



Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women Review of United Arab Emirates' periodic report for the 80th Pre-Session February 2021

We write in advance of the 80th pre-session of the Committee on the Elimination of Discrimination against Women and its review of the United Arab Emirates' (UAE) compliance with the Convention on the Elimination of All Forms of Discrimination against Women.

1. Discrimination against Women in Personal Status Laws (Arts. 1, 2, 11, 15, and 16)

In the UAE, some provisions of the law regulating personal status matters (PSL), discriminate against women. For a woman to marry, her male guardian must conclude her marriage contract, while men can marry without requiring male guardian permission.¹ Men can unilaterally divorce their wives, whereas a woman must apply for a court order to obtain a divorce. As an alternative, a woman can dissolve her marriage through *khul'* if her husband is willing to agree to divorce in return for financial compensation.² Women also only inherit half the share of their male relatives.

The authorities introduced minor amendments to the PSL in 2019 and 2020, including revoking a provision that had obliged women to “obey” their husbands under article 56 while still maintaining language that wives are obliged to maintain the house and its contents and breastfeed their children unless there is an impediment.³ Moreover, article 71 still provides that a woman can lose her right to financial maintenance from her husband if she refuses to have sexual relations with him without a “lawful excuse,” abandons the marital home, or prevents her husband from entering the marital home.⁴ A judge can also, under article 72, still deem a woman in breach of her spousal obligations if she leaves the house or goes to work for a job deemed

¹ Federal Law No. 29 of 2005 on Personal Status, art. 39.

² Federal Law No. 29 of 2005 on Personal Status, arts. 110-111.

³ Decree on Federal Law No. 5 of 2020 and Decree on Federal Law No. 8 of 2019 amending some provisions in Federal Law No. 28 of 2005 on Personal Status, art. 56.

⁴ See Decree on Federal Law No. 5 of 2020, art. 2 amending art. 71 of the Federal Law no. 28 of 2005 on Personal Status, which removed language that previously provided that she could lose her right to financial maintenance if she left the marital home or refused to travel abroad with her husband without a lawful excuse.

outside “the law, custom, or necessity,” or if the judge considers it against the family’s interests.⁵ While the 2020 amendment made it appear more gender neutral, such changes merely remove discrimination in law but essentially still allow for judges to discriminate against women in practice.

In November 2020, the UAE amended the PSL to allow foreign national couples the option to have their home country’s law apply for personal status matters, instead of the UAE’s PSL.⁶

We encourage the Committee to pose the following questions:

- What steps are the authorities taking to ensure women have rights on an equal basis with men to enter marriage, within marriage, divorce, and in decisions relating to children including removing male guardianship policies?

2. Discrimination against Women in the Penal Code and Other Laws and Policies (Arts. 1, 2, 5, 12, and 15)

The UAE took an important step to include the grounds of sex and gender into its definition of discrimination in the UAE’s 2015 anti-discrimination law.⁷

In 2020, the UAE amended article 356 of the penal code to remove language which had previously criminalized the vague offense of consensual indecency or debasement and was used to punish individuals who engaged in consensual sexual relations outside marriage, *zina*, with a minimum one-year prison sentence.⁸ Courts were previously able to go beyond codified laws to prosecute consensual sexual relations outside marriage when they met the higher evidentiary requirements to amount to *hadd* (prescribed offenses under Islamic law), and subsequently issue harsher sentences of stoning and flogging.⁹ Women were disproportionately impacted by this, as

⁵ Decree on Federal Law No. 5 of 2020 amending some provisions in Federal Law No. 28 of 2005 on Personal Status, art. 72 amended the reference from the wife to spouse. It now states that it would not be a violation of spousal obligations for “either spouse to leave the house or to work in accordance with the law, custom, or due to necessity, and it is for the judge to uphold the interest of the family in these matters.”

⁶ “UAE sets out legal overhaul of personal and family law,” *The National*, November 7, 2020, <https://www.thenationalnews.com/uae/government/uae-sets-out-legal-overhaul-of-personal-and-family-law-1.1107152> (accessed February 11, 2021) and Decree on Law No. 29 of 2020 amending some provisions in Federal Law no. 28 of 2005 on Personal Status, art. 1.

