



# General Assembly

Distr.: General  
9 November 2012

Original: English

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## Human Rights Council

Working Group on the Universal Periodic Review

Fifteenth session

21 January- 1 February 2013

### **Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21**

#### **United Arab Emirates**

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1974)	CRPD (2010)	ICESCR
	CEDAW (2004)	CAT (2012)	ICCPR
	CRC (1997)		ICCPR-OP2
			OP-CAT
			OP-CRC-AC
			OP-CRC-SC
			ICRMW CPED
<i>Reservations, declarations and/or understandings</i>	CEDAW (Reservation, arts. 2f, 9, 15.2, 16 and 29, para.1, 2004)	CAT (Reservation, art. 30.1 and Declaration, art. 1, 2012)	
	CRC (Reservation, arts. 7, 14, 17 and 21, 1997)		
<i>Complaint procedures, inquiry and urgent action<sup>3</sup></i>	OP-CRPD (signature only, 2008)		ICERD, art. 14 OP-ICESCR ICCPR ICCPR-OP1 OP-CEDAW CAT, arts. 20, 21 and 22 OP-CRC-IC ICRMW CPED

#### Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide	Palermo Protocol <sup>6</sup>	Rome Statute of the International Criminal Court

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>4</sup> except Additional Protocol III		UNESCO Convention against Discrimination in Education
ILO fundamental conventions, <sup>5</sup> except Conventions Nos. 87 and 98		Conventions on refugees and stateless persons <sup>7</sup>
		Additional Protocol III to the Geneva Conventions of 12 August 1949 <sup>8</sup>
		ILO Conventions Nos. 87 and 98 <sup>9</sup>
		ILO Conventions Nos. 169 and 189 <sup>10</sup>

1. The Committee on Elimination of Discrimination against Women (CEDAW) encouraged the United Arab Emirates to ratify ICCPR, ICESCR, ICRMW and CPED.<sup>11</sup> The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended that it accede to core human rights instruments that contain provisions reaffirming principles of non-discrimination and equality, including ICESCR, ICCPR and ICRMW.<sup>12</sup> The Working Group on Arbitrary Detention invited it to ratify ICESCR.<sup>13</sup>

2. CEDAW recommended that the United Arab Emirates sign and ratify the Optional Protocol to the Convention,<sup>14</sup> and that it consider narrowing its reservations to the Convention. In that regard, it reiterated its view that articles 2 and 16 are central to the object and purpose of the Convention.<sup>15</sup> It also specifically called upon it to withdraw its reservation to article 9,<sup>16</sup> and to review the reservation to article 15, paragraph 2.<sup>17</sup>

3. The Committee on Elimination of Racial Discrimination (CERD) encouraged the United Arab Emirates to consider making the optional declaration provided for in article 14 of the Convention, and to consider ratifying ICRMW.<sup>18</sup> The Special Rapporteur on the sale of children recommended that it accelerate the process of ratification of OP-CRC-SC.<sup>19</sup>

4. The United High Commissioner for Refugees (UNHCR) and CEDAW recommended that the United Arab Emirates accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; and to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>20</sup>

5. CEDAW and the Special Rapporteur on trafficking in persons, especially women and children, noted with appreciation that the United Arab Emirates had ratified the Convention against Transnational Organized Crime and its Protocol to Prevent Suppress and Punish Trafficking in persons, Especially Women and Children (The Palermo Protocol).<sup>21</sup>

6. CEDAW recommended that the United Arab Emirates become a party to ILO Conventions Nos. 87 and 98.<sup>22</sup>

## **B. Constitutional and legislative framework**

7. CERD noted that the Constitution of the United Arab Emirates was founded on principles of social justice and protected a range of fundamental rights. It was concerned, however, that some of the fundamental rights might not apply to non-citizens on its territory. It recommended that it ensure equality between citizens and non-citizens in the enjoyment of fundamental rights to the extent recognized under international law.<sup>23</sup>

