

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the promotion and protection of human rights while countering terrorism; and the Special Rapporteur on the right to education.

REFERENCE:
UA ARE 5/2017

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the human rights of migrants; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on the promotion and protection of human rights while countering terrorism; and Special Rapporteur on the right to education, pursuant to Human Rights Council resolutions 34/18, 33/9, 34/21, 34/35, 31/3, and 26/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **adverse situation and the violations of human rights of Qatari migrants in the United Arab Emirates, as well as Emirati migrants in the State of Qatar as a result of the United Arab Emirates government's decision to suspend ties with the State of Qatar, particularly their right to movement and residence, family unity, education, work, freedom of expression, health and the right to property, without discrimination on any basis.**

According to the information received:

On 5 June 2017, the United Arab Emirates severed ties with the State of Qatar. This involved the closure of air, land, and sea routes, in relation to both trade and migrant residents. Qatari nationals were ordered to leave the United Arab Emirates within 14 days, whilst Emirati citizens were given the same timeframe to leave the State of Qatar. An estimated 784 Emirati nationals are allegedly residing in the State of Qatar. This order has threatened the most vulnerable groups, including women, children, persons with disabilities and older persons. The Government of Qatar has reportedly not taken action against Emirati citizens.

Mixed-citizenship families have been affected and the order has caused Emirati-Qatari families to be separated. Divorced Emirati women living in the State of Qatar whose children have Qatari nationality from their father, are prevented to return to Qatar. The Emirati order has reportedly affected Qatari women married

to approximately 556 Emirati men, as well as Qatari men married to approximately 3,138 Emirati women. This order threatens to leave children, women, older persons, sick and persons with disabilities separated from other family members and in loss of assistance, support and income. Emirati nationals living in Qatar married to Qatari women are forced to return to the United Arab Emirates, leaving behind their families and quit their work with no source of income or compensation. Furthermore, the United Arab Emirates has allegedly limited the citizens and residents of the State of Qatar from undertaking financial transfers and postal transactions, thereby blocking financial transfers to dependent family members, including women and children.

On 11 June 2017, the United Arab Emirates issued a royal order to take into account the humanitarian situation of mixed Emirati-Qatari families who were affected by the ban. However, no implementation mechanism has been indicated. Furthermore, there has been no compensation or alternatives offered to families and individuals who have had their human rights violated and been affected by the blockade.

Emirati nationals working in the State of Qatar, as well as Qatari nationals working in the United Arab Emirates risk losing their jobs following the issued instructions by the Emirati authorities to leave their jobs and return to their homeland. Individuals who are dependent on the travel between Qatar and the United Arab Emirates have also reportedly been affected. For those completely financially reliant on the flow between both countries, this order has led to a cutting of their only source of income. For example, business owners have allegedly had their income levels affected as a result of the halt of trading convoys, and the expiration of large quantities of food or health supplies. Reportedly, Emirati nationals working in the public and private sectors in Qatar have also been forced to return to the United Arab Emirates resulting in the loss of employment without compensation. Similarly, Qatari nationals working in the United Arab Emirates have also lost their employment without compensation.

Furthermore, migrant workers relying on free movement between both countries have allegedly lost their jobs and proper compensation has not been ensured. Individuals who possess property – from clothing and furniture, to cars or real estate business – are allegedly denied access to their belongings. Following the 5 June 2017 order, assets and property have reportedly been confiscated, consequently prohibiting Qatari migrants from using their property or disposing of it. Qatari migrants fear losing their belongings and are uncertain about the future for their properties.

Emirati migrants in the State of Qatar working in media outlets have allegedly been pressured to resign from their jobs by the United Arab Emirates. Those who

have not yet submitted their resignation have allegedly been pressured to do so by the Emirati authorities. In addition, the United Arab Emirates has reportedly imposed penalties of up to 15 years imprisonment and fines of up to 500,000 dirhams for “sympathising with Qatar”, through a word, a “like” on social media, or a tweet.

Qatari migrant students in the United Arab Emirates and Emirati migrant students in the State of Qatar pursuing their studies in schools or universities have been prohibited from doing so because of the order asking them to leave their country of residence. Emirati students in the State of Qatar have had their exams postponed to allow for them to take their exams at a later date. This has allegedly not been the case for Qatari nationals studying in the the United Arab Emirates, who have been unable to complete their exams and obtaining educational documents from their university in the United Arab Emirates.

As a result of the order for Emirati nationals to leave Qatar, Emirati migrants, including children, older persons or persons with disabilities, that were being treated in hospitals in the State of Qatar in need of specialised or with ongoing treatment, have allegedly been asked to return to the United Arab Emirates. Similarly, Qatari migrants residing in the United Arab Emirates, have allegedly had their treatments halted and their health subsequently impacted.

While we do not wish to prejudge the accuracy of these allegations, and given the harm this order has on thousands of Qatari residents in the United Arab Emirates and Emirati residents in the State of Qatar, we consider the alleged situation of extreme gravity. Serious concerns are expressed at the numerous rights being infringed, including the right to movement and residence, family reunification, education, work, freedom of expression, health, freedom of religious practice, and the right to private property, without discrimination on any basis.

In connection to the above alleged facts and concerns, we would like to draw the attention of your Excellency’s Government’s to its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the regional Arab Charter on Human Rights. We would like to recall that, while States have a sovereign right to determine conditions of entry and stay in their territories, they also have an obligation to respect and protect the human rights of all individuals under their jurisdiction, regardless of their nationality, origin or immigration status.

