



*Ending Torture. Seeking Justice for Survivors*

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**SUBMISSION TO THE 62<sup>nd</sup> SESSION COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN FOR CONSIDERATION OF THE COMBINED SECOND AND THIRD PERIODIC REPORTS OF THE UNITED ARAB EMIRATES**

**Regarding Articles 2, 3, 5 15, 16 and General Recommendation 19**

29 September 2015

**1. INTRODUCTION**

REDRESS is an international human rights organisation whose mandate is to seek justice and reparation for survivors of torture and related international crimes. Many of these individuals have suffered sexual or other forms of gender-based violence. REDRESS welcomes this opportunity to submit a report to the Committee on the Elimination of Discrimination against Women (CEDAW) in the context of its 62<sup>nd</sup> session considering the examination of the combined second and third periodic reports of the United Arab Emirates (UAE).

REDRESS has had occasion to work with a number of expatriate women in the UAE. In that context, we have developed awareness of discrimination against women within the UAE legal system. On occasion, this discrimination has resulted in severe ill-treatment of women, whether as a result of actions of institutions of the UAE government itself and/or provisions of its legal system *or* as a result of a failure by the UAE to exercise due diligence to protect women from the consequences of discrimination and violence by private actors. Based on this experience and in light of the 2010 CEDAW Concluding Observations on the UAE,<sup>1</sup> and the CEDAW list of issues and questions,<sup>2</sup> this report focuses on several concerns regarding the domestic legal framework, and the treatment of women by the authorities, in the following areas:

- (i) domestic violence (Articles 2, 3, 16);
- (ii) divorce and child custody (Articles 2, 3, 15, 16);
- (iii) equality before the law: discrimination against women and in particular foreign women with respect to access to justice and fair trial rights (Articles 2, 3, 5, 15); and
- (iv) conditions of detention for women (Articles 2, 3).

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<sup>1</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women, United Arab Emirates, 5 February 2010, UN Doc. CEDAW/C/ARE/CO/1 (the CEDAW UAE Concluding Observations 2010), paras 26 and 47-48.

<sup>2</sup> CEDAW, List of issues and questions in relation to the combined second and third periodic reports of the United Arab Emirates, 17 March 2015, UN Doc. CEDAW/C/ARE/Q/2-3 (CEDAW UAE List of issues and questions 2015), paras 1, 9, 19 and 20.

## 2. DOMESTIC VIOLENCE (Articles 2, 3, 16)

As set out in the Human Rights Watch Submission to the CEDAW Committee of the United Arab Emirates' Periodic Report 62nd Session February 2015 (the HRW CEDAW Submission) there is no specific law on domestic violence in the UAE, and the UAE penal code permits physical chastisement by a husband to his wife.<sup>3</sup> Although physical assault generally is punishable under the UAE penal code,<sup>4</sup> women are often reluctant to file formal charges of abuse for social, cultural and economic reasons.<sup>5</sup>

In March 2014 local media reported that the Abu Dhabi public prosecutor had written to the Attorney General to request that a new family abuse law be enacted.<sup>6</sup> In November 2014 it was announced that the Federal National Council's Human Rights Committee would launch an inquiry into whether the law adequately protects women and children from violence in the home. The inquiry was reported to be examining existing laws against domestic violence, the role of shelters and the process of rehabilitating victims and training people to help them.<sup>7</sup> The inquiry appears to be ongoing<sup>8</sup> and possibly stalled given the failure of four Ministers of State to appear for a Federal National Council session in May 2015 to discuss a new policy on domestic violence.<sup>9</sup>

The lack of a specific law on domestic violence, together with the allowing of chastisement by a husband of his wife, means that the relevant authorities fail to deal adequately or appropriately with reports of domestic violence. HRW have documented three cases in which British women in the UAE married to expatriates have tried to report incidents of domestic violence and been discouraged from doing so by the police, who failed to investigate their complaints.<sup>10</sup> One of REDRESS' clients reported that upon making a formal complaint to the police of domestic violence in 2011, she was told that husbands are allowed to beat their wives in the UAE. She subsequently lost custody of her child in later custody proceedings.

