



UPR COMPILATION OF GOVERNMENT PLEDGES – United Arab Emirates

What is the UPR?

The Universal Periodic Review (UPR) is a new UN human rights process which involves a review of the human rights records of all 192 UN Member States once every four years by the Human Rights Council, the UN's main Human Rights body. The stated objectives of this new mechanism include "the improvement of the human rights situation on the ground" and "[t]he fulfillment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State." (Human Rights Council Institution Building package (A/HRC/RES/5/1) at § 4(a) and (b)).

What are Alkarama's UPR Compilations and who are they for?

Alkarama has tried to make user-friendly compilations of the undertakings made by the Arab States examined under the Universal Periodic Review to try to make the UPR process meaningful in improving the human rights situation 'on the ground'. These compilations are designed to assist in the follow-up and monitoring of the Governments' undertakings and promises to the UN Human Rights Council.

Themes considered in this compilation for the U.A.E:

- A. General Human Rights policy
- B. International Human Rights conventions
 - (a) Ratifications/Accessions
 - (b) Measures taken to implement Human Rights instruments
 - (c) Mechanisms established to ensure the primacy of international human rights over domestic law
- C. National Human Rights protection mechanisms
 - (a) National oversight and monitoring bodies
 - (b) Coordination
- D. National Human Rights Institutions
- E. Freedom of expression, opinion, assembly and association
- F. Independence of media
- G. NGOs/Civil society
- H. Judicial system
- I. Torture and other cruel, inhuman or degrading treatment or punishment
- J. Conditions of detention
- K. Death penalty
- L. Universal Periodic Review Process/Human Rights Council
- M. Special procedures of the Human Rights Council
- N. Protection of Human Rights while combating terrorism

Types of Government pledges (note, all made within the UPR process):

Affirmations: made by the State under Review during the 2008 UPR process

Voluntary Commitments: undertaken by the UAE to the UN HRC and the UN GA (made between 2008 and 2009)

Recommendations: made on 4 December 2008 by Member and Observer States on the HRC's UPR Working Group and accepted by the United Arab Emirates

Source documents - UPR Documentation:

National report of the United Arab Emirates (A/HRC/WG.6/3/ARE/1), dated 16 September 2008

Working Group report (A/HRC/10/75), dated 12 January 2009

Final report of the Human Rights Council on its 10th session (A/HRC/10/29), dated 20 April 2009

CHECKLIST OF GOVERNMENT PLEDGES MADE DURING THE UPR PROCESS 2008

A. General Human Rights policy:

		Affirmation(s) made by the State under Review during the 2008 UPR process	Source
1.	<input type="checkbox"/>	Since it was established, the United Arab Emirates has taken care to incorporate the fundamental human rights principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights into its constitution and laws and to accede to and ratify the fundamental international human rights treaties, thus helping to promote the human rights principles to which the international community is committed.	2.3, Page 12, National report of the U.A.E., A/HRC/WG.6/3/ARE/1
2.	<input type="checkbox"/>	The head of the delegation of the United Arab Emirates, Dr Anwar Mohammad Gargash, Minister of State for Foreign Affairs, reiterated the UAE's belief in the UPR process, and its determination about improving its human rights record and contributing effectively at the global level.	Para. 415, Page 204, Final report of the Human Rights Council on its 10 th session, A/HRC/10/29

		Voluntary commitment(s) undertaken by the UAE to the UN HRC and the UN GA (made between 2008 and 2009)	Source
3.	<input type="checkbox"/>	The creation of additional mechanisms to protect human rights, keep pace with national and international developments and update laws and regulations.	Conclusion, Page 27, National report of the U.A.E., A/HRC/WG.6/3/ARE/1

