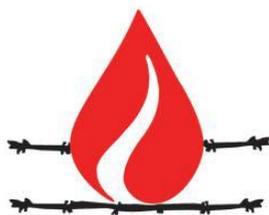


Organization for Defending Victims of Violence (ODVV)

UPR Submission

29th session of UPR Working Group (Jan. 2018)



سازمان دفاع از قربانیان خشونت
Organization for Defending Victims
of Violence

www.odvv.org

About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.
2. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a participatory of the NGOs Coalition for an International Court (based in New York), and national coordinator of the Global March Against Child Labor (based in New Delhi). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.
3. ODVV is also a member of the International Organization against Small and Light Weapons, the UN Conference of Non-Governmental Organizations (CONGO), the International Movement for a Just World (JUST), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT).
4. During the last 2 decades, we have done so many activities, mainly informative with regard to human rights and support of the victims of violence. Various human rights education courses, workshops, seminars, conferences have been held or co-held by ODVV for various sectors of society: civil society institutions and governmental organizations.
5. Other Activities:
 - Participation in UN Commission on Human Rights annual sessions, and the new Human Rights Council sessions in Geneva. Written and oral statements on various items of the agenda are issued by ODVV.
 - Internship for foreign students
 - Publication of different books and booklets on human rights such as Rights of the Child, Racism, Racial Discrimination and Xenophobia. Publication of Defenders Newsletter (English), human rights news and developments bulletin (Farsi), Rights of the Child bulletin (Farsi)
 - Daily electronic human rights newsletter in English and Farsi.
6. As a NGO active in human rights, ODVV has collected documents and data, through published information in news websites, and is providing the following report on the human rights situation of the United Arab Emirates, with the aim of the improvement of the human rights situation.

1 – International Treaties

7. In spite of the recommendations given to the UAE government in the previous 2 rounds of UPR, the country has not joined a number international human rights conventions and protocols. Including the following:
 - International Covenant on Civil and Political Rights :1976
 - Optional Protocol to the International Covenant on Civil and Political Rights :1976
 - Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty :1991
 - Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty :1991
 - Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women :2000
 - Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :2006
 - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict :2002
 - Optional Protocol to the Convention on the Rights of the Child on a communications procedure :2014
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families :2003
 - International Convention for the Protection of all Persons from Enforced Disappearance :2010¹
8. Also through accepting conventions such as the Geneva Refugees Convention and it's Additional Protocol, and the existence of common regional cultural and religious similarities with Iraqi and Syrian refugees, the UAE government, can be host to a portion of these refugees, in fulfilling its international humanitarian commitments. Therefore joining this Geneva Convention can be a solution for the facilitation of the entry of some refugees into the country.

THE HUMAN RIGHTS SITUATION ON THE GROUND

2 – Freedom of Expression and Association

9. Putting restrictions on the access to internet² the UAE government is preventing free exchange and flow of information.³ Arresting a number of critics of internet access limitations, including a number of foreign nationals, in accordance with the Fight against IT Crimes Act (2012), the government is cracking down on some of its critics.⁴

10. Emirati academic Dr. Nasser Bin Ghaith held in incommunicado detention after transfer to maximum-security prison. On 30 March 2017, Bin Ghaith was transferred from Al-Sadr Prison to Al-Razeen Prison, which is a maximum security prison in the middle of the Abu

1 .<http://indicators.ohchr.org/>

2 .<http://www.gc4hr.org/news/view/894>

3 .<https://www.amnesty.org/ar/>

4 .<Http://www.gc4hr.org/news/view/1193>

Dhabi desert used to hold activists, government critics, and human rights defenders. He had been sentenced to 10 years' imprisonment, following a grossly unfair trial, the previous day.”⁵

3 – Heavy Prison Terms for Human Rights Defenders

11. Ahmed Mansoor, is a human rights defender facing charges that violate his right to freedom of expression. Mansoor, who received the prestigious Martin Ennals Award for Human Rights Defenders in 2015, has been in detention since 20 March 2017 facing speech-related charges that include using social media websites to “publish false information that harms national unity.” On 28 March, a group of United Nations (UN) human rights experts called on the UAE government to release him immediately, describing his arrest as “a direct attack on the legitimate work of human rights defenders in the UAE.”⁶ in the . People⁶ UAE who speak about human rights abuses are at serious risk of arbitrary detention, imprisonment, and torture, and many are serving long prison terms or have felt compelled to leave the country. Mansoor was the last remaining human rights defender in the UAE who had been able to criticise the authorities publicly.⁷

