

Organization for Defending Victims of Violence (ODVV)

UPR Submission

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United Arab Emirates (UAE)



سازمان دفاع از قربانیان خشونت
Organization for Defending Victims
of Violence

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About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-political organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.

2. ODVV is also associated to the United Nations Department of Global Communications (DGC), a member of the Conference of Non-Governmental Organizations (CONGO), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.

3. ODVV is focused on promoting human rights, supporting victims of violence, empowering Iranian civil society, and offering human rights consultations to the Iranian institutions and organizations. ODVV is actively involved in running various human rights education courses, workshops, seminars, and conferences. Other activities include:

- Participation in UN Commission on Human Rights and the Human Rights Council sessions in Geneva;
- Publication of different books and booklets on human rights such as Rights of the Child, Unilateral Coercive Measures (Economic Sanctions), Racism, Racial Discrimination, Islamophobia and Xenophobia;
- Publishing *Defenders Quarterly* (in English), human rights news and developments *Weekly* (in Farsi), daily updating ODVV websites in English, Farsi and Arabic;
- Internship for Iranian and international students.

4. ODVV is submitting the following report on the human rights situation in UAE in order to contribute to the improvement of human rights in the country.

Commitment to international instruments

5. During the third cycle of the Universal Periodic Review (UPR), the United Arab Emirates (UAE) received the highest number of recommendations on the issue of international instruments, which totaled 66 recommendations, of which only seven were accepted by the UAE.

6. The majority of those recommendations were related to UAE joining the additional protocol to the International Covenant on Civil and Political Rights, none of which were accepted by the UAE. Some other recommendations that the UAE had accepted during the past cycles included: to protect the dignity and support the rights of workers, especially foreign laborers and women; observing international human rights commitments and creating effective mechanisms to settle labor disputes¹; to support the rights of migrant workers through revising the labor law and adapting it to international laws²; to enforce newly enacted national provisions in the area of labour law, in conformity with relevant international instruments, including International Labour Organization Domestic Workers Convention, 2011; full implementation of the regulations set by UAE National Committee to Combat Human Trafficking (NCCHT) Strategic Plan to

¹ 141.226

² 141.215

promote the fight against trafficking and sexual abuse of children³; and to adopt the Optional Protocol to the Convention on the Rights of the Child with regard to child trafficking as well as the use of children in prostitution and child pornography.⁴ However, during past years, the government of the UAE has not been able to make a final decision on adopting new conventions, and some cases of human rights are of concern in the country.

Rights of migrant workers

7. Since the UAE is close to South Asia and enjoys better economic and occupational conditions, there are many migrant foreign workers from India, Nepal, Sri Lanka, Bangladesh, and Pakistan in the country. Migrant workers which make up about 90 percent of the population, are being exploited because this country, like other Persian Gulf states, enforces a system of guardianship with regard to such workers. Although there have been some reforms that allow foreign workers to change their jobs or leave the country without permission of their employers, there are still concerns about the risk of forced labor. On the other hand, domestic workers are still vulnerable with regard to such issues.

8. Many migrant workers lost their jobs in Dubai during 2020 due to the COVID-19 pandemic. Although their visas were still valid, many of them had to leave the country as they were not paid any salary and had no place to stay or money to live on.⁵

³ 141.150,141.149

⁴ 141.19

⁵ "Homeless migrants sleep rough beneath Dubai's skyscrapers as Covid employment crisis bites". The Telegraph. Retrieved 9 October 2020

Political prisoners, continued imprisonment after termination of jail terms

9. During the last cycle of the Universal Periodic Review in 2018, the UAE received about 13 recommendations regarding prisoners and their conditions. The country accepted four recommendations related to arrests and detentions⁶; including prisoners' access to fair and transparent trial⁷; independence of the judiciary⁸; guarantees on the right to fair trial; and rejection of any evidence obtained through torture⁹. However, past year incidents shows that the UAE has not paid enough attention to these recommendations. An example was the 10-year jail sentence given to Dr. Mohammed Al-Rukn. He had been sentenced to prison due to providing legal assistance to victims of the UAE's human rights violations and his imprisonment should have ended on July 17, 2022.

