



## Contribution to the Universal Periodic Review Mechanism

15th session of the UPR Working Group, January-February 2013

A Joint UPR Submission on the United Arab Emirates (UAE) by the following groups: [Human Rights Watch](#), the [Arabic Network for Human Rights Information](#), [Gulf Centre for Human Rights](#) and [Index on Censorship](#). These groups worked together in coalition to campaign for the release of the UAE 5 in 2011. (See: <http://www.hrw.org/news/2011/11/30/uae-expunge-activists-convictions>)

The human rights situation in the United Arab Emirates has worsened since the Human Rights Council's Universal Periodic Review (UPR) four years ago as the country failed to uphold many of its pledges. UAE authorities have clamped down on freedom of expression, assembly, and association, especially following popular uprisings across the Arab world during the spring of 2011.

Authorities failed to adequately investigate or prosecute allegations of torture. Stateless residents continued to face severe obstacles in many areas such as access to healthcare and education, and authorities have threatened to strip local critics of their citizenship.

Despite some progress in addressing violations of migrant workers' rights, including new regulations to curb exploitative recruitment agents and improve housing conditions, many areas of concern remain such as the withholding of travel documents and recruitment fees. Women continued to face discrimination, especially in divorce, inheritance, and child custody, though a new proposal may allow Emirati women married to non-citizens to pass citizenship to their children.

The UAE has not signed significant international human rights treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Despite a pledge to sign and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following its UPR in 2008, the government has failed to do so.

### Freedom of Expression

The UAE has failed to implement the recommendations it had accepted during its previous UPR in 2008, in particular recommendation 91.1 to "reform the 1980 law on publications and all other related laws to take into account the evolution of freedom of expression and opinion," and recommendation 17 to "take concrete measures to limit the number and extent of restrictions on the right to freedom of expression and the freedom of the press."

Despite these pledges, human rights defenders and government critics continue to face harassment, imprisonment, and criminal prosecution. The UAE's penal code criminalizes speech based on broad content-based restrictions, allowing the government to prosecute people for speech critical of the government, in contravention of international standards.

In the wake of regional popular protests since 2011, some Emiratis have called openly for greater accountability, transparency, and democratization, and consequently faced repression in a widening crackdown on freedom of expression.

In early April 2011, the authorities arrested five activists who came to be known as the "UAE 5," after they allegedly posted statements on *UAE Hewar*, an internet forum that the authorities blocked in February 2010. None of the messages attributed to the UAE 5, which were reviewed by Human Rights Watch and other rights groups, went beyond peaceful criticism of government policy or political leaders. The state charged the five men in early June 2011 under articles 176 and 8 of the UAE Penal Code, which punish public "insults" of the country's top officials. The Federal Supreme Court convicted the men on November 27 and sentenced them to between two and three years in prison. The men were released the following day after the UAE's president commuted their sentences. Authorities have not expunged their criminal records and have failed to return the passport of Ahmed Mansoor, one of the five.

Despite the UAE's pledge "to reform the 1980 law on publications and all other related laws to take into account the evolution of freedom of expression and opinion" following its 2008 UPR, the government has failed to amend the law or pass a new one. On January 20 2009, the UAE's Federal National Council, a government advisory board without legislative powers, did adopt a draft media law, which would have been a significant improvement over the 1980 law in some areas but would have failed to conform to international free speech standards. The draft law imposed unlawful content-based restrictions on speech, as well as unlawful and onerous government controls on licensing, registration, operation, and management of the media. However, President Khalifa bin Zayed Al Nahyan did not sign the draft law, thereby shelving the legislation and keeping the 1980 law in place.

The 1980 law regulates publication of all films, scientific articles, musical compositions, news documents and most other forms of recorded public expression. The law restricts expression through registration requirements and limitations on peaceful content, providing for incarceration of offenders. However, media workers no longer face jail time for libel offenses following a 2007 decree by UAE Prime Minister Sheikh Mohammad bin Rashed al-Maktoum stating that journalists should not be jailed for their work.

In August 2009 authorities charged British journalist Mark Townsend, a former business editor at the *Khaleej Times* newspaper, a Dubai-based daily, with libeling his former employer at the paper based on several internet blog posts under a user name resembling his. The criminal charges forced Townsend to remain in the country without permission to work for 22 months while the court case progressed. In May 2011, a judge dismissed the charges against him.