Further, there is insufficient institutional support for victims of domestic violence. The women's rights organisations in the UAE are reportedly not independent.<sup>11</sup> The Dubai Foundation for Women and Children is run by the government and the experience of a client of REDRESS' who sought refuge there, was that staff were obliged to inform her husband of her whereabouts and allow him to visit. Further, women were warned that what they did online was monitored by Dubai Criminal Investigation Department. The importance of independent support for victims of domestic violence is emphasised in UN guidance on the

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<sup>3</sup> HRW CEDAW Submission, 4.

<sup>4</sup> Ibid.

<sup>5</sup> United States Department of State, Country Report on Human Rights Practice for 2014: United Arab Emirates (US State Department Report on UAE 2014), 20, available: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>6</sup> See Haneen Dajani (2014), 'Domestic abuse in Abu Dhabi triples in three years', The National, 30 March 2014, <http://www.thenational.ae/uae/courts/domestic-abuse-in-abu-dhabi-triples-in-three-years>.

<sup>7</sup> Ola Salem (2014), 'Cabinet approves FNC request to tackle domestic violence', The National, 4 November 2014, <http://www.thenational.ae/uae/government/cabinet-approves-fnc-request-to-tackle-domestic-violence>; Ola Salem (2015), 'FNC investigates domestic violence problem in UAE', The National, 27 January 2015, <http://www.thenational.ae/uae/courts/fnc-investigates-domestic-violence-problem-in-uae>

<sup>8</sup> Ola Salem (2015), 'Inside the FNC: A look at domestic violence solutions', The National, 4 April 2015, <http://www.thenational.ae/uae/government/inside-the-fnc-a-look-at-domestic-violence-solutions>

<sup>9</sup> Ayesha Al Khoori (2015), 'UAE Ministers' no-show annoys FNC members', <http://www.thenational.ae/uae/20150520/uae-ministers-no-show-annoys-fnc-members>, The National, 20 May 2015.

<sup>10</sup> HRW CEDAW Submission, 4 and Human Rights Watch, 'UAE: Weak Protection Against Domestic Violence,' 4 August 2014: <http://www.hrw.org/news/2014/08/04/uae-weak-protection-against-domestic-violence>

<sup>11</sup> HRW CEDAW Submission, 5 and FIDH, 'Women's Rights in the United Arab Emirates,' Note submitted to the 45th Session of the Committee on the Elimination of Discrimination Against Women (CEDAW) on the occasion of its first examination of the UAE,' 3.

issue: the UN Handbook for Legislation on Violence Against Women recommends that 'Where possible, services should be run by independent and experienced women's non-governmental organizations.'<sup>12</sup>

### **Recommendations on domestic violence**

In its 2010 Concluding Observations on the UAE, the Committee expressed its regret at 'the absence of a specific law on violence against women, especially domestic violence, providing for remedies'<sup>13</sup> and urged the UAE 'to give high priority to comprehensive measures to address all forms of violence against women and girls. It calls upon the State party to enact legislation on violence against women, including domestic violence, to ensure that it is a criminal offence.'<sup>14</sup> Further, the UAE was recommended during the second cycle of the universal periodic review to 'Introduce legislation to prohibit the rights of men to physically punish their wives.'<sup>15</sup>

Despite these recommendations, the UAE has not enacted such legislation and no reference to proposed legislation on this issue is made in the UAE's Second and Third Periodic Reports<sup>16</sup> or in the UAE response<sup>17</sup> to CEDAW's List of Issues and Questions.<sup>18</sup>

We therefore recommend the Committee to ask the UAE when it is planning to enact the relevant legislation and for details of the proposed content of such legislation, and how it will strengthen institutional support for victims of domestic violence, such as independent and impartial women's refuges.

