



Rights of the child

in United Arab Emirates

Convention on the Rights of the Child

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NGO alternative Report

International center for Justice and Human rights

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Introduction

The International Centre for Justice and Human Rights (ICJHR), Non-Governmental Organization, was created on May 9, 2014. It took a form, which is governed by the articles 60 ss of the Swiss Civil Code. Its main activities have links with the Gulf Area, mostly, the United Arab Emirates.

The International Centre for Justice and Human Rights (ICJHR) offers through this report, some of the models of the violations that it was informed by human rights defenders in UAE and abroad. It concerns children of prisoners and exiles who were tried in the case of the UAE 94 in July 2013 after an unfair trial and after demanding political reforms in the Country. The ICJHR offers some observations on the state's report and other auxiliary information.



General framework of the trial

On July 2, 2013, there was a trial of 94 Emiratis, including 13 women, before the Federal Supreme Court in Abu Dhabi, tried for violation of Article 180 of the Criminal Code, "conspiracy against the regime and belonging to a secret organization." Sentences condemned part of the accused persons to 7-15 years in prison and some were presumed innocent.

It's known that members of the group belong to the association of social reform; an organization authorized by the government and which is a part of civil society which works for social reform. Some members called for political reforms and democracy in the United Arab Emirates through a petition that was presented to the Head of State. A great part of all segments of the society supported this petition for the lifting of restrictions on freedoms and the holding of free and democratic elections to choose members of the Federal National Council.

It's known for all the defenders that they are standing in the community owners and occupy sites in several areas, including the recall:

- Sheikh Sultan bin Kayed Al Qasimi, Chairman of Reform Society and a cousin of the Governor of the Emirate of Ras Al Khaimah
- Judge Mohammed Saeed Abdouly, former president of the criminal court in Abu Dhabi - Human rights lawyers Dr. Mohamed Al-Mansoori, Dr. Mohammed Abdullah Al-Rokon, and Salem Al-Shehhi
- Academic and lawyer Dr. Hadeef Owais - Dr. Eissa Al Suwaidi former director of the Abu Dhabi Educational Zone
- Dr. Ahmed Yousef Zaabi, former director of the judicial inspection in Abu Dhabi



- Human rights activist, consultant Ali Al-Kendy in the Fatwa and Legislation Department at the Ministry of Justice
- Administrative expert and lecturer Dr. Ali Al Hammadi

In addition, other dignitaries those who work in the UAE to be a democratic State that respects the rights of its citizens. Nevertheless, the UAE's system didn't like this reformist orientation and considered it as a coup aimed at reproducing the Arab revolutions, which were at their peak at the start of the arrests beyond the reform Association members in July 2012. The trial was marred by numerous legal and procedural irregularities documented by a group of observers and human rights defenders at the time and described the trial as unfair and lacking the most basic rules of independence and impartiality. We recall, among these irregularities, which are summarized below:

1. Arbitrary arrests since the summer of 2012 and detention of detainees in secret centers for months in poor conditions without informing families
2. Exposure to torture, ill-treatment and solitary confinement for long periods
3. Complete blackout on the trial
4. Refuse to the observers and the media to attend the trial, which is prejudicial to the principle of a public trial
5. Prevent lawyers and the defense team from getting a conviction papers or meeting their clients before trial and in the best cases the meeting takes place in the presence of an official from the State Security
6. Threat to the families and relatives of the detainees and interrogation of some individuals, including women without the presence of a lawyer
7. Abstinance of judges to open an investigation into allegations of torture and ill-treatment.

Violations against children of detainees and human rights defenders

The UAE authorities shed collective sanctions on political opponents. These ones were arrested and exiled as part of a systematic policy designed to lay pressure on families and parents to abandon their demand for reform and opposition to the government and tiring them. Among these violations, which we were informed by the families of the detainees and opponents there are:

- Prevent the completion of graduate studies in public universities
- Humiliating inspection during a visit of detainees
- Prevent private visits
- Expel from the job
- Allow them to visit once a week during class time
- Travel ban and renew passports for narrowing the pressure on the father

We have some cases that confirm these practices, which are contrary to the rights of the child.