International and domestic news organizations operating from the Dubai Media City (DMC) free zone are generally not subject to the current UAE media laws, though several international journalists reported that authorities did not renew their work permits after they interviewed government critics.

## Freedom of Association and Assembly

UAE authorities continued their clampdown on freedom of association in 2011 by disbanding the elected boards of the Jurists' Association and the Teachers' Association, two of the country's prominent independent associations, after they and two other local NGOs co-signed a public appeal in April 2011 calling for greater democracy in the country. Social Affairs Minister Mariam Mohammed Khalfan Al Roumi issued decrees in April to replace the two boards with state appointees. According to the decrees, the associations violated section 16 of the UAE's 2008 Law on Associations, which prohibits NGOs and their members from interfering "in politics or in matters that impair state security and its ruling regime." The Law on Associations tightly controls NGOs permitted to operate in the UAE.

In late March 2012, the UAE authorities closed, without explanation, the local offices of two international organizations, the National Democratic Institute, a body linked to the Democratic Party in the United States, and the Konrad Adenauer Stiftung, linked to Germany's Christian Democratic Union. Both bodies promote the exchange of ideas and political debate as the foundation of democracy.

Beginning in March 2012, authorities have detained 13 members of the Reform and Social Guidance Association (al-Islah), a non-violent political association advocating greater adherence to Islamic precepts. These arrests, usually by the UAE's *Amn al-Dawla* (State Security), a federal security service that reports directly to the office of the UAE President under Law 6 of 1976, appear to have been motivated solely by the men's affiliation with the association. Authorities have held the men without charge and for extended periods of time at unknown locations without access to a lawyer or contact with family members. All remain in detention at this writing.

Authorities continue to violate the right to freedom of peaceful assembly by clamping down on public demonstrations and protests. Police arrested at least four young activists after they attempted to organize a peaceful protest march in July 2010 in response to increasing oil prices. Authorities fired two of the organizers from their government jobs and Dubai police held one in detention for a week for "inciting the nation against the government," even though the protest was cancelled. The other was imprisoned for more than a month.

In February 2012, security officials called in for questioning hundreds of Syrian nationals suspected of attending a demonstration in front of the Syrian consulate in Dubai protesting the Syrian government's continuing crackdown on protesters and opposition forces there. The UAE government later revoked the residency permits of about 50 of them.

***Recommendations on Freedoms of Expression, Association, and Assembly:***

- Halt efforts to impose restrictions on freedom of expression and the press, and amend the penal code to remove all criminal penalties for alleged libel offenses.
- Repeal the 1980 media law. Any replacement should respect the right to seek, receive, and impart information and ideas of all kinds, in compliance with Article 19 of the International Covenant on Civil and Political Rights.
- Amend the 2008 Law on Associations and remove all interference into NGO affairs, including the authority to oust and replace boards and chairpersons.
- Uphold the right to freedom of assembly by allowing peaceful public gatherings and demonstrations.

**Torture**

The UAE government has failed to sign and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in spite of accepting recommendations 91.25 and 91.32 to do so. Authorities have also failed to properly investigate allegations of torture and meaningfully prosecute those responsible.

In 2009, the United Arab Emirates government prosecuted Sheikh Issa bin Zayed al-Nahyan, a royal family member for apparently brutally torturing an Afghan grain dealer. The trial started six months after a [videotape](#) of the attack was broadcast on United States television apparently showing the sheikh torturing a grain dealer with whips, electric cattle prods, and a wooden plank with protruding nails. Initially, the Interior Ministry had characterized the abuse as a matter that the parties subsequently settled “privately.” After international condemnation, the UAE announced that it would conduct an immediate “comprehensive review” of the torture incident and “make its findings public at the earliest opportunity.” The government did not subsequently make any announcement about the comprehensive review or make any results public. On January 10, 2010, the Al Ain Criminal Court cleared Sheikh Issa of the torture charges. The court convicted five co-defendants but accepted the sheikh’s defense that he was under the influence of drugs, which diminished the responsibility for his actions. The public prosecutor did not appeal the ruling.