⁷ Decree by Federal Law No. 11 of 2019 amending provisions of UAE Federal Decree on Law No. 2 of 2015 on Combatting Discrimination and Hatred, available http://www.gbc.gov.ae/assets/uploads/gbc_discrimination_hatred_2019.pdf.

⁸ Decree on Federal Law no. 15 of 2020 amending some provisions in the Penal Code, Federal Law no. 3 of 1987, art.356.

⁹ The Penal Code previously provided that Shari’a law rules apply to offenses such as *hadd* (prescribed offenses under Islamic law) which is not codified in the Penal Code or any other UAE law, and that *ta’zir* (discretionary) offenses are to be determined in accordance with the Penal Code or in other UAE laws. See former text of art. 1 of section 1, Penal Code. To invoke a *hadd* punishment for *zina* (sex outside marriage) going beyond the Penal Code, the prosecution had to have a confession from the accused or four adult male witnesses to the sexual act. In such cases, the accused could be sentenced to stoning if he or she is married, or 100 lashes and one

pregnancy served as evidence of extramarital sex, and some women who reported rape were prosecuted instead. However, the 2020 changes also amended this article and removed the reference that allowed Islamic law to apply in *hadd* offenses (which had included sexual relations outside of marriage).¹⁰

The 2020 decree also amended article 358 of the Penal Code, which still criminalizes a “flagrant indecent act” and any saying or act that offends public morals but changed the punishment from a minimum of six months to a fine of Dh1,000 to Dh50,000 (US\$270-\$13,000). If it is a repeated offense, the punishment is up to three months’ imprisonment or Dh100,000 (\$27,000).¹¹ This charge has been used in the past to convict people for public acts of affection, such as kissing or hugging, regardless of whether they are married or not.¹² It is unclear if women could now be charged for extramarital sex under this provision.

Hospitals and healthcare workers were required to have women show a marriage certificate to access some forms of sexual and reproductive healthcare in both public and private hospitals and to report women to the authorities if they suspected extramarital sex.¹³ It is unclear if this policy is still being implemented or has been stopped.

Moreover, women who have children out of wedlock still cannot obtain birth certificates for their babies unless they are able to produce a valid marriage certificate.¹⁴ Babies born to a parent with an expired passport, identification card, or residency visa are not issued birth certificates.¹⁵ This disproportionately impacts migrant women due to the frequency with which employers confiscate

year of imprisonment if they are unmarried. In most cases the evidentiary requirements were not met, and as such judges used *ta’zir* (discretion) to convict people under art. 356 of the Penal Code. See Butti Sultan Butti Ali Al-Muhairi, “The Incompatibility of the Penal Code with Shari’a,” *Arab Law Quarterly*, Vol. 12, No. 3 (1997), available <http://www.jstor.org/stable/3381845> (accessed August 28, 2014), pp. 307-329. According to one news report, the Abu Dhabi Criminal Court had previously sentenced individuals to death by stoning for *zina*, but had allegedly not enforced these sentences. See “‘Change plea or you’ll be stoned’: Husband who admits cheating given legal advice by judge,” *7 days in Dubai*, April 6, 2014, <https://web.archive.org/web/20150912203853/http://7days.ae/change-plea-youll-stoned-husband-admits-cheating-given-legal-advice-judge>.

¹⁰ Decree on Law No. 15 of 2020 amending some provisions of the Penal Code Federal Law No. 3 of 1987, art.1 now states: “The provisions of Islamic law shall apply in respect of crimes of *qisas* (retribution) and *diyya* (blood money), and other crimes and the penalties prescribed for them shall be determined in accordance with the provisions of this law and the penal laws in force.”

¹¹ Decree on Federal Law No. 15 of 2020 amending some provisions in the Penal Code, Federal Law No. 3 of 1987, art. 358.

¹² “Public kissing can lead to deportation”, *The National*, July 7, 2008, <http://www.thenational.ae/news/uae-news/public-kissing-can-lead-to-deportation> (accessed February 25, 2021).

¹³ “‘They have to be punished’: the mothers trapped in the UAE by ‘love crimes,’” *The Guardian*, October 12, 2020, <https://www.theguardian.com/global-development/2020/oct/12/they-have-to-be-punished-the-mothers-trapped-in-the-uae-by-love-crimes> (accessed February 25, 2021).