		Recommendations made (on 4 December 2008) by Member and Observer States on the HRC's UPR Working Group and accepted by the United Arab Emirates	Source
4.	<input type="checkbox"/>	To continue efforts to strengthen and protect human rights in accordance with international standards (...) (Egypt)	Para. 91, Page 17, Working Group report, A/HRC/10/75
5.	<input type="checkbox"/>	To continue to refuse to apply any standards or principles that are outside the international principles and standards agreed upon in the field of human rights (...) (Egypt)	Para. 91, Page 17, Working Group report, A/HRC/10/75
6.	<input type="checkbox"/>	To continue its achievements in the area of human rights and to take them into account as an encouraging factor for the promotion and protection of human rights (Saudi Arabia)	Para. 91, Page 17, Working Group report, A/HRC/10/75
7.	<input type="checkbox"/>	To put in place a concrete national strategy to disseminate a culture of human rights and to ensure the long-term protection of these rights (Morocco)	Para. 91, Page 18, Working Group report, A/HRC/10/75
8.	<input type="checkbox"/>	To accelerate the elaboration of a national plan of action with a view to instilling a culture of human rights (South Africa)	Para. 91, Page 19, Working Group report, A/HRC/10/75
9.	<input type="checkbox"/>	To strengthen cooperation with human rights mechanisms, which will be helpful to achieve further improvements in various areas (Republic of Korea)	Para. 91, Page 19, Working Group report, A/HRC/10/75

B. International Human Rights conventions:

(a) Ratifications/Accessions:

		Affirmation(s) made by the State under Review during the 2008 UPR process	Source
		NIL	
		Voluntary commitment(s) undertaken by the UAE to the UN HRC and the UN GA (made between 2008 and 2009)	
		NIL	

		Recommendation(s) made (on 4 December 2008) by Member and Observer States on the HRC's UPR Working Group and accepted by the United Arab Emirates	
10.	<input type="checkbox"/>	To accede to the Convention against Torture (Albania)	Para. 91, Page 18, Working Group report, A/HRC/10/75
11.	<input type="checkbox"/>	To consider ratifying the Convention against Torture in a timely manner (Japan)	Para. 91, Page 19, Working Group report, A/HRC/10/75

(b) Measures taken to implement human rights instruments:

		Affirmation(s)	
		NIL	

		Voluntary commitment(s)	Source
12.	<input type="checkbox"/>	The State is in the process of completing the constitutional formalities for accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (...)	2.3, Page 13, National report of the U.A.E., A/HRC/WG.6/3/ARE/1
13.	<input type="checkbox"/>	(...) Moving forward, the Government is committed to studying the framework for accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. (...)	Para. 7, Page 4, Working Group report, A/HRC/10/75

		Accepted recommendation(s)	
		NIL	

(c) Mechanisms established to ensure the primacy of international human rights over domestic law:

		Affirmation(s)	
		NIL	
		Voluntary commitment(s)	
		NIL	

		Accepted recommendation(s)	
		NIL	

C. National Human Rights protection mechanisms:

(a) National oversight and monitoring bodies:

		Affirmation(s)	
		NIL	
		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

(b) Coordination

		Affirmation(s)	
		NIL	
		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

D. National Human Rights Institutions:

		Affirmation(s)	Source
14.	<input type="checkbox"/>	Emirates Human Rights Association (...) The Association also provides assistance to improve conditions for detainees and prisoners in accordance with international standards and human rights principles (...).	3., Page 14, National report of the U.A.E., A/HRC/WG.6/3/ARE/1
15.	<input type="checkbox"/>	Jurists' Association This Association was established on 25 September 1980 to promote human rights, defend freedoms and the rule of law, raise professional, cultural and social standards among jurists and cooperate with Arab and international human rights associations and foundations whose work has a bearing on the Association's aims.	3., Page 14, National report of the U.A.E., A/HRC/WG.6/3/ARE/1
16.	<input type="checkbox"/>	General Department of Human Rights, Dubai Police General Headquarters Established on 30 September 1995, the Department has responsibility for protecting human rights, receiving and dealing with complaints from the public about violations of human rights and personal freedoms (...)	3., Page 15, National report of the U.A.E., A/HRC/WG.6/3/ARE/1

		Voluntary commitment(s)	
17.	<input type="checkbox"/>	The United Arab Emirates is currently studying the establishment of a national human rights commission , in line with the Paris principles.	Para. 26, Page 6, Working Group report, A/HRC/10/75

18.	<input type="checkbox"/>	Steps taken to realize, since December 2008, voluntary commitments and recommendations, include: (...) e) The government has initiated a study of human rights commissions in various countries to help formulate its own national institution, in line with the Paris Principles (...)	Para. 418, Page 204, Final report of the Human Rights Council on its 10 th session, A/HRC/10/29
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		Accepted recommendation(s)	
19.	<input type="checkbox"/>	To consider establishing an independent national human rights institution that could advise the Government and receive and investigate complaints by the public. (Netherlands)	Para. 91, Page 19, Working Group report, A/HRC/10/75

