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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
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## **United Arab Emirates**

### **Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with human rights mechanisms**

2. The Committee on the Elimination of Discrimination against Women recommended that the United Arab Emirates ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>2</sup>

3. The Committee against Torture recommended that the United Arab Emirates consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>3</sup>

4. The Committee on the Elimination of Discrimination against Women recommended ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention relating to the Status of Refugees of 1951 and the Protocol of 1967 thereto, the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961, the Employment Policy Convention, 1964 (No. 122), the Maternity Protection Convention, 2000 (No. 183), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Home Work Convention, 1996 (No. 177), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190).<sup>4</sup>

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended ratifying the Convention against Discrimination in Education.<sup>5</sup>



6. The Committee on the Elimination of Discrimination against Women recommended that the United Arab Emirates narrow its reservations to the Convention with a view to their complete withdrawal.<sup>6</sup>

7. The Committee against Torture recommended that the United Arab Emirates consider withdrawing its declaration on articles 1 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and consider making the declarations under articles 21 and 22 of the Convention, and that it withdraw its reservations under articles 20 and 30 (2) of the Convention.<sup>7</sup>

8. The same Committee recommended strengthening cooperation with United Nations human rights mechanisms, by permitting visits by the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment; on the promotion and protection of human rights and fundamental freedoms while countering terrorism; on the human rights of migrants; on violence against women and girls, its causes and consequences; on extrajudicial, summary or arbitrary executions; and on the situation of human rights defenders; and by the Working Group on Arbitrary Detention. The Committee also recommended that the United Arab Emirates consider renewing its financial support to the United Nations Voluntary Fund for Victims of Torture.<sup>8</sup>

9. The United Nations country team recommended that the United Arab Emirates ensure the submission of reports due in 2020 and 2021, and consider issuing a standing invitation to the special procedures of the Human Rights Council.<sup>9</sup>

### **III. National human rights framework**

#### **1. Constitutional and legislative framework**

10. The Committee on the Elimination of Discrimination against Women regretted the limited measures taken to incorporate the provisions of the Convention into national legislation. It recommended ensuring the precedence of the Convention over national laws and accelerating the process of incorporating the Convention into national legislation in order to make it directly applicable in the national courts.<sup>10</sup>

11. The Committee against Torture recommended that the United Arab Emirates adopt legislation expressly prohibiting the imposition of criminal sanctions that may constitute torture or cruel, inhuman or degrading treatment or punishment, in all circumstances and under all jurisdictions. The Committee urged the United Arab Emirates to establish in its national law a definition of torture in line with that provided in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to review and amend its legislation to ensure that all forms of torture were prohibited in line with the definition contained in article 1 of the Convention, noting that serious discrepancies between the Convention's definition of torture and that incorporated into domestic law created actual or potential loopholes for impunity.<sup>11</sup>

12. The same Committee recommended that the United Arab Emirates ensure that the prohibition of torture was established as absolute and non-derogable in national legislation, and that no exceptional circumstances, including a state of emergency or threat of war, could be used to justify the use of torture; that penalties for torture were commensurate with the gravity of the crime; and that, since the prohibition of torture was absolute, there was no statute of limitations for acts of torture, so that persons who committed or were complicit in such crimes could be effectively investigated, prosecuted and punished.<sup>12</sup>

13. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders were concerned about the impact that Law No. 7 of 2014 on Combating Terrorism Offences (Law 7) might have on freedom of opinion and expression and the freedom to receive and communicate information and ideas, the freedoms of peaceful assembly and of association, and the prohibition of arbitrary detention.<sup>13</sup>

14. The above-mentioned mandate holders recommended reviewing the law and bringing it into line with international human rights standards. They strongly encouraged a process of independent review of the relevant provisions and other laws on which these were based or interacted with, so that they were more clearly in line with international human rights standards. They also recommended that the United Arab Emirates urgently recognize, in law and in practice, freedom of expression, both physical and digital, as an individual right, subject only to the restrictions permitted by international human rights law, and the absolute nature of the right to freedom of opinion, and that it take steps to reduce the risks of practices of extended and potentially arbitrary detention under this legislation, particularly against non-violent individuals.<sup>14</sup>

## **2. Institutional infrastructure and policy measures**

15. The Committee against Torture urged that the United Arab Emirates provide all technical, financial and human resources necessary to the national human rights institution and, ensure its political and financial independence with a view to its accreditation in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>15</sup>