1. Inhibition of the completion of the study

The example of Aisha Hussein Al-Jabri

The Ministry of Higher Education in the UAE, in flagrant violation of the right to learn and fundamental freedoms, prevented the student Aisha Hussein Al-Jabri, daughter of the political prisoner Hussein Al-Jabri, from registration in the CEPA test exam, which is to test the efficiency of educational skills and one of the principal conditions for admission to the university.



Her brother, Mohammed Hussein Al-Jabri met ministry officials on April 27, 2014. They told him the existence of instructions "from outside the ministry" to cancel Aisha file and not registered her although she possessed all the conditions and without giving reasons. Knowing that the registration was by email. This meant that the ministry exercised control even on electronic records and filters unwanted files without respect for the law and this is what happened to Aisha Hussein Al-Jabri.

Following this meeting, Aisha's brother submitted a complaint on April 29, 2014 to explain to the Ministry of Supervision that the deprivation of his sister of university education was an injustice measure because she didn't commit a punishable sin to be deprived of her right.

On May 1, 2014, Mr. Mohammed Hussein Al-Jabri received a response from the Ministry informing him of the rejection of the appeal without giving reasons and closed in front of him any other way to register his sister. Aisha and Mohammed are the children of Hussein Al-Jabri, the prisoner of conscience convicted in the "UAE 94" trial. The members of his family were exposed to a number of harassment and grievances, starting to expel his son from his job and prevent him from travelling, and then deprive his daughter from going to university.

By preventing Aisha from university, UAE has violated:

- The article 28 of the United Arab Emirates Constitution, which states, "*the punishment is purely personal* ", while the families of political prisoners are subjected to collective punishment in clear violation of the Constitution
- The article 17 of the UAE Constitution, which states "*Education is a fundamental element for the progress of society which is compulsory in its primary stage and free at all stages within the Union, and puts the law needed to spread education and circulated various levels and the elimination of illiteracy plans.*"

- The article 2 of the Convention on the Rights of the Child, which emphasizes that *"States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."*

- The second paragraph of Article 2 of the Convention on the Rights of the Child, which states that *"States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members."*

2. Restrictions on visiting detained parents

Authorities continuously exercise restrictions on relatives and children of political prisoners and thereby deprive dozens of children from periodically seeing their detained father. Among these restrictions, there are:

- Allows for only four members of the family to visit the prisoner, which deprives part of the family from continuously seeing the father and deprives some children from naturally meeting their detained father in a family ambience
- Visits taken place in the morning at the same school time of the children, which deprives them of the visit
- Prevent the visit on holidays and occasions to punish and abuse of detainees and their families
- Many opponents are subject to enforced disappearance before trial or release and remain without parents and children connect for the duration of



disappearances. The authorities don't inform them about the places of detention and the reasons for the detention. Children suffer because of these practices, a state of fear and anxiety, which affect their psychological state and their studies and prevent them from the right to the information.

This is a flagrant violation of the article 9 of the Convention on the Rights of the Child about *"detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child."*

While authorities often deny the knowledge of forcibly disappeared father and leave, sons and family, in wait and worry for long periods.

The case of Ahmed Mulla

On May 1, 2014, the troops from Al-Qusais arrested Mohammed Abdel-Rahman Al-Mulla in Dubai without clear reasons. Al-Qusais Police convened Al-Mulla by phone. They contacted him by night at ten o'clock and they asked him to immediately get to the center. Conforming to the call, Al-Mulla went to the police station accompanied by his son. Shortly after his arrival, the officers conducted him from the back door of the center towards the headquarters of residence Almuzher 2 while his son was waiting for him outside the center. Upon arriving home, Ahmed Mulla contacted his wife to open the door without saying a word about his arrest. She opened the front door to enter the four black cars of James type and other ordinary cars, twelve polices got out them, some were dressed in black with their faces hidden, including civilian agents.

Police ruled in the house more than two hours: from eleven at night to one morning under the gaze of children. They moved up to the top floor where the bedrooms were



searched, without leaving any trace on the inspection. Everything was fixed up except one room where traces of inspection were clear.

