



The United Arab Emirates
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Submission by CIVICUS: World Alliance for Citizen Participation
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Gulf Centre for Human Rights (GCHR)
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1. Introduction

- 1.1. CIVICUS is a global alliance of CSOs and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2. The Emirates Detainees Advocacy Centre is a CSO founded in 2021 by a group of human rights activists to support detainees of conscience in the UAE and shed light on their cases.
- 1.3. The Gulf Centre for Human Rights is an independent CSO, founded in 2011 and based in Lebanon, that works to provide support and protection to HRDs in the Gulf region and neighbouring countries by promoting the freedoms of association, peaceful assembly and expression.
- 1.4. The World Organisation Against Torture (OMCT), established in 1985, is the main coalition of international CSOs fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. OMCT has over 200 affiliated organisations in its SOS-Torture Network.
- 1.5. In this submission, CIVICUS, Emirates Detainees Advocacy Centre (EDAC), Gulf Centre for Human Rights (GCHR) and the World Organisation Against Torture (OMCT) examine the Government of the United Arab Emirates' (UAE) compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse the UAE's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in 2018. To this end, we assess the UAE's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.6. During the 3rd UPR cycle, the Government of UAE received 49 recommendations relating to the space for civil society (civic space). All 49 recommendations were accepted. However, an evaluation of a range of legal sources and human rights documentation addressed in this submission demonstrates that the UAE has only implemented one recommendation. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination.
- 1.7. We are deeply concerned by barriers against civil society organisations (CSOs) operating independently in the UAE and the persistent targeting of CSOs. The UAE authorities have created a hostile environment for CSOs and denied labour unions the right to operate and advocate for the rights of workers.

1.8. We are further alarmed by the use of security-related legislation to persecute human rights defenders (HRDs), academics, journalists and bloggers, who have been subjected to harsh prison conditions and kept in detention beyond their sentences.

1.9. As a result of these issues, civic space in the UAE is currently rated as closed by the CIVICUS Monitor, indicating the existence of particularly severe civic space restrictions.¹

- Section 2 of this submission examines the UAE's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 3 examines the UAE's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 4 examines the UAE's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression and media freedom.
- Section 5 examines the UAE's implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.
- Annex 1 tracks the UAE's implementation of 3rd cycle UPR recommendations related to civic space.

2. Harassment, intimidation and attacks against human rights defenders and civil society activists

2.1. Under the UAE's previous UPR examination, the government received 11 recommendations on the protection of HRDs and civil society representatives. The government committed to all the recommendations, including to guarantee that anti-terror and cybercrimes laws do not impede the legitimate activities of HRDs, citizens and the media. However, the government has only fully implemented one recommendation.

2.2. Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The UAE is one of the most dangerous places in the Middle East and North Africa (MENA) region for HRDs. HRDs are subjected to arbitrary arrest and intimidation and are detained

¹ CIVICUS Monitor: United Arab Emirates, <https://monitor.civicus.org/country/ united-arab-emirates>.

for lengthy periods when convicted under restrictive security laws. Many are detained simply for expressing concerns over the state of human rights and the actions of the government of the UAE and neighbouring countries.² They are often charged with publishing false information or spreading false news that could harm the security of the state or friendly relations with other countries. Security laws are used to prosecute HRDs and the UAE authorities use terrorism-related legislation to keep HRDs in detention even after serving their full sentence under the guise that they are a threat to the state.³

- 2.3. Over 40 prisoners of conscience are currently being held in prison despite the completion of their sentences. Many of them are part of a group of prisoners collectively known as the UAE94, who were arrested in 2012 and sentenced to between seven and 15 years in prison during a grossly unfair trial in 2013 for their pro-democracy activities.⁴
- 2.4. Arrests and detentions of prisoners of conscience have been mostly arbitrary, without any specific charges being brought, and without any judicial warrant for arrest, house searches and confiscation of electronic devices, in violation of the UAE's applicable Federal Law No. 35/1992 on [Criminal Procedural Law](#).⁵ These are illegal practices that have become systematic and established by members of the state security apparatus.
- 2.5. In 2021, the Emirati authorities promulgated Federal Decree No. 12/2021 on the National Commission for Human Rights, establishing a national human rights institution.⁶ This is in line with one of the recommendations accepted by the UAE during its previous UPR examination in 2018. The institution has a mandate to document human rights violations and visit penal and correctional services and medical facilities to observe human rights.⁷ Normally, this would be considered a welcome development, given the high levels of impunity UAE officials enjoy as they target HRDs and critics of the government. However, the composition of the Commission and its commissioners violates the Paris Principles regarding the