16. The same Committee recommended that the United Arab Emirates consider the establishment of a permanent national coordinating committee, endowed with the resources necessary to ensure interaction with the United Nations human rights system.<sup>16</sup>

# **IV. Promotion and protection of human rights**

## **A. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

17. The Committee on the Elimination of Discrimination against Women was concerned about a lack of comprehensive legislation enshrining the principle of equality of women and men. It was also concerned about the maintenance of discriminatory provisions in the legislation, such as the concept of male guardianship, and unequal rights of women and men with regard to marriage, custody, divorce and inheritance, as stipulated by the Personal Status Law. It recommended incorporating the principle of equality of women and men into its legislation and repealing all legal provisions that continued to discriminate against women, including those contained in the Personal Status Law.<sup>17</sup>

18. The same Committee recommended that the United Arab Emirates ensure that all women facing intersecting forms of discrimination, including Bedouin women and women living in remote areas, were able to fully enjoy all rights contained in the Convention.<sup>18</sup>

### **2. Right to life, liberty and security of person, and freedom from torture**

19. The United Nations country team noted that the death penalty could be imposed under the 2022 Penal Code and Law 7. Under the former, several crimes, if fatal for a victim, were punishable by death, without an alternative sanction as an option. Article 14 of Law 7 imposed the death penalty for several terrorism-related crimes which may or may not involve killing, which were vaguely worded, with no relevant definitions contained in the law. While there was no moratorium on executions, there had been no executions in the reporting period. As at June 2022, there were 10 individuals on death row.<sup>19</sup>

20. The Committee against Torture regretted that the death penalty was still provided for in law and that death sentences continued to be handed down. The Committee also expressed concern over information provided by the State that those convicted of capital offences might spend years on death row. It invited the State to establish a moratorium on the death penalty and to take appropriate steps to commute all death sentences to other punishments, and urged it to improve the conditions of detention of prisoners on death row.<sup>20</sup>

21. The same Committee was concerned at reports detailing allegations of torture and ill-treatment of suspects by security and law enforcement officials and at reports of torture or ill-treatment of detainees in reprisal for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights. It recommended that the United Arab Emirates ensure that officials at the highest levels unambiguously reaffirmed the absolute prohibition of torture and publicly condemned all practices of torture, issuing a clear warning that anyone committing such acts or otherwise complicit or participating in torture would be held personally responsible before the law and would be subject to criminal prosecution and appropriate penalties; and that security and law enforcement officials who engaged in torture were prosecuted and punished with penalties that were commensurate with the gravity of the offence of torture.<sup>21</sup>

22. The Committee against Torture recommended that the United Arab Emirates ensure that persons who were arrested had the benefit of all fundamental legal safeguards from the very outset of their detention, including their rights to promptly receive independent legal assistance, to be informed of their rights and of the charges against them, to notify a member of their family or another appropriate person of their own choice of their detention, to request and obtain immediate access to an independent doctor, to challenge the lawfulness of their detention, and to have their complaints promptly and impartially examined.<sup>22</sup>

23. The same Committee recommended that the United Arab Emirates intensify its efforts to bring conditions of detention into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).<sup>23</sup>

### **3. International humanitarian law**

24. Notwithstanding information provided to the Committee against Torture regarding the withdrawal of the armed forces of the United Arab Emirates from the territory of a third country in 2019, the Committee was concerned about reports of grave human rights violations carried out by the regular armed forces of the United Arab Emirates, by non-State actors whose actions were attributable to the United Arab Emirates, and in detention centres under the jurisdiction of the United Arab Emirates, notably in Rayyan International Airport, Rabwet Khalf, 7th of October prison, Jal'ah camp, Waddah Hall and the State's former military headquarters in this third country.<sup>24</sup>

25. The same Committee urged the United Arab Emirates to take effective measures to prevent acts of torture or ill-treatment in all areas where the State exercised jurisdiction and by all persons who acted at the instigation of, or with the consent or acquiescence of, the State; to undertake prompt, impartial and thorough investigations into all allegations of torture or ill-treatment in any territory under its jurisdiction and by all actors whose actions were attributable to the United Arab Emirates; and to ensure that the ongoing training of military personnel and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment in the context of extraterritorial military operations included appropriate training on obligations arising under the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and international humanitarian law.<sup>25</sup>