In October 2009 the Federal Supreme Court convicted Naji Hamdan of terrorism-related charges, and sentenced him to 18 months in prison. Hamdan, an American of Lebanese origin, has denied the allegations and his lawyer told the court that Hamdan suffered torture and threats in detention and was coerced into signing a confession “to whatever they wanted to hear.” Hamdan was released in November 2010 on the basis of time served, and deported to Lebanon.

On March 29, 2010 a Sharjah court sentenced 17 Indian men to death for the murder of a Pakistani national during a brawl over control of the illicit alcohol trade. The 17 men alleged that police tortured them over



nine days to obtain confessions. Lawyers for Human Rights International (LFHRI), an Indian group, said police beat the men with clubs, subjected them to electric shocks, deprived them of sleep, and forced them to stand on one leg for prolonged periods. An appellate court later reduced the sentences to two years imprisonment and deportation after the defendants paid “blood money” to the victim’s family, but authorities did not investigate the torture allegations.

In August 2010 criminal lawyer Abdul Hameed al-Kumaiti filed a public complaint with Dubai's public prosecutor urging an investigation into circumstances surrounding at least 20 suspicious deaths of inmates (19 Emiratis and one Afghan) in Dubai's central prison over the preceding two years. Authorities did not issue a response.

On June 12, 2012, a Dubai criminal court exonerated 13 Dubai police officers, a lieutenant colonel, six lieutenants, and six lower-ranking officers, of torturing three Pakistani detainees during interrogation in 2010, one of whom died shortly after from his injuries while still in detention. One of the detainees claimed that the officers hit him in the groin with a metal bar and a wooden stick, then stripped him naked and sprayed his body with WD40, an industrial lubricant harmful to human skin. The court acquitted all the officers on the torture charges, though the court sentenced five to one month imprisonment for “unlawful detention.”

#### ***Recommendations on Torture:***

- Expediently sign and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Investigate promptly and impartially all allegations of torture by security and police forces and prosecute any official found responsible for ordering, carrying out, or acquiescing in torture or ill-treatment.

#### **Migrant Worker Rights**

According to government statistics released in 2011, foreigners account for more than 88.5 percent of UAE residents, many of them poor migrant workers. Immigration sponsorship laws grant employers extraordinary power over the lives of these workers. They have no right to organize or bargain collectively and face penalties for going on strike. Although the law calls for a minimum wage, the Ministry of Labor has yet to implement this provision.

The past two years have shown some positive developments for migrant workers. In doing so, it took some steps towards partly implementing recommendation 91.14 to “protect them from possible abuses by their employers”. In January 2011, the UAE government issued new labor regulations to curb exploitative recruiting agents who entrap foreign workers with recruiting fees and false contracts. The new regulations explicitly prohibit UAE recruitment agencies from imposing recruitment fees on workers or intermediaries.

If a worker is found to have paid a fee to anyone associated with an Emirati recruitment agency either inside or outside the UAE, the Labor Ministry may compel the agency to reimburse the worker. The regulations also hold recruitment agencies partly liable if they place the worker with an employer who subsequently does not pay the workers, and ban recruiters from placing workers with companies involved in collective labor disputes. Recruiters will have to put down a Dh 300,000 (\$81,000) minimum deposit, which will be available to pay workers' salaries if the company fails to do so.

In June 2009 the UAE cabinet approved compulsory housing standards to improve living conditions for migrant workers. Employers have until September 2014 to comply with the rules.

In June 2011, the UAE, along with other governments, trade unions, and employers' organizations, voted to adopt an International Labour Organization (ILO) treaty that extends key labor protections to domestic workers. The ILO Convention on Decent Work for Domestic Workers, which establishes the first global standards for domestic workers worldwide, addresses their routine exclusion from labor protections guaranteed to other workers, such as weekly days off, limits to hours of work, and a minimum wage.

Despite these steps, many problems remain and more specific action should be taken to implement recommendations accepted during the 2008 UPR and to address the core human rights concerns related to migrant workers' rights. Across the country, abuses include unsafe work environments, the withholding of travel documents, near universal payment of recruitment fees by workers, and low and nonpayment of wages, despite a mandatory electronic payment system introduced in 2009.

The financial crisis that began in late 2008 cost tens of thousands of workers their jobs. Trapped in camps lacking basics such as food and sanitation, many were unable to find new jobs or a way home. Other workers said that some employers forced them to accept reduced pay and benefits or face dismissal. Hundreds of laid-off migrant workers in 2010 were stranded in labor camps without electricity or running water for months on end after their Dubai-based employers closed; some had to fight off rats while sleeping amidst garbage heaps.