8. CEDAW remained concerned that the status of international instruments vis-à-vis domestic law was unclear. It recommended that the United Arab Emirates clarify the status of the Convention in its domestic legal order, and ensure the precedence of its provisions over national laws in case of conflict between the Convention and national legislation. The United Arab Emirates should also ensure that its national laws are in conformity with the provisions of the Convention.<sup>24</sup>

9. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended the adoption of specific legislation on racism, racial discrimination, xenophobia and related intolerance.<sup>25</sup> CERD made similar recommendations.<sup>26</sup>

## **C. Institutional and human rights infrastructure and policy measures**

10. Taking into account the commitment made by the United Arab Emirates in the framework of the universal periodic review mechanism, CEDAW recommended that the Government consider the establishment of a national human rights institution in accordance with the Paris Principles, and that it create a comprehensive and effective complaints mechanism, accessible especially to women, including migrant women workers. CEDAW also urged it to ensure that the composition and activities of the national human rights institution are gender-sensitive and fully address women's human rights.<sup>27</sup> CEDAW also recommended that it strengthen the mandate and resources of the General Women's Union to monitor the practical realization of the principle of equality of women and men in the enjoyment of human rights.<sup>28</sup>

11. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended that the Government establish a national human rights institution with a robust oversight mandate, including the monitoring of racism, racial discrimination, xenophobia and related intolerance.<sup>29</sup> He was impressed by the human rights strategy designed by the Dubai Community Development Authority, which aims at reaching out to all individuals within the society, including non-nationals residing in Dubai.<sup>30</sup>

12. UNHCR commended the United Arab Emirates for establishing human rights departments in several key ministries, including the Ministry of Foreign Affairs (2010), the Ministry of the Interior (2009) and the Human Trafficking Department at the Ministry of Labour (2010). Other institutions and bodies concerned with human rights included the Supreme Council for Motherhood and Childhood; shelters for women and children victims of trafficking; and the Dubai Community Development Centre.<sup>31</sup>

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>32</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	Aug. 1995	2008	Aug. 2009	Eighteenth to twentieth reports due 2013
CEDAW	-	2008	Jan. 2010	Second report due 2014
CAT	-	-	-	Initial report due in 2013
CRC	May 2002	-	-	Second report overdue since 2004
CRPD	-	-	-	Initial report due in May 2012

13. UNICEF noted that a first draft of the second periodic report on the implementation of CRC, due in 2004, had been developed but still not completed and that it was expected to be submitted soon.<sup>33</sup>

#### 2. Responses to specific follow-up requests by treaty bodies

##### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2010	Living and working conditions of non-citizens contract workers; situation of domestic foreign workers; and situation of the “Bidoun”, unregistered residents. <sup>34</sup>	-
CEDAW	2012	Violence against women; and employment and freedom of association. <sup>35</sup>	-

### B. Cooperation with special procedures<sup>36</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>		Racism (2009) Sale of children (2009)

Trafficking (May 2012)

<i>Visits requested</i>	Education (2005)	Human rights defenders (2012)
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review 23 communications were sent, and 6 replies were received in connection with these communications.	

### C. Cooperation with the Office of the High Commissioner for Human Rights

14. The United Arab Emirates made financial contributions to the work of the Office of the High Commissioner for Human Rights (OHCHR) in 2008, 2010 and 2011.<sup>37</sup>

## III. Implementation of international human rights obligations

### A. Equality and non-discrimination

15. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance following a visit to the United Arab Emirates in October 2009, noted that it was one of the most culturally diverse countries in the world, in which non-nationals constitute the vast majority of the population. This, however, had created tremendous challenges for the Emirati society in terms of national identity and social integration.<sup>38</sup> He cautioned that fears in connection with the massive influx of foreign workers, if not addressed in a timely and open manner, could alter the peaceful coexistence of ethnic and national groups residing in the country and lead to xenophobic attitudes.<sup>39</sup> He thus recommended that the Government take necessary steps to address xenophobic attitudes and behaviour towards non-citizens and to promote a better understanding of the principle of non-discrimination.<sup>40</sup>