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

26. The Committee against Torture expressed particular concern that reports received detailed a pattern of torture and ill-treatment against persons accused of offences against State security who, by virtue of the State security or terrorism charges against them, were subject to a legal regime with fewer and more restrictive procedural guarantees. The Committee recommended ensuring that counter-terrorism laws and laws related to State security complied fully with international human rights standards.<sup>26</sup>

27. The same Committee recommended ensuring that counter-terrorism measures and legislation were in conformity with the Convention's prohibitions against torture and ill-treatment and that adequate and effective legal safeguards were in place. The Committee recommended that the State take the measures necessary to prohibit and prevent incommunicado detention and any other forms of illegal detention, and that it ensure that detainees enjoyed basic safeguards against torture, including the right to be brought promptly

before a judge. The Committee also recommended that detentions in *munasaha* centres be based on clear and identifiable criteria established by law, that orders for such detentions be limited in duration, that maximum periods of detention in *munasaha* centres be clearly defined by law, and that detainees have the ability to challenge the legality of their detention.<sup>27</sup>

## 5. Administration of justice, including impunity, and the rule of law

28. The Committee against Torture recommended ensuring that all allegations of torture and ill-treatment of persons accused of involvement in terrorist acts or acts against State security were promptly, impartially and effectively investigated, and that perpetrators of torture and ill-treatment were prosecuted and duly punished.<sup>28</sup>

29. The same Committee recommended ensuring that victims of torture and ill-treatment obtained redress, including the means for as full a rehabilitation as possible, and were able to claim pecuniary, as well as non-pecuniary, damages and acquire access to medical and psychosocial rehabilitation.<sup>29</sup>

30. The Committee on the Elimination of Discrimination against Women remained concerned that lenient sentences might still be imposed on perpetrators of so-called “honour killings” based on the law, which provided for a minimum one-year sentence in cases of murder where the victim’s family accepted payment of *diya*. It recommended repealing article 332 (3) of the Federal Penal Code to ensure that perpetrators of so-called “honour killings” received penalties that were commensurate with the gravity of the crime. It also recommended addressing the practice of payment of *diya*, with a view to ensuring that such payments did not result in impunity for perpetrators of gender-based violence against women.<sup>30</sup>

31. The Committee against Torture recommended that the United Arab Emirates take additional measures to ensure the full independence, impartiality and effectiveness of the judiciary; enhance the security of tenure for foreign judges; increase the representation of women in the judiciary; and review the regime of appointment, promotion and dismissal of judges in line with relevant international standards. The Committee also recommended that the United Arab Emirates implement the recommendations of the Special Rapporteur on the independence of judges and lawyers, developed following her 2014 visit.<sup>31</sup>

## 6. Fundamental freedoms and the right to participate in public and political life

32. The Committee against Torture expressed particular concern at reports received detailing a pattern of torture and ill-treatment against human rights defenders and persons accused of offences against State security who, by virtue of the State security or terrorism charges against them, were subject to a legal regime with fewer and more restrictive procedural guarantees. The Committee recommended ensuring that human rights defenders, including those sharing information with United Nations human rights mechanisms, were able to work safely and effectively in the country, including by creating an enabling environment in which they could carry out their work in the promotion and protection of human rights.<sup>32</sup>

33. The Committee on the Elimination of Discrimination against Women recommended that the United Arab Emirates continue its efforts to promote women’s representation in the legislature and the foreign service and that it put in place mechanisms to increase women’s representation in executive and leadership posts, including by adopting special measures to promote women’s access to ministerial, ambassadorial and other governmental leadership positions, including targeted selection processes and quotas in nomination lists. It also recommended providing campaign financing and capacity-building programmes on leadership skills and political campaigning skills for women candidates and women politicians. It recommended adopting targeted measures, including preferential recruitment of women, to increase the number of women in the judiciary and the security services.<sup>33</sup>

## 7. Right to marriage and family life

34. The Committee on the Elimination of Discrimination against Women noted with concern the de jure maintenance of male guardianship for women and girls, the requirement

for a male guardian to validate a marriage contract in lieu of a court determination, the wide persistence of polygamy, and the limited grounds available to women to seek divorce, in contrast to men's liberty to unilaterally request divorce for any reason. The Committee remained deeply concerned that divorced women lost custody of their children when their daughters reached 13 years of age, when their sons reached 11 years of age, or before such age if the woman remarried.<sup>34</sup>