¹⁴ “Marriage as a prerequisite,” Official UAE Government Portal, <https://u.ae/en/information-and-services/social-affairs/having-a-baby/marriage-as-a-prerequisite-for-having-a-baby-in-the-uae> (accessed February 26, 2021).

¹⁵ “Frequently Asked Questions – Birth Certificate Issuance,” Department of Health Abu Dhabi <https://www.doh.gov.ae/faq> (accessed January 26, 2021); Human Rights Watch Report, “I Already Bought You: Abuse and Exploitation of Female Migrant Domestic Workers in the UAE,” October 2014, https://www.hrw.org/sites/default/files/reports/uae1014_forUpload.pdf.

their documents, including passports and residency permits. For some migrant women, if they are unable to obtain a birth certificate for their child, their child may be prevented from accompanying them when they return to their home country due to their child's lack of valid identification.¹⁶

Abortion

Abortion is criminalized in the UAE under article 340 of the federal penal code. It is allowed only in some exceptions such as in cases when the woman's life is in jeopardy or if the unborn child has deformities that will prove fatal.¹⁷ In the latter case, the abortion must take place within the first 120 days of the pregnancy, and must be approved by an "authorized medical board."¹⁸ A woman who is found to have aborted faces a penalty of up to one year of imprisonment and/or a fine up to Dh10,000 (about US\$2,700).¹⁹ Individuals performing the abortion can also face a minimum two-year imprisonment and/or a fine up to Dh10,000.²⁰ Women who seek hospital treatment for a miscarriage may be accused of attempted abortion, particularly if they are suspected of becoming pregnant out of wedlock.²¹

We encourage the Committee to pose the following questions:

- What efforts are being made to the anti-discrimination legislation to gives victims of discrimination access to an effective remedy and not just punitive sanctions on offenders?
- Will the authorities clarify that that under no circumstances shall individuals face arrest, prosecution or conviction for *zina* (extramarital sex), and informing all authorities and entities, including hospitals, hotels and landlords, of this change?
- How is the government ensuring women can have full access to sexual and reproductive health services, including abortion, as well as to obtain birth certificates, regardless of one's marital or visa status?

3. Violence against Women (Arts. 2, 3, and 16)

¹⁶ "Stateless and For Sale in the Gulf," International Campaign for Freedom in the UAE, July 11, 2016, <http://icfuae.org.uk/research-and-publications/stateless-and-sale-gulf> (accessed January 26, 2021).

¹⁷ "Women's reproductive and sexual healthcare - Abortion," Official UAE Government Portal, <https://u.ae/en/information-and-services/health-and-fitness/woman-reproductive-and-sexual-healthcare> (accessed January 26, 2021).

¹⁸ Ibid.

¹⁹ Federal Penal Code, art. 340.

²⁰ Ibid.

²¹ "Runaway maid's abortion attempt lands her in trouble", *Gulf News*, June 2, 2012, <http://gulfnews.com/news/gulf/uae/crime/runaway-maid-s-abortion-attempt-lands-her-in-trouble-1.1030587> (accessed February 12, 2015), "UAE deports woman who had abortion overseas," *The National*, April 22, 2014, <https://www.thenationalnews.com/uae/uae-deports-woman-who-had-abortion-overseas-1.345054> (accessed February 26, 2021). According to media reports, in some attempted abortion cases, it has resulted in death. See "Attempted abortion in UAE ends in tragedy," *Gulf News*, February 24, 2012, <http://gulfnews.com/news/gulf/uae/crime/attempted-abortion-in-uae-ends-in-tragedy-1.985404> (accessed February 12, 2015).

Human Rights Watch documented cases of Emirati women who fled abusive family members.²² In 2016, the UAE removed the language in the penal code that explicitly allowed for a man's legal right to discipline his wife and children.²³

In December 2019, authorities passed a law on protections from domestic violence, which came into effect in March 2020. The law has some positive provisions, including protection orders for the first time (restraining orders against abusers); however, it contains problematic provisions. It defines domestic violence as “any abuse, violence or threat committed by a family member against any other family member or individual exceeding his guardianship, jurisdiction, authority or responsibility, and resulting in physical or psychological harm,” suggesting that authorities can decide at what point male guardians have gone beyond their authority in disciplining their wives, female relatives, and children.²⁴ The definition of family, including those who can benefit from protection in the law, is limited and does not include former spouses, fiancés, or those in relationships outside of marriage.²⁵ While it recognizes that domestic violence includes physical, psychological, economic, and sexual violence, it does not criminalize marital rape.²⁶ The law prioritizes reconciliation over safety for the victim as it requires the public prosecution propose “conciliation” between the victim and the abuser before any criminal action is pursued.²⁷

