



# International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General  
13 September 2017

Original: English

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined eighteenth to twenty-first periodic reports of the United Arab Emirates\*

1. The Committee considered the combined eighteenth to twenty-first periodic reports of the United Arab Emirates (CERD/C/ARE/18-21), submitted in one document, at its 2556th and 2557th meetings (CERD/C/SR. 2556 and 2557), held on 7 and 8 August 2017. At its 2571st meeting, held on 17 August, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined eighteenth to twenty-first periodic reports of the State party, which included responses to the concerns raised by the Committee in its previous concluding observations (CERD/C/ARE/CO/17). The Committee welcomes the open and constructive dialogue held with the State party's high-level delegation.

#### B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) Adoption of Federal Decree-Law No. 2 of 2015 on combating discrimination and hatred;

(b) Launch, in 2016, of the National Tolerance Programme aimed at combating discrimination on grounds of race, religion and national origin and promoting tolerance and coexistence, including the creation of a ministry of tolerance and appointment of a minister of tolerance in February 2016;

(c) Creation and dissemination of a tolerance charter for teachers in public and private educational institutions;

(d) Adoption of Ministerial Decree No. 764 of 2015 on Ministry of Labour-approved Standard Employment Contracts, stating that the model contract for employment approved by the Ministry of Human Resources and Emiratisation must be translated into English, Arabic and the language of the worker;

(e) Adoption of the national strategy for the empowerment of Emirati women in the United Arab Emirates for 2015-2021.

4. The Committee welcomes the ratification by the State party of the following international instruments:

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\* Adopted by the Committee at its ninety-third session (31 July to 25 August 2017).



- (a) The Convention on the Rights of Persons with Disabilities, in 2010;
- (b) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2012;
- (c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2016.

## C. Concerns and recommendations

### Statistical data

5. While noting the limited statistical data provided by the State party during the dialogue, including the updated census data of 2016 on the overall population disaggregated by gender, the Committee regrets the lack of demographic information on the ethnic composition of the population, including non-citizens, and the lack of data on the enjoyment of economic, social and cultural rights by ethnic groups in the State party. The Committee also regrets the lack of data on the ethnic make-up of the prison population (arts. 1 and 5).

6. The Committee welcomes the State party's commitment to provide disaggregated data to the Committee. Recalling paragraphs 10-12 of its guidelines for reporting under the Convention (CERD/C/2007/1), the Committee recommends that the State party:

(a) **Provide statistical data in its next periodic report on the demographic composition of the population, disaggregated in the manner specified in article 1 (1) of the Convention, on the basis of self-identification of ethnic groups;**

(b) **Provide it with detailed statistical information on the enjoyment of economic, social and cultural rights by ethnic groups, so as to provide the Committee with an empirical basis for evaluating the equal enjoyment of rights under the Convention.**

(c) **Provide it with data on the ethnic make-up of the prison population.**

### National human rights institution

7. The Committee welcomes information that the State party intends to establish a national human rights institution modelled to achieve "A" status, but regrets that the institution has not yet been established.

8. **Recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party take immediate steps to establish a national human rights institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) that is mandated to promote and protect human rights and is adequately resourced to effectively and independently fulfil its mandate.**

### Constitutional prohibition of racial discrimination

9. The Committee is concerned that article 25 of the Constitution, which prohibits discrimination on the grounds of "race, nationality, religious belief or social status", does not include all of the grounds specified in article 1 of the Convention, including colour, descent or ethnic origin. The Committee is further concerned that article 25 states that the prohibition of discrimination applies to "citizens of the Union" and might not apply equally to non-citizens, who constitute approximately 90 per cent of the population (art. 1).

10. **The Committee recommends that the State party enact legislation to bring its laws fully into line with the Convention, by including all prohibited grounds of discrimination as specified in article 1 and ensuring that the prohibition of discrimination applies in respect of fundamental rights equally to citizens and non-citizens, bearing in mind the provision in article 1 (2) regarding differences between citizens and non-citizens.**

### **Law on discrimination and hate speech**

11. The Committee notes the enactment of Federal Decree-Law No. 2 of 2015 on combating discrimination and hatred, which criminalizes blasphemy, defamation of religions, discrimination and hate speech, among other offences. The Committee is concerned that the definition of discrimination in the law is not fully in line with article 1 of the Convention, as the grounds of descent and national origin are missing. The Committee is also concerned that the prescribed punishments may not be proportional to the crimes (arts. 1 and 4).