16. CERD took note of information provided by the United Arab Emirates on existing legislation prohibiting discrimination. However, it noted that the legislation primarily addressed religious, but not racial discrimination, including discrimination based on national origin. It recommended enacting legislation specifically prohibiting racial discrimination or amending the existing laws.<sup>41</sup>

17. CEDAW called upon the United Arab Emirates to fully incorporate into the Constitution or other domestic legislation the principle of equality between women and men, as well as a definition of discrimination on the basis of sex in line with article 1 of the Convention.<sup>42</sup> CEDAW was concerned that women continue to have unequal legal capacity compared with men and are treated unequally in courts.<sup>43</sup>

18. CEDAW also noted with concern that the legal provisions relating to personal status, including marriage and its dissolution, property relations, custody and inheritance, in particular under the Personal Status Act, did not provide for equal rights of women and men. It called upon the United Arab Emirates to introduce legislative reforms.<sup>44</sup>

19. CEDAW urged the United Arab Emirates to adopt a national strategic plan to promote equal sharing of family responsibilities and the equal status and responsibilities of women and men.<sup>45</sup> CEDAW recommended that United Arab Emirates take into account in its gender equality policies the contribution of women migrant workers to national development.<sup>46</sup> CEDAW also recommended that it apply temporary special measures in

areas where women are underrepresented or disadvantaged and allocate adequate resources to accelerate the advancement of women.<sup>47</sup>

20. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended that priority be given to finding a definitive, humane and equitable solution to the situation of “Bidoun” in order to ensure that their human rights are protected, that they have adequate access to health, education, social services and to employment, and that they receive non-discriminatory treatment with regard to administrative procedures and the administration of justice.<sup>48</sup> The Special Rapporteur recommended that the Government review its practice with regard to implementation of article 2 (d) of Federal Law No. 17 of 1972 concerning nationality and passports, so as to prevent the perpetuation of statelessness from generation to generation.<sup>49</sup>

21. CERD remained similarly concerned at the legal situation of some “Bidoun”, notably regarding their status as stateless persons and at allegations of discrimination in the labour market. It recommended continued efforts to grant the “Bidoun” nationality and to ensure their equal access to the labour market.<sup>50</sup> The Special Rapporteur on the sale of children stressed that the situation of the “Bidoun” children must urgently be regularized with a view to ensuring their access to health and education.<sup>51</sup>

## **B. Right to life, liberty and security of the person**

22. During her mission to the United Arab Emirates in May 2012, the Special Rapporteur on trafficking in persons, especially women and children found that trafficking of women occurred mostly in the sex trade and in domestic work, while for men it was in the labour industry.<sup>52</sup> She highlighted the need to reduce the vulnerability of foreign workers to trafficking through safe and legal migration arrangements, in order to ensure that the high demand for cheap, low-skilled or semi-skilled foreign labour was not exploited by traffickers and agents.<sup>53</sup> The Special Rapporteur urged the Government to expand the definition of trafficking contained in Federal Law No. 51 on the suppression of human trafficking through the explicit inclusion of labour exploitation and domestic servitude as well as forced marriages. She also stressed that despite Government efforts to sensitize law enforcement officers on the issue of human trafficking, the identification of victims still remained problematic. Attention had focused almost exclusively on trafficking for sexual exploitation, making other forms of trafficking practically invisible and unrecognized.<sup>54</sup> Furthermore, the Federal Law did not include any provision for the protection, recovery and rehabilitation of victims.<sup>55</sup>

23. CEDAW remained concerned at the persistence of trafficking in women and girls into the United Arab Emirates for the purposes of economic and sexual exploitation. It was also concerned at the limited protection of victims and regretted that the only shelter in Dubai providing such protection from 2001 to 2008 had been closed. It urged the United Arab Emirates to fully implement the recently adopted law on human trafficking and introduce a strategy to prevent, prosecute and punish offenders while ensuring the protection, rehabilitation and reintegration of victims. It further called for increased prevention efforts through international, regional and bilateral cooperation with countries of origin, transit and destination, as well as cooperation with non-governmental organizations.<sup>56</sup>