In 2020, the UAE repealed article 334 of the penal code which provided a term of imprisonment, instead of life imprisonment for murder, when a man kills his wife, daughter or sister upon finding her committing extramarital sex.²⁸ However, men can still benefit from lighter sentencing for killing a female relative. Article 332(3) provides that in cases of killings, including pre-meditated murder, if family members of the murdered victim who are entitled to *diya* (blood money) waive their right to see the person punished, the accused can be subject to a minimum sentence of seven-years imprisonment instead of life imprisonment.²⁹ In cases relating to violence against women by a family member, including in so-called “honor” killings, the murdered victim's family is also the

²² Hiba Zayadin, “An Emirati Woman's Ordeal to Seek Protection from Abuse,” Human Rights Watch, February 14, 2019, <https://www.hrw.org/news/2019/02/14/emirati-womans-ordeal-seek-protection-abuse>.

²³ Art. 53 of the UAE Penal Code had previously allowed for the imposition of “chastisement by a husband to his wife and the chastisement of minor children.” See Federal Law No. 3, Concerning the Penal Code, https://elaws.moj.gov.ae/UAE-MOJ_LC-En/oo_PENALTIES%20AND%20CRIMINAL%20MEASURES/UAE-LC-En_1987-12-08_00003_Kait.html?val=EL1.

²⁴ Federal Decree No. 10 of 2019 Regarding Domestic Violence, art. 3, available <https://u.ae/-/media/Information-and-services/Social-Affairs/Federal-Decree-No10-of-2019-Regarding-Domestic-Violence-PDFArabic-only.ashx?la=en>.

²⁵ Ibid, art. 4.

²⁶ Ibid, art. 5; also see “Police officer who raped woman claims she was his wife and wins appeal,” *The National*, May 10, 2018, <https://www.thenationalnews.com/uae/police-officer-who-raped-woman-claims-she-was-his-wife-and-wins-appeal-1.729154> (accessed February 11, 2021).

²⁷ Ibid, art. 10.

²⁸ Decree on Federal Law No. 15 of 2020 amending some provisions in the Penal Code, Federal Law No. 3 of 1987, art. 3 repealing art. 334.

²⁹ Federal Penal Code, art. 332(3).

family of the murderer. Men in such cases are more likely to benefit from being pardoned by their families and thus allowing for lighter sentences for killings of women by family members.

We encourage the Committee to pose the following questions:

- What steps are the authorities taking to improve the domestic violence law to ensure that violence is not determined based on what is deemed to exceed guardianship or authority, to apply to individuals outside of non-marital relationships, and to ensure that the authorities prioritize safety of the victim over reconciliation?
- What steps are the authorities taking to repeal articles 332(3) and 334 of the penal code?

4. Nationality and Statelessness (Arts. 1 and 9)

Emirati women continue to face discrimination in passing nationality to their children compared to Emirati men, leading to risks of statelessness and rights abuses for their children.³⁰ Emirati law automatically grants nationality to children born to an Emirati father, but children born to Emirati mothers and foreign fathers can receive nationality only if their paternity is unestablished, the father is unknown, or if the father is “*bidun*,” stateless. Even then, this is not always a guarantee.³¹ Otherwise, Emirati women can apply for citizenship for their children provided their child has lived in the UAE for six years.³² However, according to some women, the application process can be confusing and can sometimes take years to receive a response.³³ When the child turns 18, they can apply themselves. But even then, they can wait for years with no answer.³⁴

The UAE has used citizenship revocations as a tool to punish activists and critics of the government, including women.³⁵ In instances in which the government has revoked a man’s citizenship, the UAE’s nationality law allows for the revocation of the citizenship of his wife and

³⁰ “UAE’s Double-Standard on Citizenship Rights: Government Should Reverse Discriminatory Citizenship Law,” Human Rights Watch, February 5, 2021, <https://www.hrw.org/news/2021/02/05/uaes-double-standard-citizenship-rights>.