10. An issue of concern with regard to the situation of human rights in the UAE is conditions of prisoners of conscience and political prisoners, who remain in prison even after their jail terms expires. The UAE decision not to free prisoners of conscience and political prisoners and intentional continuation of their imprisonment despite expiry of their terms have drawn extensive criticism from many human rights organizations.

11. Despite receiving recommendation about adopting the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁰ during the previous cycle of the UPR, the UAE has so

⁶ 141.209, 141.141, 141.134, 141.51

⁷ E.g., 141.141

⁸ 141.134

⁹ 141.134

¹⁰ 141.17

far failed to adopt this part of the convention and continues to arrest people and expose them to torture and other forms of inhuman treatment. Prisoners of conscience and political prisoners are exposed to flagrant violations of their rights in the UAE. They are treated worse than an ordinary offender; their families are subject to inhuman treatment; unfair laws are used to keep them in prison; security services force them to apologize and make confessions, and videos of their confessions are aired as a condition for their release. Security officials also deprive them and their family members of citizenship rights. Although prisoners of conscience and political prisoners are usually peaceful people and have committed no actual crime, the UAE officials resort to the terrorism law in order to convict them and keep them in jail for lengthy periods of time on the basis of a vague and overarching definition of terrorism.

12. During past cycles of the UPR, the UAE accepted that the law for combating terrorism and cybercrimes should not be used to block legal activities of citizens, human rights defenders and media outlets.¹¹ Most of these prisoners have been arbitrarily arrested and detained without being informed of their charges. No warrant had been issued to arrest them or search their homes or seize their electronic devices. After completing their jail sentence, many of such prisoners, are referred to so-called "counselling centers"¹² inside the country's prisons, instead of being freed. It is noteworthy that although the United Nations Working Group on Arbitrary Detention¹³ has announced their imprisonment to be arbitrary, the UAE government has paid no heed to its opinion.

¹¹ 141.124

¹² Munasaha centers

¹³ A/HRC/WORAD/2013/60

Human rights defenders, freedom of expression, torture

13. During the previous cycle of the UPR, the United Arab Emirates received more than 40 recommendations on the situation of human rights defenders, freedom of belief and expression, as well as torture and other forms of inhuman behavior, but human rights defenders still face serious challenges. Some of the accepted recommendations required the country: to guarantee fair and transparent trial for all prisoners¹⁴; to guarantee the independence of the judiciary, the right to fair and impartial trial, and rejection of evidence obtained through torture¹⁵; to prevent persecution of defenders of human rights¹⁶; to guarantee that the law for combating terrorism and cybercrimes does not hamper legal activities of citizens, human rights defenders and the media¹⁷; to respect the right to freedom of expression and consider a respectable place for the labor law among national laws, while working out mechanisms to support it¹⁸; to reform the law of publications and subsequently help promote freedom of expression in accordance with human rights standards¹⁹.

14. The measures taken by the United Arab Emirates during past years prove that the country has failed to pay due attention to the accepted recommendations. Defenders of human rights and activists calling for reforms, who made up the "UAE 94" group, have accounted for the lion's share of the country's political prisoners. After being arrested in 2012 and attending a kangaroo court in 2013,

¹⁴ 141.141

¹⁵ 141.134

¹⁶ 141.129, 141.128, 141.127

¹⁷ 141.124

¹⁸ 141.153, 141.121

¹⁹ 141.119, 141.118

they were sentenced to prison terms between 7 and 17 years due to their quest for democracy.

15. Since 2015, UAE has not accepted requests from the United Nations, human rights researchers, academics, and dissident journalist to visit that country. Despite widespread international outcry and calls from many human rights organizations and the UN mechanisms about the insecure environment for human rights defenders in the UAE, persecution of those defenders and their arbitrary detention continues. Many human rights activists are languishing in jail for years and have been deprived of their professional activities only on the grounds of offering legal counselling to people and demanding human rights reforms.