In January 2011 more than 3,000 workers employed by Arabtec went on a two week strike to demand a wage increase. The workers had been making between 650 and 800 dirhams (US\$175 and \$220) a month. Some alleged that they had not been paid for overtime work. UAE authorities deported 71 Bangladeshi nationals for their alleged role in instigating the strike. According to the government, the UAE saw 34 worker protests in the first three months of 2011, less than half the number from the same period a year ago. The protests were related to delayed payment of salaries, non-payment of overtime, or demands for pay increases, the government said.

Many female domestic workers in the UAE suffer unpaid wages, food deprivation, long working hours, forced confinement, and physical and sexual abuse. The standard contract for domestic workers introduced in April 2007 calls for "adequate breaks" but does not limit working hours or provide for a weekly rest day, overtime pay, or workers' compensation.



A local press outlet reported in May 2012 that the UAE is considering a draft law that would provide domestic workers a weekly paid day off, two weeks of paid annual leave, holidays, and 15 paid sick days. Among reported provisions that raise concern is one that will make a domestic worker who reveals the “secrets” of their employer liable for prosecution and penalties of up to six months in prison and a fine of Dh 100,000 (US\$27,000). The draft law also will purportedly impose harsh criminal sentences, including imprisonment, on those who “encourage” a domestic worker to quit her job or offer her shelter.

***Recommendations on Migrant Worker’s Rights:***

- Establish an independent commission to investigate and publicly report on the situation of migrant workers in the country; and allow the establishment of genuine and independent human rights and workers’ rights organizations that can bring abuses to light and help workers know and defend their rights.
- Prohibit companies from doing business with recruitment agencies in the UAE and abroad that violate UAE laws by charging workers fees for travel, visas, employment contracts, or anything else in connection with their employment.
- Aggressively prosecute and impose significant penalties for employers and recruiting agencies that abuse employees in violation of the law.
- Ratify the International Labour Organization’s Conventions No. 87 and No. 98 on freedom of association and collective bargaining, and amend the UAE Labor Law to incorporate the convention’s protections.
- Implement the provisions of the new ILO treaty that extends key labor protections to domestic workers

**Stateless Persons and Citizenship Issues**

The UAE hosts between 10,000 and 100,000 stateless residents known as Bidun, (“without,” referring to their statelessness). Many of the Bidun population in the UAE trace their origins to nomadic tribes that previously moved freely around the gulf region or later immigrants living in the UAE who failed to register for nationality when the country was formed in 1971. Due to their stateless status the Bidun face severe obstacles in many areas such as access to healthcare and education, and many live in poverty.

UAE activists reported that Interior Ministry officials have stepped up pressure on stateless residents in 2012 to apply for citizenship in other countries to which they have no connection as a first step in establishing legal residency in the UAE. UAE authorities reportedly approached the Comoros Islands with financial incentives to grant citizenship to stateless residents.

In May 2012, authorities detained Ahmed Abd al-Khaleq, a stateless Bidun and member of the “UAE 5,” one day after he received notification that Comoros has approved his citizenship application. Local activists said he has no connection to the Comoros and has never visited the islands, but that he had applied for Comoros citizenship under pressure from UAE authorities, who told him that obtaining a nationality was a necessary step in regularizing his residency status in the UAE. Authorities first threatened him with deportation to the Comoros, and then later to Thailand. Abd al-Khaleq supports his parents and seven sisters, all of whom were born in the UAE and have never left the country. At time of writing, Abd al-Khaleq was still in detention.

Authorities have also violated international standards by threatening to revoke the citizenship of domestic critics. In December 2011, the government said through its official news agency that it had stripped six al-Islah members – Dr. Ali Hussain al-Hammadi, Dr. Shahin Abdullah al-Hosni, Hussein Munif al-Jabri and his brother Hassan Munif al-Jabri, Ibrahim Hassan al-Marzouqi, and Sheikh Mohammad Abdul Razak al-Sediq– of their UAE citizenship. Authorities subsequently detained a seventh member of al-Islah, Ahmed Ghaith al-Suwaidi in March 2012; they had earlier revoked his citizenship in May 2011. In April 2012 the government jailed the original six after they refused to sign a pledge to search for a new nationality. On May 31, 2012, a court rejected an appeal submitted by the men’s lawyer to return the men’s passports.