³¹ Betsy L. Fisher, “Gender Discrimination and Statelessness in the Gulf Cooperation Council States,” 2016, Michigan Journal of Gender & Law, Volume 23, Issue 2, <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1202&context=mjgl>

³² “Acquiring UAE Nationality,” UAE Official Government Portal, <https://u.ae/en/information-and-services/passports-and-traveling/uae-nationality> (accessed February 11, 2021).

³³ “‘This will change our lives’: Emirati mothers rejoice as children granted citizenship,” *The National*, May 28, 2019, <https://www.thenationalnews.com/uae/this-will-change-our-lives-emirati-mothers-rejoice-as-children-granted-citizenship-1.867176> (accessed February 11, 2021).

³⁴ @TheLettersProject, Instagram, February 3, 2021, https://www.instagram.com/p/CKiRpTcnU6Y/?utm_source=ig_web_copy_link (accessed February 11, 2021).

³⁵ “UAE: Unrelenting Harassment of Dissidents’ Families,” Human Rights Watch news release, December 22, 2019, <https://www.hrw.org/news/2019/12/22/uae-unrelenting-harassment-dissidents-families>; and “There is No Freedom Here: Silencing Dissent in the United Arab Emirates (UAE),” Amnesty International Report, 2014, https://www.amnesty.org.uk/files/mde_25.018.2014_-_there_is_no_freedom_here_-_silencing_dissent_in_the_united_arab_emirates_uae.pdf.

minor children too, effectively rendering them stateless.³⁶

Children of stateless couples have no path to citizenship, regardless of how long their parents have lived in the UAE. Stateless persons in the UAE are often denied access to basic rights and services, largely due to their inability to renew or obtain valid identity documents like passports and driver's licenses. In turn, this creates barriers to obtaining healthcare and employment, qualifying for university scholarships, purchasing property, or traveling outside the country.³⁷

The risk of statelessness is particularly high for children of undocumented migrant women, who face barriers to obtaining valid identification for themselves, and in turn, for their children. These challenges are exacerbated by the *kafala* (visa sponsorship) system that ties migrant laborers to their employers (see section 5).³⁸ *The Guardian* reports there are several thousand cases of migrant women with children born outside marriage who are unable to obtain citizenship for their children or access opportunities for them, including education and healthcare.³⁹

We encourage the Committee to pose the following questions:

- What steps are being taken to ensure Emirati women can pass nationality to their children on an equal basis as men?
- What steps are being taken to open pathways for citizenship for children of stateless men and women?
- How many children are currently stateless in the UAE?

5. Migrant Domestic Workers (Arts 2, 3, 6, 11, 15)

Foreign nationals account for a majority of the UAE's population, around 90 percent, according to the World Bank.⁴⁰ Most migrant workers in the Gulf states are from Asia or East Africa and work in the service, construction, and domestic labor sectors.

³⁶ "Withdrawal of nationality," Official UAE Government Portal, <https://u.ae/en/information-and-services/passports-and-traveling/uae-nationality#:~:text=unless%20proven%20otherwise,-,UAE%20nationality%20oby%20citizenship,gets%20one%20child%20or%20more> (accessed January 27, 2021).

³⁷ "UAE: Unrelenting Harassment of Dissidents' Families," Human Rights Watch press release, December 22, 2019, <https://www.hrw.org/news/2019/12/22/uae-unrelenting-harassment-dissidents-families>.

³⁸ See Human Rights Watch Report, "I Already Bought You: Abuse and Exploitation of Female Migrant Domestic Workers in the UAE," October 2014, https://www.hrw.org/sites/default/files/reports/uae1014_forUpload.pdf; and "UAE: Domestic Workers' Rights Bill a Step Forward; Enforcement Mechanisms Needed," Human Rights Watch news release, June 7, 2017, <https://www.hrw.org/news/2017/06/07/uae-domestic-workers-rights-bill-step-forward>.

³⁹ "'They have to be punished': the mothers trapped in the UAE by 'love crimes,'" *The Guardian*, October 12, 2020, <https://www.theguardian.com/global-development/2020/oct/12/they-have-to-be-punished-the-mothers-trapped-in-the-uae-by-love-crimes>.

⁴⁰ World Bank, "International migrant stock (% of population) – United Arab Emirates," <https://data.worldbank.org/indicator/SM.POP.TOTL.ZS?locations=AE> (accessed February 11, 2021).