## **8. Prohibition of all forms of slavery, including trafficking in persons**

35. The Committee on the Elimination of Discrimination against Women recommended that the United Arab Emirates ensure that women and girls who were victims of trafficking were not fined for breaches of immigration laws, required to pay overstay fees, or banned from re-entering the territory of the State party. It recommended closing protection gaps in the current legislation criminalizing trafficking; granting temporary residence permits to women and girls who were victims of trafficking, irrespective of their ability or willingness to cooperate with the prosecution authorities; strengthening victim support measures, including by providing legal and psychosocial assistance, as well as rehabilitation programmes; and adopting and implementing a national action plan to combat trafficking in human beings, including measures for the protection of women and children.<sup>35</sup>

36. The same Committee was concerned that the continued application in practice of the *kafalah* system placed women migrant domestic workers in a situation of economic and legal dependency on their employer and at elevated risk of abuse, including sexual abuse and excessive working hours, and de facto deprivation of liberty due to the continued practice of passport confiscation by employers.<sup>36</sup>

37. The Committee recommended that the United Arab Emirates abolish the *kafalah* system and eliminate such practices, and ensure that policies and measures protecting foreign workers were fully implemented, guaranteeing that those who suffered abuse or exploitation were able to fully access appropriate remedies; increase campaigns to raise awareness among women migrant domestic workers and their employers of the rights of those workers, including their rights under the new legislation, and of legal remedies and shelters available to enable them to submit complaints about abusive conditions of work; and adequately punish abusive employers, strictly enforce the prohibition of passport confiscation and ensure regular labour inspections of private households where women migrant domestic workers were employed.<sup>37</sup>

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

38. The Committee on the Elimination of Discrimination against Women recommended that the United Arab Emirates adopt legislation explicitly prohibiting sex-based discrimination, including in relation to employment opportunities, vocational training, promotions or demotions, and terminations, and train law enforcement agencies on the implementation of United Nations standards on combating all forms of sex-based discrimination in the workplace and in the field of employment. It also recommended that the United Arab Emirates expressly criminalize sexual harassment through targeted legislation, ensuring that the definition included perpetrators outside of positions of authority and including reference to special aggravating factors.<sup>38</sup>

39. The same Committee noted with concern that migrant domestic workers who left employment with their sponsors were required to pay them back one month's wages in addition to court-determined compensation pursuant to article 23 (3) of Federal Law No. 10 of 2017.<sup>39</sup>

## **10. Right to social security**

40. The United Nations country team noted that only nationals of the United Arab Emirates were eligible for social assistance, and that each Emirate offered additional welfare services for citizens under its own jurisdiction. This left most of the population in the country at the mercy of market forces, hence migrant-inclusive social protection would be key for child-sensitive social protection in the country. The country team also noted that the social protection measures provided as part of the response to coronavirus disease (COVID-19)

were timely, which included water and electricity subsidies, resources necessary for participating in remote learning within two weeks of school closures, and food parcels for vulnerable families. There had been, however, no increases in direct transfers of cash to vulnerable families, Emirati or non-Emirati, as part of a comprehensive social protection system.<sup>40</sup>

## **11. Right to health**

41. The Committee on the Elimination of Discrimination against Women recommended ensuring that all women, regardless of their marital status, and girls, had adequate access to sexual and reproductive health services. It also recommended integrating age-appropriate education on sexual and reproductive health and rights, including responsible sexual behaviour and prevention of early pregnancy and sexually transmitted infections, in curricula at all levels of education.<sup>41</sup>

42. The same Committee noted with concern that abortion was not legal, except in cases in which there was a threat to the life of the pregnant woman or where the fetus was shown to have a severe and incurable abnormality, and that doctors had wide discretion to refuse to carry out abortive procedures in those cases. The Committee was concerned that women undergoing an abortion faced criminal penalties, including in cases of rape and consanguinity. Women who sought hospital treatment for miscarriages faced criminalization when hospital staff suspected that they had attempted to access abortion services, especially in circumstances where pregnancies occurred outside of wedlock.<sup>42</sup>

43. The Committee recommended legalizing abortion, at least in cases of rape, incest or threat to the health of the pregnant woman and severe fetal impairment, and decriminalizing it in all other cases; providing women with access to safe post-abortion services, especially in the case of complications resulting from unsafe abortions or miscarriages; and removing punitive measures for women who suffered a miscarriage.<sup>43</sup>