12. **Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee urges the State party to ensure that:**

(a) **Any legislation prohibiting racial discrimination is fully in line with the Convention;**

(b) **The definition of discrimination in Federal Decree-Law No. 2 of 2015 is fully in line with article 1 of the Convention;**

(c) **Any legislation on hate speech fulfils the requirements of article 4 of the Convention, which requires States parties to prohibit the dissemination of ideas based on racial superiority and hatred, incitement to racial hatred, acts of violence against any race or groups of persons of another colour or ethnic origin and incitement to such acts;**

(d) **Criminal sanctions are governed by principles of legality, proportionality and necessity.**

### **Complaints of racial discrimination**

13. The Committee welcomes the data provided by the State party during the dialogue on the number of cases filed annually between 2015 and 2017 under Federal Decree-Law No. 2 of 2015 on combating discrimination and hatred. The Committee regrets the lack of detailed information on the nature and outcome of the complaints, including data on the number of investigations, prosecutions and convictions resulting from complaints and the national or ethnic origin of the victims. While noting that the law was only recently enacted, the Committee is concerned about the low number of complaints filed, and reminds the State party that a low number of complaints does not signify the absence of racial discrimination in the State party, but may signify barriers in invoking the rights in the Convention domestically (arts. 6-7).

14. **The Committee recommends that the State party:**

(a) **Provide it with detailed information on the implementation and impact of Federal Decree-Law-No. 2 of 2015 on combating discrimination and hatred in its next periodic report, including statistical data on the number and type of complaints of racial discrimination and hate speech and prosecutions and convictions of perpetrators, disaggregated by the age, gender and ethnic origin of the victim, as well as information on compensation to victims;**

(b) **Undertake public education campaigns specifically on the rights provided in the Convention and the domestic legislation under which those rights can be invoked, and on the methods for filing complaints of racial discrimination and hate speech;**

(c) **Ensure that methods for judicial recourse, including with respect to lodging complaints, are administered in a manner that is open and accessible to all victims;**

(d) **Provide information in the next periodic report on training of security forces, prosecutors, judges, labour inspectors and other public officials in identifying and registering racist incidents.**

### **Access to justice**

15. While noting with interest information provided by the State party on the creation of mechanisms for labour complaints, including electronic complaint mechanisms for workers, and efforts to educate workers on their legal rights under labour laws, the Committee regrets the lack of detailed information on the number of complaints filed by foreign workers to complaint mechanisms or to the national courts regarding abusive labour practices and on the outcome of such complaints. The Committee is further concerned that foreign workers may face barriers in access to justice, such as a lack of empowerment to submit complaints, for fear of adverse repercussions (arts. 5-6).

**16. In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system the Committee recommends that the State party:**

**(a) Take measures to prevent barriers in access to justice by foreign workers in the State party;**

**(b) Ensure that foreign workers can submit complaints regarding abusive labour practices to independent and effective mechanisms;**

**(c) Consider the creation of a labour ombudsman to effectively monitor and resolve labour disputes;**

**(d) Provide detailed information in its next periodic report on the number of complaints submitted by foreign workers and the number of inspection visits, investigations, prosecutions and convictions resulting from such complaints, as well as on compensation provided to victims.**

### **Discrimination in employment**

17. While noting that Federal Decree-Law No. 2 of 2015 on combating discrimination and hatred contains some articles imposing penalties for discrimination in employment, the Committee is concerned by the lack of information on the implementation and impact of those provisions on preventing racial discrimination in the workplace. The Committee is also concerned at reports of wage differentials among foreign employees from different geographical regions (art. 5).

**18. The Committee requests that the State party provide detailed information in its next periodic report on the impact and implementation of legislation to prevent discrimination in employment and in the workplace. The Committee recommends that the State party implement existing legislation robustly with the aim of eliminating discriminatory pay differentials that may be based on ethnic and national origin, in line with article 5 of the Convention.**

### **Sponsorship system**

19. The Committee welcomes the recent adoption by the Ministry of Labour of measures such as: (a) decision 766/2015, by which it repealed resolution No. 1186/2010; and (b) resolution 1094/2016, by which it amended decision No. 766/2015, to grant workers a new work permit to move from one establishment to another. It is concerned, however, that gaps in protection of foreign workers under the sponsorship contractual relationship system still exist. The Committee also regrets the lack of information on the effective implementation and impact of protective measures (arts. 5 and 6).

**20. The Committee recommends that the State party end the sponsorship system and regulate residency permits through its ministries. The Committee further recommends that policies and measures protecting foreign workers currently under the sponsorship system be fully implemented, and that any worker facing abuse or exploitation under this system be able to fully access appropriate remedies. The Committee recommends that the State party include detailed information in its next periodic report regarding the status of the sponsorship system and the implementation and impact of protective measures on the situation of foreign workers.**

### **Situation of foreign workers**

21. The Committee notes with appreciation efforts made by the State party to improve the situation of foreign workers in the State party, such as efforts to increase recruitment transparency, prevent contract substitution, prevent the illegal withholding of passports, create wage protection systems, conduct inspections to regulate working hours and educate workers about their legal rights, among other good practices. However, the Committee is concerned that, without regular monitoring and enforcement of protective policies and measures, abusive working practices, such as the withholding of passports, false imprisonment, substandard working conditions, long working hours, non-payment of wages, non-payment of overtime, unlawful deduction of wages, insufficient rest or break periods and overcrowded living conditions will continue to persist against foreign workers. Foreign workers appear not to enjoy the right to family reunification in the State party (art. 5).