### **3. DIVORCE AND CHILD CUSTODY (Articles 2, 3, 15, 16)**

The HRW CEDAW Submission sets out the discriminatory provisions contained in the UAE Federal law No. 28 of 2005 (known as the Personal Status Code) with respect to marriage and divorce. REDRESS is also concerned about the child custody provisions in the UAE. Although these apparently favour women in some respects, there are in fact a number of discriminatory aspects.

The laws in the Gulf region 'follow the approach of dividing the functions of parenting into those of custodian and guardian, and identifying the former with the mother and the latter with the father, in the first instance.'<sup>19</sup> Article 156 of the UAE Personal Status Code gives rise to a rebuttable presumption that children should live with their mothers after divorce until boys reach age 11 and girls reach age 13, at which point the presumption is that they live with fathers. The Personal Status Code provides that courts can decide to extend the custody of the mother until the son reaches puberty/maturity (generally considered the age of 18) and the daughter marries.

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<sup>12</sup> UN Department of Economic and Social Affairs, Division for the Advancement of Women, *Handbook for legislation on the advancement of women*, UN, New York 2010, 31.

<sup>13</sup> CEDAW UAE Concluding Observations 2010 (n 1), para. 26.

<sup>14</sup> *Ibid*, 27.

<sup>15</sup> Report of the Working Group on the Universal Periodic Review, United Arab Emirates, UN Doc. A/HRC/23/13, para 128.92.

<sup>16</sup> Second and third periodic reports of States parties due in 2014, United Arab Emirates, UN Doc. CEDAW/C/ARE/2-3, date received 10 July 2014

<sup>17</sup> CEDAW, List of issues and questions in relation to the combined second and third periodic reports of the United Arab Emirates, Replies of the United Arab Emirates to the list of issues, CEDAW/C/ARE/Q/2-3/Add.1, 29 July 2015.

<sup>18</sup> CEDAW, CEDAW UAE List of issues and questions 2015 (n 2).

<sup>19</sup> Lynn Welchman, 'Bahrain, Qatar, UAE: First time Family Law Codifications in Three Gulf States,' *International Survey of Family Law* 2010 edition (gen.Ed Bill Atkin (July 2010) 163-178, 10. See also, European Parliament, Directorate General for Internal Policies, Policy Department: Citizens' Rights and Constitutional Affairs: *The Situation of Women in the Gulf States* (EU, Brussels, 2014) (the European Parliament Report 2014), 196.

REDRESS is concerned that during some custody hearings, fair trial procedures may not be being followed and appropriate evidence may not be being taken into account. For example, the child of one of REDRESS' clients was ordered to be removed from her in divorce proceedings, which took place in our client's absence and at which her lawyer appeared without instructions. No evidence was presented on our client's behalf, despite her lawyer having in his possession relevant information about the husband's fitness to care for his child. The fact that our client had made complaints of domestic violence was not taken into account.

A further issue with respect to child custody provisions is that if a woman chooses to remarry, she automatically forfeits her rights to custody of her children from her previous marriage.<sup>20</sup>

A further concerning phenomenon is that of paternity denial. In several cases, despite court-ordered DNA tests proving paternity, according to the United States State Department Human Rights Report on the UAE 2014 the UAE courts were not able to enforce the related orders requiring the men in question to accept paternal responsibility. In the absence of an acknowledged father, the mothers faced potential charges of adultery. The punishment for adultery can be lashing although there were no reports of such lashings during the relevant period.<sup>21</sup>

#### ***Recommendations on child custody***

The Committee recommended in its 2010 Concluding Observations that the UAE introduce legislative reforms to provide women with equal rights in child custody,<sup>22</sup> and asked for elaboration on measures taken in this respect in its List of Issues and Questions.<sup>23</sup> Also in the List of Issues and Questions, the Committee asked the UAE to elaborate on the information before the Committee on the foreign women reporting domestic violence who subsequently lost custody of their children.<sup>24</sup> Neither the recommendation nor the questions have been addressed by the UAE either in its state party report or its response to the List of Issues and Questions.