² 'United Arab Emirates: release prominent human rights lawyer Dr. Mohammed Al-Roken, Gulf Centre for Human Rights (GCHR), 28 August 2022, <https://www.gc4hr.org/news/view/3066>.

³ 'The practice of indefinite detention in the UAE', Emirates Detainees Advocacy Centre, 2 June 2022, <https://en.edacrights.com/post/365>.

⁴ Ibid.

⁵ <https://legaladviceme.com/legislation/156/uae-federal-law-35-of-1992-concerning-criminal-procedural-law#:~:text=No%20person%20may%2C%20as%20well,issued%20by%20the%20competent%20authority>.

⁶ 'President Sheikh Khalifa establishes UAE national human rights institution', The National, 30 August 2021, <https://www.thenationalnews.com/uae/2021/08/30/president-sheikh-khalifa-establishes-national-human-rights-institution>.

⁷ 'UAE: president issues federal law establishing national human rights commission', Data Guidance, 1 September 2021, <https://www.dataguidance.com/news/uae-president-issues-federal-law-establishing-national>.

establishment of centres for national institutions for the promotion and protection of human rights. It is headed and staffed by former military and police officers who themselves might be the subject of human rights complaints.⁸

2.6. The new Cybercrimes Law – Federal Law No. 34 of 2021 on Combatting Rumours and Cybercrime – came into effect on 2 January 2022. It replaces the restrictive Federal Law No. 5 of 2012 on Combatting Cyber Crime, which was used to prosecute numerous HRDs and civil society activists, but does not revoke most of the restrictive provisions, including punishment with harsh sentences that were used to target HRDs and online freedoms. The new Law will be used to further criminalise HRDs, journalists and activists as it uses broad and vague definitions related to the security of the state.⁹ It defines in article 1 ‘unlawful content’ as any content that endangers national security, sovereignty or friendly relations with other states when it is circulated or published.¹⁰ The broad use of ‘unlawful content’ in relation to national security and friendly relations with other states can be used subjectively by the authorities to outlaw the freedom of expression and online freedoms.¹¹

2.7. Article 53 of the law provides immoderate fines ranging between 300,000 and 10,000,000 Dirhams (approx. US\$81,700 to US\$2,723,000) to those found guilty of sharing information using electronic means. Article 19 mandates prison sentences not exceeding one year or a fine to those who manage online accounts that circulate content contrary to media content standards set by the UAE authorities. Article 20 also provides for prison sentences of up to life to anyone who uses online platforms to advocate for a change in the governance system or who oppose the fundamental principles on which governance systems are based. The law further criminalises the spread of rumours and ‘fake news’ and imposes a maximum prison sentence of one year on those found guilty of using the internet and other electronic devices to spread false rumours that are contrary to news or information shared by the state. Those provisions give wide scope for authorities to impose unreasonable imprisonment and use vague terminology and language to infringe on freedoms of expression and opinion. Moreover, journalists, bloggers, media experts and HRDs continue to be targeted, such as Ahmed Mansoor, sentenced to 10 years’ imprisonment for defamation and insults to the heads of state under article 22 of the previous cybercrime law (now article 20).

⁸ ‘A group of officers is heading UAE’s NHRI’, Emirates Detainees Advocacy Centre (EDAC), 19 December 2021, <https://en.edacrights.com/post/259>.

⁹ ‘New Cybercrime Law severely restrictive, al-Raisi appointed Interpol President despite pushback from civil society’, CIVICUS Monitor, 2 February 2022, <https://monitor.civicus.org/updates/2022/02/04/new-cybercrime-law-severely-restrictive-al-raisi-appointed-interpol-president-despite-cso-pushback>.

