

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.¹ For a woman to marry, her male guardian must conclude her marriage contract while men can marry without requiring male guardian permission. Men can unilaterally divorce their wives, whereas a woman must apply for a court order to obtain a divorce. Women also inherit half the share of their male relatives.

The authorities introduced amendments to the PSL in 2019 and 2020, which revoked a provision that had obliged women to “obey” their husbands under article 56 while still maintaining language that a wife is obliged to maintain the house and its contents and breastfeed their children unless there is an impediment.² However, women are still required to obey their husband in a number of ways. This is reflected in the language of article 71, which the 2020 law largely maintained, relating to the ways in which a woman can lose her right to financial maintenance from her husband if she refuses to have sexual relations with her husband without a “lawful excuse,” abandons the marital home, or prevents her husband from entering the marital home.³

The 2020 law amended the article to state 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.”⁴ While these minor amendments are designed to appear more gender neutral, such changes merely remove discrimination in law but essentially still allow for judges to discriminate against women in practice.⁵

In November 2020, the UAE announced a series of legal reforms, including to allow couples who married outside the UAE to follow the laws of their home country or the country in which

¹ Federal Law No. 28 of 2005 on Personal Status

² 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.

³ The 2020 law and 2019 law 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. See Decree on Federal Law no. 5 of 2020, article 2 amending article 71 of the Federal Law no. 28 of 2005 on Personal Status.

⁴ Previously, this amendment outlined situations for which only women would not be considered disobedient.

⁵ “United Arab Emirates – Events of 2019” Human Rights Watch World Report, <https://www.hrw.org/world-report/2020/country-chapters/united-arab-emirates>

they married in matters of divorce and inheritance.⁶ At time of writing, the text of the legal amendments was not available.

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?
- What steps are the authorities taking to remove male guardianship policies?

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

Discrimination on the basis of sex and gender is not included in the definition of discrimination in the UAE's 2015 anti-discrimination law.⁷

Under article 356 of the federal penal code, the punishment for individuals who engage in consensual same-sex relations or consensual heterosexual relations outside marriage can include a minimum one-year prison sentence. Women are disproportionately impacted by this, as pregnancy serves as evidence of extramarital sex, and women who report rape could find themselves prosecuted under article 356 for extramarital consensual sex instead. Some Emirati and migrant women choose to birth at home, without professional medical assistance, to avoid being prosecuted.⁸

Without a marriage certificate, women in the UAE can be barred from accessing some forms of sexual and reproductive healthcare in both public and private hospitals. Hospitals and healthcare workers are required to report women to the authorities if they suspect extramarital sex. Moreover, women who have children out of wedlock cannot obtain birth certificates for their babies unless they are able to produce a valid marriage certificate.⁹ Registrar authorities may compare the date of the marriage against the date of birth in order to verify whether the couple had engaged in extramarital relations.

Babies born to a parent with an expired passport, identification card, or residency visa are not issued birth certificates, disproportionately impacting migrant women due to the frequency with which employers confiscate their documents, including passports and residency permits.¹⁰ 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.¹¹

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).

⁷ UAE Federal Decree Law No. 2 of 2015, available http://ejustice.gov.ae/downloads/latest_laws2015/FDL_2_2015_discrimination_hate_en.pdf

⁸ "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>

⁹ "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 January 27, 2021)

¹⁰ "Frequently Asked Questions – Birth Certificate Issuance," Department of Health Abu Dhabi <https://www.doh.gov.ae/faq> (accessed January 26, 2020); 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;

¹¹ "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)

It is unclear whether authorities will use the proposed November 2020 reforms to repeal article 356 of the penal code, whether they will lift all healthcare policies that sanction women for having sex outside of marriage, and whether the reforms will apply to Emiratis and non-Emiratis in the same way.¹²

Abortion

Abortion is illegal and criminalized in the UAE under article 340 of the federal penal code, except only in cases when the woman's life is in jeopardy or if the unborn child has deformities that will prove fatal.¹³ 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."¹⁴

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).¹⁵ Individuals performing the abortion can also face a minimum two-year imprisonment and/or a fine up to Dh10,000.¹⁶ 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.¹⁷

We encourage the Committee to pose the following questions:

- What efforts are being made to pass comprehensive anti-discrimination legislation that includes the grounds of sex, gender, gender identity, and sexual orientation, and gives victims of discrimination access to an effective remedy?
- What steps are being taken to repeal or amend laws that discriminate against women, including those related to *zina* (sexual intercourse outside of marriage)?
- How is the government ensuring full access to sexual and reproductive health services, including abortion, across the country regardless of one's marital or visa status?