Many low-paid migrant workers are acutely vulnerable to forced labor and human trafficking because of the *kafala* (visa sponsorship) system in the UAE, which ties migrant workers visas to their employers.⁴¹ Under this system, migrant workers are not allowed to change or leave employers without their employer's permission. Those who leave their employers without permission face punishment for "absconding," including fines, prison, and deportation.

The UAE's labor law excludes domestic workers from its protections. Human Rights Watch documented how domestic workers face a range of abuses including unpaid wages, confinement to the house, workdays up to 21 hours, and physical and sexual assault by employers, in some cases amounting to forced labor.⁴² While the UAE passed a 2017 law on domestic workers which provides some labor rights, it is weaker than the labor law and falls short of international standards.⁴³ Women face difficulties in accessing redress as their employer can report them for absconding or other charges when they report abuse, and they cannot work for another employer while pursuing redress. The authorities have not established any official emergency shelter specifically for domestic workers who are exposed to physical or psychological abuse.⁴⁴

Some migrant workers are recruited for jobs in the UAE and then forcibly transferred to other countries to work, a practice that takes place with alarming frequency.⁴⁵

Authorities imposed stricter Covid-19 lockdown conditions on domestic workers, banning them from seeing anyone outside of their employer's households and warning employers not to allow their domestic workers to meet anyone outside. Given that many employers already confine

⁴¹ Human Rights Watch Report, "I Already Bought You: Abuse and Exploitation of Female Migrant Domestic Workers in the UAE," October 2014, https://www.hrw.org/sites/default/files/reports/uae1014_forUpload.pdf; and "Dubai in the United Arab Emirates a centre of human trafficking and prostitution," *The Sydney Morning Herald*, <https://www.smh.com.au/world/dubai-in-united-arab-emirates-an-epicentre-of-human-trafficking-and-prostitution-20160115-gm6mdl.html>.

⁴² Human Rights Watch Report, "'Working Like a Robot': Abuse of Tanzanian Domestic Workers in Oman and the United Arab Emirates," November 14, 2017, <https://www.hrw.org/report/2017/11/14/working-robot/abuse-tanzanian-domestic-workers-oman-and-united-arab-emirates>.

⁴³ "UAE: Domestic Workers' Rights Bill a Step Forward; Enforcement Mechanisms Needed," Human Rights Watch news release, June 7, 2017, <https://www.hrw.org/news/2017/06/07/uae-domestic-workers-rights-bill-step-forward>.

⁴⁴ "Combatting human trafficking," Official UAE Government Portal, <https://u.ae/en/about-the-uae/human-rights-in-the-uae/combating-human-trafficking> (accessed January 28, 2021).

⁴⁵ See Human Rights Watch Report, "'Working Like a Robot': Abuse of Tanzanian Domestic Workers in Oman and the United Arab Emirates," November 14, 2017, <https://www.hrw.org/report/2017/11/14/working-robot/abuse-tanzanian-domestic-workers-oman-and-united-arab-emirates>; "Sold into Syrian servitude, Filipina workers tell of abuse, rape and imprisonment," *The Washington Post*, January 24, 2021, https://www.washingtonpost.com/world/middle-east/trafficking-migrant-workers-syria-uae/2021/01/24/1d79e43c-3f0d-11eb-b58b-1623f6267960_story.html#click=https://t.co/Nr7uufiBKZ (accessed February 25, 2021); Rothna Begum, "Migrant Domestic Workers: Overworked and Underprotected," *Women Across Frontiers*, June 2016, <https://wafmag.org/2016/06/migrant-domestic-workers-overworked-underprotected/>; Hiba Zayadin, "Recruited as Security Guards in the UAE, Deceived into Working in Conflict-Ridden Libya Instead," Human Rights Watch report, November 1, 2020, <https://www.hrw.org/news/2020/11/01/recruited-security-guards-uae-deceived-working-conflict-ridden-libya-instead>.

domestic workers to the household and overwork them, such conditions left them even more at risk of abuse, including increased working hours, no rest days, and physical and verbal abuse.⁴⁶

We encourage the Committee to pose the following questions:

- What steps are the authorities taking to dismantle the *kafala* system to ensure that migrant workers can enter, reside, change employers and leave the country without being dependent on an individual employer or company?
- What steps are being taken to combat forced labor and trafficking into forced labor? Please ask for data on the number of prosecutions and convictions in the past two years.
- What measures are being taken to ensure that domestic workers are not placed under further risks during the Covid-19 pandemic lockdown?