REDRESS recommends the Committee to enquire with the UAE as to: (i) whether the government has given further thought to the Committee's recommendation to revise its legislation on child custody matters, and, if so, how that has proceeded since the Committee's 2010 Concluding Observations; (ii) how the issue of domestic violence will be taken into account in child custody proceedings; and (iii) what steps the UAE is taking with respect to the phenomenon of paternity denial.

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<sup>20</sup> European Parliament Report 2014 (n 19) 196, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL\\_STU\(2014\)509985\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf).

<sup>21</sup> US State Department Report on UAE 2014 (n 5) 22

<sup>22</sup> CEDAW UAE Concluding Observations 2010 (n 1) para 48.

<sup>23</sup> CEDAW UAE List of issues and questions 2015 (n 2) Para 20.

<sup>24</sup> Ibid, para 9.

#### **4. EQUALITY BEFORE THE LAW: DISCRIMINATION AGAINST WOMEN, AND IN PARTICULAR FOREIGN WOMEN, WITH RESPECT TO ACCESS TO JUSTICE AND FAIR TRIAL RIGHTS (Articles 2, 3, 5, 15)**

Women in the UAE generally face discrimination within the justice system. The Special Rapporteur on the Independence of Judges and Lawyers has noted recently with respect to the UAE that:

women still face institutional gender discrimination in many facets of the justice system, including when filing complaints with the police or appearing before the courts. Judges, prosecutors and even lawyers show the gender bias and discriminatory attitudes and practices present in society in the United Arab Emirates; that bias and discrimination reflect the traditional, patriarchal societal structure that is dominant in the United Arab Emirates.<sup>25</sup>

Foreign women in the UAE face intersectional discrimination – they are doubly vulnerable due to both their sex and lack of Emirati nationality/lack of Arabic language. The US State Department Human Rights Report on the UAE 2014 noted generally that ‘The treatment of citizen and noncitizen women differed.’<sup>26</sup> Kirdar explains more specifically in the context of access to justice:

Women in the UAE are informally divided in several categories based on their standing in the society: UAE citizens, foreign professional women temporarily residing on an employment contract, foreign women employed in the informal sector such as domestic work, and the wives of temporary foreign workers. This division is particularly evident in the ability of women to access justice through courts and exercise their rights. Female domestic workers are the most vulnerable group, as they are often denied basic protections under the law. Despite some modest improvements over the last five years, many noncitizen women remain uninformed of the rights and legal protections available to them.<sup>27</sup> (emphasis added)

This concern has been reinforced by the Special Rapporteur on the Independence of Judges and Lawyers, who stated with respect to the UAE that ‘female migrant workers...are in a particularly vulnerable situation when it comes to accessing justice and gaining redress in cases of abuse.’<sup>28</sup>

Based on the experiences of several clients, REDRESS has five particular concerns with respect to discrimination against women, and in particular foreign women, in the justice system, in violation of their fair trial rights: (i) Discriminatory rules of evidence; (ii) discriminatory treatment of women in criminal proceedings; (iii) conduct of proceedings in Arabic without interpretation; (iv) access to a lawyer during proceedings; and (v) imprisonment for debt.

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<sup>25</sup> Human Rights Council, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, Mission to the UAE, UN Doc. A/HRC/29/26/Add.2, 15 May 2015, para 68

<sup>26</sup> US State Department Report on UAE 2014 (n 5) 23.

<sup>27</sup> Serra Kirdar, ‘United Arab Emirates,’ in Sanja Kelly and Julia Breslin (eds), *Women’s Rights in the Middle East and North Africa* (Freedom House, New York, 2010), 517 – 545, 518.

<sup>28</sup> Human Rights Council, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, Mission to the UAE, UN Doc. A/HRC/29/26/Add.2, 15 May 2015, para 69.