## **12. Right to education**

44. UNESCO noted that there were certain educational inequalities within the country, including significant gaps between the learning outcomes and performance of those living in rural areas and those living in urban areas, with those in urban areas performing substantially better than those in rural areas of the country. Also, there was a large difference in reading proficiency at the end of primary school between the richest in the United Arab Emirates and the poorest, as was also the case with proficiency in mathematics and science. UNESCO recommended expressly enshrining the right to education without discrimination in the Constitution of the United Arab Emirates; developing measures to increase quality education and educational access in rural areas to lessen the proficiency gap between rural and urban areas; and elaborating a policy targeted at migrant children for their inclusive integration in public schooling, including language courses.<sup>44</sup>

45. UNESCO urged the United Arab Emirates to consider addressing issues of equality and non-discrimination in access to education, and in access to scientific benefits and their applications, and to include reference to the relevant dimensions of the right to share in scientific advancement and its benefits in its reporting on the impact of the COVID-19 pandemic.<sup>45</sup>

## **13. Cultural rights**

46. UNESCO encouraged the United Arab Emirates to fully implement the relevant provisions that promoted access to and participation in cultural heritage and creative expressions and that, as such, were conducive to implementing the right to take part in cultural life. UNESCO encouraged the United Arab Emirates to give due consideration to the participation of communities, practitioners, cultural actors and non-governmental organizations from civil society, as well as vulnerable groups, and to ensure that equal opportunities were given to women and girls in order to address gender disparities.<sup>46</sup>

## **B. Rights of specific persons or groups**

### **1. Women**

47. The Committee against Torture regretted that article 10 of Federal Decree-Law No. 10 of 2019 required the prosecution to offer a conciliation settlement to victims of gender-based violence, which might result in impunity for perpetrators. It was also concerned at reports of the continued practice of female genital mutilation and at the lack of legislation explicitly criminalizing this practice.<sup>47</sup> It recommended thoroughly investigating all cases of gender-based violence, and ensuring that all perpetrators were prosecuted and, if convicted, punished appropriately and that the victims or their families received full rehabilitation and redress, including adequate compensation.<sup>48</sup>

48. The Committee on the Elimination of Discrimination against Women recommended adopting legislation to specifically criminalize female genital mutilation, prosecuting and adequately punishing perpetrators and facilitators under existing applicable criminal law provisions, and systematically collecting data in order to inform a robust and evidence-based approach to eliminating this harmful practice. It also recommended conducting awareness-raising and educational campaigns aimed at promoting understanding of the criminal nature of, and the need to eliminate, female genital mutilation, in particular among medical staff, parents, community leaders, religious scholars, and men and boys.<sup>49</sup>

49. The same Committee recommended ensuring that strategies aimed at eliminating discriminatory stereotypes regarding the roles and responsibilities of women and men in society and in the family incorporated and highlighted the rights and capacity of women and girls to develop their personal abilities and make free choices about their lives and life plans. Such strategies should be developed in collaboration with civil society and the media, should include public awareness-raising and educational campaigns on the negative impact on women's enjoyment of their human rights of discriminatory stereotypes associated with traditional gender roles in the family and in society, and should target women and men as well as girls and boys.<sup>50</sup>

50. The United Nations country team noted that a husband was still entitled to punish his wife or children to a certain extent in accordance with sharia law under article 53 of the Criminal Law. The wife was required to comply with her husband's instructions under article 56 of the Personal Status Law. Quality national data on several indicators of gender-based violence was not available. The United Arab Emirates did not regularly publish crime statistics, including for domestic violence, making it difficult to assess the scale of the issue. The country team recommended that the United Arab Emirates ensure data collection on gender-based violence, including quantifying the number of domestic violence cases, in order to formulate evidence-based policies and to detect progress in reporting, providing the necessary services, and judicial mechanisms. It also recommended that the United Arab Emirates repeal the right of husbands and parents to punish their minor children, including by recognizing domestic violence as an offence.<sup>51</sup>