12. Mohammed Abdul Razzaq Al-Siddiq is currently serving a ten-year sentence handed down at the UAE 94 trial. The notorious trial, which began in 2013, failed to meet minimum international fair trial standards and has been widely condemned by human rights organisations and UN human rights bodies.⁸ In 2011, his citizenship was arbitrarily revoked after he signed a petition to the ruler of the UAE calling for legislative reforms to ensure a fair election of the National Council. On 25 March 2012, he was arrested and detained following postings he made on *Twitter* criticising parts of a speech given by the Governor of Sharjah.⁹

4. Revoking Citizenship

13. United Arab Emirates (UAE) authorities have revoked the citizenship of the children of a detained human rights defender who is one of the people tried in UAE94, **Mohammed Abdul Razzaq Al-Siddiq**, leaving them stateless and with no proof of identity.¹⁰

14. The targeting of his family members is a gross injustice and a direct result of the exercise of his right to freedom of expression. This is not the first time that family members of the UAE94 have been targeted. On 15 February 2015, for example, sisters of Dr **Issa Al-Suwaidi** were subjected to enforced disappearance and not released until May.¹¹

15. Dozens of the activists, including prominent human rights defenders, judges, academics, and student leaders, had peacefully called for greater rights and freedoms, including the right to vote in parliamentary elections, before their arrests. They include prominent human rights lawyers Dr. **Mohammed Al-Roken** and Dr. **Mohammed Al-Mansoori**, Judge **Mohammed**

5 .<http://www.gc4hr.org/news/view/1590>

6 .<http://www.gc4hr.org/news/view/1193>

7 .<https://www.hrw.org/news/2017/04/20/uae-free-prominent-rights-defender>

⁸ <http://icfuae.org.uk/news/alarm-bells-raised-over-revocation-3-emiratis-citizenship>

9 .<http://www.gc4hr.org/news/view/1193>

10 .<http://www.gc4hr.org/news/view/1199>

11 .<http://www.gc4hr.org/news/view/1199>

Saeed Al-Abdouli, student leader **Abdulla Al-Hajri**, student and blogger **Khalifa Al-Nuaimi**, blogger and former teacher **Saleh Mohammed Al-Dhufairi**, and senior member of the Ras Al-Khaimah ruling family Dr. Sultan Kayed Mohammed Al-Qassimi.¹²

5 – Forced Disappearances and Arbitrary Detentions

16. Dozens of people have disappeared in the UAE, including non-Emirati individuals, and spent months in secret detention without any judicial process and without any information about them.¹³ These individuals have also been subject to torture and ill treatment. University professor and economy expert, Nasser Bin Ghaith, had disappeared from August 2015 to April 2016, his torture was raised in his trial, but the judge did not follow up the matter, and his case was sent to the appeals court.¹⁴

6 – Torture and Mistreatment of Detainees

17. At the Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment published on 27 February-24 March 2017 ‘The Special Rapporteur regretted that the Government of UAE did not, in its reply, outline any measures taken to protect the physical and psychological integrity of Mr. Ghaith. Hence, the Special Rapporteur found that the Government did not sufficiently address the concerns, legal obligations, and questions raised in the initial communication, prompting him to infer that the Government failed to fully and expeditiously cooperate with the mandate issued by the Human Rights Council in its resolution.¹⁵

7 – Migrant Workers Rights

18. “Discriminatory treatment by criminal courts, in particular of migrant women who are not provided with interpretation services and quality legal aid, leads to disproportionately severe sentences and seems to be a persistent problem in the United Arab Emirates. The Kafala custom essentially creates a form of slavery, as protections do not exist for the workers. No Avenue exists for them to dispute the terms of the employment contracts or hold their employers accountable for breach. When domestic workers do want to leave their employers, options are limited. Domestic workers must request permission to leave, even from abusive employers. Many workers try to escape their employers, but, if caught, they could be returned, where they will face more abuse.¹⁶

8 – Environmental Rights

19. The observation and protection of the marine environment and protection of species diversity are necessary for a better tomorrow for future generations. According to various

12. <http://www.gc4hr.org/news/view/1199>

13. <https://www.amnesty.org/ar/donate-amnesty/>

14. <https://www.amnesty.org/ar/countries/>

15. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/045/66/PDF/G1704566.pdf?OpenElement>