(i) *Discriminatory rules of evidence*

The UAE has entered the following reservation to Article 15(2) of CEDAW (on legal capacity):

The United Arab Emirates, considering this paragraph in conflict with the precepts of the Shariah regarding legal capacity, testimony, and the right to conclude contracts, makes a reservation to the said paragraph of the said article and does not consider itself bound by the provisions thereof.

In criminal matters in the UAE a woman's testimony is worth half of that of a man before a court.<sup>29</sup> In some civil matters a woman's testimony is equal to that of a man.<sup>30</sup> The European Parliament Report on the Situation of Women in the Gulf States highlighted that the discrimination with respect to women's testimony 'comes from the impact of a persistent culture of gender inequality on the judiciary, the use of conservative interpretations of Sharia, and the denial of women's equal rights, even when they are guaranteed in the Constitution.'<sup>31</sup>

(ii) *Discriminatory and harsh treatment of women, particularly foreign women, in criminal proceedings*

Although the Federal Penal Code (No.3 of 1987) in theory applies to both men and women equally, and although citizen and non-citizens are generally subject to the same crimes (except immigration crimes), the penal code is often applied to noncitizens 'in a discriminatory manner, particularly if the offender is female.'<sup>32</sup> Kirdar reports that:

One journalist has noted that the "punishment for drug offences is severe, although the severity of your sentence is likely to depend upon your nationality." She cites a case in which a Pakistani woman was sentenced to death by Fujairah's Shari'a court after having been found guilty of possessing cannabis with intent to supply. Conversely, a male UAE national convicted of the same offense had his sentence reduced from 12 to 8 years upon appeal.<sup>33</sup> There are numerous cases in which the severity of sentences appears to correlate closely to one's ethnic background and status within the society.<sup>34</sup> (footnotes included from original)<sup>35</sup>

This is particularly concerning given the harsh nature of punishments in the UAE. For example, flogging remains a punishment for prostitution, adultery, consensual premarital sex and pregnancy outside marriage.<sup>36</sup>

Further, the European Parliament report has noted that 'criminal judges are harsher on women.'<sup>37</sup> This is borne out by the experiences of one of REDRESS' clients. In criminal proceedings, our client was not permitted to speak, while her male accuser was able to speak during proceedings. Further, although our client brought two witnesses to speak in her support at the hearing, they were not permitted to speak, on the basis that they did not

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<sup>29</sup> UNICEF (2011), 'MENA Gender Equality Profile: United Arab Emirates', October 2011, p. 1. [www.unicef.org/gender/files/UAE-Gender-Eqality-Profile-2011.pdf](http://www.unicef.org/gender/files/UAE-Gender-Eqality-Profile-2011.pdf).

<sup>30</sup> Ibid.

<sup>31</sup> European Parliament Report 2014 (n 19) 197.

<sup>32</sup> Kirdar (n 27) 520.

<sup>33</sup> Pippa Sanderson, Working and Living in Dubai (Pyjama Publishing, August 2006), <http://www.justlanded.com/english/Dubai/Tools/Articles/Moving/Home-Life>

<sup>34</sup> Fuad Ali, "Fujairah Court Rules in Cannabis Case," Gulf News, May 15, 2005.

<sup>35</sup> Kirdar (n 27) 520.

<sup>36</sup> US State Department Report on UAE 2014 (n 5) 3, available: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>37</sup> European Parliament Report 2014 (n 19) 200.

bring appropriate identification (despite the fact that one witness provided their UAE driving licence and another, a copy of her passport). Such irregularities with hearing defence witnesses have been noted by the US State Department 2014 Report.<sup>38</sup>

*(iii) Conduct of proceedings in Arabic without interpretation*

Although defendants in criminal proceedings in the UAE have a procedural right to an interpreter, this does not always happen in reality.<sup>39</sup> One of REDRESS' clients, who was charged with a crime in the UAE, has said that she did not have access to an interpreter after her arrest, during the criminal proceedings or at any time after conviction in detention. This is an example of how foreign women may be doubly disadvantaged in legal proceedings in the UAE.