### **2. Children**

51. The Committee on the Elimination of Discrimination against Women noted with concern that the newly amended article 30 of Federal Law No. 28 still provided for exceptions to the minimum age of 18 years for marriage in cases where the child was considered to have reached "maturity", and where the prospective union satisfied a number of criteria, including suitability of the age difference and the ability of the groom to provide adequate domestic and financial support following the marriage. It recommended amending article 30 of Federal Law No. 28 of 2005 to repeal all exceptions to the minimum age of marriage at 18 years for women and men. It also recommended adopting legislation that specifically criminalized guardians and marriage officiators who conducted or facilitated child marriages, and providing capacity-building programmes for the judiciary on the criminal nature and negative consequences of child marriage on girls' education, human rights and development.<sup>52</sup>

52. The United Nations country team noted that the majority of Emirati youth benefited from robust education and health provision and expressed overall satisfaction with life. It was different when it came to more complex issues such as violence against children,

including at home, for which there was no data. The issues were also not openly discussed, making it difficult to find lasting solutions. The country team recommended that the United Arab Emirates undertake legal and policy-level reforms to ensure that all children in the country had access to free education, health care and social protection; harmonize child protection prevention and response mechanisms in the country to ensure coordinated responses for children in the country affected different forms of violence; and enhance specialized services for children affected by violence.<sup>53</sup>

### **3. Persons with disabilities**

53. The United Nations country team noted that the United Arab Emirates had implemented online learning for persons with disabilities and had made at-home COVID-19 tests available during the pandemic. The nationwide campaign “Rest Assured” had supported persons with disabilities, their caretakers and their parents, by providing psychological aid at home and by training social workers on how to deal with mental stress resulting from the pandemic. The Government had also implemented “Rest Assured 2”, supporting children with disabilities with the transition to returning to school. Despite these initiatives, the United Arab Emirates did not increase social assistance benefits to families with children with disabilities during the pandemic.<sup>54</sup>

### **4. Lesbian, gay, bisexual, transgender and intersex persons**

54. The United Nations country team recommended taking policy measures to advance acceptance and non-discrimination based on sexual orientation.<sup>55</sup>

### **5. Migrants, refugees and asylum-seekers**

55. The Committee against Torture was particularly concerned over reports of the mass summary deportation of approximately 800 African migrants lawfully resident in the State in 2021, including allegations of torture and ill-treatment in detention prior to deportation, a lack of issuance of arrest warrants, and deportation in the absence of an individual determination of the likelihood of the individual’s being subjected to torture or ill-treatment in the receiving country. It recommended that the United Arab Emirates abide by its obligations under article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure that, in law and in practice, no one may be expelled, returned or extradited to another State where there were substantial grounds for believing that he or she would be in danger of being subjected to torture or ill-treatment; and guarantee, given the substantial proportion of foreign nationals in the State, that all foreign nationals at risk of deportation, including those from “safe” countries of origin, had access to fair procedures, including a detailed and thorough interview to assess the risk that they may be subjected to torture and ill-treatment in their country of origin in view of their personal circumstances.<sup>56</sup>

56. The Committee on the Elimination of Discrimination against Women recommended that the United Arab Emirates ensure that stateless and migrant girls had adequate access to education and educational support programmes on an equitable footing with Emirati nationals, including through considering the adoption and effective implementation of temporary special measures incorporating time-bound goals and quotas directed towards the achievement of equality of migrant and stateless girls.<sup>57</sup>

### **6. Stateless persons**

57. The Committee on the Elimination of Discrimination against Women took note of Federal Decree-Law No. 16 of 2017, amending Federal Law No. 17 of 1972, which enabled Emirati women to confer their nationality on children born to non-Emirati fathers after a period of six years from birth, except in cases where the father was stateless or unknown, where citizenship was conferred from birth. However, the Committee noted with concern the discrepancy in the treatment of these children compared to those born to Emirati men, who acquired citizenship from birth. It also noted with concern that a woman’s transmission of nationality under Federal Decree-Law No. 16 of 2017 was neither automatic nor non-discretionary, and that Emirati women, unlike Emirati men, were unable to transmit their citizenship to a foreign spouse.<sup>58</sup>

58. The same Committee was concerned that the Decree-Law had the effect of placing children of Emirati women at increased risk of statelessness; that some children born to Emirati fathers did not acquire the nationality of the State if they were born out of wedlock; and that there was no possibility for children of stateless parents to obtain Emirati nationality. Moreover, the Committee was concerned that, despite DNA testing that proved the paternity of the father, children born out of wedlock remained without official identification documents and nationality, as a valid marriage certificate must be shown in order to obtain a birth certificate. It also noted with concern the lack of information on the number of girls and boys who were stateless in the State.<sup>59</sup>