¹⁰ ‘Human rights NGOs call on the UAE to immediately repeal or amend its new Law on Combatting Rumours and Cybercrime’, MENA Rights Group, 24 January 2022, <https://menarights.org/en/articles/human-rights-ngos-call-uae-immediately-repeal-or-amend-its-new-law-combatting-rumours-and>.

¹¹ Ibid.

- 2.8.** All these provisions of the Cybercrimes Law clearly punish any forms of political opposition, both online and offline, and have been used to silence dissenting voices that publish, share and circulate information that is not in line with the political interests of the state and its authorities. This contributes to the curtailment of civic space in the UAE. The 2012 version of the law led to mass arrests, torture, incommunicado detention and trials of civil society activists, particularly the UAE94 group, which includes human rights lawyers Dr Mohammed Al-Roken and Dr Mohammed Al-Mansoori, who were sentenced for their online activism and calls for reform, and remain in prison. Prominent academic Nasser Bin Ghaith was also arrested in August 2015 and forcibly disappeared until being sentenced to 10 years in prison in March 2017 under the Cybercrimes Law for ‘posting false information’ deemed to ‘harm the reputation of the state and its institutions’.¹²
- 2.9.** Law No. 1 of 2014 on Combating Terrorism Offences has been used to target HRDs, activists, academics and others. The law equates acts deemed by the authorities to antagonise the state, stir panic or undermine national unity with terrorism. Article 14 of the law provides for the death penalty or life imprisonment to people who take actions intended to undermine stability, unity, sovereignty and security of the state. It provides for prison sentences of between three and 15 years to those who publicly declare animosity or lack of allegiance to the state.
- 2.10.** The law allows the courts to impose travel bans and authorise surveillance of people suspected of terrorism-related actions and deemed dangerous and prevent them from living in or visiting specific locations. The law has been used largely to designate HRDs in exile as terrorists. It has also been used to label organisations operated by Emiratis in foreign countries, including in Norway and the USA, as terrorist organisations. Article 40 allows those considered by the state security authorities to pose a terrorist threat or those convicted of terrorism be placed in counselling in administrative units for the purpose of enlightening or reforming them to eliminate the threat they possess.¹³ These administrative units, known as Munasaha (Counselling) Centres, are in reality prisons where HRDs serve their sentences in conditions little different to the prison regime.¹⁴
- 2.11.** HRDs detained past the end of their sentences in these centres have had new sentences added to their time served in order to keep them in prison. This includes two women prisoners of conscience who completed their original sentences in

¹² ‘Nasser Bin Ghaith’, EDAC, <https://en.edacrights.com/prisoner/52>.

¹³ ‘One year after completing his sentence, activist Mansoor Al-Ahmadi remains in detention in the UAE’, Emirates Centre for Human Rights, 20 October 2020, <https://echr.org.uk/one-year-after-completing-his-sentence-activist-mansoor-al-ahmadi-remains-in-detention-in-the-uae>.

¹⁴ ‘United Arab Emirates: Release prisoners of conscience who have completed their sentences’, GCHR, 10 June 2022, <https://www.gc4hr.org/news/view/3040>.

2021. On 28 April 2021, the Federal Court of Appeal issued a three-year prison sentence for Amina Al-Abdouli and Maryam Al-Balushi in case no. 61 of 2021, on the charge of allegedly ‘publishing false information disturbing public order’ after they spoke out about the terrible prison conditions.¹⁵

2.12. On 13 September 2021, the Emirati cabinet of ministers passed Ministerial Resolution No. 83 of 2021, adding 38 people to the government’s list of terrorists.¹⁶ Among the people designated are four HRDs: Ahmed Al-Shaiba Al-Nuaimi, Hamad Al-Shamsi, Saeed Al-Tenaiji and Mohammed Saqr Al-Zaabi. The designation means the authorities are able to target members of their families based in the UAE under the pretext of getting information, freeze their assets and confiscate their property.¹⁷ The four HRDs are part of the group of 94 HRDs, academics and activists who were accused by the Emirati authorities of crimes against national security and violating article 180 of the Penal Code in 2013, who were sentenced to 15 years in prison.¹⁸