*(iv) Access to a lawyer*

International standards make clear that an accused person should be afforded the assistance of a lawyer including through legal aid if necessary.<sup>40</sup> There is some legal aid available in the UAE but it is by no means comprehensive. Under the UAE Criminal Procedures Code, a defendant has the right to be represented by a government-provided lawyer in any case that involves a possible punishment of death or life imprisonment, regardless of financial need.<sup>41</sup> The government may at its discretion provide lawyers for defendants in certain other felony cases.<sup>42</sup> One of REDRESS' clients, a migrant worker, reported that, during criminal proceedings against her, despite her own lack of funds she was not offered legal assistance by the state, despite requesting this. The Committee has previously emphasised the importance of legal assistance for migrant women, calling on State parties to "Ensure that women migrant workers have access to legal assistance and to the courts and regulatory systems charged with enforcing labour and employment laws, including through free legal aid."<sup>43</sup>

*(v) Imprisonment for debt*

In the UAE, falling behind on debt payments is a criminal offence punishable by imprisonment under Article 401 of the UAE Penal Code.<sup>44</sup> Given the discriminatory nature of the criminal justice process with respect to foreign women as set out at points 4(i) to (iv) above, it is probable that foreign women charged with debt-related crimes are more likely to be imprisoned than men (although statistics on this are unavailable). Further, imprisonment for debt is in breach of international human rights obligations (see in particular Article 18 of the Arab Charter, ratified by the UAE in 2008).<sup>45</sup>

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<sup>38</sup> US State Department Report on UAE 2014 (n 5) 7-8.

<sup>39</sup> US State Department Report on UAE 2014 (n 5) 8.

<sup>40</sup> See for example, Arab Charter on Human Rights, Article 7; Basic Principles on the Role of Lawyers', para 6: "Any persons who do not have a lawyer shall, in all cases in which the interests of justice so require, be entitled to have a lawyer of experience and competence commensurate with the nature of the offence assigned to them in order to provide effective legal assistance, without payment by them if they lack sufficient means to pay for such services."

<sup>41</sup> Penal Procedure Law, Federal Law No. 35 of 1992, cited in Latham & Watkins, 'A Survey of Pro Bono Practices and Opportunities in 71 Jurisdictions,' August 2012, 9, available at: <https://www.lw.com/admin/Upload/Documents/PBI-2012-survey-UAE.pdf>

<sup>42</sup> Ibid.

<sup>43</sup> CEDAW, General Recommendation No. 26 on women migrant workers, 2008, CEDAW/C/2009/WP.1/R, para 26(c)(iii).

<sup>44</sup> J. B. Hilotin, 'Credit Check: Debt Sentence,' Gulf News, 26 January 2012, available at: <http://gulfnews.com/news/uae/crime/credit-check-debt-sentence-1.971420>.

<sup>45</sup> League of Arab States, Arab Charter on Human Rights, 15 September 1994. See also Article 11 International Covenant on Civil and Political Rights; Article 1 of the 1963 Protocol to the European Convention on Human Rights; and Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Concluding Observations of the Human Rights Committee, United Republic of Tanzania, CCPR/C/TZA/CO/4, para 20.