24. The United Nations High Commissioner for Refugees (UNHCR) recommended that the United Arab Emirates establish a comprehensive protection network and effective mechanisms for the referral of victims of trafficking and detained persons in need of international protection to the appropriate protection agencies; continue to ensure that persons of concern who express a fear of returning to their country of origin are not forcibly

returned, but referred to the attention of UNHCR; and that professional training be provided to decision-makers on the specific protection needs of victims of trafficking.<sup>57</sup>

25. In 2010, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had similarly recommended that the Government continue its efforts in the fight against human trafficking and take measures to ensure that victims of human trafficking are identified as such and not treated as criminals when caught by law enforcement officials.<sup>58</sup>

26. In 2009, the Special Rapporteur on the sale of children recommended that that all persons under 18 years of age who were sexually exploited not be treated as criminals but rather as victims, and that all possible measures be taken to avoid their stigmatization and social marginalization.<sup>59</sup> She also recommended that the United Arab Emirates continue pursuing partnerships with tourism agencies, Internet service providers, telecommunication companies and banks in its efforts to combat the sexual exploitation of children, including child sex tourism and the exploitation of children online.<sup>60</sup> Provisions regarding trafficking in children and the protection of victims in accordance with the provisions of Palermo Protocol should be included in Federal Law No. 51.<sup>61</sup> She further recommended that the Government accelerate the process of elaborating the national child protection strategy, under the aegis of the Higher Council for Motherhood and Childhood, and strengthen the child complaints monitoring mechanism and the training given to relevant authorities on combating child online sexual exploitation.<sup>62</sup>

27. CEDAW regretted the absence of a specific law on violence against women, especially domestic violence. It also regretted that women victims were generally reluctant to report cases of violence. While noting the existing draft legislation on domestic workers, it was deeply concerned about the lack of protection of female migrant workers, especially domestic workers, when reporting cases of violence against them, noting that such reporting may lead to them being treated as offenders. It urged the United Arab Emirates to give high priority to comprehensive measures to address all forms of violence against women and girls.<sup>63</sup>

28. UNICEF stated that cases of child abuse were rarely reported and that, therefore, official reports and data contained insufficient information about the nature and extent of this problem. A main challenge was the absence of a comprehensive national framework to protect children and families from violence, rehabilitating child victims of violence and persecuting perpetrators of abuse.<sup>64</sup>

29. In a letter transmitted to the United Arab Emirates in February 2010, the Special Rapporteur on the sale of children, jointly with the Special Rapporteur on trafficking in persons, especially women and children, drew attention to allegations that 988 child camel jockeys previously trafficked to the country had not been provided with compensation to date.<sup>65</sup>

### **C. Right to marriage and family life**

30. In 2009, CERD was concerned that children of Emirati women married to a foreign national do not receive citizenship.<sup>66</sup> CERD and the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance recommended that the Government consider reviewing its legislation in order to prevent that these children become stateless in some cases.<sup>67</sup>

31. In 2010, CEDAW urged the United Arab Emirates to take all necessary steps to expedite the adoption of the amendment of the Nationality and Passports Law to grant women equal rights with regard to the acquisition, change and retention of nationality and its conferral.<sup>68</sup>



32. UNICEF noted that in early 2012, a decree had been passed allowing Emirati women married to foreigners to pass their citizenship to their children once they are of legal age.<sup>69</sup> UNHCR welcomed the fact that the issuance of the decree had resulted in the acquisition of Emirati nationality by 1,117 children born to women who are citizens of the United Arab Emirates married to foreigners.<sup>70</sup>

#### **D. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

33. In 2011, four special procedures mandate holders transmitted a communication with regard to the arbitrary detention of human rights defenders.<sup>71</sup> In 2012, the Special Rapporteur on the situation of human rights defenders expressed serious concern about violations of defenders' right to freedom of expression and allegedly arbitrary arrests of defenders in response to their legitimate human rights work. She regretted that the Government had not responded to her communications transmitted in 2011.<sup>72</sup> She noted that several defenders had had their citizenship revoked, and one had been deported.<sup>73</sup>

