

The United Arab Emirates (UAE)<sup>1</sup> is not party to most of the core international and regional human rights treaties, which collectively protect the rights of stateless persons. This includes the International Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR), the 1954 Convention Relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention). It is, however, a party to the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), albeit with a reservation to Article 9. Of particular concern is the continuing **gender discrimination** against women in their ability to pass on nationality; the reoccurring cases of **arbitrary deprivation of nationality**; the **lack of a statelessness determination procedure (SDP)**; and the **human rights consequences** generated by statelessness.

### Gender discrimination

Emirati nationality law is gender discriminatory, in violation of CEDAW Article 9. While there are no restrictions on a father's right to pass on nationality to his children, a mother is able to pass on her nationality only in exceptional circumstances, such as when the father is unknown or is stateless. In the former situation, the mother has to actively demonstrate that the father is unknown or does not accept paternity, which can be very difficult to do, especially in a culture where having children outside of wedlock may lead to stigmatisation. A 2011 Decree by president Sheikh Khalifa enabled the children of Emirati women married to foreigners to obtain Emirati citizenship. However, this is not automatic, but rather, provides an opportunity for the child to apply for citizenship when they reach the age of 18, in a discretionary process.

### Arbitrary deprivation of nationality

Emirati authorities have arbitrarily stripped the nationality of dozens of political dissidents over the past few years. Although the government alleges this is to combat terrorism, it is clear that the deprivation of nationality is politically motivated. At least 60 of the government's political opponents were stripped of nationality in 2016 alone. This arbitrary deprivation of nationality affects more than just the targeted individual, as reports exist of spouses and underage children also consequently losing their Emirati nationality.

### Lack of a Statelessness Determination Procedure

The UAE does not have a specific procedure for the determination of statelessness. This leaves people at heightened risk of statelessness and all the ramifications associated with this status. Furthermore, at present, Emirati nationality law does not have a provision that would entitle a child born on its territory to Emirati nationality if it would otherwise be stateless. This position is in contravention of the CRC.

### Human rights consequences

Those rendered stateless in the UAE may be unable to access various employment opportunities, or, in violation of Article 7 of the CRC, to register a new-born baby. The Emirati authorities have also stated that those who have been deprived of their nationality may be at risk of arrest for being illegally resident in the country.

### Proposed recommendations

1. Remove the UAE's reservation to and ensure full compliance with Article 9 CEDAW.
2. Amend the Citizenship Law to enable Emirati women to transfer nationality to their children without restriction, on an equal basis to men. Ensure that this is completed without delay, in accordance with international standards.
3. Accede to and fully implement the 1954 and 1961 Statelessness Conventions, the ICCPR and the ICESCR.
4. Withdraw the Ministry of Interior's authority to deprive persons of their nationality through the issuance of orders under decree, and in particular, prohibit any deprivation of nationality that is disproportionate, discriminatory, indiscriminate and arbitrary, including by resulting in statelessness.
5. Ensure equality before the law, access to justice, redress and the right of appeal for all persons who have been deprived of their nationality.
6. Reinstate the nationality of all persons whose nationality was arbitrarily deprived, prioritising those who have consequentially been left stateless, reinstate immediately the nationality of spouses and children who have been stripped of their nationality.
7. Ensure that stateless individuals living in the UAE enjoy full access to their fundamental human rights, including the right to education, travel, healthcare, own property, liberty and security of the person and access social services.

<sup>1</sup> For a more detailed overview, see the full submission by the Institute on the UAE, available at: [http://www.institutesi.org/UPR29\\_UAE.pdf](http://www.institutesi.org/UPR29_UAE.pdf).