2.13. On 7 October 2020, HRD Ahmed Al-Atoum, a Jordanian national resident in the UAE, was sentenced by the Chamber of State Security of Abu Dhabi Federal Court of Appeal to 10 years in prison with a deportation order, effective at the end of his sentence.¹⁹ He was initially arrested off the street on 14 March 2020, leaving his two minor children to make their own way home.²⁰ He was not allowed any contact with his family for three weeks and held in solitary confinement for four months. He was charged under article 166 of the Penal Code for, among other things, publishing information on his Facebook page critical of the Jordanian authorities.²¹

¹⁵ ‘United Arab Emirates: Authorities continue to hold prisoners of conscience past their sentences and arrest human rights lawyer’, GCHR, 13 August 2022, <https://www.gc4hr.org/news/view/3082>.

¹⁶ ‘United Arab Emirates: three human rights defenders and a researcher added to government’s terror list’, GCHR, 15 September 2021, <https://www.gc4hr.org/news/view/2833>.

¹⁷ ‘UAE: many leaders remain silent in the face of systematic human rights abuses’, CIVICUS, 22 March 2022, <https://www.civicus.org/index.php/media-resources/news/interviews/5688-uae-many-global-leaders-remain-silent-in-the-face-of-systematic-human-rights-abuses>.

¹⁸ ‘UN concerned about UAE’s listing of four human rights defenders on terrorist list without notifying them’, Committee for Justice, 27 March 2022, <https://www.cfjustice.org/un-concerned-about-uaes-listing-of-4-human-rights-defenders-on-terrorist-lists-without-notifying-them>.

¹⁹ ‘United Arab Emirates: Jordanian activist sentenced to 10 years in prison for criticising corruption in his home country’, Mena Rights Group, 9 February 2021, <https://menarights.org/en/caseprofile/united-arab-emirates-jordanian-activist-sentenced-10-years-prison-criticising>.

²⁰ ‘UNWGAD calls on the UAE authorities to release a Jordanian detainee’, EDAC, 27 January 2022, <https://en.edacrights.com/aboutus>.

²¹ ‘United Arab Emirates urged to free Jordanian imprisoned for highlighting corruption in Amman’, Middle East Eye, 11 February 2021, <https://www.middleeasteye.net/news/uae-jordan-activist-imprisoned-highlighting-corruption>.

- 2.14.** The Emirati authorities retaliated against HRD Ahmed Mansoor after a leaked letter sent secretly to human rights groups was published on 16 July 2021 by news website Arabi 21 with details of prison conditions in Al-Sadr prison, where Mansoor is being held in solitary confinement. Mansoor was moved to a smaller cell and denied access to critical medical care.²² He sleeps on the floor without a mattress or pillow.²³ Following his arrest on 20 March 2017 and after being held in incommunicado detention, Mansoor was sentenced to 10 years in prison on 29 March 2018 by the State Security Chamber of the Abu Dhabi Federal Court of Appeal for his peaceful human rights activities.²⁴ He was convicted under the 2012 Cybercrimes Law on charges of ‘insulting the status and prestige of the UAE’, and for ‘damaging the relationship between the UAE and its neighbours by publishing false reports’.²⁵ Mansoor is a member of the Gulf Centre for Human Rights Advisory Board and Human Rights Watch’s Advisory Committee of the MENA Division, and winner of the 2015 Martin Ennals Award.
- 2.15.** The authorities continue to target and threaten relatives²⁶ of HRDs and activists who are serving long sentences in detention facilities in the UAE and those who are in exile abroad. Many are subjected to acts of surveillance and spontaneous questioning by the authorities, and these have forced many to severely limit communications with their relatives. Many people are threatened when they are interrogated as the authorities seek to obtain information about HRDs in exile. Dozens of other relatives of HRDs have been barred from travelling and others have either had their citizenship revoked or been prevented from renewing their identity documents.
- 2.16.** Using Law No. 1 of 2014 on Combating Terrorism Offences, the UAE authorities continued to detain HRD Mansoor Al-Ahmadi after he was scheduled to be released on 13 October 2019 having served his complete seven-year sentence. The authorities continued to detain him under the pretext that he poses a terrorist threat and placed him in a ‘counselling centre’ at Al-Razeen prison where he had been

²² ‘UAE retaliates against jailed activist Ahmed Mansoor for exposing abuses’, Middle East Eye, 7 January 2022, <https://www.middleeasteye.net/news/uae-retaliate-ahmed-mansoor-prison-letters-hrw>.