E. Freedom of expression, opinion, assembly and association:

		Affirmation(s)	Source
20.	<input type="checkbox"/>	Constitutional guarantee: Freedom of opinion and guaranteeing the means for its expression: article 30 of the Constitution states: "Freedom of opinion and of oral and written expression and all other means of expression is guaranteed within the limits set by law."	2.1, Page 8, National report of the U.A.E., A/HRC/WG.6/3/ARE/1,
21.	<input type="checkbox"/>	Constitutional guarantee: Right to freedom of assembly and association: article 33 states: "Freedom of assembly and association is guaranteed within the framework of law."	2.1, Page 9, National report of the U.A.E., A/HRC/WG.6/3/ARE/1,
22.	<input type="checkbox"/>	Legal guarantee: Federal Printing and Publishing Act No. 15 of 1980 The Federal Printing and Publishing Act regulates and guarantees freedom of the press . The Act imposes restrictions on the exercise of the Minister's administrative powers, ensuring that the Minister does not exploit those powers to nullify the right to freedom of expression guaranteed by the Constitution. The Act also recognizes the right of the press to publish whatever material it deems fit.	2.2, Page 11, National report of the U.A.E., A/HRC/WG.6/3/ARE/1
23.	<input type="checkbox"/>	Journalists' Association The Journalists' Association was founded on 30 September 2000 (...) to further the principle of freedom of the press . (...)	3., Page 15, National report of the U.A.E., A/HRC/WG.6/3/ARE/1
24.	<input type="checkbox"/>	The decision taken by the Vice-President and Prime Minister of the State to prohibit the imprisonment of journalists who may commit an error in the course of their work (...)	4.4, Page 20, National report of the U.A.E., A/HRC/WG.6/3/ARE/1
25.	<input type="checkbox"/>	With regard to recommendations 1, 17 and 20, a new draft law on media freedom, approved in February 2009 by the Federal National Council, protects journalists from being imprisoned. The 45-article draft law, which is awaiting constitutional clearance, replaces the 1980 law and specifically refers in Article 2 to the freedom of expression and opinion, whether written, verbal or by other means and, in Article 3, to the fact that there is no prior censorship of licensed media. The law does not make it mandatory for journalists to reveal their sources, and media offences will be dealt with as civil cases, not criminal.	Para. 426, Page 206, Final report of the Human Rights Council on its 10 th session, A/HRC/10/29

		Voluntary commitment(s)	Source
26.	<input type="checkbox"/>	The State's commitment to equality and social justice for all citizens is ingrained in the Constitution, which (...) respects freedom of speech and press, peaceful assembly and association (...)	Para. 7, Pages 3 & 4, Working group report, A/HRC/10/75
		Accepted recommendation(s)	
27.	<input type="checkbox"/>	To take concrete measures to limit the number and extent of restrictions on the right to freedom of expression and the freedom of the press. (France)	Para. 91, Page 18, Working Group report, A/HRC/10/75
28.	<input type="checkbox"/>	That the intention of the decree, recently signed by H.H. Shaykh Mohammed al-Maktoum that no journalist should receive prison sentences for its publications, be secured through the enactment of a modernized press and publications law. (Norway)	Para. 91, Page 18, Working Group report, A/HRC/10/75

F. Independence of media:

		Affirmation(s)	
		NIL	
		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

G. NGOs/Civil society:

		Affirmation(s)	
		NIL	
		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

H. Judicial system:

		Affirmation(s)	Source
29.	<input type="checkbox"/>	Legal guarantee: Federal Criminal Code No. 3 of 1987, as amended by Federal Act No. 34 of 2005 The Code sets out a number of fundamental principles aimed at preserving and protecting human rights, including the principles of: (...) the principle that no person may be arrested struck or searched except under the circumstances defined by law (...)	2.2, Pages 9 and 10, National report of the U.A.E., A/HRC/WG.6/3/ARE/1,
30.	<input type="checkbox"/>	Legal guarantee: Code of Criminal Procedures No. 35 of 1992, as amended by Federal Act No. 29 of 2005: The Code sets out the procedures that courts hearing criminal cases must follow in order to guarantee the accused a fair hearing. It guaranteed the accused the right to defend himself in person or through a lawyer, whether during the preliminary inquiry, the investigation phase or trial proceedings. It also specifies the procedures by which the accused may appeal	2.2, Page 10, National report of the U.A.E., A/HRC/WG.6/3/ARE/1

		against judgements handed down by courts at different levels.	
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		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