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

Domestic Violence

Human Rights Watch documented cases of Emirati women who fled abusive family members.¹⁸ 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.¹⁹

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), it contains problematic provisions. It defines

¹² See "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).

¹³ "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)

¹⁴ Ibid.

¹⁵ Article 340, UAE Federal Penal Code

¹⁶ Ibid.

¹⁷ "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). 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).

¹⁸ 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>

¹⁹ Article 53 of the UAE's 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/00_PENALTIES%20AND%20CRIMINAL%20MEASURES/UAE-LC-En_1987-12-08_00003_Kait.html?val=EL1

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.²⁰ 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.²¹ While it recognizes that domestic violence includes physical, psychological, economic, and sexual violence, it does not criminalize marital rape.²² The law prioritizes reconciliation over safety for the victim; it requires the public prosecution propose “conciliation” between the victim and the abuser before any criminal action is pursued.²³

Other Forms of Violence against Women

The UAE penal code has a number of articles providing for lenient sentences for violence against women. If a man kills his female relative upon finding her committing adultery, article 334 of the penal code provides for a term of imprisonment, instead of life imprisonment as it does in cases of murder, for committing adultery.²⁴ The same article allows the wife to benefit if she kills her husband in a similar situation.

Moreover, men can still benefit from lighter sentencing for killing a female relative even when it does not meet this criterion. 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 one-year imprisonment.²⁵ 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 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.

In November 2020, the UAE announced in its reforms that men could no longer benefit from lighter sentences for assaulting a female relative for so-called “honor crimes.”²⁶ However, it is unclear how they translated this into law, including whether both articles 332(3) and 334 are repealed.

Forced Abduction and Intimidation

On March 5, 2020, a UK family court found that the UAE prime minister had arranged the abduction and forcible return of his daughters, “SM,” age 38, and “LM,” age 35, to the UAE.²⁷

²⁰ Article 3, Federal Decree No. 10 of 2019 Regarding Domestic Violence, available <https://u.ae/-/media/Information-and-services/Social-Affairs/Federal-Decree-No10-of-2019-Regarding-Domestic-Violence-PDFArabic-only.ashx?la=en>

²¹ Ibid, article 4.

²² Ibid, article 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)

²³ Ibid, article 10

²⁴ Article 334 of the Penal Code provides that “whoever surprises his wife, daughter or sister committing adultery and instantly kills her or the adulterer or both of them; he shall be sanctioned to detention in case of assault on her or him leading to death or disability.”

²⁵ Article 332(3), Penal Code.

²⁶ “President approves amendments to Personal Status, Civil Transactions, Penal Code, and Criminal Procedure Laws,” Emirates News Agency, November 7, 2020, <https://wam.ae/en/details/1395302884233> (accessed January 26, 2021); and “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 January 26, 2021).

²⁷ “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/>

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 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.²⁸ Both daughters are currently being confined against their will and are unable to travel out of the country or speak freely about their situation.²⁹

The UK court also detailed an "utterly terrifying" campaign of intimidation and harassment by the prime minister against "HA," his estranged ex-wife, who fled from Dubai to the United Kingdom in April 2019 with the two children they share, now aged 13 and 9.³⁰

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.³¹ 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.³² Otherwise, Emirati women can apply for citizenship for their children provided their child has lived in the UAE for six years.³³ However, according to some women, the application process can be confusing and can sometimes take years to receive a response.³⁴ When the child turns 18, they can apply themselves. But even then, they can wait for years with no answer.³⁵

²⁸ "Sheikha (Princess) Latifa Al Maktoum," March 11, 2018, video clip, YouTube, <https://www.youtube.com/watch?v=UN7OEFyNUkQ> (accessed January 27, 2021).