²³ ‘State Security Retaliates Against Ahmed Mansoor,’ GCHR and Human Rights Watch, 7 January 2022, <https://www.gc4hr.org/news/view/2923>.

²⁴ ‘Prominent Human Rights Defender Ahmed Mansoor sentenced to ten years imprisonment’, CIVICUS Monitor, 9 September 2018, <https://monitor.civicus.org/updates/2018/09/05/prominent-human-rights-defender-ahmed-mansoor-sentenced-ten-years-imprisonment>.

²⁵ ‘Ahmed Mansoor- UAE’, English PEN, <https://www.englishpen.org/campaign/united-arab-emirates/ahmed-mansoor>.

²⁶ ‘United Arab Emirates: Woman human rights defender Jenan Al-Marzooqi faces continuous threats’, GCHR, 23 May 2022, <https://www.gc4hr.org/news/view/3019>.

imprisoned.²⁷ He was arrested in 2012 and accused of associating with an illegal organisation before he was handed his sentence on 13 July 2013 by the Security Chamber of the Federal Supreme Court.

2.17.In September 2021, the Chamber of State Security of Abu Dhabi Federal Court of Appeal sentenced Syrian activist Abdul Rahman Al-Nahhas to 10 years in prison for belonging to a terrorist organisation and insulting the prestige of the state. Al-Nahhas, the founder of Insan Watch Organisation, which documents human rights violations by the Syrian regime, was arrested on 23 December 2019 after he sent an email to the French Embassy requesting political asylum. Al-Nahhas remained forcibly disappeared until his trial began in January 2021 and he was transferred to Al-Wathba prison, where he was allowed to speak to his family on the phone for the first time. However, the UAE authorities prevented him from any further contact after he revealed that he had been threatened and tortured during his detention.²⁸

2.18.Federal State Security Law No. 2 of 2003 gives the UAE security apparatus discretion to commit numerous rights violations. For example, article 15 not only gives it a special authority to ‘observe and evaluate social phenomena in the state and disclose their sources, causes and extent of their impact on state security and policy’, but also authorises the state security apparatus to ‘take the necessary measures to limit these phenomena’. The article further adds that the state security apparatus ‘may resort to any measure it deems appropriate’ in pursuit of this objective. As such, the state security apparatus may arbitrarily arrest and detain people for long periods and without judicial oversight or due process guarantees under the pretext of ‘monitoring social phenomena’.²⁹

2.19.The State Security Law gives state security officials the authority to stop and search people and search their homes, and place them in administrative detention for extended periods of time. By law, the head of state security may order the detention of suspects for up to 60 days, which can be renewed for another 30 days, before they appear before the public prosecutor. In this regard, the UN Working Group on Arbitrary Detention considers that the 90-day delay stipulated in UAE law violates the right to appear promptly before a judicial authority.³⁰

2.20.The State Security Agency Law is a secret law that is not published in the Official Gazette and is not available on the internet. This law gives the UAE state security

²⁷ ‘Prisoner of conscience remains in prison three months after completing his sentence,’ International Campaign for Freedom in the United Arab Emirates, 4 February 2020, <https://www.icfuae.org.uk/news/prisoner-conscience-remains-prison-three-months-after-completing-his-sentence>.

²⁸ ‘UAE sentences Syrian human rights defender to 10 years in prison’, EDAC, 8 September 2021, <https://en.edacrights.com/post/152>.

²⁹ ‘The SSA: an Authority Above Law’, EDAC, 3 July 2021, <https://edacrights.com/post/86>.