34. In July 2012, the United Nations High Commissioner for Human Rights expressed concern about what appeared to be an accelerating crackdown on human rights defenders through harassments, denial of travel, termination of work contracts, arrests, denaturalization and expulsion from the country. The High Commissioner noted that apparently national security was increasingly being used as a pretext to clamp down on peaceful activism, and to stifle calls for constitutional reform and calls to address human rights issues such as statelessness. A number of activists openly critical of the Government had been arbitrarily deprived of their Emirati nationality. The High Commissioner called on the Government to guarantee that human rights defenders are able to carry out their work without fear of reprisals, and urged the release of those detained for the peaceful exercise of their fundamental human rights.<sup>74</sup>

35. CEDAW regretted that women continued to be underrepresented in public and political life and in decision-making positions. Furthermore, while recognizing the important activities of social welfare organizations and public interest associations, it was concerned about the absence of a robust civil society, including autonomous and active women's and human rights organizations. In this regard, it noted the difficulties that exist for the registration of these associations.<sup>75</sup> It thus encouraged the United Arab Emirates to enhance collaboration and coordination with civil society organizations.<sup>76</sup>

#### **E. Right to work and to just and favourable conditions of work**

36. CERD was concerned that domestic workers were not included in the protection afforded by the Labour Law and continued to face violations of their rights. It recommended continued efforts to finalize legislation to protect the labour rights of domestic workers, to prevent abuses and to enable domestic workers to easily file complaints in the case of such abuses.<sup>77</sup> It further encouraged the United Arab Emirates to continue its cooperation with the International Labour Organization in regulating the recruitment and working conditions of foreign workers.<sup>78</sup>

37. The ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) urged the adoption of the draft amended section 20 of the Federal Law No. 8 of 1980 (Labour Code) so as to ensure the prohibition of hazardous work for persons under 18 years of age.<sup>79</sup> It further hoped that a draft amendment would soon be made to section 32 of the Labour Code to fully reflect the principle of equal remuneration for men and women for work of equal value.<sup>80</sup>

38. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended that revisions to the Labour Law also include provisions aiming at protecting the right to establish trade unions.<sup>81</sup>

39. CEDAW regretted the prohibition on forming employee welfare associations and the non-existence of the principle of equal pay for work of equal value.<sup>82</sup>

40. CEDAW noted with concern that women represent only 13 per cent of the total national workforce.<sup>83</sup> It called for measures to encourage and support the entrepreneurship of women, including through training opportunities and access to credit.<sup>84</sup> CEDAW welcomed initiatives such as the establishment of councils of businesswomen and the creation of a businesswomen award.<sup>85</sup>

## **F. Right to health**

41. CEDAW commended the high quality of health services for United Arab Emirates citizens. It recommended that special attention be paid to the health needs of women from rural areas and non-nationals. It also recommended the conduct of systematic awareness-raising programmes among women on the importance of regular medical examination to facilitate early detection of disease and to pay special attention to reproductive health.<sup>86</sup>

## **G. Right to education**

42. UNICEF noted the United Arab Emirates' strong political commitment towards achieving the MDGs of universal education and capacity building. Nonetheless, many problems were still facing the education sector, including the education of individuals with disabilities. It reported similar enrolment rates for men and women in all educational phases, noting that women's educational achievements had risen higher than the MDGs targets. Dropout rates among males were slightly higher compared to females.<sup>87</sup>

43. CEDAW commended the United Arab Emirates for the high levels of education attained by its citizens and noted information that public education is free and available to all who live in the country. Nevertheless it expressed concern that, owing to practical impediments, access to the public education system by most children of foreigners was limited. It recommended continued awareness-raising on the importance of access to education for the empowerment of women.<sup>88</sup>