Before exiting the house, they also searched Ahmed's cars. Then Ahmed Al-Mulla let the members of his family and left with the police. The arrest took place before the eyes of his wife and children and one of his relatives. In the meantime, his son was still in front of Al-Qusais police station waiting for his father until the procedure finished, where the family contacted him and told him what happened, as the police prevented them from doing any telephone conversation during the inspection.

Case of Badr Al-Bahri

The Security guards of Al-Qusais arrested, on Tuesday, April 22, 2014 Hussein Badr Al Abdullah Al-Bahri and he was transported to Abu Dhabi for unknown reasons.

We learned from informed sources that during an inspection at the police station, the Security forces arrested Badr Hussein Al-Bahri and accompanied him to his home, where they searched the house and terrorized his children. They assigned the boys and girls in separate rooms under the security men control. During the search, they confiscated Badr's passport and told the family that the State security apparatus arrested Badr without explaining the reasons.

Case of Amer Al-Shawa

Dr. Amer Al-Shawa, a Turkish national, arrived in Dubai, on Thursday, October 2, 2014. His mother, of the eighty-year-old was waiting for him as well as his children who were waiting to see their father.

The plane landed at around 6:30. However, Amer didn't get out of the airport. Despite the incessant question of family to airport police then police of Barsha, they didn't receive any information about his existence for a period of more than 34 hours where it



was later the Turkish embassy staff to inform that he was transferred to Abu Dhabi. The UAE authorities, for no apparent reason, still to this day hold Amer.

Amer Al-Shawa, the father of three kids, including: Abu Bakr (14 years old) and Afaf (17 years old). According to his wife, Amer Al-Shawa, in a letter addressed to human rights organizations and the Embassy of Turkey, "my children and I need to know the fate of Amer. The detention by this way is suspicious and out of the ordinary and what we know about the United Arab Emirates, where there is no reason for this act and this treatment."

3. Travel ban and refusal to renew passports

The article 29 of the UAE Constitution states that the freedom of movement and residence is guaranteed to citizens within the limits of the law. However, in fact, the authorities don't prevent only opponents from travelling but also their family members and their children.

We have been informed that since the arrest of the "UAE 94" group, the Emirati authorities have taken arbitrary actions against their children, and the children of displaced and exiled dissidents outside the Country.

In January 2014, the security forces in the UAE kidnapped the wife of Mohammed bin Saqr Al-Zaabi, and his child aged less than a year, to prevent them from travelling out of the Country, within the collective punishment pursued by the UAE against political opponents, as Al-Zaabi was wanted by security forces. They arrested his wife and children and prevented them from travelling without any judicial decision, not a court ruling, and without informing them in advance of any travel ban or limitation of movement. The wife was kidnapped, at a border station between UAE and Oman to



prevent her from travelling. The authorities also banned his children from travelling outside the Country, joining their father, and bringing the family together.

In the same year, the UAE authorities refused to renew passports for the children of many other political detainees and those living abroad.

These measures of prevention and refusal to renew the passport are clear infractions of the tenth item of the Convention on the Rights of the Child, ratified by the United Arab Emirates, where it states: *"In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family. "*

As well as the second paragraph of this item: *"A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order, public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention."*

It's clear from the cases of travel bans received that the UAE didn't honor the terms of the CRC Convention, contributed to the separation of these families, hurt children and involved them in political issues with no income.

General observations on the report of the United Arab Emirates

Because of the absence of distribution of powers in the Country and their concentration in the hands of a governing class which controls the destiny of the Country, we find that the interest in childhood and their needs depend on the generosity of the governor to interest in this category and the extent of its proximity to the interests and priorities as well as the richness of the Emirate where the children lived as it is whenever we moved away from Abu Dhabi, the less interest in this category because of a lack of resources and other reasons that we have mentioned.