6. Enforced Disappearances, Abductions and Torture and Other Ill-Treatment of Women Prisoners (Arts. 1, 2, 3, and 12)

Human Rights Watch has documented numerous incidents of enforced disappearances by the UAE in recent years, including the case of three Emirati sisters who were forcibly disappeared in 2015 after posting comments critical of the government on social media.⁴⁷ Human Rights Watch has also documented cases of denial of adequate medical care to women who have since died or attempted suicide.⁴⁸

On March 5, 2020, a UK family court found that the UAE prime minister and ruler of Dubai had arranged the abduction and forcible return of his daughters, “SM,” age 38, and “LM,” age 35, to the UAE.⁴⁹ The court found that SM had fled the Dubai family’s UK estate in Surrey in 2000, but that men who work for or assisted the prime minister later captured her in Cambridge and forcibly returned her to Dubai, where she remains in captivity. LM had attempted to flee in 2002, and again in 2018, but she was captured by security forces and subsequently detained in Dubai both

⁴⁶ Rothna Begum, “Domestic Workers in Middle East Risk Abuse Amid Covid-19 Crisis,” *Al Jazeera*, April 4, 2020, <https://www.aljazeera.com/opinions/2020/4/4/domestic-workers-in-middle-east-risk-abuse-amid-covid-19-crisis> (accessed February 25, 2021); “UAE: Protect Migrant Workers During Pandemic,” Human Rights Watch news release, April 17, 2020, <https://www.hrw.org/news/2020/04/17/uae-protect-migrant-workers-during-pandemic>; “Gulf States: Ease Immigration Detention in Pandemic,” Human Rights Watch news release, April 7, 2020, <https://www.hrw.org/news/2020/04/07/gulf-states-ease-immigration-detention-pandemic>.

⁴⁷ “UAE: New Cases of Disappearances,” Human Rights Watch news release, March 11, 2015, <https://www.hrw.org/news/2015/03/12/uae-new-cases-disappearances>.

⁴⁸ “UAE: Cancer-Stricken Prisoner Ill-Treated,” Human Rights Watch news release, February 26, 2019, <https://www.hrw.org/news/2019/02/26/uae-cancer-stricken-prisoner-ill-treated>; “UAE: Woman Prisoner Reportedly Attempts Suicide,” Human Rights Watch news release, March 13, 2020, <https://www.hrw.org/news/2020/03/13/uae-woman-prisoner-reportedly-attempts-suicide>.

⁴⁹ “UAE: Free Dubai Ruler’s Captive Daughters: UK Court Concludes They Were Abducted, Forced Back to Dubai,” Human Rights Watch news release, March 6, 2020, <https://www.hrw.org/news/2020/03/06/uae-free-dubai-rulers-captive-daughters>; United Kingdom Courts and Tribunals Judiciary, “Re: AI M handed down by Sir Andrew McFarlane, President of the Family Division,” March 5, 2020, <https://www.judiciary.uk/judgments/re-ai-m-handed-down-by-sir-andrew-mcfarlane-president-of-the-family-division/>

times. Shortly after her capture in 2018, a pre-recorded video of LM surfaced on the internet, in which she alleges she experienced “constant torture” after her first escape attempt, and also details the experiences surrounding her sister’s attempted escapes.⁵⁰ A 2021 documentary revealed videos of LM secretly reporting her forced confinement in a villa “converted into a jail.”⁵¹ Both daughters are currently being confined against their will and are unable to leave the UAE.⁵²

We encourage the Committee to pose the following questions:

- What steps are the authorities taking to release the Dubai ruler’s two daughters who are held against their will, allow them to leave the country, and conduct investigations into their international abductions and forced confinement?
- Are specific protections for women and girls held in detention centers included in the trainings, rules, policies, and manuals for detention center staff? Are there channels by which detainees may report instances of abuse or mistreatment and receive response?
- What efforts are being made to ensure that detainees can access medical care, including the necessary medical equipment, and specialized doctors, for their conditions?