I. Torture and other cruel, inhuman or degrading treatment or punishment:

		Affirmation(s)	Source
31.	<input type="checkbox"/>	Constitutional guarantee: Personal freedom: article 26 of the Constitution affirms: “(...) no person may be subjected to torture or degrading treatment.”	2.1, Page 7, National report of the U.A.E., A/HRC/WG.6/3/ARE/1,

		Voluntary commitment(s)	
32.	<input type="checkbox"/>	The State’s commitment to equality and social justice for all citizens is ingrained in the Constitution, which (...) prohibits torture (...)	Para. 7, Page 3, Working Group report, A/HRC/10/75,
33.	<input type="checkbox"/>	Steps taken to realize, since December 2008, voluntary commitments and recommendations, include: (...) b) Preparation of a study, by a government committee, which has been presented to the Cabinet to consider acceding to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (...)	Para. 418, Page 204, Final report of the Human Rights Council on its 10 th session, A/HRC/10/29

		Accepted recommendation(s)	
		NIL	

J. Conditions of detention:

		Affirmation(s)	
34.	<input type="checkbox"/>	Constitutional guarantee against Arbitrary detention: Personal freedom: article 26 of the Constitution affirms: “Personal freedom is guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except within the framework of the law (...)”	2.1, Page 7, National report of the U.A.E., A/HRC/WG.6/3/ARE/1
35.	<input type="checkbox"/>	Legal guarantee: Federal Criminal Code No. 3 of 1987, as amended by Federal Act No. 34 of 2005 The Code sets out a number of fundamental principles aimed at preserving and protecting human rights, including the principles of: (...) the prohibition on the threat or use of force to extract a confession to a crime; and the prohibition on (...) all acts which are prejudicial to the life, physical integrity or dignity of persons.	2.2, Pages 9 & 10, National report of the U.A.E., A/HRC/WG.6/3/ARE/1
36.	<input type="checkbox"/>	Legal guarantee: Federal Act No. 43 of 1992, regulating penal institutions (...) The Act also grants diplomats and human rights associations the right to visit prisoners and to examine their conditions of detention , provided that written permission is obtained in advance from the prosecutor’s office concerned.	2.2, Page 10, National report of the U.A.E., A/HRC/WG.6/3/ARE/1

		Voluntary commitment(s)	Source
37.	<input type="checkbox"/>	The State's commitment to equality and social justice for all citizens is ingrained in the Constitution, which (...) prohibits (...) arbitrary arrest and detention (...)	Para. 7, Pages 3 & 4, Working Group report A/HRC/10/75

		Accepted recommendation(s)	
		NIL	

K. Death penalty:

		Affirmation(s)	
		NIL	
		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

L. Universal Periodic Review Process/Human Rights Council:

		Affirmation(s)	Source
38.	<input type="checkbox"/>	The head of delegation indicated that they greatly value all the comments and are appreciative of the universal periodic review, which represents an important national review. The universal periodic review allowed for understanding that achievements were made but also that shortcomings and challenges exist. The State will continue communicating with the Council and the international community in order to further develop its performance.	Para. 90, Page 17, Working Group report, A/HRC/10/75

		Voluntary commitment(s)	
39.	<input type="checkbox"/>	The Government is looking forward to enhancing cooperation with the Human Rights Council and is committed to serving as a model for change in the region.	Para. 26, Page 6, Working Group report, A/HRC/10/75

		Accepted recommendation(s)	
		NIL	

M. Special Procedures of the Human Rights Council:

		Affirmation(s)	
		NIL	
		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

N. Protection of Human Rights while combating terrorism:

		Affirmation(s)	
		NIL	

		Voluntary commitment(s)	Source
40.	<input type="checkbox"/>	With regard to fighting terrorism, the State adopted a law in 2004 and aims to strike a balance between its capacity to deal with this crime and the guarantee of human rights and fundamental freedoms.	Para. 60, Page 12, Working Group report, A/HRC/10/75
		Accepted recommendation(s)	
41.	<input type="checkbox"/>	To organize training and seminars on human rights for law enforcement authorities in charge of combating terrorism. (Algeria)	Para. 91, Page 18, Working Group report, A/HRC/10/75