We would like to bring to the attention of your Excellency’s Government Article 7 of the Universal Declaration of Human Rights (UDHR) that states that ‘All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this

Declaration and against any incitement to such discrimination.’ We would furthermore like to stress the obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), acceded to by the United Arab Emirates on 20 June 1974. Article 5 provides for the enjoyment of civil rights including: the right to freedom of movement and residence within the border of the State; the right to leave any country, including one’s own, and to return to one’s country; the right to own property; and, the right to freedom of opinion and expression. It further provides for the enjoyment of economic, social and cultural rights, including: the rights to work, to free choice of employment, and to protection against unemployment; the right to housing; the right to public health, medical care, social security and social services; the right to education and training; and, the right of access to any place or service intended for use by the general public, such as transport and hotels.

Furthermore, we would like to bring your attention to the International Convention on the Elimination of All Forms of Discrimination’s General Recommendation No. 30 on discrimination against non-citizens. In specific, the State Party should “ensure that non-citizens are not subject to collective expulsion, in particular in situations where there are insufficient guarantees that the personal circumstances of each of the persons concerned have been taken into account”. In addition, it should “avoid expulsions of non-citizens, especially of long-term residents, that would result in disproportionate interference with the right to family life”. State Parties should “ensure that States parties respect the right of non-citizens to an adequate standard of physical and mental health by, inter alia, refraining from denying or limiting their access to preventive, curative and palliative health services”.

We would like to bring your attention to Article 9 and Article 12 of the UDHR that stipulate that “no one shall be subject to arbitrary arrest, detention or exile”. Article 13 articulates that “everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country”. Your Excellency’s Government has further obligations under the Arab Charter on Human Rights (ACHR), ratified by your Excellency’s Government on 16 January 2008, Article 26 that provides that “every person lawfully within the territory of a State Party shall, within the territory, have the right to liberty of movement and freedom to choose his residence in accordance with applicable regulations”. Article 27 further articulates that “no one shall be arbitrarily or unlawfully prevented from leaving any country, including his own, nor prohibited from residing, or compelled to reside, in any part of his country”.

We would also like to stress that Article 19 of the UDHR provides that everyone has the right to freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas through any media and regardless of frontiers. This right applies to “everyone”, regardless of their citizenship or any other status. Its guarantee regardless of frontiers is further stipulated in Article 32 of the ACHR.

Article 23 of the UDHR further expresses the right of everyone “to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”. Furthermore, the ACHR, articulates the right to work in Article 34, which provides for the freedom to work and equality of opportunity without discrimination of any kind as to any statuses, including national origin. It states that every worker has the right to enjoy “just and favourable conditions of work”, and every State Party shall ensure protection to workers migrating to its territory in accordance with the laws”. Further, Article 31 of ACHR provides everyone with “a guaranteed right to own private property”. It further provides that “no person shall under any circumstances be divested of all or any part of his property in an arbitrary or unlawful manner”.

Concerning the family separation, especially of widowed and divorced women from their children, we would like to refer to the rights of women. We would further like to refer your Excellency’s Government to Article 16 of the UDHR that states that “the family is the natural and fundamental group unit of society and is entitled to protection by the society and the State”. It provides that the State Party shall take appropriate measures within its available resources to ensure the realization of this right. Furthermore, Article 10 of the Convention on the Rights of the Child (CRC), to which the United Arab Emirates acceded to on 3 January 1997, which establishes, inter alia, that “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 State Parties in a positive, humane and expeditious manner”. This should be read in the light of Article 3 of the Convention which provides that the best interests of the child shall be a primary consideration. In this connection, I would like to recall to your Excellency’s Government Paragraph 10 of the General Assembly Resolution 62/156 which “urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations and take into account, in conformity with their international obligations and commitments, the principle of the best interest of the child and family reunification”. Moreover, Article 9 of CRC provides that States Parties “shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child”.

The aforementioned rights are raised again in the ACHR. It states in Article 33 that the family is the natural and fundamental unit of society. The State and society are obliged to provide for the protection of the family and its members, for the strengthening of its bonds. They undertake to provide outstanding care and special protection for mothers, children and the elderly. Young persons have the right to be ensured “maximum opportunities for physical and mental development”.

Furthermore, we would like to refer to Article 16 of the CRC that stipulates that “no child shall be subjected to arbitrary or unlawful interference with his or her privacy,

family, home or correspondence, nor to unlawful attacks on his or her honour and reputation”. The right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health is recognized in Article 24. It further states that States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. In addition, Article 28 provides that State Parties recognize the right of the child to education, ensuring in particular that primary education is compulsory and available free to all, and take measures to encourage regular attendance at schools and the reduction of drop-out rates.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. What measures have been taken to ensure that families with mixed Emirati-Qatari nationalities are prevented from separation?
3. How has the right to health been guaranteed in relation to Emirati migrants living in the State of Qatar and Qatari nationals residing in the United Arab Emirates?
4. What actions have been taken to guarantee access to education for Qatari migrant students in the United Arab Emirates, as well as Emirati migrant students in the State of Qatar to pursue their education at schools and universities, without discrimination on any basis?
5. Please provide information on the compliance with international and regional instruments in guaranteeing the right of freedom of movement and residence.
6. Has compensation been provided to migrants, particularly those who own property and businesses, affected by the severed relations between the United Arab Emirates and the State of Qatar?

7. Please provide information on how the criminalization of online expression based on grounds of “sympathizing with Qatar” is applied and enforced, and explain how this is legal basis for restricting expression is compatible with international human rights standards.
8. What measures have been taken to guarantee the aforementioned human rights of migrants, without discrimination on any basis, in compliance with your government’s obligations under international law?

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations. We further urge your Excellency’s Government to take all necessary steps to ensure the rights of persons affected by the severed ties and mobility ban are respected.

We wish to inform you that a letter with similar content has been sent to the authorities of Bahrain and the Kingdom of Saudi Arabia.

Your Excellency’s Government’s response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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