44. In 2010, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended that the Government reconsider its current educational policy, so as to ensure that public educational institutions are de facto open to all children, including non-nationals.<sup>89</sup>

45. UNHCR commended the advanced level of human rights training organized by the newly established human rights departments throughout 2011. Such training had targeted over 200 officials from various government departments. Since 2009, approximately 75 workshops on human rights subjects had been organized for police academies.<sup>90</sup>

## **H. Migrants, refugees and asylum seekers**

46. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance while noting that the situation of foreign workers had much improved in recent years, nevertheless urged the Government to take measures to address rights violations of unskilled foreign workers, including construction and domestic workers. In this regard, the Rapporteur specifically referred to the severe risk of

exploitation under the sponsorship system and abuses such as the confiscation of passports and debts contracted with labour recruitment agencies.<sup>91</sup> He recommended that the work of domestic workers be regulated with specific legislation that provides no less protection than that provided in Federal Law No. 8 of 1980 on the regulation of labour relations.<sup>92</sup>

47. CERD welcomed the conclusion of memoranda of understanding with several States concerning the recruitment of their nationals as contract workers, with a view to regularizing the process for workers' entry into the United Arab Emirates and familiarizing them with their rights and obligations under their employment contract.<sup>93</sup> It recommended that it continue to strengthen the protection of all foreign labourers through adequate legislation and policies aimed at curbing abuses, such as the withholding of passports by employers, extended non-payment of wages, arbitrary deductions from wages, and non-payment of overtime. It also recommended that the Government ensure the implementation of existing laws and enhance monitoring mechanisms, such as labour inspections, with regard to payment of wages, medical care, housing and working conditions of foreign workers; and that it reinforce the effectiveness of complaint mechanisms and facilitate access to them by foreign workers.<sup>94</sup>

48. CEDAW was concerned that women migrant workers were not aware of their rights, did not have easy access to justice and did not gain redress in cases of abuse. It noted that the kafala system and the fact that employers of migrant domestic workers often confiscated their passports made these workers particularly vulnerable to mistreatment and abuse by their employers.<sup>95</sup> It urged the United Arab Emirates to raise awareness concerning workers' rights and ensure their access to legal aid and complaint mechanisms.<sup>96</sup>

49. UNHCR noted that all non-citizens, including refugees and asylum seekers registered with UNHCR, fell under the national immigration laws (Expatriate Law), which provide that work sponsorship is an essential prerequisite for becoming a legal resident in the country, and that deportation was a possible consequence of overstaying a legal residence permit. UNHCR observed that accession to the 1951 Convention, and establishment of a national legal framework, would provide a clearer basis for the Government to provide refugees with international protection. It recommended the adoption of measures to avoid detention of persons in need of international protection and effective referral mechanisms to allow for refugee status determination by UNHCR.<sup>97</sup>

50. UNHCR noted that despite the absence of a national framework regulating asylum, the United Arab Emirates continued to respect international refugee protection standards, including the essential principle of non-refoulement.<sup>98</sup> It commended the United Arab Emirates for its facilitation of refugee law training activities conducted by UNHCR for law enforcement personnel. Such activities had enhanced the capacity of authorities to identify persons in need of international protection and refer them to UNHCR.<sup>99</sup>

## **I. Human rights and counter-terrorism**

51. Special Procedures mandate-holders invited the United Arab Emirates to provide information on measures to investigate allegations contained in the joint study on global practices in relation to secret detention in the context of countering terrorism,<sup>100</sup> and if found true, to rectify the situation in compliance with international human rights norms and standards; to implement the related recommendations; and to provide any other relevant information.<sup>101</sup>

52. In 2011, the Special Rapporteur on the question of torture and the Working Group on Arbitrary Detention sent an urgent appeal relating to the case of a detained non-citizen risking torture in case of extradition to his country of origin. According to information

received, the person concerned had been arrested following an extradition request by his country of origin on the basis of his alleged terrorism-related training and links to participants in terrorist acts.<sup>102</sup> In the same year, special procedures mandate holders also raised concern with regard to the alleged secret detention of another individual reported to have been arrested following an extradition request by his country of origin, on suspicion of having been involved in a terrorist attack in that country.<sup>103</sup>