Since June 2009, the UAE has deported hundreds of Lebanese and Palestinian residents on suspicion of supporting the Lebanese group *Hezbollah*, without an opportunity to appeal their expulsions. Some had lived in the country for more than 30 years and owned homes and businesses there.

***Recommendations on stateless Persons and Citizenship Issues:***

- Develop a strategic plan to remedy the UAE’s longstanding problem of statelessness in accordance with international legal standards and in consultation with UNHCR and local civil society organizations. Publish a roadmap and timetable for ending statelessness in the UAE and dedicate adequate resources to expediting resolution.
- Grant temporary legal residency to stateless individuals pending resolution of their claims to UAE nationality, and cease efforts to pressure stateless residents into applying for other nationalities.
- Collect and publish data on stateless persons in the UAE, including data on births and deaths, health, education, and employment indicators, and economic conditions.
- Halt any proceedings that would revoke citizenship from government critics, restore citizenship to those from whom it was stripped arbitrarily or which rendered the person stateless, and return all official identification and travel documents.

## **Women’s Rights**

The rejection by the UAE Government of recommendations on ending discrimination between men and women during its previous UPR in 2008 is contrary to its international human rights obligations. There has been no concrete progress in this regard since the 2008 UPR of the United Arab Emirates.



The UAE adjudicates family law and personal status matters for Muslims pursuant to its interpretations of Islamic law, with no option to seek adjudication pursuant to a civil code. The UAE law in particular discriminates against women by granting men privileged status in matters of divorce, inheritance, and child custody. Emirati women can obtain a divorce only through *khul'a* (a no-fault divorce) thereby losing their financial rights. They may only ask for a divorce in exceptional circumstances. Females can only inherit one-third of the total assets of a deceased person while men are entitled to inherit two-thirds.

The law further discriminates against women by permitting Emirati men to have as many as four polygamous marriages and forbidding Muslim women, but not men, from marrying non-Muslims.

In November 2011, President Khalifa bin Zayed Al Nahyan proposed changing the law so that Emirati women married to foreigners can pass on their citizenship to their children. The proposed reform would make the children concerned eligible for citizenship only when they reach the age of 18. It remains unclear whether the proposal would apply to Emirati women married to stateless residents. This reform, if adopted, would reflect the recommendation 92.4 on amending “national laws on citizenship, so that female citizens married to non-citizens can pass on their nationality to their children in the same way that male citizens married to non citizens do”.

Despite the existence of shelters and hotlines to help protect women, domestic violence remains a pervasive problem. The penal code gives men the legal right to discipline their wives and children, including through the use of physical violence. In 2010, the Federal Supreme Court upheld a husband’s right to “chastise” his wife and children with physical abuse. The ruling, citing the UAE penal code, sanctioned beating and other forms of punishment or coercion providing the violence leaves no physical marks.

Victims of rape and sexual abuse face ostracism by authorities, society, and even their families. In June 2010 a criminal court in Abu Dhabi sentenced an 18-year-old Emirati woman to a year in prison for illicit sex after she reported that six men had gang-raped her.

In the September 2011 elections 85 women out of 450 ran for 20 FNC seats. Only one woman was voted into office.

***Recommendations on Women’s Rights:***

- Amend statutes of family law to ensure that women have equal status to men in matters of divorce, inheritance, and child custody.
- Introduce legislation to prohibit the right of men to inflict beatings and other forms of physical punishment or coercion on their wives.

- Protect victims of rape and sexual assault by offering health services and medical attention, and cease prosecutions of rape victims for “illicit sex.”
- Offer proper trainings to police, investigators, public prosecutors, and judges on how to handle cases of sexual assault, and ensure that policewomen with specialized training are available to assist and support women who report rape.

***Other recommendations:***

- Sign, ratify, and bring all domestic laws into compliance with important international human rights treaties such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Implement its 2008 commitment to establish an independent national human rights institution that could advise the Government and receive and investigate complaints by the public.
- End the practice of arbitrary detention by ensuring that authorities, including security agencies, comply with UAE and international law by promptly informing persons of the reason for their arrest, and charging or releasing them accordingly.