### ***Recommendations on access to justice and fair trial rights***

In its 2010 Concluding Observations, the Committee expressed concern that ‘women in the [UAE] continue to have unequal legal capacity compared with men and are treated unequally in courts’<sup>46</sup> and recommended that the UAE review its reservation to Article 15, paragraph 2.<sup>47</sup> With respect in particular to migrant workers, the Committee was concerned that ‘women migrant workers are not aware of their rights, do not have easy access to justice...’.<sup>48</sup> The Committee’s recommendations on equality before the law, were rejected by the UAE.<sup>49</sup>

REDRESS recommends the Committee to query the UAE as to when it will remove its reservation to Article 15, paragraph 2 and ensure equal treatment of men and women in criminal proceedings. We encourage the Committee to further recommend that: (i) the UAE ensures fair trial rights to all women in the UAE; and (ii) mindful of the particular intersectional discrimination faced by foreign women in the UAE, that the UAE puts in place specific institutional structures, such as access to an interpreter at all stages of proceedings and free legal assistance, to ensure these women receive *de facto* access to justice and a fair trial. REDRESS also recommends the Committee to question the UAE to ascertain what percentage of female defendants in criminal debt proceedings are imprisoned compared to the percentage of male defendants.

## **5. CONDITIONS OF DETENTION FOR WOMEN (Articles 2, 3)**

There have been reports of poor sanitary conditions, poor temperature control and overcrowding at some of the UAE’s prisons.<sup>50</sup> These are borne out by the experiences of REDRESS’s clients in the last five years. One of REDRESS’ clients, who was detained at Al Wathba prison in Abu Dhabi, has complained of overcrowding and poor sanitary conditions in that prison and that female prisoners were only served the food that was left over after male prisoners were served. Another of REDRESS’ clients has reported unhygienic and overcrowded conditions at Sharjah and Al Aweer prisons. Poor sanitary conditions in a prison may have a disproportionate effect on women, given their particular sanitary needs, a fact that has been recognised by the *Bangkok Rules*, which states that: ‘The accommodation of women prisoners shall have facilities and materials required to meet women’s specific hygiene needs.’<sup>51</sup>

Another woman has also recently reported inappropriate conditions of detention in Abu Dhabi, stating that during her 53 hour detention she was shackled at the ankles, and forced to sleep on a concrete floor with no access to toilet paper.<sup>52</sup> One of REDRESS’ clients has further reported harsh treatment of women, including beatings, at Al Alweer prison. This is

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<sup>46</sup> CEDAW UAE Concluding Observations 2010 (n 1) para 45.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid, para 36.

<sup>49</sup> CEDAW UAE List of issues and questions 2015 (n 2)) para 19.

<sup>50</sup> US State Department Report on UAE 2014 (n 5) 3. See also Canadian Government website: ‘Arrest and Detention in Dubai’ [http://www.canadainternational.gc.ca/uae-eau/consular\\_services\\_consulaires/arrest-arrestation\\_detention.aspx?lang=eng](http://www.canadainternational.gc.ca/uae-eau/consular_services_consulaires/arrest-arrestation_detention.aspx?lang=eng), accessed 8 September 2015.

<sup>51</sup> UN General Assembly, United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) : note / by the Secretariat, 6 October 2010, A/C.3/65/L.5, Rule 5.

<sup>52</sup> The West Australian, ‘WA woman ‘shackled, strip-searched’ in Abu Dhabi jail ordeal’, 15 July 2015, available at: <https://au.news.yahoo.com/thewest/a/28802699/wa-woman-shackled-strip-searched-in-abu-dhabi-jail-ordeal/>



consistent with news reports of other foreign prisoners experiencing prison officer and police brutality.

Clients have also reported that with respect to making complaints to the authorities in Al Wathba prison, all requests had to be made in writing and were only accepted in Arabic in writing, thus depriving non-Arabic speakers of the ability to make complaints, in contravention of the UN Standard Minimum Rules for the Treatment of Prisoners,<sup>53</sup> and thereby impeding access to justice for foreign women in detention.

***Recommendations on conditions of detention for women***

REDRESS recommends the Committee to question the UAE further about the conditions of detention for women, in particular what steps it is taking to address facilities, or parts of facilities, where women suffer violence at the hands of prison guards and that are overcrowded and unsanitary. REDRESS further requests the Committee to recommend that the UAE ensures that all prisons have in place a complaints procedure that can be accessed by non-Arabic speakers.

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<sup>53</sup> Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977