²⁹ "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>

³⁰ Hiba Zayadin, "Not even Dubai's Princesses are Safe from Repression," Washington Post, March 10, 2020, <https://www.washingtonpost.com/opinions/2020/03/10/not-even-dubais-princesses-are-safe-repression/> (accessed January 27, 2021)

³¹ "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>

³² 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>

³³ "Acquiring UAE Nationality," UAE Official Government Portal, <https://u.ae/en/information-and-services/passports-and-traveling/uae-nationality> (accessed February 11, 2021)

³⁴ "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)

³⁵ @TheLettersProject, Instagram, February 3, 2021, https://www.instagram.com/p/CKlRpTcnU6Y/?utm_source=ig_web_copy_link (accessed February 11, 2021)

The UAE has used citizenship revocations as a tool to punish activists and critics of the government, including women.³⁶ 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 minor children too, effectively rendering them stateless.³⁷

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.³⁸

The risk of statelessness is particularly high for children of non-citizen 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).³⁹ *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.⁴⁰

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.⁴¹ Most migrant workers in the Gulf states are from Asia or East Africa and work in the service, construction, and domestic labor sectors.

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.⁴² Under this system, migrant workers are not allowed to change or leave

³⁶ "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

³⁷ "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%20by%20citizenship,gets%20one%20child%20or%20more> (accessed January 27, 2021).

³⁸ "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>

³⁹ 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>

⁴⁰ Katie McQue, "'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>

⁴¹ 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)

⁴² 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; Thessa Lageman, "Dubai in the United Arab Emirates a centre of

employers without their employer's permission. Those who leave their employers without permission faced 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.⁴³ 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.⁴⁴ 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.⁴⁵

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.⁴⁶

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 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.⁴⁷

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. Torture and Ill-Treatment of Women Prisoners (Arts.)

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>

⁴³ 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>

⁴⁴ "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>

⁴⁵ "Combating 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)

⁴⁶ 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>;

Katie McQue, "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/Nr7uuf1BKZ ; 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>;

⁴⁷ See 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> ; "UAE: Protect Migrant

Workers During Pandemic," April 17, 2020, <https://www.hrw.org/news/2020/04/17/uae-protect-migrant-workers-during-pandemic> ; and "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>;

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.⁴⁸

A 42-year-old woman whom UAE security forces denied adequate medical care and mistreated in detention for more than three years died on May 4, 2019.⁴⁹ She was diagnosed with breast cancer in 2015, soon after her arrest on undisclosed charges. Family members reported that authorities kept her hands and feet shackled to her bed for long periods of time and forced her to sign a document stating that she refused chemotherapy treatment.⁵⁰

In March 2020, news broke of a 21-year-old Emirati woman who reportedly attempted suicide while serving a five-year sentence at al-Wathba Prison.⁵¹ She and another Emirati woman prisoner, 37, were placed in solitary confinement for at least three weeks and denied adequate medical care leading up to the reported attempted suicide; both women began a hunger strike around that time. The woman who attempted suicide was arrested at age 19, and since then her overall health has deteriorated. While both women completed their sentence in November 2020, they remain in detention.⁵²

We encourage the Committee to pose the following questions:

- 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, machines, 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

⁴⁸ “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>

⁴⁹ “UAE: Cancer-Stricken Female Prisoner Dies,” Human Rights Watch news release, May 4, 2019, <https://www.hrw.org/news/2019/05/06/uae-cancer-stricken-female-prisoner-dies>

⁵⁰ “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>

⁵¹ “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>

⁵² Human Rights Council, UN Working Group on Arbitrary Detention, Opinion No.61/2020 concerning Amina Mohammed al-Abdouli and Maryam Suliman al-Balushi (United Arab Emirates), January 18, 2021, https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_61.pdf

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).

jurisdiction, to appropriately prosecute military personnel responsible for war crimes, and to provide reparation to victims of unlawful attacks.⁵⁴

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?

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#>

⁵⁵ "Yemen: Houthi 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-houthi-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)