16. <http://hrbrief.org/2016/11/culture-slavery-domestic-workers-united-arab-emirates/>

international marine habitat conventions, all governments are committed to observe this right.¹⁷

20. Man-made islands¹⁸ and the UAE's construction work without enough attention to the protection of species diversity and the environment have damaged the Persian Gulf, and will bring dangerous consequences¹⁹ for future generations.²⁰

21. According to research conducted by the Geological Survey, Satellite studies of different years show that since 2001 the United Arab Emirates have attempted to build artificial islands to develop the tourism industry and attract foreign investment, regardless of its negative effects on the region.²¹

22. According to the organization "by comparing satellite images at multiple time periods changes on the shores of the emirate are clearly evident as a result of constructions leading to a change of the ecosystem and death of the coral."²²

23. Impacts of coastal change and the construction of artificial islands in the Persian Gulf on the natural cycle of water, waves and sea currents, ecosystems and aquatic resources, destruction of coral, change of various environmental – biological, marine, oceanographic and geological impacts, have all been studied.²³

24. The most disastrous environmental impacts are as follows:

25. Environmental threat to the security of migrating birds and other creature living in uninhabited islands of Persian Gulf

26. Destruction of live coral cover as one of the important potentials of bioaccumulation in Persian Gulf.

27. Change of natural flow of water which causes discomfort in the natural characteristics of Persian Gulf.

28. Destruction of natural seabed and the natural structure of the Persian Gulf.

29. Disposal of different types of waste materials and phosphoric pollutants etc. inside Persian Gulf.

30. Destruction of one of the most precious marine ecosystems in the world by ruining the aquatic habitat of 400 to 450 fish species and 300-400 other sea animals, including sea turtles.

17. <https://www.epa.gov/international-cooperation/protecting-marine-environment>

18. http://www.colorado.edu/law/sites/default/files/GAGAIN%20_correctedv2_.pdf

19. Journal of Politics and Law; Vol. 10, No. 2; 2017 ISSN 1913-9047 E-ISSN 1913-9055 Published by Canadian Center of Science and Education

20. <https://www.greenprophet.com/2009/06/world-islands-dubai/>

21. <http://www.lboro.ac.uk/gawc/rb/rb110.html>

22. Journal of Politics and Law; Vol. 10, No. 2; 2017 ISSN 1913-9047 E-ISSN 1913-9055 Published by Canadian Center of Science and Education

23. Managing the growing impacts of development on fragile coastal and marine ecosystems: lessons from the Gulf, UNU-INWEH, Hamilton, ON, Canada, United Nations University, 2011

31. Climatic and environmental effects of changing several parts of sea to dry lands, lowering specific heat capacity of the region, growth of aridity, increase of sand storms, which altogether affect the quality of economic and social life of people especially those who live in the South East of the Islamic Republic of Iran.²⁴

9- Recommendations

The ODVV recommends the UAE government to:

32. Ratify 1951 Convention relating to the Status of Refugees and the 1967 Protocol.²⁵

33. Respect its international human rights obligations and act on the recommendations from United Nations human rights experts to release activists sentenced to unfair trial.

34. End its continuing use of harassment, arbitrary detention, enforced disappearance, torture and other ill-treatment, and unfair trials against activists, human rights defenders and those critical of the authorities, and its use of national security as a pretext to crackdown on peaceful activism and to stifle calls for reform.

35. Stop revoking nationality as a punishment.

36. Release all human rights defenders who are detained as a result of their human rights work.

37. Guarantee the safety and security of all family members of human rights defenders.

38. Guarantee that all human rights defenders in the UAE are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.

39. Extend the labor law reforms to cover migrant domestic workers. The state must implement an appropriate system through which these workers can speak over the nature of their employment.

40. STOP building artificial islands which negatively affect the Persian Gulf environment.

41. Take steps to join the following conventions and protocols: International Covenant on Civil and Political Rights: 1976; Optional Protocol to the International Covenant on Civil and Political Rights: 1976; Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty: 1991; Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: 2000; Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: 2006; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: 2002; Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014; International

24. Journal of Politics and Law; Vol. 10, No. 2; 2017 ISSN 1913-9047 E-ISSN 1913-9055 Published by Canadian Center of Science and Education

25. <http://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>

Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: 2003; International Convention for the Protection of all Persons from Enforced Disappearance: 2010.²⁶

²⁶ <http://indicators.ohchr.org/>