

Factsheet - UPR 2018 - United Arab Emirates Statelessness

Mexico and Ecuador were the only countries who made recommendations addressing statelessness in the previous UPR cycle, neither of which were accepted. Half hearted efforts to solve the issue of statelessness in the country through compulsory registration of long-term residents have not provided a secure, viable long term legal status to the numerous stateless persons residing in the UAE. Rather, the 'Emirates ID' and Comoros passport schemes have cemented these persons' status as non-nationals.

Statelessness - International definitions and obligations

By definition a stateless person is someone who is 'not considered as a national by any State under the operation of its law' (Article 1 Convention Relating to the Status of Stateless Persons 1954).

A number of international human rights treaties include nationality as a fundamental right: Article 15 Universal Declaration of Human Rights (UDHR), Article 7 Convention on the Rights of the Child, and Article 24 (1) International Covenant on Civil and Political Rights (ICCPR).

The U.A.E has ratified the Convention on the Rights of the Child and as a member of the UN Human Rights Council they have agreed to abide by the Universal Declaration of Human Rights, but have yet to ratify the International Covenant on Civil and Political Rights.

Common reasons for Statelessness in the UAE

1. Second generation migrants born in the UAE, whose parents settled in the UAE prior to or shortly after the formation of the state in 1971.
2. Migrants who were granted temporary passports upon the formation of the UAE being denied permanent passports after the formation of the UAE.
3. A slow and unclear naturalisation process for those who are stateless, commonly referred to as 'bidoon' translating to 'without'.
4. Unclear procedure and policy in relation to obtaining citizenship in the UAE.
5. Discriminatory nationality laws against women.

The challenges of statelessness in the UAE

Unclear procedure and policy

1. There is an unclear process which individuals qualifying for naturalisation can do so under the 1972 law on Nationality and Passports (as amended in 1975 and 2017). No conditions have been laid out under which Emirati nationality can be obtained since the recent amendment in October 2017.
2. The high concentration and need for migrant workers coupled with unclear policy under naturalisation has created a large stateless population.
3. Residents from before 1971 have never been considered citizens, despite not having another nationality and having a long-standing, sometimes life-long presence in the UAE.
4. The exact number of stateless persons has never been documented by the UAE.

Discrimination against non-nationals: Emirates ID and Comoros passports

- 1.** Residents who were both born and spent their entire life in the UAE have been unable to secure Emirati citizenship.
- 2.** In 2008 the UAE launched a program which indicated registration of persons without a nationality as Emirati citizens. The program instead led to the creation of Emirates ID which highlighted and cemented the person's non-national status.
- 3.** The UAE obtained economic citizenship passports from the Union of the Comoros for those people registered as stateless in the UAE. These passports do not entitle the person to full Comorian citizenship. In effect, the stateless person's status changes from de facto Emirati, with limited identity documentation, to citizens of Comoros who are treated like any other group of migrant workers in the UAE with limited access to basic services and rights.
- 4.** Emirates ID and Comoros passport holders both have reported restricted access to basic services such as healthcare, employment and education, and some are liable to deportation.
- 5.** The insecurity of the Comoros passport is reflected in the fact that some Comoros passport holders have been recognised as 'stateless' by European governments.

Recommendations

We therefore urge that statelessness is made a prominent issue in the upcoming UPR, with a priority on granting Emirati nationality by law to the long-term residents within the UAE. We therefore recommend the government of the UAE to:

- Develop and implement a strategic plan to remedy the issue of statelessness in the UAE;
- Establish a clear process whereby stateless people who were forced to take Union of Comoros passports can obtain Emirati citizenship, especially in the cases in which they were born in the UAE and have no access to any other nationality;
- Implement the regulations for the amended version of Federal Law No. (17) of 1972 which establish clear procedure that stateless people who were forced to take Union of Comoros passports can follow to apply for Emirati Nationality, in the cases in which they were born in the UAE and would otherwise have no access to any other nationality.
- Collect data on stateless persons in the UAE: date of births, deaths, health and education access, employment opportunities, and economic conditions.
- Devise and implement policy measures to ensure all children born in the UAE are entitled to nationality.
- Ensure the UAE withdraws their reservations in relation to Article 9 CEDAW and Article 7 CRC.