22. **The Committee recommends that the State party:**

(a) **Continue its efforts to enact laws to protect foreign workers from exploitative labour practices;**

(b) **Ensure that inspections are conducted by qualified officials in an effective manner to identify and end abusive practices;**

(c) **Provide detailed information in its next periodic report on the impact of policies and measures to protect foreign workers from exploitative labour practices;**

(d) **Guarantee the right to family reunification to foreign workers.**

### **Pensions for foreign workers**

23. The Committee notes that the State party is considered one of the most attractive destinations for foreign workers and is the third-highest source of foreign remittances by foreign contract workers from over 200 different nationalities (see CERD/C/ARE/18-21, paras. 21 and 94). The Committee is concerned, however, that foreign workers who return to their home countries may not be entitled to pensions even after long periods of service.

24. **The Committee recommends that the State party examine the feasibility of establishing a State-administered pension system for foreign workers, possibly financed by employers and employees, based on length of service and other relevant criteria.**

### **Protection of foreign domestic workers**

25. The Committee is concerned that domestic workers, who are mostly foreign women, are not protected under national labour laws. The Committee is further concerned at reports that foreign domestic workers have experienced unpaid wages, lengthy work days with insufficient time off or rest periods, restrictions on freedom of movement and, in some cases, sexual exploitation by employers. The Committee welcomes information provided by the State party during the dialogue that a draft law on domestic workers is currently under consideration (art. 5).

26. **Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party ensure that the domestic worker rights bill of 2017 contains protections for domestic workers from abuse and labour exploitation, in line with international law and the Convention, including protection from the withholding of wages, lengthy work days with insufficient rest periods, restrictions on freedom of movement and sexual exploitation. The Committee further recommends that the State party expedite the enactment of the law on domestic workers, in consultation with civil society, and ensure that sufficient monitoring mechanisms are in place for its effective implementation. The Committee recommends that the State party ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization. The Committee requests that the State party provide detailed information in its next periodic report on the enactment of the bill, and the subsequent implementation,**

**monitoring and impact of the law with regard to improving the situation of foreign domestic workers.**

#### **Situation of Bidoon (stateless persons)**

27. The Committee notes information provided by the State party during the dialogue that some Bidoon were allowed to obtain citizenship during a grace period where they were entitled to rights and not subject to penalties. However, the Committee is concerned at the lack of detailed information, including statistical data, on the situation of Bidoon in the State party who have not obtained nationality, including the impact of the lack of nationality on their ability to access health care, education, employment and State-provided services, without discrimination (art. 5).

**28. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party take measures to consider applications for citizenship from Bidoon residing in the State party. The Committee also recommends that the State party provide Bidoon with the documentation necessary to access health care, education, employment and State-provided services, without discrimination. The Committee recommends that the State party accede to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons.**

#### **Nationality rights**

29. While welcoming that a royal directive of 2 December 2011 allows citizenship to be granted to children of female citizens married to foreigners, the Committee regrets that citizenship cannot be granted until the child reaches the age of 18 (arts. 2 and 5).

**30. Recalling its general recommendation No. 30, especially paragraph 16 on reduction of statelessness, particularly among children, the Committee recommends that the State party revise the directive of 2 December 2011 to allow women to transmit their citizenship to their children from birth, without discrimination.**

#### **Training courses on racial discrimination**

31. The Committee welcomes information on training courses on human rights conducted for employees, the police and the judiciary, as well as initiatives to encourage tolerance in the State party, including in schools. The Committee is concerned at the lack of detailed information and statistics on training conducted specifically on the rights enshrined in the Convention and on the impact such trainings have had on the elimination of racial discrimination (art. 7).

**32. The Committee recommends that the State party continue its efforts to increase tolerance and respect for diversity in the State party and continue to conduct training courses on human rights. The Committee recommends that the State party also conduct training courses for law enforcement officers, judges, lawyers and State officials on the rights enshrined in the Convention, including specialized training on the prevention of racial discrimination. The Committee requests that the State party provide updated, detailed information and statistics in its next periodic report on such training courses and their impact on eliminating racial discrimination in the State party.**

### **D. Other recommendations**

#### **Ratification of other treaties**

**33. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on**

the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

#### Follow-up to the Durban Declaration and Programme of Action

34. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

#### International Decade for People of African Descent

35. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next periodic report specific information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### Consultations with civil society

36. The Committee wishes to underscore the importance that it attaches to reports that are submitted by non-governmental organizations, which enrich the dialogue between the Committee and the State party delegation during the consideration of State parties' reports. The State party should develop its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report.

#### Amendment to article 8 of the Convention

37. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

#### Declaration under article 14 of the Convention

38. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

#### Common core document

39. The Committee encourages the State party to submit a common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

**Follow-up to the present concluding observations**

40. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 26 and 28 above.

**Paragraphs of particular importance**

41. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 8, 22 and 24 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

**Dissemination of information**

42. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

**Preparation of the next periodic report**

43. The Committee recommends that the State party submit its combined twenty-second and twenty-third periodic reports, as a single document, by 20 July 2021, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

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