53. Also in 2011, the Working Group on Arbitrary Detention adopted an Opinion concerning the sentencing of two foreign nationals to 10 years imprisonment for terrorism. The Working Group stated that the Government had not rebutted allegations that the trial of the two individuals had taken place only two years after their arrest, that evidence had been obtained under torture, and that the individuals had not had access to lawyers. In light of these and other factors, the Working Group found the detention of the two individuals to be arbitrary and requested their release.<sup>104</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on the UAE from the previous cycle (A/HRC/WG.6/3/ARE/2).

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>3</sup> Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

<sup>4</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of

- Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).. For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>5</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>7</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>8</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).
- <sup>9</sup> Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively.
- <sup>10</sup> ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries; ILO Convention No. 189 concerning Decent Work for Domestic Workers.
- <sup>11</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/ARE/CO/1), para. 53.
- <sup>12</sup> A/HRC/14/43/Add.3, para. 79.
- <sup>13</sup> A/HRC/WGAD/2011/34, p. 4.
- <sup>14</sup> CEDAW/C/ARE/CO/1, para. 55.
- <sup>15</sup> Ibid., paras. 16 and 17.
- <sup>16</sup> Ibid., paras. 32 and 33.
- <sup>17</sup> Ibid., para. 44 and 45.
- <sup>18</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/ARE/CO/17), paras. 19 and 22.
- <sup>19</sup> A/HRC/16/57/Add.2, para. 103.
- <sup>20</sup> UNHCR submission to the UPR on the United Arab Emirates, pp. 3 and 5; CEDAW/C/ARE/CO/1, paras. 32 and 33.
- <sup>21</sup> CEDAW/C/ARE/CO/1, para. 5; Press release of 17 April 2012 available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12074&LangID=E>.
- <sup>22</sup> Ibid., paras. 36 and 37.
- <sup>23</sup> CERD/C/ARE/CO/17, para. 11.
- <sup>24</sup> CEDAW/C/ARE/CO/1, paras. 12 and 13.
- <sup>25</sup> A/HRC/14/43/Add.3, paras. 18, 21 and 77.
- <sup>26</sup> CERD/C/ARE/CO/17, para. 12.
- <sup>27</sup> CEDAW/C/ARE/CO/1, 20 and 21.
- <sup>28</sup> Ibid., para. 19.
- <sup>29</sup> A/HRC/14/43/Add.3, para. 78.
- <sup>30</sup> Ibid., para. 23.
- <sup>31</sup> UNHCR submission to the UPR on the United Arab Emirates, p. 2.
- <sup>32</sup> The following abbreviations have been used for this document:
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| CERD  | Committee on the Elimination of Racial Discrimination        |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CRC   | Committee on the Rights of the Child                         |
| CAT   | Committee against Torture                                    |
| CRC   | Committee on the Rights of the Child                         |