16. The UN Committee against Torture presented a report in its 74th session about the status quo in the UAE and lack of action on the part of the government to define torture in laws. It also expressed concern about inadequacy of the country's laws in this regard.

17. According to international humanitarian law, the UAE must guarantee that the country's human rights lawyers enjoy their legal professional rights and are able to fulfill their legal duties without fear of any retaliatory measures and free from limitations such as persecution and judicial harassment. Detention of human rights activists and defenders is a sign of disregard for the rule of law, criminalization of all forms of peaceful dissent, and an effort to muffle all opposition voices. The government is also restricting access to the internet, thus

preventing the free flow and exchange of information.

18. The UAE needs to take steps to adapt its criminal code and the laws applied to cybercrimes to international and regional standards of freedom of expression and personal freedoms. The absence of policies conforming to human rights standards is a black spot on international credit of this country.

Recommendations

19. The Organization for Defending Victims of Violence calls on the United Arab Emirates to:

- Bolster labor laws by guaranteeing the rights of workers, and create an independent national institution to attend to needs of migrant workers;
- Create a legal framework to enable immigrants, refugees and asylum seeker, including children, to enjoy their rights as per the existing international standards, and make sure about their implementation;
- Amend Federal Law No. 10 of 2017 to specify offences falling under the term "failure to protect an employer's secrets;"
- Adopt the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003);
- Adopt the International Convention for the Protection of All Persons from Enforced Disappearance (2010);
- Adopt the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
- Adopt the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- Adopt the Optional Protocol to the Convention on the Rights of the Child;
- Take necessary measures to guarantee that all prisoners have access to fair and transparent trial;
- Release all prisoners held for exercising the right to freedom of expression;
- Annul unlimited imprisonment of prisoners and free all prisoner that are in jail beyond their prisoner term;
- Issue permits for the UN mechanisms to visit its prisons and examine the physical and psychological conditions of prisoners in order to pave the way for their release;
- Close down so-called counselling centers or wards across the country;
- Revise the content of the law to combat terrorism and cybercrimes and prevent imprisonment of the country's citizens before they have been informed of their charges or without a court verdict.
- Make an effort to guarantee complete freedom of expression and provide a safe environment for human rights defender and civil society organizations;
- Allow family visitations as well as access to treatment and legal counselling for all imprisoned human rights defenders and activists;
- Provide independent international observers with access to all the country's detention centres in order to inspect all such places and present a report on them;
- Provide a safe environment free from persecution and harassment for human rights defenders;
- Accept the UN Special Rapporteur's request to visit human rights defenders and see their conditions, and invite the Human Rights Council mechanism to visit the country;

- Pay attention to the UN Special Rapporteur's request regarding the situation of human rights defenders and pay the way for immediate and unconditional release of human rights defenders;
- Provide necessary conditions for all Emirati citizens to avail themselves of the right to freedom of expression concerning all social and political issues as per Article 30 of the country's Constitution;
- Provide necessary conditions for unrestricted activities of all independent media without fear of censorship or retaliatory measures;
- Show respect for the right to assembly and association without any restrictions;
- Provide necessary grounds for the activities of human rights organizations, labor unions, and political parties in a free manner without fear of retaliatory measures;
- Reform the law to combat terrorism and cybercrimes and all other laws that restrict freedom of expression in order to adapt them to international human rights standards;
- Work out a comprehensive national strategy to prevent and eliminate systematic use of torture and other forms of cruel, inhuman, or degrading treatment, and put an end to arbitrary detention;
- Put an end to gender violence and other forms of damaging measures followed by equal treatment of men and women; and finally,
- Cooperate with human rights mechanism of the United Nations, especially the UN Committee against Torture, and report to the Committee.

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