7. Protection of Education from Attack (Article 10)

The United Arab Emirates is a leading member of the military coalition participating in the armed conflict in Yemen. Alongside Saudi Arabia, the UAE has played the largest role among coalition members in Yemen, including by deploying troops in Saudi Arabia and Yemen.⁵³ The coalition has conducted thousands of airstrikes in Yemen since March 2015, including scores that appear to violate the laws of war, some of which may be war crimes.

Coalition members, including the UAE, have provided no or insufficient information about the role their forces are playing in alleged unlawful attacks and what steps, if any, they have taken to investigate alleged serious violations by their armed forces and persons within their jurisdiction, to appropriately prosecute military personnel responsible for war crimes, and to provide reparation to victims of unlawful attacks.⁵⁴

⁵⁰ “Sheikha (Princess) Latifa Al Maktoum,” March 11, 2018, video clip, YouTube, <https://www.youtube.com/watch?v=UN7OEFyNUkQ> (accessed January 27, 2021).

⁵¹ Rothna Begum, “The UAE Must Release Latifa And Shamsa – And Stop Denying Women Basic Rights,” *The Guardian*, February 18, 2021, <https://www.theguardian.com/commentisfree/2021/feb/18/uae-release-latifa-shamsa-women-rights> (accessed February 25, 2020).

⁵² “UAE: Reveal Status of Dubai Ruler’s Daughter,” Human Rights Watch news release, May 5, 2018, <https://www.hrw.org/news/2018/05/05/uae-reveal-status-dubai-rulers-daughter>.

⁵³ Chris Pocock, “Yemen Issue Raised at Air Chiefs Conference,” *Ain Online*, November 12, 2017, <https://www.ainonline.com/aviation-news/defense/2017-11-12/yemen-issue-raised-air-chiefs-conference> (accessed July 6, 2018).

⁵⁴ “Hiding Behind the Coalition: Failure to Credibly Investigate and Provide Redress for Unlawful Attacks in Yemen,” August 24, 2018, <https://www.hrw.org/report/2018/08/24/hiding-behind-coalition/failure-credibly-investigate-and-provide-redress-unlawful>.

Since 2015, Human Rights Watch has documented multiple incidents of attacks on schools, schoolchildren and education infrastructure in Yemen by the Saudi-led coalition. In January 2016, a Saudi-coalition bomb struck a school for blind students in Sanaa.⁵⁵ Although it did not explode, the school was damaged and four civilians were injured. At the time of the attack, at least 10 children, all under the age of 12 were sleeping in the building.

On December 23, 2016, a Saudi-coalition cluster munition attack struck an area near a girls' school in Saada city in northern Yemen, killing two civilians and wounding six.⁵⁶ On January 10, 2017, a Saudi-led coalition airstrike near a primary school in northern Yemen killed two students and wounded two girls.⁵⁷

Attacks on students and schools, and the use of schools for military purposes, disproportionately affect girls.⁵⁸ The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict;⁵⁹ the importance of the continuation of education during armed conflict; and the implementation of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.⁶⁰ As of January 2021, 106 countries have endorsed the Safe Schools Declaration; however the UAE has yet to do so.

We encourage the Committee to pose the following questions:

- Do any Emirati laws, policies, or trainings provide explicit protection for schools and universities from military use during armed conflict?
- What steps are being taken to address and remedy the disproportionate harm to girls' access to education in Yemen as a result of hostilities and military use of schools?

⁵⁵ "Yemen: Houthis Endangered School for Blind, Coalition Airstrike Shows Added Risks For People with Disabilities," Human Rights Watch news release, January 13, 2016, <https://www.hrw.org/news/2016/01/13/yemen-houthis-endangered-school-blind>

⁵⁶ "Yemen: Saudi-led coalition Airstrike Near School, 2 Students, Administrator Killed; 3 Children Wounded," Human Rights Watch news release, February 16, 2017, <https://www.hrw.org/news/2017/02/16/yemen-saudi-led-coalition-airstrike-near-school>.

⁵⁷ Ibid.

⁵⁸ UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 30, Access to Education, U.N. Doc. CEDAW/C/GC/30 (2013), para. 48.

⁵⁹ Safe Schools Declaration, May 28, 2015, https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed January 23, 2020).

⁶⁰ Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed January 23, 2020).