- CRPD Committee on the Rights of Persons with Disabilities.
- 33 UNICEF submission to the UPR on the United Arab Emirates, p. 3.
- 34 CERD/C/ARE/CO/17, para. 26.
- 35 CEDAW/C/ARE/CO/1, para. 57.
- 36 For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- 37 OHCHR annual report 2011.
- 38 A/HRC/14/43/Add.3, paras. 7 and 25.
- 39 Ibid., paras. 26 and 27.
- 40 A/HRC/14/43/Add.3, paras. 64 and 69.
- 41 CERD/C/ARE/CO/17, para. 12.
- 42 CEDAW/C/ARE/CO/1, para. 15.
- 43 Ibid., para. 45.
- 44 Ibid., paras. 47 and 48.
- 45 Ibid., para. 25.
- 46 Ibid., para. 10.
- 47 Ibid., para. 23.
- 48 A/HRC/14/43/Add.3, para 70.
- 49 Ibid., para 72.
- 50 CERD/C/ARE/CO/17, para. 18.
- 51 A/HRC/16/57/Add.2, para.107.
- 52 Press release of 17 April 2012 available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12074&LangID=E>.
- 53 Ibid.
- 54 Ibid.
- 55 Ibid.
- 56 CEDAW/C/ARE/CO/1, paras. 28 and 29.
- 57 UNHCR submission to the UPR, p. 4.
- 58 A/HRC/14/43/Add.3, para 73.
- 59 A/HRC/16/57/Add.2, para. 103.
- 60 Ibid., para. 110.
- 61 A/HRC/16/57/Add.2, para. 103.
- 62 Ibid., paras 104 and 106.
- 63 CEDAW/C/ARE/CO/1, paras. 26 and 27.
- 64 UNICEF submission to the UPR on the United Arab Emirates, p. 5.
- 65 A/HRC/16/57/Add.2, para 69.
- 66 CERD/C/ARE/CO/17, para. 17.
- 67 CERD/C/ARE/CO/17, para. 17; A/HRC/14/43/Add.3, para. 72.
- 68 CEDAW/C/ARE/CO/1, para. 33.
- 69 UNICEF submission to the UPR on the United Arab Emirates, p. 4.
- 70 Ibid., p. 2.
- 71 A/HRC/18/51, p. 51.
- 72 A/HRC/19/55/Add.2, paras. 383-384.
- 73 A/HRC/21/49, p. 44.
- 74 Spokesperson for the United Nations High Commissioner for Human Rights, Geneva, 17 July 2012.
- 75 CEDAW/C/ARE/CO/1, para. 30.
- 76 Ibid., para. 56.
- 77 CERD/C/ARE/CO/17, para. 16.
- 78 Ibid., para. 15.
- 79 ILO Committee of Experts of the Applications of Conventions and Recommendations.Observation concerning the ILO Minimum Age Convention, 1973 (No.138), adopted 2011, published 101st ILC session (2012), second paragraph, available from [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2700014](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700014).
- 80 ILO Committee of Experts of the Applications of Conventions and Recommendations.Observation concerning the ILO Equal Remuneration Convention, 1951 (No.100), adopted 2011, published

101st ILC session (2012), first paragraph, available from  
[http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:26991](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:26991)  
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<sup>81</sup> A/HRC/14/43/Add.3, para. 67.

<sup>82</sup> CEDAW/C/ARE/CO/1, paras. 36 and 37.

<sup>83</sup> *Ibid.*, para. 36.

<sup>84</sup> *Ibid.*, para. 44.

<sup>85</sup> *Ibid.*, para. 6.

<sup>86</sup> *Ibid.*, paras. 39 and 40.

<sup>87</sup> UNICEF submission to the UPR on the United Arab Emirates, p. 10.

<sup>88</sup> CEDAW/C/ARE/CO/1, paras. 34 and 35.

<sup>89</sup> A/HRC/14/43/Add.3, para 74.

<sup>90</sup> UNHCR submission to the UPR on the United Arab Emirates, p. 2.

<sup>91</sup> A/HRC/14/43/Add.3, paras. 34 and 66.

<sup>92</sup> *Ibid.*, para. 68.

<sup>93</sup> CERD/C/ARE/CO/17, para. 8.

<sup>94</sup> *Ibid.*, para. 14.

<sup>95</sup> *Ibid.*, para. 36.

<sup>96</sup> *Ibid.*, para. 37.

<sup>97</sup> UNHCR submission to the UPR on the United Arab Emirates, pp. 2 and 3.

<sup>98</sup> *Ibid.*, p. 1.

<sup>99</sup> *Ibid.*

<sup>100</sup> See A/HRC/13/42; A/HRC/19/44, p 124.

<sup>101</sup> A/HRC/19/44, p 124.

<sup>102</sup> A/HRC/18/51, p. 33.

<sup>103</sup> *Ibid.*, p. 82.

<sup>104</sup> A/HRC/WGAD/2011/34, p. 4.

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