Declaration of Human Rights. In this respect, FIDH urges the UAE to enhance and build upon what progress has already been made in specific human rights issues and to work towards further endorsement of human rights principles in general. We particularly encourage the UAE to ratify all human rights instruments and extend a standing invitation to the Special Procedures of the Human Rights Council as as an integral step towards the full promotion and respect of Human Rights.