1. Protecting the privacy and protection of reputation (Article 16)

Unlike in the State's report, this report obscured many of the abuses that target children of activists or those who practiced their right to express or claimed rights and freedoms or political activists through:

- Travel ban
- Prevent them from university education or scholarships
- Prevent them from obtaining jobs
- Non-renewal of their papers such as passports
- Deprive them from visiting their parents or communicating with them in an arbitrary manner and in violation of the law
- Deprive those who need special care from travelling abroad to receive proper treatment
- Deprive children from seeing their father or communicating with him in happy holidays and events
- Prevent the delivery of children's letters to their detained parents

- Expose children to emotional deprivation and psychological punishment by defamation against their family in the local media - Cut the family's income in violation of all laws and ethics and values source
- Prevent wives and children from starting a job or even from doing business, which puts them in a position of need

2. Article 17

The State made reservations on the article 17 of the CRC Convention on freedom of the child to "access to information and materials from a variety of national and international sources", in order not to prejudice the traditions and cultural values of the society. Such a reservation provides a protection for child from what he could receive as cultures and information that can ruin his education and expose him to risk of delinquency.

The truth is that a lot of information that is veiled in the UAE is to prevent children and society in general, to their right to access to information because it reveals to them the extent of corruption in the country and prevent them from right to participate and to criticize. The State wants the child to hear one voice, that of the government or follow its opinions. Those who oppose and reveal its wrong practices are banned by the UAE and it doesn't allow the children to hear a sound out of it.

3. Lack of judicial independence and administrative dependence to authority

As is said in the report of the Special Rapporteur on the Independence of the judiciary, "children are deprived of their rights, which prevented them through the judicial track because the administrative body and the security services to prevent them from access to justice."

4. Statistics and figures contained in the report

Because of the lack of control and transparency of the system through elected national council watching the performance of the government and questioning it for its actions, all the achievements of the UAE government remain dubious figures because of the inability to be ascertained. The one that puts figures is the one who presents them and no one can interrogate him about them.

5. Bedoons children

The State didn't mention children of Bedoons whose number is unknown, but in any case not less than ten thousand people up to one hundred thousand people. These minors are exposed to the denial of all rights, whether education or treatment or employment and narrowing the state on them by all means and ways even forcing them to search for an alternative place despite the fact that some of them are living in the UAE for more than half a century, and there's no alternative to their country. They endure a very bad humanitarian situation.

The project of child's law, which isn't approved, yet doesn't take into account the right of citizenship for the child if he has no nationality or was stateless.

6. Childhood associations

The absence of independent civil society organizations that serve this side. These institutions are subject to security approval, so only whom the State wants can work in this area to polish its image with the absence of a genuine civil action. Boards that are contrary to state policy or reveal some irregularities and violations are dissolved.

7. Period of the report

The report is about the period until 2012, even though we are in 2015 and many international and UN human rights reports issued on human rights violations in the UAE, especially in 2013 and 2014 period of big setback that occurred in human rights. This is reflected in all the most important areas, especially of child rights violations.

8. Family reunification (Article 10)

Unlike in the United Arab Emirates' report:

"Competent State authorities consider applications by a child or parents to enter or leave the state with positive and human way, with the aim of family reunification so it should not have negative consequences for the child and his family."

The State deprives the children from travelling in order to meet their parents who are abroad for years. This situation affects them and their psychology, which is a clear and brutal violation of their rights.

Recommendations

The ICJHR calls upon the Committee on the Rights of the Child and all organizations involved in the child's rights to claim the UAE to:

- 1- Respect of the Convention on the Rights of the Child (CRC) and the Constitution of the United Arab Emirates
- 2- Refrain from discrimination between the children based on the loyalty of their parents and political affiliations
- 3- Give the rights to the Bedoons
- 4- Respect the right of the detainee's children to visit their parents and provide appropriate conditions that don't damage the psychology of the child
- 5- Respect the article 9 of the Convention on the Rights of the Child and ensure the right to information to the children of forcibly disappeared persons
- 6- Respect the article 10 of the CRC Convention relating to family reunification and allow children to travel to meet their parents
- 7- Accelerate the ratification of the Child Rights Act and ensure the integrity and fairness of its application
- 8- Ensure compliance of domestic legislation with the principles and provisions of the International Convention on the Rights of the Child