³⁰ Ibid.

apparatus wide authority to interfere in civic space, to the point of depriving people of their basic rights such as the right to travel, study or work.³¹

3. Restrictions on freedom of association

3.1. During the UAE's examination under the 3rd UPR cycle, the government received 10 recommendations on the right to the freedom of association and creating an enabling environment for CSOs. The Emirati authorities have not implemented any of the recommendations received. As evidenced below, there are ongoing concerns about restrictions on the freedom of association in the UAE.

3.2. The UAE is not a party to the International Covenant on Civil and Political Rights (ICCPR). The laws in the UAE provide for limited freedom of association. Article 33 of the UAE Constitution states that the freedom of assembly and freedom to hold meetings shall be guaranteed within the limits of the law. The authorities do not authorise political organisations and trade unions. The Federal Crime and Punishment Law (Penal Code) 2021, which became operational in 2022, maintains the restrictive provisions of its predecessors, the 1987 Penal Code and the amended version that came into effect in 2018. For example, the new Penal Code, in articles 188, 189 and 190, criminalises the establishment or founding of an organisation or association created 'with the intention of overthrowing the regime or the state' with a penalty of life imprisonment.

3.3. In addition to actions deemed by the authorities to overthrow the state, the 2018 Penal Code (article 181) criminalised actions that disrupt the constitution and the law, prevent one of the state institutions performing their tasks or violate the personal freedoms of local populations. The 2021 Penal Code maintains the above provision but adds penalties including prison sentences of at least five years to those who gather, receive or obtain funds to achieve the purposes stated above.

4. Restrictions on freedom of expression, media freedom and access to information

4.1. Under the 3rd UPR cycle, the government received 18 recommendations relating to the freedom of expression, media freedom and access to information. For example, the government pledged to uphold the freedom of expression in traditional and online media by lifting laws and restrictions that limit these rights. All the recommendations were accepted by the government. However, the government

³¹ Ibid.

did not take effective measures to implement these recommendations, and none have been implemented.

- 4.2.** Article 30 of the Constitution of the UAE guarantees the right to the freedom of expression. It states that the freedom of opinion and expressing it verbally in writing or by other means shall be guaranteed within the limits of the law. In addition, the UAE is a state party to the Arab Charter on human rights, which guarantees the right to freedoms of opinion and expression and access to information. In practice however, the Emirati authorities use restrictive laws and policies to target journalists, academics, authors and others who raise concerns over the actions taken by the state. Most local internet sites are owned or controlled by the government and exercise self-censorship in line with restrictive policies.
- 4.3.** The Federal Law No. 1980 Governing Publications and Publishing is one of the most repressive laws regulating the freedom of expression in the MENA region. It empowers the authorities to censor both domestic and foreign publications before distribution and prohibits criticism of the government and ruling family. It bans the publication of information deemed to cause damage to the national economy. It criminalises the publication or dissemination of information, news or images that endanger state security or affect public order. Those found guilty are liable to fine of one million Dirhams (approx. US\$272,300) and imprisonment. The law also criminalises the dissemination of information that harms the reputation of the state, its institutions, the president, rulers and crown princes or their deputies.
- 4.4.** The 2021 Crime and Punishment Law replaces a previous Penal Code but maintains some of its most restrictive provisions. The law adds new restrictions that were not included in the previous law and increases penalties for existing provisions. It imposes prison sentences of between three to 15 years on anyone found guilty of collecting data, statistics or information with the intent of passing them to a group, organisation or foreign entity. Provisions similar to these in the old Penal Code were used to target HRDs and activists for sharing concerns on social media. The provisions in the law may also be used to target bloggers, journalists and HRDs who engage with international media outlets or international human rights mechanisms. The law criminalises the sharing of false news, rumours or statements that may harm public security or incite public opinion. It defines libel as utterances that expose people to punishments and can be used to criminalise the work of journalists and activists.