59. The Committee recommended regularizing the situation of stateless women and girls and ensuring their right to a nationality; repealing provisions that made obtaining birth certificates contingent on the production of a valid marriage certificate; and collecting sex- and age-disaggregated data on the number of stateless persons in the United Arab Emirates.<sup>60</sup>

### Notes

- 1 See [A/HRC/38/14](#), [A/HRC/38/14/Add.1](#) and [A/HRC/38/2](#).
- 2 [CEDAW/C/ARE/CO/4](#), para. 62.
- 3 [CAT/C/ARE/CO/1](#), paras. 20, 26 and 38.
- 4 [CEDAW/C/ARE/CO/4](#), paras. 41, 45, 47 and 58.
- 5 UNESCO submission for the universal periodic review of the United Arab Emirates, para. 25.
- 6 [CEDAW/C/ARE/CO/4](#), para. 11.
- 7 [CAT/C/ARE/CO/1](#), paras. 10 and 40.
- 8 *Ibid.*, paras. 30 and 41.
- 9 United Nations country team submission for the universal periodic review of the United Arab Emirates, paras. 2 and 8.
- 10 [CEDAW/C/ARE/CO/4](#), paras. 12–13.
- 11 [CAT/C/ARE/CO/1](#), paras. 8 and 10.
- 12 *Ibid.*, para. 8.
- 13 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25663>.
- 14 *Ibid.*
- 15 [CAT/C/ARE/CO/1](#), para. 28.
- 16 *Ibid.*
- 17 [CEDAW/C/ARE/CO/4](#), paras. 14–15.
- 18 *Ibid.*, paras. 52–53.
- 19 United Nations country team submission, paras. 23–24.
- 20 [CAT/C/ARE/CO/1](#), paras. 37–38.
- 21 *Ibid.*, paras. 13–14.
- 22 *Ibid.*, para. 12.
- 23 *Ibid.*, para. 36.
- 24 *Ibid.*, para. 15.
- 25 *Ibid.*, para. 16.
- 26 *Ibid.*, paras. 13–14.
- 27 *Ibid.*, para. 18.
- 28 *Ibid.*, para. 18.
- 29 *Ibid.*, para. 30.
- 30 [CEDAW/C/ARE/CO/4](#), paras. 34–35.
- 31 [CAT/C/ARE/CO/1](#), para. 24.
- 32 *Ibid.*, paras. 13–14.
- 33 [CEDAW/C/ARE/CO/4](#), para. 39.
- 34 *Ibid.*, para. 54.
- 35 *Ibid.*, para. 37.
- 36 *Ibid.*, para. 46.
- 37 *Ibid.*, para. 47.
- 38 *Ibid.*, para. 45.
- 39 *Ibid.*, para. 46.
- 40 United Nations country team submission, paras. 60–61.
- 41 [CEDAW/C/ARE/CO/4](#), paras. 48–49.
- 42 *Ibid.*, para. 50.
- 43 *Ibid.*, para. 51.

- <sup>44</sup> UNESCO submission, paras. 15 and 25.  
<sup>45</sup> Ibid., para. 32.  
<sup>46</sup> Ibid., para. 29.  
<sup>47</sup> [CAT/C/ARE/CO/1](#), para. 31.  
<sup>48</sup> Ibid., para. 32.  
<sup>49</sup> [CEDAW/C/ARE/CO/4](#), paras. 28–29.  
<sup>50</sup> Ibid., para. 27.  
<sup>51</sup> United Nations country team submission, paras. 69 and 71–72.  
<sup>52</sup> [CEDAW/C/ARE/CO/4](#), paras. 30–31.  
<sup>53</sup> United Nations country team submission, paras. 73 and 76.  
<sup>54</sup> Ibid., para. 82.  
<sup>55</sup> Ibid., para. 67.  
<sup>56</sup> [CAT/C/ARE/CO/1](#), paras. 19–20.  
<sup>57</sup> [CEDAW/C/ARE/CO/4](#), para. 43.  
<sup>58</sup> Ibid., para. 40.  
<sup>59</sup> Ibid., para. 40.  
<sup>60</sup> Ibid., para. 41.
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