5. Restrictions on freedom of peaceful assembly

- 5.1. During the UAE's examination under the 3rd UPR cycle, the government received 10 recommendations on the right to the freedom of peaceful assembly. For example, the government committed to demonstrate greater respect for the freedom of assembly by permitting peaceful protests and to revise the Cybercrimes Law. The government accepted all the recommendations but did not take effective measures to implement them, and none have been implemented.
- 5.2. Article 33 of the Constitution of the UAE guarantees the right to the freedom of assembly in principle. It states that the freedom of assembly and freedom to establish associations shall be guaranteed within the limits of the law. In practice, protests are banned in the UAE.
- 5.3. The authorities use obstructive laws to restrict peaceful gatherings. The Federal Crime and Punishment Law of 2021, which came into effect in January 2022, contains restrictive provisions that limit the right to the freedom of assembly. Article 210 imposes penalties of between one and three years in prison to those who participate in gatherings of at least five people in a public space with the intent of disrupting the implementation of regulations. This sentence is increased to a minimum of five years in prison if protests lead to disruption of public security. The law further provides for life sentences for those who lead or promote gatherings in public spaces with the intention of causing riots or endangering public security.
- 5.4. In addition, the Federal Decree Law No. 34 of 2021 on Combatting Rumours and Cybercrimes imposes severe restrictions on peaceful assemblies. It prohibits the use of the internet to organise, plan or call for a march without prior approval from the authorities and imposes a fine of between 200,000 and 1,000,000 Dirhams (approx. US\$54,500 to US\$272,300) and a prison sentence for those found guilty of violating the law.
- 5.5. Articles 210, 211 and 212 of the 2018 Penal Code punish gatherings by at least five people in a public place with the aim of rioting. The law provides for imprisonment of at least a year for gathering with the aim of rioting. The sentence increases to at least five years if the action disorders peace and public security, exposes and threatens people's lives, hinders traffic and attacks public or private properties. The sentence is life imprisonment for those who orchestrate and call for such meetings with the intent of riot. If the participants bring weapons, even licensed weapons, the mandated sentence is at least 10 years. The law further criminalises public declarations of hostility to the state or governance system and disloyalty to the leadership.

6. Recommendations to the Government of the United Arab Emirates

- 6.1. CIVICUS, EDAC, GCHR and OMCT call on the Government of the UAE to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.
- 6.2. At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect.

In the light of this, we make the following specific recommendations:

1. Freedom of association

- 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.
- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding in line with best practices articulated by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Immediately reinstate any CSOs that have been arbitrarily deregistered.

2. Protection of human rights defenders

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of killings, enforced disappearances, attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Undertake a consolidated process of repeal or amendment of legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Halt the use of anti-terrorism legislation to arrest, detain and prosecute HRDs and activists for the peaceful exercise of their rights.

- End the practice of imprisoning HRDs at length and in solitary confinement, which amounts to torture.
- Comply with the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), including by allowing regular visitation, providing clean bedding, mattresses and beds, ensuring reasonable levels of cell hygiene and access to healthcare, water and sanitary facilities.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs in accordance with Human Rights Council resolution 27.31.

3. Freedom of expression, media freedom and access to information

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards.
- 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.
- Take steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Enable unfettered access to online information resources by removing restrictions on access to domestic and international news websites, social media platforms and CSO websites.
- Refrain from adopting any laws providing for censorship or undue control over social and conventional media content.

4. Freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the

notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.

- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Amend the Federal Decree Law No. 34 of 2021 on Combatting Rumours and Cybercrimes and articles 210, 211 and 212 of the 2018 Penal Code, which impose severe prison sentences and fines for gathering.

5. Access to UN Special Procedures mandate holders

- The government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and 4) Working Group on Arbitrary Detention.

6. State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

7. Compliance with international mechanisms

- Ratify the ICCPR and its optional protocols on abolishing the death penalty and preventing torture, and the International Convention for the Protection of All Persons from Enforced Disappearances.
- Modify Federal Decree No. 12/2021 that established the National Commission for Human Rights to ensure that the Commission complies with the Paris Principles regarding the establishment of national institutions for the promotion and protection of human rights. The Paris Principles require that the Commission has a pluralistic representation of the social forces of civil society and be independent of government agencies.